



Judge: Disabled housing discrimination suit may proceed

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An Indianapolis subsidized senior-citizens housing facility must face a lawsuit from disabled tenants who claim the three-story apartment building failed to repair its only elevator for weeks, leaving them unable to get to apartments on the top two stories and leaving some disabled tenants stranded upstairs.

The Fair Housing Center of Central Indiana sued on behalf of four disabled residents of Capitol Station apartments on the city's south side. The apartments are operated by United Church Residences of Indianapolis and have 48 units for residents 62 and older. The HUD-financed apartments advertise wheelchair accessibility and spacious apartments designed for maximum mobility.

The plaintiffs complained that in August and September 2015, the facility's only elevator stopped working, and their requests for help for themselves and other residents went unanswered. The elevator was out of service for more than five weeks, the tenants allege.

United Church Residences of Indianapolis moved to dismiss the suit, but Judge William T. Lawrence in the U.S. District Court for the Southern District of Indiana largely denied the motion Thursday. He ruled that the plaintiffs' allegations that they were denied reasonable accommodation were sufficiently pleaded to survive a motion to dismiss their disability discrimination complaint under the Fair Housing Act.

The complaint alleges defendants didn't engage in an interactive dialogue with the residents after they asked for the elevator to be repaired. The suit also says Capitol Station did nothing to help the plaintiffs or other residents, "some of whom were trapped on the top two floors," according to the complaint. The plaintiffs also allege Capitol Station promised volunteers would assist residents while the elevator was out, but none did.

Lawrence granted Capitol Station's motion to dismiss a count of the complaint that its failure to promptly repair the elevator made the residents' apartments unavailable. He wrote that argument fails as a matter of law.

The suit is *Fair Housing Center of Central Indiana, et al. v. United Church Residences of Indianapolis, Indiana, Inc., et al.*, 1:16-cv-339.