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Contact: Amy Nelson, Executive Director
Fair Housing Center of Central Indiana
Phone: 317-644-0673 x1001
Email: anelson@fhcci.org

COURT ISSUES RULINGS ON FAIR HOUSING COMPLAINT

INDIANAPOLIS, IN – On January 20, 2021, a federal court ruled in separate motions for a fair housing complaint to proceed against all named defendants. In the case, *Fair Housing Center of Central Indiana/Banks v. New/Kirkpatrick Management/Twin Creeks Homeowners Association*, the Fair Housing Center of Central Indiana (FHCCI) and an Indianapolis resident alleged a pattern and practice of harassing, taunting, and threatening African American and Latino residents, guests, and contractors and creating a racially hostile environment in the Indianapolis subdivision of Twin Creeks. The FHCCI and a former resident of Twin Creeks allege that Vicki New, also a former resident, engaged in a campaign of harassment based on race and national origin for more than two years, and that Kirkpatrick Management and Twin Creeks Homeowners Association had the power to take strong action to correct or stop her conduct and failed to do so.

“We are extremely pleased with the court’s rulings ensuring that all defendants answer as to their role in allowing this harmful discrimination to continue for so long, including the lack of sufficient response by the Twin Creeks Homeowners Association and Kirkpatrick Management Company to resident complaints,” stated Amy Nelson, Executive Director of the FHCCI.

On the federal Fair Housing Act and Indiana Fair Housing Act claims, Judge Tanya Walton Pratt ruled, “The Plaintiffs have standing to assert their fair housing claims because they have sufficiently alleged an injury at the hands of the Association Defendants for discriminatory housing practices under a theory of direct liability pursuant to 24 C.F.R. § 100.7. The Act prohibits a broad range of discriminatory housing practices beyond just a refusal to rent or sell a home and constructive eviction, and a defendant may interfere with fair housing rights under Section 3617 even without a constructive eviction.”

On the Section 1982 claims, the court further ruled, “There are sufficient factual allegations to draw an inference that the Association Defendants had discriminatory intent in interfering with Banks’ right to hold real property when they initiated legal action against New for failing to pay HOA dues but not pursuing legal action when New engaged in egregious, racially-discriminatory conduct that affected property rights—all when the Association Defendants had the authority and power to intervene.”

In a separate ruling, Judge Walton Pratt also denied a motion to set aside a default against Vicki New, one of the named defendants in the action.

The federal court complaint was originally filed April 16, 2020 in the Southern District of Indiana. The plaintiffs are represented by Liza Cristol-Deman of Brancart & Brancart and Jeff Macey of Macey Swanson LLP. To download the rulings or to learn more about this or other FHCCI cases, visit the [FHCCI's Advocacy Page](#) or its [News Page](#).

The Fair Housing Center of Central Indiana (FHCCI) is a private, non-profit fair housing organization founded in 2011 and based in Indianapolis, Indiana. Its mission is to ensure equal housing opportunities by eliminating housing discrimination through advocacy, enforcement, education and outreach. For more information, visit: www.fhcci.org

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