



CHRISTIAN LEGAL SOCIETY

Seeking Justice with the Love of God

Mr. Terry F. Brady
Brady & Kunz, PC
680 Hooper Avenue
P.O. Box 4990
Toms River, NJ 08754

October 9, 2019

Via email: tbrady@bradyandkunz.com

Re: Request for Bible Study Recognition

Dear Mr. Brady,

Christian Legal Society and the law firm of Ruta Soulios & Stratis LLP represent Karen Kelly and other members of the Holiday City Association Bible Study that met in the Holiday City Phase 1 Clubhouse (the "Bible Study"). The recent actions of the Holiday City Association Board of Trustees (the "Board") to interrupt and hinder the Bible Study's use of the community clubhouse, including making false reports to the police against the Bible Study, **illegally discriminate against religion** in violation of the Fair Housing Act, 42 U.S.C. § 3602 *et seq.*, ("FHA") and other laws.

We understand that the Bible Study met weekly in the community clubhouse and that the group was open to all who wish to attend. *See* Attachment A (Bulletin announcement stating "all welcome"). The group had met for years and was regularly announced in the monthly Holiday City Association Bulletin. After a recent change in leadership for the Holiday City Association, the Board told the Bible Study they **would no longer be allowed to meet** in the community clubhouse for purposes of studying the bible.

Because the Bible Study considered the issue in dispute and had not been given sufficient notice to make alternate arrangements for its elderly members, the Bible Study attempted to meet at the clubhouse at the time they had reserved. When the Bible Study members attempted to meet peaceably at the community clubhouse during their approved time, the President of the Board locked the doors of the clubhouse and **called the police**, asking them to disperse the Bible Study. The Board then introduced by-laws to prevent religious groups from using the clubhouse. After the vote failed, the President of the Board indicated she would nonetheless prohibit the Bible Study from using the clubhouse. When members of the association asked for a vote on whether the Bible Study could use the clubhouse, the Board refused to allow a vote.

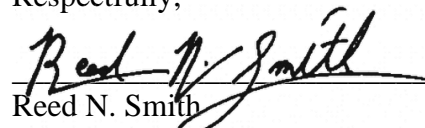
Under the FHA, it is illegal to “discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, **or in the provision of services or facilities in connection therewith, because of ... religion.**” 42 U.S.C. § 3604(b). An HOA can be sued for discriminating in access to its clubhouse under the FHA. *See Curto v. A Country Place Condominium Ass’n, Inc.*, 921 F.3d 405, 410 (3d Cir. 2019) (“The Parties here do not dispute that the FHA applies to the Condominium Association or that a communal pool is a ‘facility associated with a dwelling’ within the meaning of the statute and the regulation.”); *see also, e.g., Sanzaro v. Ardiente Homeowners Ass’n, LLC*, 36 F. Supp. 3d 1158 (D. Nev. 2019).

Guidance provided by the Department of Justice describes a scenario that is **nearly identical** to the Board’s actions here as a violation of the Fair Housing Act. The following scenario is described as housing discrimination by the Department of Justice, indicating that the FHA is violated when “[a]n apartment complex has a meeting room that is available for residents to reserve for card games, social activities, and similar events. A resident is told that she may not use the room to hold a Bible study with friends.”¹ This scenario is practically indistinguishable from the Board’s actions here.

I understand that you have argued that the Bible Study requires written approval to meet under the by-laws, and further indicated that “**the Board of Trustees is not inclined to approve** any request for approval to use Association facilities to political [or] **religious ... organizations.**” Although we do not share your interpretation of the by-laws, we would like to resolve this matter.

For these reasons, we ask that the Board immediately provide written approval for the Bible Study to use the community clubhouse on Fridays at 1:00, as it was permitted to do for years prior to the new leadership of the Board. I understand that the Board will hold its monthly meeting at 10 AM on October 18. We therefore expect the Board to consider this matter and provide approval no later than **noon on October 22**. Failure to provide approval by this time will be construed as a refusal to approve the Bible Study. Given that the Board has repeatedly indicated, through its actions, its proposed by-laws, and by correspondence that its objection to the Bible Study is due to its religious nature, the Board’s continued refusal to provide written approval infringes on the rights of the Bible Study.

Respectfully,



Reed N. Smith
Director of Litigation
Center for Law & Religious Freedom
rsmith@clsnet.org

¹<https://www.justice.gov/Combating%20Religious%20Discrimination%20And%20Protecting%20Religious%20Freedom>

PHASE 1 CLUBS & ACTIVITIES

Men's Poker

6:00 p.m. Tuesday evenings, at the Phase 1 clubhouse.
Come & join the men for a friendly game.

Social Club

Meets on the 2nd
Monday every month at 7 p.m.

Craft Club

For all knitters and crocheters! Experienced or if you would like to learn, please join us at the Phase 1 Clubhouse on Tuesdays at 11:30

Bible Study

All welcome Friday at 1:00 p.m. Phase 1 Clubhouse
Bring your bible.

Sunshine Club

Meet on the 3rd Friday of the month at 6:30 p.m. We share food, play trivia, and board games, and plan outings.

Recreation Club

Meets on the 4th Thursday every month at 10 a.m. come join us.



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