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May 22, 2024

California Commercial Investment Group Inc.  
4530 E. Thousand Oaks Blvd., Suite 100,  
Westlake Village, CA, 91362

Millard Manor Affordable Housing Holding, LLC  
[REDACTED]  
Omaha, NE, 68137

***Re: Millard Manor Senior Housing compliance with the Fair Housing Act***

To Whom It May Concern,

The American Center for Law & Justice (“ACLJ”)<sup>1</sup> represents [REDACTED] a resident of Millard Manor Senior Housing (MMSH) located at [REDACTED] Omaha, NE 68137, with regard to the restrictive provisions made by management on a Bible study led by [REDACTED]. The purpose of this letter is (1) to bring to your attention management’s violation of federal law, and (2) to obtain written assurances that the Bible study will be permitted to continue meeting in the large community room without any special restrictions them.

**STATEMENT OF FACTS**

[REDACTED] has been a resident of MMSH, a senior housing facility that conducts federally funded programs and activities, for over a year and a half MMSH is one of the properties owned by California Commercial Investment Group Inc. In the beginning of March 2024, [REDACTED] started a weekly resident Bible study at MMSH. The Bible study began on March 13, 2024, in the Promise Room – a larger common area made

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<sup>1</sup> The ACLJ is a not-for profit organization dedicated to the defense of constitutional liberties secured by law. The ACLJ engages legal, legislative, and cultural issues through advocacy, education, and litigation that includes representing clients before the Supreme Court of the United States and international tribunals around the globe.

available to, and routinely used by, residents for a variety of gatherings, including other religious activities such as a monthly Lutheran service that has been held there for over twenty years. There were then two subsequent Bible study meetings that same month without any issue. However, on March 28, 2024, there was a March Resident meeting where an agenda item was created specifically to restrict any and all religious meetings to a smaller community room referred to as “the chapel,” unless an accommodation is needed. Additionally, it was emphasized that no flyers, posters, scriptures, or devotions are permitted on the walls or bulletin boards. Religious material was the only material mentioned that could not be posted, and there was a claim that only management can approve postings and usually is only for information relating to California Commercial Investing Companies or the Department of Housing and Urban Development. Afterwards, the time of Bible study was changed to the evening with the new time first set to be implemented on May 6, 2024. [REDACTED] hung fliers in the elevators, stating the new day and time of the Bible study meeting. Prior to the first meeting of the Bible study at the new time, a maintenance person was allegedly told by management that the tables had to be moved so they would only fit four to a table instead of the usual setup to accommodate upwards of eight to a table.

[REDACTED] has had multiple conversations with Manager Jan Justis, who has repeatedly told [REDACTED] that she is not allowed to hold her Bible study in the large community room because all religious activities are supposed to be limited to the smaller community room referred to as “the chapel.” Manager Justis has claimed that this is because the residence receives state funds and cannot risk “offending” others by allowing religious events in the larger community room. This is a wholly inaccurate understanding of the law. Furthermore, religious activities remain allowed in the larger community room, such as the Lutheran service and communion services that have been held there for many years. Only [REDACTED] Bible study has been sequestered to the smaller community room.

### STATEMENT OF LAW

Religious freedom is one of the most revered rights in the United States. The First Amendment to the Constitution prohibits the government from making any law prohibiting the free exercise of religion or abridging the freedom of speech. The Fair Housing Act (FHA) protects the free exercise of religion in the private *and* public housing markets and makes it unlawful “[t]o discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of . . . religion . . .” 42 U.S.C. § 3604(b).

FHA applies to federally funded programs and activities. FHA prohibits “limit[ing] privileges, services or facilities of a dwelling.”<sup>2</sup> While the U.S. Department of Housing and Urban Development (HUD) states on its equal treatment frequently asked questions page that “[o]rganizations that receive direct HUD funds may not engage in inherently

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<sup>2</sup> *Housing Discrimination Under the Fair Housing Act*, U.S. DEP’T OF HOUS. & URB. DEV., [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/fair\\_housing\\_act\\_overview](https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview) (last visited May 10, 2024).

religious activities, such as worship, religious instruction, or proselytizing, as a part of the program or services funded by HUD,”<sup>3</sup> and that “[i]nherently religious activities must be offered separately, in time or location, from the programs, activities, or services supported by direct HUD funds,”<sup>4</sup> what Manager Justis has failed to understand is that [REDACTED] s Bible study is not a MMSH activity supported by HUD federal funds or conducted by the housing communities. [REDACTED] Bible study is organized, conducted, and attended by residents. Therefore, a ban on federal or state funds being used for religious activities does not apply to [REDACTED] Bible study. These residents conducting and attending the Bible study are using areas equally offered to all, whether to engage in secular or religious activities and to exercise their secular or religious beliefs.

Indeed, as the Department of Justice has pointed out,

No one may be discriminated against in the sale, rental or enjoyment of housing because of their religious beliefs. This includes equal access to all the benefits of housing: someone could not, for example, be excluded from reserving a common room for a prayer meeting when the room may be reserved for various comparable secular uses.<sup>5</sup>

Thus, MMSH cannot prohibit residents from holding or engaging in religious activities, or restrict these activities to one room, while the other, larger, community room is available to all the residents for non-religious activities. In summary, the FHA prohibits apartment complexes, condominiums, associations, and the like from preventing residents or homeowners from engaging in private religious expression and from using common rooms for religious events or activities where similar non-religious events or activities are permitted.

It is clear from the notes and topics of the March Residents meeting that the management is specifically targeting religious speech and meetings in violation of the FHA requirements. Offense of others with different religious beliefs is not a sufficient interest to prevent the religious exercise, speech, and association of residents as protected by the First Amendment to the constitution,<sup>6</sup> nor is it a compelling interest that is furthered through the least restrictive means as is required in order to restrict religious practices by the Religious Freedom Restoration Act (RFRA).<sup>7</sup> According to a report by the Congressional Research Service, RFRA contains a rule of construction that all federal governmental action is subject to RFRA’s strict requirements unless specifically excluded.<sup>8</sup> Further, the claim made at the March Resident meeting that a restriction on posting

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<sup>3</sup> *Frequently Asked Questions (FAQs) on Equal Treatment and the Faith-Based and Community Initiative*, U.S. DEP’T OF HOUS. & URB. DEV., [https://www.hud.gov/program\\_offices/faith\\_based/faq](https://www.hud.gov/program_offices/faith_based/faq) (last visited May 10, 2024).

<sup>4</sup> *Id.*

<sup>5</sup> *Know Your Rights: Federal Laws Protecting Religious Freedom*, U.S. DEP’T OF JUST., [https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/know\\_your\\_rights.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/know_your_rights.pdf) (last visited May 10, 2024).

<sup>6</sup> U.S. Const. amend. I.

<sup>7</sup> 42 U.S.C.S § 2000bb

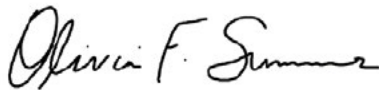
<sup>8</sup> Congressional Research Service, *The Religious Freedom Restoration Act: A Primer* (2020).

religious material is necessary to prevent fair housing issues violates at least two federal laws and the constitutionally protected rights of religious exercise and speech.

**DEMAND**

MMSH may *not* exclude religious gatherings or censor religious speech that occurs in common areas. Accordingly, we request that MMSH provide assurances in writing no later than May 29, 2024, that it will comply with the FHA and the RFRA by retracting the special restrictions preventing the Bible study from meeting in the preferred room and advertising the Bible study on walls or bulletins and permit her and the other residents to continue the Bible study without further harassment or discriminatory restrictions.

Sincerely,



Olivia F. Summers\*  
Senior Litigation Counsel

AMERICAN CENTER FOR  
LAW & JUSTICE



*\*Admitted only in VA & DC*