

STEVEN J. DONAHUE
Secretary, Central Park Tower Resident Council
1511 Farnam Street, Apt. 110
Omaha, Nebraska 68102
(402) 889-9047

September 29, 2026

Registered Agent

CSC-Lawyers Incorporating Service Company

233 South 13th Street, Suite 1900

Lincoln, Nebraska 68508

For service upon: CPT Burt Apartments 23 LLC, Nebraska SOS No. 2209184806

Re: Notice of Protected Resident Organizing and Anti-Retaliation

Property: Central Park Tower, 1511 Farnam Street, Omaha, Nebraska 68102

Program: HUD RAD Project-Based Rental Assistance

To the Registered Agent:

Please accept this letter for CPT Burt Apartments 23 LLC. I am a tenant of Central Park Tower and elected Secretary of the Central Park Tower Resident Council. This is formal notice that the Council and its officers are engaged in protected activity, and that ownership and management may not retaliate for that activity—including by parking restrictions or by interference with preserved historic rights of the building and its residents.

On or about September 18, 2026, the Resident Council board voted 4–0 to retain the undersigned as Secretary. The Council has requested restoration and reopening of the Community Room and confirmation of tornado-shelter access. After the September 24, 2026 dismissal without prejudice in Douglas County CI 26-7666, the Council gave ownership through October 24, 2026 to restore and reopen the Community Room. An all-resident meeting is planned on or about October 30, 2026. Organizing, requesting common-area access, and communicating with ownership are protected.

Nebraska Revised Statute § 76-1439 prohibits a landlord from retaliating by increasing rent, decreasing services, or bringing or threatening an action for possession after a tenant has complained to a government agency charged with housing-code enforcement, or after a tenant has organized or become a member of a tenants' union or similar organization. The Resident Council is such an organization. A violation of § 76-1439 is a defense to possession and supports the remedies of the Uniform Residential Landlord and Tenant Act. Because this is a RAD PBRA property, HUD holds the HAP contract and HUD's Office of Housing enforces it.

Parking. Controlled parking for ten slots was affirmed in writing, with placards, for 2023–2024. Neither the owner nor management has ever given written notice of any change to that arrangement. Resident parking, assigned spaces, guest parking, and any parking that is part of the rent, the lease, the house rules, or long-standing practice is a service. Cutting it, reassigning it, raising the charge, towing, booting, or threatening to do any of those things—without written notice, and especially because a tenant organized, joined the Council, requested the Community Room, or made a code or HUD complaint—is a decrease in services and retaliatory conduct under § 76-1439. Parking may not be used as leverage against Council officers or members. Moreover, city ordinance requires set-asides for handicapped parking. Omaha Municipal Code § 55-738 and Table 55-738 require accessible spaces in off-street parking facilities (one accessible space where the facility provides up to 25 spaces), designed and reserved under § 55-740, independent of the federal Americans with Disabilities Act. Those required set-asides may not be eliminated, reassigned, or withheld, and may not be used as retaliation for Council activity. Many residents participate in the Nebraska Medicaid home- and community-based waiver, which provides in-home aides so the resident can remain here instead of entering a nursing home. Those aides, and the pharmacies that deliver to residents, have nowhere else to park. Ongoing streetcar construction has removed public spaces on Farnam. The building also houses wounded veterans of prior wars. Cutting the ten affirmed slots, or the required accessible set-aside, hits waiver aides, pharmacy deliveries, and disabled veterans first. That cut, made without written notice and after Council activity, is a decrease in services under § 76-1439.

Preserved historic rights. Central Park Tower is a 1955 masonry high-rise. Residents have a protected interest in the building's preserved historic character and in the common spaces, entries, and amenities that belong to that character—including the Community Room and related historic common areas. Ownership may not strip, lock, alter, or withhold those spaces, or punish residents who insist on their preservation and continued resident use, because the Council organized, sued, or demanded restoration. Interference with those preserved rights after the protected activity described above will be treated as retaliation and as a reduction of services.

Request. Ownership and management are requested to:

1. Restore and reopen the Community Room for resident and Council use on or before October 24, 2026, and confirm in writing the process for reserving it.
2. Confirm in writing that tornado-shelter access remains available to residents.
3. Confirm in writing that resident parking will not be reduced, reassigned, repriced, or enforced selectively because of Council activity.
4. Refrain from any alteration or withholding of preserved historic common areas as punishment for organizing or for the Community Room demand.
5. Refrain from any increase in rent or charges, reduction of services, selective enforcement, interference with Council notices or meetings, or threat of possession action directed at Council officers or members because of the activity described above.
6. Direct written responses to the undersigned at the address above.

This letter is not a waiver of any claim, deadline, or remedy. It is notice so that any later adverse action—including as to parking or preserved historic rights—can be measured against the statute and the HAP contract. Please confirm receipt and the October 24 restoration date in writing.

Respectfully submitted,

Steven J. Donahue

Tenant, Apt. 110

Secretary, Central Park Tower Resident Council

cc: Property Management, Central Park Tower, 1511 Farnam Street (PHMD / Premier);
HUD Office of Housing (upon non-response); Resident Council officers