

**HOUSING DISCRIMINATION COMPLAINT**

**CASE NUMBER:**

**1. Complainant**

Fair Housing Center of Central Indiana  
Attn: Amy Nelson, Executive Director  
445 N. Pennsylvania St., Suite 811  
Indianapolis, IN 46204  
Phone: 317-644-0673 x 1001  
Email: anelson@fhcci.org

**2. Other Aggrieved Persons**

None.

**3. The following is alleged to have occurred or is about to occur:**

Refusal to rent; Discriminate in the conditions or terms of rental; Advertise in a discriminatory way; Denial of a reasonable accommodation.

**4. The alleged violation occurred because of:**

Disability; Familial status

**5. Addresses and locations of the properties in question:**

Woodruff Place Apartments  
504 Woodruff Place West Dr.  
Indianapolis, IN 46201

**6. Respondents**

Owner:  
Rosita Simmons  
1106 Bates St.  
Indianapolis, IN 46202

Registered Agent:  
Jon Simmons  
1106 Bates St.  
Indianapolis, IN 46202

7. **The following is a brief and concise statement of the facts regarding the alleged violation:**

The Fair Housing Center of Central Indiana (“FHCCI”) is a private, nonprofit organization located in Indianapolis, Indiana. Its mission is to ensure equal housing opportunities by eliminating housing discrimination through advocacy, enforcement, education, and outreach.

Woodruff Place Apartments (“Woodruff Place” or “Respondents”) is located at 504 Woodruff Place West Dr., Indianapolis, IN 46201. It is a multi-family rental property with one-bedroom floor plans, with square footage of “about 480 sq.ft.,” according to the property website.

Beginning in October 2020, the FHCCI observed the following language on the Woodruff Place Apartments website (<https://www.woodruffplaceapartments.com/>):

- “We no longer accept cats or dogs or fish or snakes or rabbits or...whatever. Our [current] policy is no pets. Actually in the past we have tried to allow a number of different pets but have had problems occur anyway, much to the sorrow of us and the tenant who had to pay for the damages.” (FAQ webpage)
- “**Second Person:** Monthly fee of \$220 per month, non-refundable entrance fee \$200, application fee \$25.” (Rental Policies webpage)

Due to this language which may impact persons with disabilities or those with minor children, the FHCCI opened an investigation.

In February 2023, a FHCCI staff member identifying as a prospective home seeker, reached out to Woodruff Place via email inquiring if they would be allowed to have their emotional support dog due to a mental disability if they were to live at the property. The agent responded via email, “We would suggest to look for other places around to rent that accept pets.”

In March 2023, a FHCCI staff member identifying as a prospective home seeker with a child inquired about the additional rent per person and asked if this meant he would need to pay more in rent because his son lived with him. The agent responded, “Correct.” The FHCCI staff member then clarified if the policy would apply since his son was only one

year old and asked for further explanation of the extra \$75 fee. The agent then responded, “We do not have any vacant apartments at this time,” ending the conversation.

On April 24, 2023, a FHCCI fair housing tester contacted Woodruff Place to inquire about renting from the complex. The tester asked the agent about the \$75 additional charge per month for a second person, noting that they had an infant son, and the agent responded, “Our website says that for an additional person fee is \$200.”

On May 31, 2023, a FHCCI fair housing tester contacted Woodruff Place to inquire about renting from the complex. After the tester disclosed to the agent that she would have an emotional support dog for her disability, the agent responded, “According to our policies, we are not allowing pets, especially dogs.” The tester further clarified if the no-pets policy would apply to her since she had an emotional support dog and it’s not a pet. The agent responded, “We are not able to offer any solution at this time, since we do not have any vacancies.”

The FHCCI continued its investigation. According to the *Housing and Environmental Standards* by the Health & Hospital Corporation of Marion County and Marion County Public Health Department, Article 8, Sec. 10-801(a), “At least one hundred fifty square feet of floor space shall be provided for the first occupant. An additional one hundred square feet of floor space shall be provided for each additional occupant.” As outlined by the *Housing and Environmental Standards*, a family of two would be required to have a minimum of 250 square feet of habitable living space in order to meet Marion County’s density requirements. Woodruff Place Apartments outline on their website the square footage of their bedrooms and living rooms, which can easily accommodate a family of two.

The FHCCI alleges that the Respondent’s discriminatory occupancy policy, including charging additional rent for minor children, operate to both exclude and limit the number of families with children who are eligible to live in their units. The Respondent’s additional “per-head” rent charge has a disparate impact on families with children by discouraging the number of families with minor children to rent, or requiring them to pay higher rents solely due to the presence of a minor child. The Respondent also has a policy which denies or discourages rental by those with disabilities in need of a reasonable accommodation for an animal.

The FHCCI alleges that as a result of Woodruff Place’s policies and actions, prospective tenants with disabilities and/or having a minor child have been, and continue to be, harmed. The FHCCI alleges that it has been harmed by the Respondent’s actions. The FHCCI expended resources to investigate and counteract the Respondent’s practices, including

through its testing. The time and resources the FHCCI spent investigating this matter diverted resources from its other daily activities, such as education and outreach, client counseling, and community development. Further, the FHCCI alleges the Respondent's conduct has frustrated the FHCCI's mission to rid its service area of housing discrimination.

**8. The most recent date on which the alleged discrimination occurred:**

May 31, 2023, previous and ongoing

**9. Types of Federal Funds identified:**

None.

**10. The acts alleged in this complaint, if proven, may constitute a violation of the following:**

Sections 804(a), (b), (c), and (f) of the Civil Rights Act of 1968 as amended, 42 U.S.C. §§ 3601, et seq.

**I declare under penalty of perjury that I have read this complaint (including any attachments) and that it is true and correct.**

  
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Amy Nelson, FHCCI Executive Director

9/28/2023  
Date