

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:24-CV-01620
)	
HENDRICKS COUNTY, INDIANA,)	
)	
Defendant.)	

COMPLAINT

Plaintiff, United States of America, alleges:

INTRODUCTION

1. The United States brings this civil action against Hendricks County, Indiana (“Hendricks County,” “the County” or “Defendant”) to enforce the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended 42 U.S.C. §§ 3601-3631, and the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”), 42 U.S.C. §§ 2000cc–2000cc-5, stemming from the County’s denial of two rezoning applications from Al Hussnain, Inc. (“Al Hussnain” or “Al Hussnain Seminary”). Al Hussnain sought rezoning to develop a mixed use Planned United Development (“PUD”) community containing a residential neighborhood, community center, K-12 religious school, Islamic seminary, and dormitories for seminary students. Through its actions, as described below, Hendricks County engaged in a pattern or practice of unlawful discrimination and denied rights to a group of persons because of religion in violation of the Fair Housing Act. In addition, the County’s actions constitute the imposition or implementation of a land use regulation that (1) imposes a substantial burden on Al Hussnain

and the Muslim community's religious exercise, which burden is not in furtherance of a compelling governmental interest and is not the least restrictive means of furthering such an interest; (2) treats Al Hussnain and the Muslim community on less than equal terms with nonreligious assemblies or institutions; and (3) discriminates against Al Hussnain and the Muslim community on the basis of religion in violation of RLUIPA.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345, 42 U.S.C. § 3614(a), and 42 U.S.C. § 2000cc-2(f).

3. Venue is proper in this district under 28 U.S.C. § 1391(b) because Defendant is located in this judicial district and the events and omissions giving rise to this action occurred in this judicial district.

DEFENDANT HENDRICKS COUNTY

4. Defendant Hendricks County is a political subdivision of the State of Indiana.

5. Hendricks County is governed by, and acts through, an elected three-member Board of Commissioners. The Board of Commissioners is a legislative body, responsible for enacting and applying the Hendricks County Zoning Ordinance ("Zoning Ordinance"). The three elected Board of Commissioners serve four-year terms.

6. The Hendricks County Plan Commission ("Plan Commission") is an agency of the County that oversees physical development within its jurisdiction. It consists of seven appointed citizens. The Plan Commission conducts hearings and makes recommendations to the Board of Commissioners regarding amendments to the Zoning Ordinance and the Hendricks County Zoning Map ("Zoning Map"), among other things.

7. The Hendricks County Planning & Building Department ("Planning Department")

is an agency of Hendricks County. The Planning Department is led by the Planning and Building Director (“Planning Director”). The Planning Director administers and interprets the Zoning Ordinance and other County plans and policies regarding land use, planning and growth management. The Planning Department makes recommendations to the Plan Commission regarding rezoning applications, among other things.

8. The Hendricks County Surveyor’s Office is an agency of Hendricks County. The Hendricks County Surveyor is elected to a four-year term.

9. The Hendricks County Engineering Department is an agency of Hendricks County and is led by the Hendricks County Engineer.

10. The County has the authority to regulate and restrict the use of land and structures within its borders, including by granting or denying requests to amend the Zoning Map.

11. The County is a “government” under RLUIPA, 42 U.S.C. § 2000cc-5(4)(A) and is responsible for the acts and omissions of its agents and agencies, including the Board of Commissioners, the Plan Commission, the Planning Department, the County Engineer, and the County Surveyor.

12. The Zoning Ordinance incorporates by reference the Zoning Map.

13. To create a Planned Unit Development District (“PUD District”) in Hendricks County, the County must approve a Zoning Map Amendment for a PUD District (“Zoning Amendment”). The Zoning Map identifies the location of zoning districts in the County.

14. The Zoning Ordinance allows for any zoning district to be rezoned for the creation of a PUD District and describes the requirements for establishing PUD Districts. The Zoning Ordinance provides that PUD Districts are “intended for a parcel of land planned as a single unit which allows for mixed uses and mixed densities under one zoning classification” and

designed to “create neighborhoods that can benefit from innovations in community development, provide greater efficiency in public utilities and services, and preserve open space.”

15. All land uses permitted in the Zoning Ordinance are permitted in a PUD, subject to the discretion and approval of the County Commissioners.

16. Land uses proposed in a PUD must be compatible with the intent of the Hendricks County Comprehensive Plan (“Comprehensive Plan”) and the characteristics of surrounding land uses and zoning districts.

17. The Comprehensive Plan is a statement of County policy that guides decisions of the Board of Commissioners and the Plan Commission regarding development.

18. The Indiana Code requires that Plan Commission members consider the following factors when considering a Zoning Amendment: (1) the Comprehensive Plan, (2) current conditions and the character of current structures and uses, (3) the most desirable use for which the land is adapted, (4) conservation of property values, and (5) responsible development and growth.

19. The Zoning Ordinance sets out the following four steps for establishing a PUD District in Hendricks County:

- a. Pre-submittal Conference: In this first step, the applicant engages in informal consultations with staff from the Planning Department (“Planning Staff”) before preparing plans.
- b. PUD District Ordinance, Concept Plan: In this second step, the applicant submits its PUD District Ordinance, Concept Plan, and supporting documents to Planning Staff. Planning Staff schedules the application for a public hearing at a Plan Commission meeting, drafts a Staff Report, and provides a

recommendation to the Plan Commission. At its hearing, the Plan Commission considers the draft Ordinance, Concept Plan, and testimony, and forwards the petition to the County Commissioners with a favorable or negative recommendation, no recommendation, or continues the petition to a future meeting date. The Plan Commission may also recommend that the County Commissioners require the petitioner to make written commitments and/or impose conditions of approval on the use or development of the property. After receiving the Plan Commission's recommendation, the County Commissioners must then either adopt the PUD District Ordinance and Concept Plan with or without conditions and/or commitments, return the PUD District Ordinance and Concept Plan to the Plan Commission with proposed amendments, or deny the PUD District Ordinance and Concept Plan. The County Commissioners may also continue or table an application.

- c. Primary Development Plan: If the PUD District Ordinance is adopted by the County Commissioners, the applicant moves to the third step by filing a Primary Development Plan for the site. The Primary Development Plan must include a drainage plan complying with the County's Subdivision Control Ordinance and Stormwater Ordinance and preliminary drawings showing points of ingress and egress, water, sewage, and density, among other things. The Plan Commission may also direct the applicant to commission a Transportation Impact Study, a Fiscal Impact Analysis and/or obtain any necessary approvals from federal, state, or local agencies, including the Hendricks County Drainage Board ("Drainage Board"). The Primary

Development Plan is reviewed by Planning Staff and a Technical Advisory Committee and considered for approval by the Plan Commission at a public hearing. This is the first stage in which the Zoning Ordinance requires the applicant to submit drainage documents and engage in drainage analyses, and the first stage in which it requires the Plan Commission to consider an applicant's drainage plans.

- d. Secondary Development Plan: If the Plan Commission approves an applicant's Primary Development Plan, to obtain PUD District approval, the applicant must take the fourth and final step of submitting a Secondary Development Plan, including, among other things, architectural and construction plans, engineering feasibility studies and plans showing, as necessary, water, sewer, and drainage, a traffic impact study showing offsite impacts on the existing throughfare system, as well as standards for height, building density, population density and public improvements. The Planning Director and the Technical Advisory Committee will act at a regular meeting to either approve the Secondary Development Plan as presented, approve the plan with supplementary conditions, or disapprove the plan at a public hearing.

20. The Zoning Ordinance does not require a PUD District applicant to submit a drainage plan and drawings until the third step (Primary Development Plan), and drainage feasibility studies until the fourth step (Secondary Development Plan).

21. The Zoning Ordinance requires that an applicant's submission under the second step (PUD District Ordinance and Concept Plan) comply with certain PUD-specific development

standards, absent waiver by the Plan Commission, including, among other things, that the PUD address public health safety and general welfare; that the PUD address impact on traffic and public services; and that the PUD comply with the density and open space calculations in the Zoning Ordinance. Drainage requirements are not addressed in these PUD-specific development standards.

FACTS

Al Hussnain Sought Land in Hendricks County to Construct a Mixed-Use Development

22. Al Hussnain Seminary is a non-profit Islamic Institute that was founded in 2013 in Marion County, Indiana.

23. In its original location, Al Hussnain Seminary served 100 students with a mosque with space for prayers and classrooms, dormitory spaces for 70 students, and employed twelve teachers who offer 25 courses.

24. Community is a critical component of Islamic religious practice.

25. The obligation to perform five prayers each day is one of the Five Pillars of Islam and congregational prayer is highly encouraged.

26. Many Muslims gather for congregational worship midday on Fridays.

27. By 2020, the Al Hussnain Seminary had outgrown its original location.

28. Because of space constraints, Al Hussnain offers fewer classes and programs than it needs and turns away 40-50% of interested students.

29. Al Hussnain had safety concerns at its original location because students needed to cross a busy road to attend prayers and classes.

30. Al Hussnain observed unmet demand in its community for a neighborhood that would allow families to decrease their daily commutes between work, their children's school,

and where they may assemble to pray.

31. Accordingly, in 2020, Al Hussnain began searching for land on which it could build a mixed-use development consisting of a larger seminary and dormitory housing 200 students, residential housing, and community amenities, including a community center in which people could gather for prayer, studies, and recreation. Al Hussnain intended for certain of the development's facilities, including prayer rooms in the community center, the K-12 private school, and the dormitory for seminary students, to facilitate its community member's religious exercise.

32. The mixed-use development Al Hussnain planned was to be open to all members of the public.

Al Hussnain Submits Zoning Amendment Application for Clermont Village

33. In 2020, Al Hussnain identified a property consisting of 80 acres located near an interstate highway and across the street from the town of Brownsburg, Indiana (hereinafter the "Clermont Village Property"). The property was the former Clermont Golf Course but had been partially farmed and partially overgrown and in disuse in recent years.

34. The Clermont Village Property was not identified or mapped as a floodplain.

35. Al Hussnain formed Clermont Village, LLC ("Clermont Village"), and Clermont Village entered into a contract to purchase the Clermont Village Property.

36. On or around December 4, 2020, Clermont Village applied for a Zoning Amendment to rezone the property from Agricultural Residential ("AGR") to Planned Unit Development ("PUD") and sought to build 149 single-family homes; 85 multi-family homes; a community center housing prayer rooms, classrooms, a gymnasium, and a pool; a 100-room dormitory for seminary students; a K-12 private school; and open space including sports fields,

walking paths and a pond with a dock.

37. Prior to submitting its Zoning Amendment application, and in the weeks following its submittal, Clermont Village had multiple meetings, phone conversations and emails with County officials and staff to review its concept designs and discuss the County's concerns. County staff expressed concerns about drainage, lack of open space, traffic, architecture, and maximum impervious area. Clermont Village took multiple steps to address and respond to these concerns, including studying the land use and drainage history of the site, paid a consultant selected by the County to prepare a Fiscal Impact Analysis evaluating the development's projected economic impact on the County, hired an engineer to prepare and revise a Traffic Impact Analysis, and offered to pay for County improvements, including a new traffic signal.

38. The Planning and Building Department determined that the Clermont Village Zoning Amendment application was complete and placed it on the agenda for the January 12, 2021, Plan Commission meeting.

Community Opposition to Clermont Village

39. In the weeks leading up to the January 12, 2021, Plan Commission meeting, the County received an unprecedented number of public comments regarding Clermont Village.

40. Remonstrators expressed that a "private" and "outsider" community based on one religion would harm the area's sense of community, discomfort with the call to prayer and the Muslim religion, references to Sharia Law and mosques with underground bunkers, and statements like, "[t]hey would be better off in Dearbornastan [sic] Michigan!" One commenter stated: "Guess Hendricks County Residents aren't as important as outsiders and their Religious Beliefs!!!!!!!!!"

41. Remonstrators collected hundreds of signatures on a Change.org petition to "Stop

Clermont Village” and organized through private Facebook “chatter” groups, which included comments encouraging people who were “anti-Islamic” to express their concerns about Clermont Village by making complaints about drainage.

42. As a result of this public interest and what a County official described as an “emotionally charged environment,” the Plan Commission moved the Clermont Village hearing to the County Fairgrounds Expo Hall to accommodate the large audience that was expected, arranged for security to be present at the hearing, and added a “rule of procedure” for the meeting that, “Religion is not a topic relevant to the zoning change, and will not be tolerated as a topic of discussion. Drainage review is handled by the Hendricks County Drainage Board.”

43. Supporters’ comments included support for a diverse mixed-use development, economic growth expected from the development, and countering the “racist,” “Islamophobic” and “bigoted” comments expressed by the remonstrators, and also included multiple warnings to County officials that remonstrators were using Islamophobic language and being instructed to present their concerns about Clermont Village in the form of drainage and traffic issues.

County’s Staff Report on Clermont Village Application

44. In its January 12, 2021, Staff Report, the Planning Department recommended that the Plan Commission deny Clermont Village’s application.

45. Planning Staff found that Clermont Village’s proposed PUD largely aligned with the Hendricks County Comprehensive Plan and was the most desirable use for the property. The Staff Report explained that the Comprehensive Plan designates the area as “Suburban Residential” and Clermont Village’s planned “moderate density” single-family homes and institutional and civic uses planned at the community center fell squarely within that category. Staff also found that Clermont Village would not affect the County’s property values, the development would be “responsible” growth and it did not conflict with the current conditions or

character of the property.

46. Planning Staff expressed concerns about Clermont Village's application, including that the proposed maximum impervious area was too high and the applicant had not indicated its maximum structure coverage.

The County Raises Drainage Concerns Prior to Plan Commission Hearing

47. Although the Zoning Ordinance does not require an applicant to provide a drainage plan until the Primary Development Plan stage, which occurs after approval of the Zoning Amendment by the Board of Commissioners, and the Clermont Village Property was not identified or mapped as a floodplain, Clermont Village took many steps to address the County's drainage concerns before the January 12, 2021, Plan Commission meeting.

48. In or around December 2020, the Planning Director told Clermont Village that past attempts to develop this property had failed because of drainage and that he, the County Engineer, and the County Surveyor were "very skeptical" that Clermont Village would be able to find a workable solution. In subsequent meetings, the County Engineer and County Surveyor told Clermont Village they did not believe Clermont Village had an adequate drainage outlet.

49. In response to these initial drainage concerns, Clermont Village researched the history of the Clermont Village Property, looked at the existing drainage, hired an engineering team to survey the property and thoroughly review the County's drainage design manual, and engaged a soil engineer to do test borings and wells to determine ground water elevation.

50. In its research, Clermont Village found the minutes of a February 24, 2005, Plan Commission hearing reviewing Tollefson Land Holdings' proposal to rezone the Clermont Village Property to develop residential and commercial uses. In those minutes, the County Surveyor stated that he and the Indiana Department of Transportation (INDOT) had reviewed the Tollefson Land Holding's preliminary drainage design and were comfortable with its proposal to

drain the site to the north onto the state highway and to divert the water that drained into a nearby subdivision to the south. The County Surveyor explained that the project had an adequate drainage outlet and he had recommended to the Drainage Board preliminary approval of this project.

51. Clermont Village believed that the County would accept the same drainage plan that it had preliminarily accepted in 2005, and therefore proposed the same drainage plan as presented by Tollefson Land Holdings in 2005.

52. Clermont Village contacted INDOT and confirmed that it remained agreeable to this same drainage plan.

53. Clermont Village explained to the County that the County's impression that previous applicants had abandoned developments at this site because of drainage appeared to be in error, and, the County had, in fact, previously preliminarily approved the same drainage plan that Clermont Village now proposed.

January 12, 2021, Plan Commission Hearing

54. At the January 12, 2021, Plan Commission hearing on the Clermont Village PUD application, Clermont Village's representative described the planned development, addressed each of the concerns raised by Planning Staff in its report, and emphasized that the planned community center would include space for prayer, but would not include a mosque nor a "call to prayer" on a loudspeaker. Clermont Village also described its proposals to address the concerns raised during its initial consultations with the County, including drainage, traffic, architecture, and maximum impervious area.

55. Many members of the public spoke at the Plan Commission hearing. Supporters said that the comments they heard from remonstrators regarding this project were "disgusting" and they encouraged the Plan Commission to review the merits of the application without

“religious bias or bigotry.” Supporters also spoke about their hopes for a community where people of the Muslim faith could live, study, and grow with community members who share their values, and the diversity it would bring to the County. Some remonstrators expressed concerns about drainage and traffic.

56. Following the meeting, the County Engineer stated in an email that “90% of the public comments in writing and in person were emotionally based and did not address the physical aspects of the project and/or whether this particular site is an appropriate location for this use”

57. During the meeting, the County Engineer commented that drainage was a problem, had been an issue in the past, and would be tricky to solve.

58. The Planning Director stated that he believed Clermont Village could resolve the concerns Planning Staff mentioned in its Staff Report.

59. One Plan Commissioner stated that he would like to see the drainage issue resolved.

60. The Plan Commission President repeatedly reminded everyone that drainage should not be addressed at this stage, is appropriately addressed at the Development Plan Review stage (step three) and explained that addressing drainage earlier would require the developer to make a large monetary investment before knowing whether the property would receive County approval to rezone.

61. The Plan Commission recommended Clermont Village’s Zoning Amendment application for approval to the County Commissioners with a vote of 4-3. It found that the Clermont Village application generally aligned with the Comprehensive Plan, would improve the property’s current condition, was mostly in line with the County’s most desired use for the

property, would not disrupt property values, was compatible with surrounding uses, and would constitute responsible development.

62. At the conclusion of the meeting, the Plan Commission President asked the County Sherriff to escort him to his truck on his way out of the meeting because the crowd was so “lively” and “contentious” that he felt like he couldn’t “trust people.”

Clermont Village and County Staff Work to Address Drainage and Other Concerns between the Plan Commission Hearing and the Board of Commissioners Meeting

63. Following the Plan Commission meeting, County staff and members of the Board of Commissioners continued to discuss their concerns about Clermont Village’s drainage. The Board of Commissioners decided to postpone their hearing of Clermont Village’s application from January 26, 2021, to February 9, 2021, so that they could get more clarification on the issues related to drainage, traffic, and the town of Brownsburg’s view of Clermont Village’s proposed rezoning.

64. In a January 14, 2021, email, the Planning Director told the Board of Commissioners that the Plan Commission had *never* required a drainage study for a rezoning and suggested that the Board of Commissioners make their decision on the Clermont Village application contingent on Clermont Village obtaining Drainage Board approval.

65. In a January 15, 2021, email, the County Engineer informed the Board of Commissioners that Clermont Village “hasn’t applied to the Drainage Board yet because that isn’t required at the Zoning Stage. It will be part of the Development Plan Review, which is the next step.”

66. In a January 18, 2021, email, the County Surveyor told the Board of Commissioners that he knew of “two projects that were proposed on this site over the past couple of decades and both withdrew their applications because they did not have an adequate outlet.

They couldn't drain the site. However, I'm not sure drainage can be a part of the commissioner's consideration for a rezoning case."

67. On January 20, 2021, a member of the Planning Staff emailed Clermont Village's developer reiterating that the County wanted Clermont Village to add a written "commitment in regards to the loudspeaker [for the call to prayer]. That's still been a major topic for surrounding owners who have continued to reach out even after the PC meeting." Clermont Village's developer agreed to put the commitment in writing.

68. On or around January 27, 2021, Clermont Village met with the County Surveyor via phone call, to present its concept of draining the Clermont Village site to the north. Clermont Village also volunteered to pay for the cost of providing drainage for certain neighboring properties by allowing neighbors to drain their backyards into Clermont Village's pond, which would eventually drain to an INDOT ditch to the north. The County Surveyor told Clermont Village that his thinking on this drainage plan had evolved since 2005 and he now believed that draining the site to the north, as the 2005 applicant had proposed, and as Clermont Village also now proposed, would not provide an adequate outlet. Instead, the County Surveyor proposed that Clermont Village drain the water to the south along County Road 450, which he said would provide an adequate outlet. Clermont Village agreed to pursue this design.

69. On February 1, 2021, the County Engineer sent an email to the County Surveyor, Plan Director, and planning staff calling Clermont Village's revised drainage plan "sketchy at best," complained that many factors remained uncertain, and concluded, "[t]hey are nowhere close to having a solid enough concept to say this would work. But again, this doesn't HAVE to be part of the zoning request."

70. At the County Surveyor's request, Clermont Village had a follow-up meeting with

the County Engineer on or around February 2, 2021, because the County Surveyor's plan to drain to the south would use a County Right of Way, which falls into the purview of the County Engineer. In this meeting, the County Engineer discussed the criteria necessary to meet the County's requirement for stormwater drainage design within the County Right of Way. He also asked that Clermont Village include drainage of additional neighboring houses, amounting to 15 acres of land area, in its design. Although Clermont Village did not believe draining such a large additional area was necessary or legally required, they agreed to do so, despite significant additional cost.

71. On February 5, 2021, the County Engineer emailed Clermont Village's representative outlining the drainage criteria that would be required by the County's Drainage Board and providing a map of the additional drainage area he had requested. Clermont Village agreed to meet the design recommendations made by the County Engineer and the County Surveyor, conceptually designed the needed structures, priced the conceptual design, and agreed to pay approximately \$800,000 more for this design. No one from the County requested that Clermont Village submit anything more than this conceptual drainage design.

72. Clermont Village asserts that it, the County Surveyor, and the County Engineer agreed that draining Clermont Village to the south would alleviate existing drainage issues for approximately 35 property owners and significantly improve a drainage issue that had existed in the surrounding area for more than 50 years.

73. The County Surveyor believed his proposed drainage solution would work.

74. Clermont Village believed this drainage plan satisfied the County's remaining concerns with its Clermont Village Zoning Amendment application and expected the Board of Commissioners to approve its application.

75. The County Engineer told the Board of Commissioners that he could not approve of Clermont Village's drainage plan because he had concerns Clermont Village had not yet addressed. The County Engineer knew that it would have been unlikely for the Board of Commissioners to vote to approve Clermont Village's application if they knew he did not approve.

76. The County Engineer would have given his approval if Clermont Village could prove to his satisfaction that their drainage would "work," by performing the full drainage design that would have been required during the Primary Development Plan stage, which is not required by the Zoning Ordinance until after the Zoning Amendment has been approved and the application has moved into the Primary Development phase. The County Engineer later admitted that he could not recall ever having requested as much drainage information from another applicant at the PUD application stage as he did from Clermont Village.

77. Clermont Village estimates that a full drainage engineering design would have cost approximately \$100,000.

78. The County Engineer acknowledged in multiple emails with County staff that rezoning stage applicants are not required to have a full drainage design and that "drainage really shouldn't formally factor in at this stage."

79. The President of the Plan Commission, the Planning Director and the County Surveyor, all acknowledge that the County does not require a full drainage design at the rezoning stage.

80. Hendricks County's normal procedure is to review drainage after granting a Zoning Map amendment.

County Staff Issues Second Staff Report on Clermont Village

81. The Plan Director issued a Second Staff Report on February 9, 2021, in advance of the Board of Commissioners meeting. The Second Staff Report changed its recommendation from “denial” to “favorable” and explained the multiple ways in which Clermont Village had addressed Planning Staff’s concerns since the January 12, 2021, Plan Commission meeting, including rearranging and better defining Clermont Village’s open space, adding additional architectural detail, reducing the maximum impervious area, editing the ordinance, including a phasing plan and traffic improvements, and agreeing to pay for commitments to improve the development’s function. This second Staff Report also explained that Brownsburg, the Town adjacent to the property, “ha[d] been involved in the process” but was not interested in annexing the property. The letter further noted that the “project would also need Drainage Board approval at the development plan and plat phase.”

February 9, 2021, Board of Commissioners’ Meeting

82. At its February 9, 2021, meeting, the Hendricks County Board of Commissioners unanimously denied the Clermont Village PUD application due to drainage issues.

83. None of the three Commissioners have had any special training or education in drainage or engineering.

84. Commissioner Gentry, who also served as the Commissioners’ representative on the Plan Commission and had voted not to recommend approval of the Clermont Village PUD at the Plan Commission, stated that he remained concerned about drainage, flooding, soil erosion and “clay particles holding water” on this property.

85. Commissioner Palmer explained that residents had expressed concern regarding drainage and flooding in this area and the County has not been able to provide a remedy. She said she feels a strong obligation to the current and future property owners to refrain from increasing the drainage concerns in this area. Commissioner Palmer did not review any of the

applicants' drainage proposals.

86. Commissioners Palmer and Gentry stated that they had both read numerous emails from citizens expressing concerns about the property's infrastructure and drainage.

87. All three Commissioners have stated that public comments are important to their decision making.

88. In response to a question from Commissioner Dawes, the County Engineer and the County Surveyor stated that an interested party had stopped pursuing the Clermont Village Property due to site drainage issues and stated there had been a long history of flooding and drainage issues in the subdivision directly south of Clermont Village. At no point did the County Surveyor or the County Engineer tell the Board of Commissioners about the plan to drain Clermont Village to the south.

89. At the February 9, 2021, meeting, the Commissioners did not pose any questions to the applicant, or the applicants' drainage engineer, who had attended the meeting to address any potential drainage concerns.

90. The County Commissioners did not provide Clermont Village with the opportunity to address the County Commissioners' concerns about drainage or to address the statements made by County staff at the meeting.

91. The Commissioners did not consider a conditional approval contingent on Drainage Board approval, as had been suggested to them by the Plan Director.

92. Clermont Village's representatives were very surprised by the denial and felt that the last few minutes of the hearing were very "orchestrated."

93. During the meeting, none of the three Commissioners were aware of the potential drainage solution to drain Clermont Village to the south.

94. After the denial, Commissioner Dawes complimented Clermont Village's site plan and layout and encouraged Clermont Village to look for other sites in the County, stating that he was "sure they could find a site that would be much more acceptable than this one." Commissioner Gentry agreed.

95. On February 19, 2021, Clermont Village's representative sent a letter to the Commissioners explaining the drainage solution to drain the site to the south that had been proposed by the County Surveyor and vetted by both County staff and INDOT in advance of the Board of Commissioners' meeting, and asking that the Board reconsider the denial given that drainage was the only reason given for the denial and that the Board was apparently unaware of this solution.

96. Clermont Village received no response to its letter, but Commissioner Dawes wrote to his colleagues on February 22, 2021, "I don't think any of us should respond to [Clermont Village] and I as one of three Commissioners will not entertain a reconsideration of my vote on February 9."

97. Commissioner Dawes later stated that he had not read either of Clermont Village's drainage proposals, but the new drainage proposal to the south would not have changed his mind if he had known about it.

98. Commissioner Dawes later stated he already knew Clermont Village's application would have been unsuccessful at the Drainage Board because all three Board of Commissioners members sit on the Drainage Board and hold a majority.

99. Hendricks County is unable to identify another situation in which the Board of Commissioners denied a land use application because of drainage and did not give the applicant a chance to address the drainage problem.

100. Following the denial of its application, Clermont Village's contract with the owner of the Clermont Village Property expired. Shortly thereafter the property was sold to an industrial developer, annexed by the town of Brownsburg, and developed into the Prologis Eagle Creek Logistics Park.

101. The Prologis Eagle Creek Logistics Park has a much higher percentage of impervious surface than Clermont Village proposed, resulting in a significantly higher impact on drainage and total stormwater runoff volume than Clermont Village would have had.

102. The town of Brownsburg's drainage standards and stormwater manual are very similar to Hendricks County's. The Prologis Eagle Creek Logistics Park achieved full approval from the town of Brownsburg and has been fully developed without drainage problems.

103. There is no legitimate technical reason for denying the Clermont Village Zoning Amendment based on drainage at the property.

104. The drainage solution offered by Clermont Village did not pose a threat to the health or safety of neighbors or County residents. To the contrary, Clermont Village's drainage plan would have improved drainage of the surrounding properties.

105. In denying Clermont Village's rezoning application, the County departed from its Zoning Ordinance, regular procedures, and processes for reviewing rezoning applications, and how it has treated similar applications.

Al Hussnain Submits Zoning Amendment Application for James Phillip Village

106. On July 8, 2022, Al Hussnain applied to rezone 178 acres on five undeveloped parcels of land ("James Phillip Village Property") to develop a community with a plan very similar to Clermont Village, this time named James Phillip Village. Al Hussnain entered into a contract to purchase these five parcels.

107. The James Phillip Village community plan included 38 acres of open space, two ponds (to be used for recreation and stormwater runoff), a tennis court, soccer field, playground, walking trails, 371 dwelling single-family lots, 112 townhomes, and 31 acres of land for a community center including gymnasium, running track and exercise rooms, classrooms, prayer rooms, private school, dormitories, and a community sewage treatment plant.

108. James Phillip Village received approval from the State of Indiana to create a Conservancy District to supply potable water and to collect and treat wastewater within its development.

109. The James Phillip Village application included a Traffic Impact Study and a Fiscal Impact Analysis.

110. Like Clermont Village, the Comprehensive Plan designates the James Phillip Village Property as Suburban Residential.

111. There are residential subdivisions to the south and west of the James Phillip Village Property and farms to the north and east.

112. The main corridor connecting James Phillip Village to I-74, has been undergoing significant land development during the last 30-40 years. This development ends at the edge of the James Phillip Village property and includes commercial food, gas and health care businesses, churches, a cemetery, and numerous residential developments, including residential subdivisions built immediately adjacent to the proposed James Phillip Village Property.

113. The U.S. Census Bureau maintains an “Urbanized Area” boundary throughout the country, which is based on population and density thresholds, with data derived from the latest U.S. Census (2020). An “Urbanized Area” is a continuously built-up area with a population of 50,000 or more. It comprises one or more places—central place(s)—and the adjacent densely

settled surrounding area—urban fringe—consisting of other places and nonplace territory.

114. The U.S. Census Bureau “Urbanized Area” boundary, which is based on population density data, touches the western edge of the James Phillip Village Property.

Community Opposition to James Phillip Village

115. Similar to Clermont Village, there was substantial public opposition to James Phillip Village. Neighbors opposing James Phillip Village were highly organized and active.

116. In the weeks leading up to the August 8, 2022, Plan Commission meeting, the County received a large number of public comments regarding James Phillip Village.

117. Remonstrators expressed concerns about density, traffic, leapfrogging, drainage, and flooding. Remonstrators also made statements like, “The Muslim religion says anyone who is not a Muslim is an infidel and should be put to death. I’m not sure how comfortable I am with hundreds of people who think I should be put to death living around the corner from me and sepecially[sic] right across the street from a Christian Church ...”

118. The term “leapfrogging” in the context of urban planning and engineering means land development that is not immediately adjacent to existing developed areas. A “leapfrogging” development is one where the subject development is located a significant distance (typically more than a mile or two) away from a developed area, and typically skips over existing agricultural land.

119. Supporters’ comments included interest in a diverse mixed-use development and a desire to counter the “anti-Muslim” sentiments expressed by the Remonstrators.

120. Remonstrators organized a community meeting at the local Corinth Church on July 28, 2022. County Commissioners Gentry and Dawes attended and spoke briefly at the meeting. County rules prohibit two or more County Commissioners attending a public meeting

at the same time, and the Commissioners' acknowledged that their attendance overlapped for a short period of time and that they should not have been at the same meeting at the same time.

121. James Phillip Village's representative attended the meeting, gave a prepared statement, and answered attendees' questions. Meeting attendees who opposed James Phillip Village interrupted and booed her, and she was ultimately escorted out by one of the meeting's organizers "for her safety."

122. Supporters of the project informed James Phillip Village's representative that they were too afraid to come to the meeting or to publicly support the project.

123. A leader of a local church reported hearing the following statements at the meeting: "They sound like a cult," "I don't want to hear their chanting that I can't understand," and "Why can't they just go somewhere else?"

124. Remonstrators collected thousands of signatures on a Change.org petition to "STOP the Rezoning of farmland for the James Phillip Village" and organized through social media groups.

125. On the day of the August 8, 2022, Plan Commission meeting there were semi-trucks pulling signs and signs posted in the neighborhood and at the local Walmart and Kroger stores stating, "Vote No for James Phillip Village."

126. One resident installed three large billboard signs throughout the county in the days leading up to the meeting that asked residents to "say no to the rezone." When interviewed by a local newspaper he explained, that in addition to his belief that James Phillip Village was "not the right place at the right time," he believed that "you're going to have people that have an issue with them because of their history. I believe that if it wasn't for what has gone on over the past 10 or 12 years, this would have never been brought up. If they followed their religious

beliefs, they wouldn't do half the stuff they did but you can't bring that up here.”

County Engineer's Analysis of James Phillip Village Traffic

127. In an August 4, 2022, memo, the County Engineer analyzed James Phillip Village's "traffic issues." In this memo, the County Engineer disagreed with James Phillip Village's traffic study assumption that the community would have a 50% internal trip rate, meaning that 50% of the vehicle trips would originate inside James Phillip Village. The County Engineer stated that the appropriate assumption was a 0% internal trip rate, meaning that all car trips were assumed to have originated from outside James Phillip Village. James Phillip Village asserted that this was an extreme position the County had not imposed on other applicants. The County Engineer cannot remember requiring another applicant to assume a 0% internal trip rate.

128. In his memo, the County Engineer also described his concern with vertical clearance under a nearby CSX railroad bridge, which he believed was not solvable. However, James Phillip Village spoke extensively with the County Engineer about traffic, the CSX bridge and access points to the James Phillip Village Property, but the County Engineer never told James Phillip Village representatives that he believed the CSX bridge underpass was an unsolvable problem.

County's Staff Report on James Phillip Village Application

129. The August 8, 2022, Planning Department Staff Report gave an unfavorable recommendation on the James Phillip Village application.

130. Planning Staff believed that James Phillip Village "could be considered 'leapfrogging' over agricultural land, and not occurring near established urban centers" The Staff Report argued that James Phillip Village was "separated from commercial and mixed-use developments by less dense residential and agricultural uses" and the location of the property

away from established urban centers “may stress current infrastructure beyond its capacity” and would allow for moderate density development ahead of other anticipated growth, and ahead of the infrastructure to handle that growth, such as road improvements, emergency services, job centers and amenities.

131. Planning Staff also stated that James Phillip Village would change the current conditions of the surrounding area and expressed concern with potential odors from James Phillip Village’s proposed community sewage treatment plant.

132. The Staff Report further stated that James Phillip Village met many of the Comprehensive Plan’s goals because this area was designated as Suburban Residential, including encouraging residential growth and diversity, promoting development along major thoroughfares, keeping residential growth compact and concurrent with commercial and industrial growth, and including a mixture of civic uses in the Suburban Residential designated areas.

133. Planning Staff also noted that James Phillip Village would positively contribute to the conservation of property values in the County by meeting the “large demand” for residential uses in this area.

134. The Plan Director asked James Phillip Village to secure an additional road access point to the west, which it did, and although this alleviated his concern regarding road access, he did not include this point in his Staff Report or his presentation at the Plan Commission meeting.

135. James Phillip Village proposed to pay for the infrastructure needed to support its development, and to address the County’s concerns regarding traffic and potential odors from its proposed sewage treatment plant.

August 8, 2022, Plan Commission Meeting

136. On August 8, 2022, the Plan Commission held a special meeting in a local high school auditorium—in order to accommodate the expected crowds—to hold its hearing on the James Phillip Village PUD application.

137. More than 600 people attended the Plan Commission hearing, and the Plan Commission President described it as the “most difficult meeting he’s ever had to run.”

138. At the meeting, remonstrators made derogatory comments about Muslims, and the Plan Commission President had them removed from the microphone. When one remonstrator speaking at the microphone said, “Let’s just talk about elephant in the room. I studied Islam and I can tell you ...,” the crowd “erupted,” and the County Attorney requested that a sheriff deputy escort the man back to his seat. When James Phillip Village’s representative tried to make her presentation, she was repeatedly interrupted with comments like, she “had no business being there” and they “knew everything they needed to know.” Remonstrators also complained about drainage, traffic, leapfrogging and sewage and made comments like, “the project doesn’t fit” and “this is not the right place.”

139. At the August 8, 2022, meeting, the Plan Commission voted unanimously to send an unfavorable recommendation to the County Commissioners and expressed concerns about traffic, low clearance under the CSX bridge, and that James Phillip Village was “not the right location.” A Plan Commissioner later expressed concerns about extending utilities to James Phillip Village.

140. Following the Plan Commission hearing, on August 19 and 21, 2022, Al Hussnain requested a 30-day continuance of the Board of Commissioners’ hearing of its application. At the August 23, 2022, Board of Commissioners meeting, the Commissioners summarily denied James Phillip Village’s request for a continuance and voted unanimously to deny James Phillip

Village's Zoning Amendment application without any explanation of their reasoning or views.

141. Executive Director to the Commissioners stated that once he heard that the Board of Commissioners had denied James Phillip Village, he thought, "They're asking for it ... We'll be hearing from DOJ" because "if you deny it a second time, it raises the ante that it might be based on something other than site location." The Executive Director to the Commissioners also stated that, "Racism is alive and well in Hendricks County, there is no doubt about it ... We received emails daily where people said they did not want the development because they did not approve of the people who would be there."

142. In denying James Phillip Village's rezoning application, the County departed from its Zoning Ordinance, regular procedures, and processes for reviewing rezoning applications, and how it has treated similar applications.

The County Has Approved Zoning Amendments for Comparable Non-Religious Developments

Michigan (MI) Homes/Sonora Homes

143. Between 2017 and 2018 MI Homes/Sonora Homes ("Sonora Homes") submitted two different applications to rezone 61 acres of vacant land to build a residential subdivision in an area the Comprehensive Plan designated as Suburban Residential. The applications drew public opposition.

144. Sonora Homes is similar to Clermont Village in size and land use intensity. It also proposed a similar drainage plan with detention ponds and an outlet to a nearby ditch/creek. It completed no drainage design work prior to the rezoning approval process.

145. At the January 2021 Plan Commission meeting regarding Clermont Village, the Planning Director stated that Clermont Village is comparable to Sonora Homes.

146. Sonora Homes' first rezoning application was in 2017. Planning Staff

recommended approval and the County received numerous letters opposing the application. Members of the public and Plan Commissioners expressed drainage concerns during the hearing and the County Planner responded that drainage would be addressed during the Development Plan stage and advised that the County could not ask the applicant to do a full Development Plan at this stage before proper zoning was in place. The Plan Commission voted to send a favorable recommendation to the Board of Commissioners.

147. During the July 2017 Board of Commissioners meeting, the Board of Commissioners allowed the applicant to speak during the meeting to address the “significant amount of input” the County had received. The applicants’ representative took this opportunity to address the drainage and density concerns raised by neighbors.

148. In response, the Board of Commissioners encouraged the applicant to continue working to resolve the neighbors’ concerns and voted to table the Sonora Homes’ application.

149. Sonora Homes’ second application in 2018 requested a PUD rezoning for a residential subdivision with a density of 2.15 units per acre. The County Staff Report recommended approval, noted concerns with drainage issues and explained that those issues would be handled during Drainage Board review.

150. During a Plan Commission hearing, Plan Commissioners and neighbors continued to express concerns about drainage as well as density, fiscal impact and building materials. The applicant also responded that because they were in the zoning phase, they had not yet completed a final drainage design, but they had spoken with the County Surveyor’s office and would meet the County drainage ordinance requirements when they reached the drainage design phase.

151. In response to a question from a Plan Commissioner about whether questions about drainage would be addressed during the “final development plan stage for this project if it

was approved for the rezoning,” the County Surveyor stated, “that was correct.”

152. In response to a question about how the applicant’s drainage would affect a lake, the County Surveyor responded that any drainage issues would go through the Surveyor’s office and the Drainage Board.

153. The Plan Commission voted to send a favorable recommendation to the Board of Commissioners.

154. The Board of Commissioners was scheduled to hear Sonora Homes’ application at its March 2018 meeting, but Sonora Homes requested that the matter be continued to the April 2018 meeting so that it had more time to address the fiscal, drainage and building material issues raised at the Plan Commission meeting. Unlike for James Phillip Village, the Board of Commissioners approved the requested continuance.

155. During its April 2018 meeting the Board of Commissioners voted to approve the zoning amendment change, despite the drainage concerns raised by neighbors and the Plan Commission. In contrast, Clermont Village’s application was denied for drainage concerns even though questions about drainage are appropriately addressed at the later development plan stages, as provided for in the Zoning Ordinance and as repeatedly confirmed by County staff.

National Transportation Center

156. In 2016, Hendricks County approved the National Transportation Center’s PUD Zoning Amendment application for a planned education and training facility for the transportation industry on 196 acres that would include commercial and recreational uses, student dormitories and student and teacher housing.

157. The National Transportation Center is substantially comparable to James Phillip Village, including in respect to size and mixed-use development characteristics.

158. The National Transportation Center proposed a residential density of 6.3 dwelling units per acre, whereas Clermont Village proposed 3 dwelling units per acre and James Phillip Village proposed 3.27 units per acre.

159. The Comprehensive Plan's Future Land Use plan recognized the area where the National Transportation Center proposed to build as Suburban Residential, the same designation as both Clermont Village and James Phillip Village.

160. Hendricks County Planning Staff recommended approval of the PUD application and noted that it fit within the intent of the Comprehensive Plan.

161. In November 2016, the Plan Commission forwarded the National Transportation Center's application to the Board of Commissioners with a favorable recommendation, and the Board of Commissioners approved the zoning amendment change to PUD.

162. The National Transportation Center's proposed development was farther from urbanized areas than James Phillip Village and had no service for potable water or wastewater and therefore posed an actual leapfrogging scenario—unlike James Phillip Village—which *bordered* an urbanized area.

163. There is no indication in the minutes from either the Plan Commission or Board of Commissioners' meetings that anyone from the County expressed concerns regarding leapfrogging regarding the location of the National Transportation Center's proposed facility.

D.R. Horton

164. In 2021 and 2022 D.R. Horton applied for a zoning amendment for 115 acres to build 127 single family homes in Hendricks County.

165. D.R. Horton and James Phillip Village are comparable developments. The main difference between D.R. Horton and James Phillip Village is that there is significant land

development leading up to and immediately adjacent to the James Phillip Village site that is not present around the D.R. Horton site. D.R. Horton is located 1.5 miles from the nearest Urbanized Area, while James Phillip Village shares a border with the Urbanized Area.

166. Although the County denied D.R. Horton's first Zoning Amendment application because of leapfrogging concerns, the County invited the applicant to make changes to its application. The applicant made the suggested changes, reapplied, and the County approved its second application.

167. For both of D.R. Horton's petitions, Planning Staff made a negative recommendation because they did not believe the development complied with the Comprehensive Plan. Planning Staff expressed concern about leapfrogging and that this development could create issues for infrastructure, the environment and traffic.

168. In January 2022, the Plan Commission voted unanimously to provide a negative recommendation to the Board of Commissioners.

169. At the January 2022 Board of Commissioners meeting, the applicant stated that it intended to make amendments to its plan, including reducing density, and requested that the Commissioners continue the matter to allow them time to present their amended plan to the Plan Commission.

170. Commissioner Gentry encouraged the remonstrators and applicant to work together to find a solution they could all live with because the Plan Commission wasn't "naïve enough to believe something isn't going to happen here because something is going to happen eventually"

171. The Commissioners expressed concern about an intersection near the proposed D.R. Horton property location. The County Engineer agreed that the intersection was dangerous

but explained that the intersection was controlled by the state and the developers' traffic study had shown that it would meet the minimum requirements.

172. At the January 2022 meeting, the Board of Commissioners unanimously voted to grant the applicants' continuance and encouraged the applicant to create a new plan that "everyone could live with."

173. Following the January 2022 meeting, Planning Staff maintained their negative recommendation because of its concerns with leapfrogging and that the application did not comply with the Comprehensive Plan.

174. At the April 2022 Plan Commission hearing, the applicant argued that the development was not leapfrogging because it was surrounded on three sides by residential development, the site would be connected to city sewer and water, and the applicant was willing to make commitments to address the County's concerns. There were three remonstrators at the Plan Commission meeting and "numerous" remonstrator emails and letters.

175. The Plan Commission President stated that he disagreed with Planning Staff about leapfrogging. Neighbors expressed concerns with drainage, but the Plan Commission President and D.R. Horton's representative replied that the drainage concerns would be addressed in the Development Plan Review stage.

176. The Plan Commission voted for an unfavorable recommendation.

177. Despite the Plan Commission's unfavorable recommendation, D.R. Horton returned to the Board of Commissioners for its April 26, 2022, meeting. During the meeting, the Planning Director advised the Board that the Planning Staff "felt the site would be developing prematurely" and that "the Town of Plainfield needs to expand to fill in some of the area in between the proposed development and Town limits." None of the Commissioners had any

questions or expressed any concerns about the leapfrogging issues raised by the Plan Commission. The Board of Commissioners then approved the rezoning.

178. The Plan Commission President described D.R. Horton as the “same situation” as James Phillip Village.

Additional Allegations

179. Hendricks County’s denial of both of Al Hussnain’s Zoning Amendment applications directly impacts Al Hussnain and the local Islamic community. The denials of the rezoning applications completely prevented Al Hussnain from developing the seminary in Hendricks County and therefore had a pronounced impact on the Muslim community in Southern Indiana.

180. The County’s application of its Zoning Ordinance—and its departure from the procedures established by the Ordinance and its standard course of conduct—have the intent and effect of discriminating against Al Hussnain and prospective Muslim tenants and residents of Clermont Village and James Phillip Village.

181. Al Hussnain had a reasonable expectation of receiving approval for its rezoning applications.

182. The bases for the denials of Al Hussnain’s rezoning applications do not implicate a compelling governmental interest of the County.

183. Even if a compelling governmental interest was implicated, the County has not sought to implement the least restrictive means to address its purported concerns.

184. The County’s Zoning Ordinance is a “land use regulation” within the meaning of 42 U.S.C. § 2000cc-5(5).

185. The County’s implementation of its Zoning Ordinance to Al Hussnain’s rezoning

applications as described above involved “individualized assessments” within the meaning of 42 U.S.C. § 2000cc(a)(2)(C).

186. The County’s enforcement of its Zoning Ordinance on Al Hussnain, including its denials of Al Hussnain’s rezoning applications, affects “commerce among the several States” within the meaning of 42 U.S.C. § 2000cc(a)(2)(B).

187. At all times relevant, the County did not have in place procedures or practices to ensure County officials were able to satisfy their obligations under the Fair Housing Act or RLUIPA, including but not limited to, providing training to County officials and staff involved in religious land use determinations, and having established procedures to address complaints concerning denials of rights under RLUIPA and the Fair Housing Act.

188. Beginning on February 7, 2024, the United States and the Defendants have agreed to toll the expiration of any statute of limitations in this action up to and including September 11, 2024.

CAUSES OF ACTION

I. Violation of the Fair Housing Act

189. The allegations described above are incorporated by reference.

190. Defendants, through the conduct described above, have made dwellings unavailable or denied dwellings to persons because of religion, in violation of 42 U.S.C. § 3604(a); and (2) interfered with persons in the exercise or enjoyment of rights granted or protected by the Fair Housing Act, in violation of 42 U.S.C. § 3617.

191. The conduct of the Defendants described in the complaint constitutes:

- a. A pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, in violation of 42 U.S.C. § 3614(a); and/or

- b. A denial to a group of persons of rights granted by the Fair Housing Act, which denial raises an issue of general public importance, in violation of 42 U.S.C. § 3614(a).

192. The Defendants' conduct described above was intentional, willful, and taken in disregard for the rights of others.

193. Al Hussnain and members of the Muslim community who sought to reside in Clermont Village and/or James Phillip Village, and others, are "aggrieved persons," as defined in 42 U.S.C. § 3602(i), and have suffered damages as a result of Defendants' conduct described above.

II. Violation of RLUIPA – Substantial Burden

194. The allegations described above are incorporated by reference.

195. Defendant's actions described in this Complaint constitute the imposition or implementation of a land use regulation that imposes a substantial burden on a religious institution or assembly which burden is not in furtherance of a compelling governmental interest and is not the least restrictive means of furthering such an interest, in violation of RLUIPA, 42 U.S.C. § 2000cc(a)(1)-(2).

III. Violation of RLUIPA – Equal Terms

196. The allegations described above are incorporated by reference.

197. Defendant's actions described in this Complaint constitute the imposition or implementation of a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution in violation of RLUIPA, 42 U.S.C. § 2000cc(b)(1).

IV. Violation of RLUIPA – Nondiscrimination

198. The allegations described above are incorporated by reference.

199. Defendant's actions described in this Complaint constitute the imposition or implementation of a land use regulation that discriminates against any assembly or institution on the basis of religion in violation of RLUIPA, 42 U.S.C. § 2000cc(b)(2).

PRAYER FOR RELIEF

WHEREFORE, the United States prays that this Court enter an order that:

- A. Declares that Defendant's conduct, as alleged, violates the Fair Housing Act;
- B. Declares that Defendant has engaged in a pattern or practice of discrimination in violation of the Fair Housing Act or has denied rights under the Fair Housing Act to a group of persons raising an issue of general public importance;
- C. Enjoins Defendant, its officers, employees, agents, successors, and all other persons in active concert or participation with it, from discriminating against any person because of religion in violation of the Fair Housing Act, including further making unavailable or denying dwellings because of religion, or interfering with any person engaged in the exercise or enjoyment of rights granted or protected by the Fair Housing Act;
- D. Requires Defendant to take affirmative steps to comply with the Fair Housing Act, including steps necessary to prevent the recurrence of any discriminatory conduct in the future;
- E. Awards monetary damages under 42 U.S.C. § 3614(d)(1)(B) to aggrieved persons harmed by the Defendant's discriminatory conduct;
- F. Assess a civil penalty against Defendant in an amount authorized by 42 U.S.C. 3614(d)(1)(C) to vindicate the public interest;
- G. Declares that Defendant's conduct, as alleged, violates RLUIPA;

H. Enjoins Defendant, its officers, employees, agents, successors, and all other persons in concert or participation with it, from:

- a. Imposing a substantial burden on the religious exercise of Al Hussnain or the Muslim Community that is not narrowly tailored to further a compelling governmental interest; and
- b. Treating Al Hussnain or the Muslim community on less than equal terms with non-religious assemblies and institutions; and
- c. Discriminating against Al Hussnain or the Muslim community on the basis of religion;

I. Requires Defendant, its officers, employees, agents, successors, and all other persons in concert or participation with it, to:

- a. Take such actions as may be necessary to prevent the recurrence of such unlawful conduct in the future, including but not limited to:
 - i. Ensuring that religious assemblies or institutions are not treated on less than equal terms with nonreligious assemblies or institutions;
 - ii. Providing RLUIPA training to its personnel;
 - iii. Establishing procedures to address complaints of RLUIPA violations; and
 - iv. Maintaining records and submitting reports relating to RLUIPA compliance; and

J. Awards such other appropriate relief as the interests of justice require.

Respectfully submitted,

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By:

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CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2024, a copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system. Notice of this filing was also sent by Certified U.S. Mail, postage prepaid and properly addressed, to the following:

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