

# Marion County Township Trustees

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Opportunities Seized;  
Opportunities Missed



## Executive Summary

Each Indiana township has an elected trustee whose job is to help people in need. This assistance, also known as “poor relief,” is meant to cover essentials like rent, utilities, food, and medical care during times of crisis. The goal of this relief is simple: to ensure township residents who face emergencies, like eviction or homelessness, get the support they need to stay safe and secure.

Our coalition, which includes service providers as well as legal and faith-based organizations, investigated how Marion County trustees handle requests for help and where the system is breaking down. What we found was a system falling short.

While some of the county’s trustees are making positive changes, the overall system is marked by delays, denials, and underused funds. Many people who qualify for help are being denied assistance, delayed in getting support, or turned away due to confusing and outdated rules. Despite having the funds and legal obligations to help, many trustees are not meeting their duty to serve our community effectively.

Here are some of the ways trustees are falling short:

**1. High Denial Rates:** Many people who ask for help are turned away. In some townships, as few as 13% to 16% of applicants received assistance. This matches our experience working with many applicants who are rejected despite being in obvious need. This means most people in crisis are not getting the support they need, even though trustees often have funds available to help.

**2. Delays in Processing:** Many trustees require people to wait weeks just to apply for assistance. These delays can be disastrous for someone who is about to lose their home, face a utility shut-off, or go without food or medicine.

**3. Complicated and Inflexible Rules:** Trustees sometimes deny assistance based on strict and confusing rules. For example, applicants have been rejected for spending money on rideshare services when no public transportation was available or for having rent that exceeds 30% of their income – a rule that unfairly penalizes people with no income at all.

**4. Surplus Funds Left Unused:** Despite the urgent needs in their communities, many township trustees end the year with millions of dollars in unspent funds. Not all of these surplus funds are available for assistance, but much of the money could have been used to help more residents facing emergencies.

**5. Limited Access to Help:** Most trustees require people to schedule appointments before applying, and appointment slots are often booked weeks in advance. Only a few townships offer walk-in options, making it difficult for people in immediate crisis to get help quickly.

These failures are particularly acute given Marion County’s housing crisis. Trustees are supposed to provide timely and flexible assistance to keep people housed and safe. Despite these obligations, in many cases trustees don’t provide this important safety net, which contributes to the housing crisis in our community.

## Recommendations for Improvement

With the right policies, trustees can play a meaningful role in helping residents through emergencies. To better serve the community and fulfill their legal duties, township trustees should:

1. **Allow Walk-in Applications:** Let people apply in person without needing an appointment, so help can be accessed quickly in emergencies.
2. **Faster Response Times:** Commit to responding to all applications within two business days to prevent delays that can worsen a crisis.
3. **Clear and Accessible Information:** Publish eligibility rules, application processes, and office hours on their websites so residents know how to get help.
4. **Fair Guidelines:** Ensure that eligibility rules are reasonable and do not unfairly block people from getting the help they need. Guidelines should reflect the real cost of basic necessities like housing, food, and utilities.
5. **Use Funds to Help More People:** Trustees should use a significant portion of their budget to assist those in need, rather than allowing large surpluses to go unspent while residents suffer.
6. **Support for Appeals:** Provide information about legal aid for applicants who want to appeal a denial, making sure people understand their rights and options.

Marion County's township assistance system has the potential to be a lifeline for residents in crisis. By adopting these recommendations, trustees can better fulfill their duty to provide essential support and help address the county's growing housing and poverty crises. The time to act is now, before more residents fall through the cracks of an inconsistent and failing system.

## Coalition and Topic Introduction

Members of our coalition work with low-income Marion County residents who often need assistance with housing and other core needs. Our coalition’s interest in the township trustee assistance (aka “poor relief”) system stems in significant part from the important role the trustees could play in addressing our county’s housing crisis. That crisis is marked by 500 households receiving court eviction filings each week, one of every four households paying more than half of their household income in rent, and over 1,700 people sleeping unhoused each night.<sup>1</sup>

We have often been encouraged by the way township trustees help the people we work with. Yet we also have been frustrated by the many times we have observed township trustees’ failure to respond to the needs of their township residents.

So we began to conduct research on township trustee practices in order to:

- Explore what challenges township trustees face, and how our group and others we connect with could help trustees meet those challenges;
- Become familiar with the financial, legal, logistical, and political requirements township trustees must navigate;
- Highlight in our communities how township assistance can be a flexible, consistent response to the needs of people in crisis;
- When appropriate, encourage trustees to provide easier access to assistance and more generous assistance.

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<sup>1</sup> “Indianapolis, Indiana,” Eviction Lab, <https://evictionlab.org/eviction-tracking/indianapolis-in/> accessed Nov. 21, 2024; Justin L. Mack, Akex Fitzpatrick, Kavya Beheraj, “Nearly 25% of Indy Renters Spend More than Half Their Paycheck on Rent,” Axios Indianapolis (Oct. 29, 2024), <https://www.axios.com/local/indianapolis/2024/10/29/indiana-polis-rent-income> ; Coalition for Homelessness Intervention and Prevention, “Report: 2024 Indianapolis PIT Count,” June 26, 2024

Our group includes members of the Housing Justice Task Force of Meridian Street United Methodist Church, Greater Indianapolis Multifaith Alliance, Indiana Legal Services, Homeless Initiative Program of HealthNet, and the Health and Human Rights Clinic of Indiana University McKinney School of Law.<sup>2</sup> We are grateful for the multiple trustees and/or trustee staff members who met with us.

## LEGAL OBLIGATIONS OF TOWNSHIP TRUSTEES TO ASSIST PEOPLE IN NEED

Indiana is one of a few states that is divided into townships, a total of 1,005 in the state. This hyper-local unit of government dates back to the early 1800’s method of surveying what would become the state of Indiana.<sup>3</sup> Each township has an elected Trustee (“trustee”), who is the “administrator of township assistance within the township” and “shall perform all duties with reference to the poor of the township as prescribed by law.”<sup>4</sup>

Since Indiana’s township trustee system is a unique creation of state law, the trustees’ actions are governed by the Indiana Code. Full citations to the code provisions and those case decisions are included in the footnotes referenced in the text below.

### ***Indiana Code Requires Trustees to Provide Assistance***

Over the years, the Indiana General Assembly has passed multiple laws governing township trustee assistance. Some of the legislation reaffirms townships’ broad mandates to care for the poor and suffering. That legislation is expressed in the Indiana Code, which states

<sup>2</sup> Special thanks to IU McKinney Law Health and Human Rights Clinic students Meredith Fulton, Alyson Bray, and Jamie Conrad for their research for this report.

<sup>3</sup> *Townships*, IND. STATE BD. OF ACCOUNTS, <https://www.in.gov/sboa/political-subdivisions/townships/> and Jill Weiss Sims, “Democracy for Some: Defining the Indiana Landscape through the Rectangular Survey System, Untold Indiana (Indiana Historical Bureau, Dec. 12, 2017, <https://blog.history.in.gov/tag/townships/>

<sup>4</sup> IND. CODE § 12-20-5-1

that the trustee is “responsible for the oversight and care of all poor individuals in the township as long as the individuals remain in the trustee’s charge,” and the trustee must make sure that the “individuals are properly taken care of.”<sup>5</sup> According to the Indiana Code, that includes “provid(ing) necessary and prompt relief” that is “accomplished as equitably and expeditiously as possible.”<sup>6</sup>

For example, the Indiana Code states, “Upon complaint that an individual within the township is: (1) sick; (2) in need; (3) without necessary financial resources; and (4) likely to suffer, the township trustee, as administrator of township assistance, shall investigate and grant the temporary relief required.”<sup>7</sup> The code also makes it clear that this relief can take many forms—housing assistance, food assistance, utility assistance, medical assistance, emergency assistance and more.<sup>8</sup> Township assistance may be used towards funeral, burial, or cremation expenses for a resident of the township, a common expense for many Indiana trustees.<sup>9</sup>

Township assistance applications must follow clear, consistent rules set by the trustee, approved by the township board, made publicly available, and reviewed each year to stay up to date with legal changes and the cost of basic needs.<sup>10</sup> These rules must also outline who qualifies for assistance, the minimum availability of the township trustee to help, and any other necessary details.<sup>11</sup>

The law says that the application rules should include where township offices are located, their hours and days of operation, rules for qualifying initially and staying eligible, work requirements, what assets are considered essential or nonessential, available

resources, income that is exempt, the application process, what income and assets are counted, and any wasted resources.<sup>12</sup>

Trustees are required to set income standards that provide for financial eligibility, and those standards must be consistent with the reasonable costs of basic necessities in that particular township.<sup>13</sup>

”Basic necessities” are defined as “services or items essential

to meet the minimum standards of health, safety, and decency, including the following: (1) medical care . . . (2) clothing and footwear; (3) food; (4) shelter; (5) transportation to seek and accept employment on a reasonable basis; (6) household essentials; (7) essential utility services; (8) other services or items the township trustee determines are necessities.”<sup>14</sup>

Indiana law provides applicants and/or recipients of township assistance with the right to appeal trustees’ assistance decisions. If an applicant or recipient is not satisfied with the Trustee’s decision, the individual can appeal to the board of county commissioners in the relevant county.<sup>15</sup> They must do so within fifteen (15) days from the date or issuance by the Trustee of adequate written notice of denial.<sup>16</sup> Once the appeal is filed, the board of county commissioners

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<sup>5</sup> IND. CODE § 12-20-5-2.

<sup>6</sup> IND. CODE § 12-20-1-1.

<sup>7</sup> IND. CODE § 12-20-17-3

<sup>8</sup> See, e.g., *Id.* and IND. CODE § 12-20-16-2, 3, and 12-20-17-2. Housing assistance includes assistance for both renters and homeowners.

<sup>9</sup> IND. CODE § 12-20-16-12.

<sup>10</sup> IND. CODE § 12-20-5.5-1.

<sup>11</sup> IND. CODE § 12-20-5.5-2(a).

<sup>12</sup> IND. CODE § 12-20-5.5-2(a)(3)(K)

<sup>13</sup> IND. CODE §§ 12-20-5.5-6

<sup>14</sup> IND. CODE § 12-7-2-20.5

<sup>15</sup> IND. CODE § 12-20-15-1.

<sup>16</sup> IND. CODE § 12-20-15-2.

must hold a hearing as soon as possible after the filing of the appeal, but it cannot be more than ten (10) working days after the appeal form or notice of appeal is received by the board.<sup>17</sup> The board's decision can be appealed by the applicant or the trustee to a superior or circuit court.<sup>18</sup>

Obviously, for many of the people we see with emergency shelter or other needs, that appeal timeline means that any reversal of the trustee decision will come too late, making the trustee decision a *de facto* final one. Those appeals have led to several Indiana Court of Appeals rulings that have underscored the expansive assistance responsibilities of township trustees.

### ***Indiana Court Decisions Reviewing Trustee Assistance Obligations***

The Indiana Court of Appeals has issued several decisions interpreting the township trustees' obligations to provide assistance. Three of the most notable originated out of assistance application denials by Marion County township trustees.<sup>19</sup> First, in the 1981 case *State ex rel. Van Buskirk v. Wayne Township*, a unanimous Court of Appeals panel wrote a lengthy decision that emphasized trustees' broad obligations deriving from the statutes that create them:

Construing the poor relief laws as a whole, IC 12-2-1-1 et. seq., it is clear that the legislature extended to the Trustee discretion in the administration of poor relief assistance as regards the nature and extent of the relief to be afforded given the particular circumstances of the individual applicant. However, the legislature limited that discretion when it

directed the Trustee to provide to the poor all necessary relief in the most equitable and expedient method possible.<sup>20</sup>

The statutes referenced by the *Van Buskirk* court have since been replaced with the identical language now in Indiana Code 12-20-1-1 and 12-20-1-2, so the Court's analysis still holds true. The Court relied on those statutes to conclude that the Wayne Township Trustee denying homeowners housing assistance based solely on the fact that they buy their shelter (rather than rent it), was an abuse of discretion and a violation of the township assistance statutes.<sup>21</sup>

"The flat refusal of the Trustee to evaluate the need of a person for shelter assistance merely because he is buying his home is an abuse of discretion . . . (R)ather, he must provide aid in whatever form is necessary to provide shelter or prevent the loss of shelter so long as such aid constitutes the most economical and practical method of relieving the applicant," the *Van Buskirk* court ruled.<sup>22</sup> The court also criticized the trustees' income eligibility standards for not being connected to local or national poverty income guidelines, thus questioning whether the standards were reasonably calculated to meet the needs of the poor.<sup>23</sup>

A decade later, another unanimous Court of Appeals panel of judges rejected the Center Township Trustee's argument that cost and administrative challenges relieved it of the duty to provide shelter assistance to unhoused persons in the township. "The determination of need is placed within the Trustee's discretion; however, once need is

<sup>17</sup> IND. CODE § 12-20-15-6.

<sup>18</sup> IND. CODE § 12-20-15-8. Longstanding precedent supports a *de novo* standard of review for appeals. See *Office of the Trustee of Wayne Township v. Brooks*, 940 N.E.2d 334, 336–37 (Ind. Ct. App. 2010). However, an "arbitrary and capricious" standard of review was applied in one case by the Indiana Court of Appeals in *Parrish v. Pike Tp. Trs. Office of Marion Cty.* 742 N.E.2d 515, 517 (Ind. Ct. App. 2001) (this standard was rejected by the court in *Brooks*).

<sup>19</sup> Significant portions of the Indiana Code and Indiana Court of Appeals decisions use the term "poor relief" to refer to township assistance. Per Indiana Code 12-20-1-5, the terms are now interchangeable under Indiana law.

<sup>20</sup> *State ex rel. Van Buskirk v. Wayne Tp.*, 418 N.E.2d 234, 241 (Ind. Ct. App. 1981).

<sup>21</sup> *Id.* at 242.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* at 244-45.

determined, the Trustee is *required* to furnish the assistance,” the Coe court stated, emphasizing the word “required.” “The statutory duty to provide benefits is not limited by practicality. Temporary lack of funds is not an excuse.”<sup>24</sup>

The Coe court concluded with a strong affirmation of the trustee duty to provide shelter to those in need:

From our reading of the various Indiana statutes creating certain limited benefits for eligible homeless persons and the constitutional provisions safeguarding them, there emerges a deep legislative concern for the plight of the homeless, reminiscent of the exhortation on the Statue of Liberty: “Send these, the homeless, tempest-tost to me....” No township trustee may thwart that legislative concern.<sup>25</sup>

In 2010, another unanimous panel of Indiana Court of Appeals judges upheld a Marion Circuit Court injunction that reversed the Wayne Township Trustee’s denial of township assistance benefits and ordered that benefits be provided to the applicant.<sup>26</sup>

### ***Indiana Law Limitations on Services Provided***

The above portions of the Indiana Code and the Indiana Court of Appeals decisions interpreting that code make it clear that individual trustees are under a broad but clear obligation to provide assistance, while maintaining some discretion in the process of reviewing assistance applications. However, the code also places some limitations on eligibility for trustee assistance.

Many of these limitations derive from the code’s mandate for township trustees to investigate the applicant’s circumstances, as well the circumstances of other members of the household. These charges to the trustees include determining legal residence, their physical condition, their present and previous occupation, their names and ages, the ability for labor, and the cause of the applicant’s or household members’ condition.<sup>27</sup> Information solicited by applicants pursuant to Indiana law include income, employment, assets, relatives capable of providing assistance, and “wasted resources.”<sup>28</sup> “Wasted resources” is defined by Indiana Code §12-7-2-200.5 as being money or resources spent within the 30 days preceding application on items that are not basic necessities, lump sum money expended in the 180 days preceding application on items that are not basic necessities, etc. Even with a statutory definition, this analysis is unavoidably subjective. Applicants report being denied because they ordered delivery food when their kitchen was inoperable, paid for rideshare when they had no vehicle and public transportation was unavailable, etc.

Some of the Indiana Code requirements focus on ensuring that other forms of assistance are accessed before or concurrent to the trustee assistance. The trustee must ascertain if the applicant, or any person in the household, is eligible for public government assistance, such as TANF, Temporary Assistance to Needy Families.<sup>29</sup> The applicant can be required to apply for public assistance programs prior to receiving township assistance.<sup>30</sup> If the applicant, or a member of the household, has been convicted of government assistance fraud, they are not eligible for township assistance.<sup>31</sup>

<sup>24</sup> Center Township v. Coe, 572 N.E.2d 1350, 1356,1358 (Ind. App. 1991).

<sup>25</sup> Id. at 1361.

<sup>26</sup> Office of the Trustee of Wayne Township. v. Brooks, 940 N.E.2d 334 (Ind. Ct. App. 2010).

<sup>27</sup> IND. CODE §§ 12-20-5.5-2, 12-20-6-9.

<sup>28</sup> IND. CODE § 12-20-7-1.

<sup>29</sup> IND. CODE § 12-20-6-3.

<sup>30</sup> IND. CODE § 12-20-6-5.

<sup>31</sup> IND. CODE § 12-20-6-6.5.

Indiana law also includes limitations on trustee assistance connected to ensuring that able-bodied applicants are seeking and accepting employment. Trustees are required to “make all possible efforts to secure employment” for able-bodied applicants in the township where they reside.<sup>32</sup> The trustee may refuse to provide aid if they determine the applicant and/or members of the household are not seeking employment—if they are able to work.<sup>33</sup>

Other restrictions include the township trustees not being allowed to provide rental payments if the applicant lives in a home owned by a relative.<sup>34</sup> Also, the applicant, or anyone in the household, can be required to work for the value of the amount of assistance given.<sup>35</sup>

## **Budgeting & Appropriations**

### *Record Keeping & Reporting*

Appropriating money for township assistance is a process performed at the township level, with funding primarily derived from property taxes.<sup>36</sup> However, the trustee may also use the township’s “share of state, county, and township tax revenues and federal revenue sharing funds for all categories of services” if the elected township board appropriates them for such services.<sup>37</sup>

The township trustee is required by Indiana Code to keep detailed records of expenditures throughout the year, including disbursements for township assistance.<sup>38</sup>

This recordkeeping requires recording the date money was paid, to whom it was paid, from what account it was paid, and for what purpose in the financial and appropriation record.<sup>39</sup> The trustee is required to report their financials to the township board and, upon approval of the report by the board at an annual meeting, file it in the county auditor’s office.<sup>40</sup> The annual report includes preparing forms required by the state board of accounts, which show receipts, expenditures, and remaining funds in each account.<sup>41</sup>

### *Annual Budget & Funding*

The trustee is also responsible for preparing and presenting a proposed annual budget to the township board. The trustee estimates how much is needed to cover township assistance for the coming year.<sup>42</sup> The board reviews, corrects, rejects, and/or adopts this proposed annual budget at its annual meeting for levying property taxes.<sup>43</sup> In adopting the budget, the board must levy property taxes that are sufficient to cover the amount budgeted for township assistance.<sup>44</sup> The board cannot appropriate more money than the trustee estimates it would require.<sup>45</sup> Within five (5) days of the budget’s adoption, the board must file it with the Indiana Department of Local Government Finance.<sup>46</sup>

In the event that more funds are needed for township assistance than funds remaining in the account, the trustee can ask for a loan. If the trustee determines township assistance

estimated value of the property, and supplies necessary for each school. Ind. Code § 36-6-4-11(a)(1).

<sup>43</sup> IND. CODE § 36-6-6-11(a).

<sup>44</sup> IND. CODE § 6-1.1-17-3(c); Ind. Code § 36-6-6-11(f); On average, only three (3) cents of each property tax dollar goes towards the township. *Property Tax Summary Tool*, IND. GATEWAY, (last visited Nov. 26, 2024) <https://gateway.ifionline.org/public/pts/Default.aspx>. In Marion County, only 5.2 percent (\$202,860,043) of 2023 property taxes went to the township. *Id.* Pike Township took in the most in property taxes for Marion County at \$27,723,172; Warren Township took in the least in property taxes for Marion County at \$429,181. *Id.*

<sup>45</sup> IND. CODE § 36-6-6-11(c).

<sup>46</sup> IND. CODE § 36-6-6-11(g); IND. CODE § 6-1.1-17-5(d).

<sup>32</sup> IND. CODE § 12-20-10-3.

<sup>33</sup> IND. CODE § 12-20-10-1.

<sup>34</sup> IND. CODE § 12-20-6-10

<sup>35</sup> IND. CODE § 12-20-11.

<sup>36</sup> IND. CODE § 36-6-6-11(f).

<sup>37</sup> IND. CODE § 36-6-4-8(a).

<sup>38</sup> IND. CODE §§ 36-6-4-5 through 36-6-4-8.

<sup>39</sup> IND. CODE § 36-6-4-6; Similar rules apply for tracking funds received. *Id.*

<sup>40</sup> IND. CODE § 36-6-4-12(d).

<sup>41</sup> IND. CODE § 36-6-4-13(a), (b).

<sup>42</sup> IND. CODE § 6-1.1-17-3(c); The trustee also includes other items in its overall budget estimate: number of teachers employed, salary of each teacher, property of the township,

funds will run out before the end of the year it can notify the township board.<sup>47</sup> The board would then appeal to the Department of Local Finance asking for a short-term loan.<sup>48</sup> In order to receive the loan, the board must show the current funds are insufficient, the estimate proposed for a loan will fund the deficit, and a period of no longer than five (5) years in which they will repay the loan.<sup>49</sup>

## HOW TOWNSHIP TRUSTEES ADMINISTER TOWNSHIP ASSISTANCE

As noted, township trustees' assistance obligations are well-established and outlined in significant detail by the Indiana General Assembly through the Indiana Code and by Indiana's appellate courts through multiple published decisions. However, a 2018 survey by CNHI newspapers showed that 73 percent of Indiana residents were unaware that their townships provide assistance aka poor relief.<sup>50</sup> That lack of public awareness is due in significant part to many township trustees not informing the public that their taxpayer-funded services are available. Of the 94 townships visited by journalists working for CNHI Indiana in their 2018 investigation, 64 did not have a website nor a Facebook page and 24 did not provide an application form for assistance.<sup>51</sup> All Marion County township trustees do maintain a website, although we will see below that most are missing information that would fully inform possible applicants for relief.

That 2018 CNHI Indiana investigation, reported in an article entitled "Indiana Township Government: 'It's An Anomaly, It's Wasteful,'" took its title from a quote from

the director of the Indiana Chamber of Commerce. The Chamber has long advocated for folding township government, including the township trustee system, into other units of government. There are other critics of the township system. "The existence of the township hasn't been really an appropriate way of delivering public services for poor relief for half a century and fire protection for 40 years probably," Michael Hicks, director of the Center for Business and Economic Research at Ball State University, told the CNHI reporters.<sup>52</sup>

As of 2023, the Indiana Chamber of Commerce continued its critique of the township system. "There's really nothing that townships do that couldn't and shouldn't be done at the county level," Indiana Chamber of Commerce President and CEO Kevin Brinegar told the *Indiana Capital Chronicle*.<sup>53</sup>

Township trustees and the Indiana Township Association that represents them have defended the value of hyper-local administration of assistance.<sup>54</sup> But perceptions of inefficiency and ineffectiveness in providing that assistance have persisted for decades, including multiple reports of nepotism in hiring practices.<sup>55</sup> In 2007, then-Gov. Mitch Daniels created the Indiana Commission on Local Government Reform, chaired by former Indiana Chief Justice Randall Shepard and former Gov. Joseph Kernan. The Commission concluded that township governments should be eliminated.<sup>56</sup>

Even with the substantial criticism leveled at the township trustee assistance system, our

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<sup>47</sup> IND. CODE § 12-20-24-1.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> Scott L. Miley, *Indiana Township Government: 'It's An Anomaly, It's Wasteful,'* TIMES-MAIL, (Dec. 18, 2018).

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> Leslie Bonilla Muniz, *Townships Hope to Prove their Worth – and get more support – In New Report*, INDIANA CAPITAL CHRONICLE, (March 2, 2023), <https://indianacapitalchronicle.com/2023/03/02/townships->

[hope-to-prove-their-worth-and-get-more-support-in-new-report/](#)

<sup>54</sup> *Id.*

<sup>55</sup> Patrick M. Cline, *The Quiet Crisis: The Kernan-Shepard Report and Indiana's Need to Eliminate Township Government*, IND. LAW REV. Vol. 48, (2015); IND. COMM. ON LOCAL GOV'T REFORM, STREAMLINING LOCAL GOV'T: WE'VE GOT TO STOP GOVERNING LIKE THIS (2007)

<sup>56</sup> STREAMLINING LOCAL GOVERNMENT, 2, 25.

coalition has had multiple favorable encounters with many local trustees' offices when they provided timely and impactful help to applicants. We were also impressed by some trustees changing their policies to better respond to our community's eviction crisis, including altering their approach so they assist some applicants with rent even when an eviction is pending. Some trustees have recently expanded their income eligibility guidelines so that more people are eligible for assistance.

The Wayne Township Trustee was praised in a *Mirror Indy* November, 2024 article, which highlighted a struggling renter receiving rent and utility assistance plus a gas card.<sup>57</sup> The Center Township back-to-school program for clothing vouchers and free phones was featured in a July, 2024 article in the *Indianapolis Recorder*.<sup>58</sup>

Outside of Marion County, the Portage Township Trustee in St. Joseph's County took action in 2024 to compel a local apartment complex to restore heat and water, and also expanded its eligibility guidelines.<sup>59</sup> The Knight Township Trustee in Evansville adjusted their eligibility guidelines in February 2024 to respond to a spike in households' need for utility bill assistance.<sup>60</sup>

## **A REVIEW OF MARION COUNTY TOWNSHIP ASSISTANCE PRACTICES**

As part of our review of Marion County Township Trustee assistance practices, we reviewed publicly available financial data and reporting and met with individual trustees. Our coalition requested meetings with all

trustees and we met with trustees or staff from Center, Lawrence, Pike, Warren, and Wayne Townships. We also spoke with multiple applicants for assistance and met with a representative for Debbie Driskell, executive director of the Indiana Township Association.

### ***Expenditure Reporting***

Per Indiana Code § 5-11-1-4, townships must file an annual financial report with the Indiana State Board of Accounts no later than sixty days after the close of the calendar year.

While a full discussion of the Marion County trustees' financial records is beyond the scope of this report, there are some concerning data points in the 2023 financial reports to the State of Indiana. Most notably, across the county trustees, nearly 80% of applicants for assistance were denied. Washington Township only assisted 13% of those who applied, Lawrence Township only 14%. Perry Township's 16% assistance rate led to a total of only 63 households assisted over the course of the year, barely over one household per week.

These denial rates are especially concerning for two reasons. First, several trustees' practices, outlined below, discourage applicants from even beginning the process of seeking assistance. Second, in their annual reports to the Indiana State Board of Accounts, every Marion County township trustee reported a significant surplus, some exceeding \$10 million. Not all of that surplus is available to be spent on township

<sup>57</sup> Sophie Young and Tyler Fenwick, "Need Food, a Bus Pass or Even Insulin? Your Local Township Can Help," *Mirror Indy*, Nov. 7, 2024, <https://mirrorindy.org/township-assistance-housing-food-clothing-marion-county-indianapolis/>

<sup>58</sup> Kayla Barlow, "Trustee's Program Covers Back-to-School Clothes—And Year-Round Apparel," *Indianapolis Recorder*, July 18, 2024, <https://indianapolisrecorder.com/trustees-program-covers-back-to-school-clothes-and-year-round-apparel/>

<sup>59</sup> Sean English, "Settlement Reached With Cedar Glen Apartments," *WSBT*, August 20, 2024, <https://www.wsbtc.com/news/local/settlement-reached-with->

[cedar-glen-apartments-heating-hot-water-portage-township-trustee-restitution-tenants-association-accountability-negotiations-south-bend-indiana](https://www.wvpe.org/wvpe-news/2024-01-02/portage-township-expands-eligibility-for-rent-utilities-help); Jeff Parrott, "Portage Township Expands Eligibility for Rent, Utilities Help," *WVPE* 88.1, January 2, 2024, <https://www.wvpe.org/wvpe-news/2024-01-02/portage-township-expands-eligibility-for-rent-utilities-help>

<sup>60</sup> Mitchell Carter, "Knight Township Looking to Help Ease Utility Pains," *14News*, Feb. 15, 2024, <https://www.14news.com/2024/02/16/knight-township-looking-help-ease-utility-pains/>

assistance, but a substantial portion could be.<sup>61</sup>

### **Marion County Assistance: Concerning Practices**

#### *Generally*

For members of our coalition, we were heartened by some of the township trustee responses to people in need. Unfortunately, it has also been our experience that county residents seeking help from many local trustees feel the offices are unresponsive. Sometimes it is worse: applicants report trustee staff using techniques like the “wasted resources” investigation to shame applicants for allegedly causing their own crises by paying for transportation or food deliveries.<sup>62</sup>

Some townships have confusing and seemingly counterproductive rules, including a refusal to pay for first or last month’s rent or security deposit, that seem to violate the broad mandates of Indiana Code 12-20-1-1 and 12-20-1-2 and rulings like *State ex rel. Van Buskirk v. Wayne Township* and *Coe et al. v. Center Township*. More specifically, a recent Marion County applicant was denied trustee assistance because his rent was more than 30% of his income, a denial that apparently was rooted in a conclusion that the rent was an unsustainable expense. The applicant had zero income, which under this practice means that he could never be eligible for any rental assistance.

Other applicants have been told that their local trustee would not accept any applications after the 15<sup>th</sup> of every month, even in the case of an emergency need. Other trustee offices have told prospective applicants that no new applications would be accepted for a period of time, presumably for

budgeting or staffing reasons. As noted above, the Indiana Court of Appeals in *Coe et al. v. Center Township* has specifically rejected a trustee argument that aid could be limited due to the trustee finances. In our interviews with trustees and staff, we were told by one office that unhoused people prefer to live outdoors except in the most extreme weather. Another trustee office informed us that they would not provide emergency housing assistance for unhoused township residents because there are no extended stay motels located in the township.

We reviewed applicable websites to see how many trustees made their application process and criteria available. Trustees are required by Indiana law to publish their application review standards “in a place prominently visible to the public” in their offices.<sup>63</sup> But most trustees’ online presence gives little information to a prospective applicant about whether they may be eligible.

The Lawrence and Wayne Township Trustees do publish their eligibility guidelines on their site. But several trustees’ sites, including Franklin and Perry, contain broad eligibility statements only, e.g. “Be in need of basic necessities; Have little or no income or assets.” Center, Decatur, and Washington trustees provide details on the paperwork applicants must provide when they apply, but not the guidelines that will be used to evaluate their application. Pike Township only provides an online form to be completed, Warren Township only lists the services that may be provided.<sup>64</sup>

#### *Application Receipt and Review*

In our review of local trustee assistance practices, a recurring theme was the delay in

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<sup>61</sup> The Annual Financial reports of the township trustees are available for viewing at the Indiana Gateway site, [https://gateway.ifonline.org/report\\_builder/Default2.aspx?rptTyp=e=afre](https://gateway.ifonline.org/report_builder/Default2.aspx?rptTyp=e=afre)

<sup>62</sup> IND. CODE § 12-20-5.5-2(a)(3)(K)

<sup>63</sup> IND. CODE § 12-20-5.5-1(b)

<sup>64</sup> Websites last reviewed Nov. 22, 2024.

Table 1: Trustee’s Policies for Accepting Applications	
Trustee	Walk-In Policy
Center	Walk-in applications accepted
Decatur	Appointment required
Franklin	Appointment required (As of 11/26/24, office said their first available appointments are in February 2025)
Lawrence	Online application required, then appointment set (as of 11/26/24, appointments set out approximately three weeks)
Perry	Appointment required (as of 11/26/24, appointments set out for over three weeks)
Pike	Appointment required for review of application
Warren	Phone call directs to website, which directs to schedule an appointment
Washington	Allows walk-ins precisely at 8AM only, otherwise must schedule an appointment (as of 11/26/24, appointments set out approximately three weeks)
Wayne	Walk-ins allowed 8:30-11:30am every day; appointments in the afternoon

several townships between the time of application and a review and decision on providing assistance. One trustee office admitted to us that it may take a month or more for an assistance application to be reviewed. Other applicants who we have worked with have been told it may take three weeks or longer to get an appointment for their application to be accepted.

As of our review on November 26, 2024, the trustees’ policies for accepting applications are represented in Table 1.

Thus, of the nine townships in Marion County, only three—Center Township, Wayne Township, and Washington Township—permit walk-in appointments at their offices. (The Washington Trustee’s window for walk-ins is very narrow: a representative of the Washington Trustee told us that an applicant arriving even a few minutes after 8 AM, or without every adult in their household present, would not be seen.). Each of the other townships require applicants to first schedule an appointment before submitting, or sometimes even obtaining, an application. The wait for an appointment is often weeks or longer. In two-thirds of Marion County

townships, an individual is significantly delayed in even starting an application, let alone submitting an application for assistance.

*Trustees’ Obligations to Receive and Review Applications for Assistance*

In our view, the delays described above do not comport with the responsibilities and purpose of township trustees. Throughout the Indiana Code, trustees are charged with acting promptly and expeditiously. Under Indiana Code section 12-20-1-1, “the purpose of [the township assistance] article is to provide necessary and *prompt* relief to the citizens and residents of Indiana.” In the subsequent subsection, the Code mandates that the township assistance article “be liberally construed so that the article’s purposes and policies may be accomplished as equitably and *expeditiously* as possible.”<sup>65</sup> The use of “prompt” and “expeditiously” in the foundational sections of the assistance statutes in the Indiana Code strongly support the conclusion that significant delays in the ability to apply for assistance are in violation of the purposes and policies of providing township assistance to Indiana residents.

<sup>65</sup> IND. CODE § 12-20-1-2. (emphasis added)

Indiana law requires trustees to process applications for assistance within specific timeframes. For non-emergency requests, the trustee must decide within 72 hours of receiving a completed application.<sup>66</sup> For emergency requests, the law requires the trustee to "promptly" act, implying quicker action than the 72-hour limit for non-emergencies.<sup>67</sup> Emergency is defined as "an unpredictable circumstance or a series of unpredictable circumstances that: (1) place the health or safety of a household or a member of a household in jeopardy; and (2) cannot be remedied in a timely manner by means other than township assistance."<sup>68</sup>

There is no particular timing requirement for accepting and processing the emergency application, but one can logically assume the trustee must act faster than the 72 hours required for non-emergency assistance. If one applies the same definition of "prompt" as stated above, the trustee should act "readily or immediately."<sup>69</sup>

It is logical to infer that, if a trustee cannot delay a decision on a non-emergency assistance application longer than 72 hours after it is submitted, then it cannot shift a significant delay to the front end of the process by imposing long waiting times to apply. This is especially pertinent for emergency assistance applications, when an individual is in crisis and needs immediate assistance.

Faster and more effective responses can be achieved. The Marion County townships that allow walk-in appointments for those seeking assistance have just as many, if not more, requests for assistance as other townships. In 2023, Center Township received the most requests for assistance than any other township in Marion County: 9,240. Wayne Township received the second highest

number of requests: 4,505. They were the first two townships to allow walk-in appointments. A high quantity of applicants is not a plausible excuse to have only appointments and no walk-in hours or days.

While no definitive time period has been codified or decided on in the case law, the strict time constraints on Trustees when processing applications implies that individuals are not simply entitled to prompt processing times, but also the prompt scheduling of appointments that enable them to complete their applications. Delaying application receipt in order to bypass the "prompt" requirements for responding to those applications is contrary to the spirit of the law and what the community expects from our trustees.

This implication is also supported by the circumstances surrounding township assistance; individuals are seeking critical support that is often needed as soon as possible. Because an appointment is required in order to complete an application, offices should schedule those appointments promptly, such as by offering some walk-in appointments, so as to fulfill the stated purpose of Indiana's township assistance system, which "is to provide necessary and *prompt* relief to the citizens and residents of Indiana."<sup>70</sup>

## CONCLUSION AND SUGGESTIONS FOR REFORM

As noted above, some Marion County township trustees have recently increased the income guidelines to make more people eligible for assistance, along with increases to their assistance limits to provide help that more closely meets the needs of the applicants. Some have changed their practices to allow walk-in applicants,

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<sup>66</sup> IND. CODE § 12-20-6-7

<sup>67</sup> *Id.*

<sup>68</sup> IND. CODE § 12-7-2-76.5

<sup>69</sup> Merriam-Webster, *Prompt* (last visited Apr. 5, 2024), <https://www.merriam-webster.com/dictionary/prompt>.

<sup>70</sup> IND. CODE § 12-20-1-1 (emphasis added).

including some weekend and early evening access.

Some trustees have made a change to previous practices that once denied help to any households facing a court-filed eviction. They now can and sometimes do provide help while an eviction is pending. At least one township has an “Eviction Avoidance Form” for landlords to sign promising to dismiss evictions in return for trustee payment. Several township trustees keep a stock of food and clothing, etc. on site. One trustee reports exploring getting an Uber account to provide transportation for applicants because bus routes are limited in their township.

As noted below, our coalition members’ experiences with local trustees responding to specific applicants has been mixed. But that mix does include many instances of trustees responding quickly and effectively.

While there are many instances of Marion County township trustees providing timely and impactful assistance to struggling people in our community, our coalition believes that the promise of the trustee system is not fully realized. As a result, we recommend the following:

### **Final Recommendations**

1. All township trustees should allow walk-in applications with reasonable time constraints/open hours.
2. Township trustees should commit to responding to all applications within two (2) business days of the application being submitted.
3. Township trustees should publish their eligibility guidelines and application procedures on their website.
4. Township trustees should review their eligibility guidelines to ensure that they conform to the needs of community members and do not unreasonably prevent the trustee from performing its statutory and taxpayer-funded duties, including the duty to operate with standards that reflect the cost of basic necessities.
5. Township trustees’ application denial forms should include in the notation of applicants’ appeal rights the contact information for Indiana Legal Services or other legal aid providers and note that legal assistance may be available to applicants if they appeal the denial.
6. Township trustees should review their budgets and expenditures to ensure that their use of taxpayer funds confirms to the trustees’ statutory duties.
7. Township trustees should make a commitment to, and create a method for, disbursing a substantial portion (80% or more) of end-of-year assistance budget surpluses to address assistance needs.