

Federal court rules against Hammond's rental ordinance

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HAMMOND | A federal court has stopped the city of Hammond from enforcing part of an ordinance that charges out-of-state landlords more money to register their rental properties than Hammond-based landlords.

Hammond passed the ordinance in April 2010 that charged non-Hammond landlords \$80 per rental unit and Hammond landlords \$20 per rental unit.

It was challenged by the Indiana Apartment Association, which said the ordinance was unconstitutional.

Judge Theresa L. Springmann issued the order last week.

"It's preliminary. We're in the middle of the lawsuit. There is lot of lawsuit left," Hammond Mayor Thomas McDermott Jr. said.

"But off the bat, they struck down differential portion. We still have a valid ordinance, just the part that gave Hammond residents a break is unenforceable. Hammond residents have to pay higher fee now because of (the) ruling."

The IAA argued the ordinance "violates the Commerce Clause by unnecessarily burdening non-Hammond residents' ability to participate in the Hammond rental market," according to Springman's order.

Building department Chief of Inspections Jim Callahan said out-of-state landlords are responsible for 70 percent to 80 percent of board-ups, cut-and-clean orders and other costs associated with problematic property.

But Callahan didn't "provide what percentage of rental units overall are owned by non-Hammond residents. If non-Hammond residents own 70 to 80 percent of rental properties in Hammond, then the statistics provided in Mr. Callahan's affidavit do not provide a legitimate purpose for discrimination," Springman wrote.

Springmann's injunction stops Hammond from enforcing the law and said the IAA likely would win its lawsuit

against the city.

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