



**INDIANA
CIVIL
RIGHTS
COMMISSION**

MITCHELL E. DANIELS, JR. GOVERNOR



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**ICRC NO.: HOha08020061
HUD Case No.: 05-08-0549-8**

**ELIZABETH CANTRELL
& DONLAD CANTRELL**

Complainants,

V.

THE HARBOURS CONDOMINIUM ASSOCIATION, INC.

Respondent ,

NOTICE OF FINDING

The Executive Director of the Indiana Civil Rights Commission, pursuant to statutory authority and procedural regulations, hereby issues the following finding with respect to the above-referenced case. Reasonable cause does not exist to believe that an unlawful housing discriminatory practice has occurred. 910 IAC 12-6-6.

On January 30, 2008, Elizabeth and Donald Cantrell (Complainants) of Jeffersonville, IN, filed a complaint with the Indiana Civil Rights Commission (Commission), against The Harbours Condominium Association, Inc. (Respondent) alleging unlawful discrimination in housing, based on disability. Indiana Fair Housing Act is virtually analogous to the Fair Housing Act, 42 U.S.C. §3601 et seq. Accordingly, the Commission has jurisdiction over the parties and the subject matter.

“Morality cannot be legislated, but behavior can be regulated.” – Dr. Martin Luther King, Jr

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An investigation has been completed. All parties have been interviewed. Based on the final investigative report and a full review of the relevant files and records, the Executive Director now finds the following:

Complainants have lived in the housing community for the past seven years. Complainants allege that they are disabled and requested a reasonable accommodation from Respondent but they were denied that accommodation. Complainants allege that they need a designated handicap parking space near the entrance of their building. Respondent informed the Complainants the handicap parking space was not available; however, the Complainant believes that this is pretext to discriminate against them.

Respondent is an association composed of condominium owners of which Complainants are members due to their ownership of a unit in the building. Respondent admits that Complainants made a request for a reasonable accommodation for a handicapped parking space. An accommodation was offered but Complainants refused the accommodation because it was not the handicapped parking space chosen by the Complainants.

Complainants want parking spaces number seventeen and eighteen to be available to all disabled residents as a common area parking; they do not want to utilize the Reciprocal Exchange Program for this space. The Reciprocal Exchange Program allows residents to exchange one of their assigned parking spaces for a handicap space which is owned by Respondent. Parking spaces 17 and 18 belong to the Homeowners Association. Respondent indicates that the Board of Directors during their August 10, 2005 meeting voted to convert space #17 to a non-handicapped space and it was assigned to a specific unit. The other parking space in question, handicapped space #18, is part of Respondent's Reciprocal Exchange Program.

Complainants provided evidence which showed that Complainant Donald receives Social Security benefits. Furthermore, the medical evidence presented by Complainants showed that Complainant Donald had indicated on a pre-operation form that he had problems climbing stairs and walking bothered his knees. There was no evidence presented from any doctor

which showed that Complainant Donald or Elizabeth needed a parking space close to their building entrance to accommodate a disability as defined by the Fair Housing Act. Moreover, all disabled residents can use the handicapped parking spaces owned by respondent through its Reciprocal Exchange Program.

From the foregoing, the evidence failed to show the Respondent discriminated against the Complainants based on their disability. Accordingly, the Executive Director concludes there is no reasonable cause to believe a discriminatory act has occurred.

Complainant may appeal this Finding. 910 IAC 1-3-2(2000). The written appeal request must be filed with the Indiana Civil Rights Commission within fifteen (15) days of receipt of this Notice of Finding and must include any new and additional evidence relied on by Complainant to support the appeal. **Failure to submit a timely appeal may result in a waiver on any right to further review or appeal of this Finding by the Commission or Indiana Courts.** Upon the exhaustion of the administrative right to appeal, the complaint in this case is hereby dismissed with prejudice.

June 13, 2008



Tony A. Kirkland, Executive Director
Indiana Civil Rights Commission

Service List for
Notice of Finding

Served by Certified Mail, return receipt requested, addressed to the follows:

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Kevin A. Zipperle, VP
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