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# New York - Rockland County Village Agrees To Permit 'Shabbos House' To Resolve U.S. Civil Rights Lawsuit

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New York - Preet Bharara, the United States Attorney for the Southern District of New York, announced today that the United States has settled a civil rights lawsuit it had filed in 2006 against the Village of Suffern in Rockland County, New York, that ensures the continued operation of a "shabbos house" in the Village. The settlement, in the form of a consent decree, was approved today by United States District Judge WARREN W. EGINTON.

The United States filed suit against the VILLAGE OF SUFFERN on September 26, 2006, under the Religious Land Use and Institutionalized Persons Act ("RLUIPA").

### According to the Complaint filed by the United States:

SUFFERN violated RLUIPA by refusing to permit a "shabbos house," located next to Good Samaritan Hospital, to operate. The shabbos house in SUFFERN is operated by a religious organization called Bikur Cholim, Inc., and provides kosher meals and lodging, free of charge, to Orthodox Jews visiting patients of the hospital on the Sabbath and other Jewish holy days. On such days, Orthodox Jews are required by their religious beliefs to engage in prayer and refrain from many activities, including using electricity, exchanging money, carrying objects, and driving. By providing kosher meals and lodging to Orthodox Jews on the Sabbath and holy days, the shabbos house allows them both to assist or visit hospital patients and observe their religious beliefs and practices on those days.

As alleged in the Complaint, the shabbos house in SUFFERN, which has operated in SUFFERN since 1988, relocated to a new location in 2005 directly across the street from the Good Samaritan Hospital and applied for a zoning variance to permit it to operate at that location. SUFFERN denied that variance application, asserting that the requested variance was not permitted by its zoning law.

The Government's Complaint charged that, by denying that application, SUFFERN imposed, without any compelling interest, a substantial burden on the religious exercise of Bikur Cholim, its founder Rabbi Lauber, and the Orthodox Jews who stayed at the shabbos on the Sabbath and holy days. The United

States further alleged that this denial violated RLUIPA, which among other things prohibits local governments from enforcing their zoning codes in a manner that imposes a substantial burden on religious rights absent a compelling a government interest.

Pursuant to the Consent Decree approved today, SUFFERN has agreed to permit the shabbos house to continue operation at its current location. SUFFERN also agreed not to discriminate on the basis of religion or impose or implement any land use regulation in a manner that imposes a substantial burden on the religious exercise of any person, assembly or institution.

SUFFERN further agreed to comply with certain notice and training requirements to ensure that Village officials are knowledgeable about and comply with the requirements of RLUIPA. Mr. BHARARA stated: "This settlement makes clear that governments cannot unreasonably impose their zoning laws in a manner that deprives people of the right to practice their religion freely. We are pleased that the Village of Suffern has finally agreed to allow the shabbos house to continue to provide such important service to the patients at Good Samaritan Hospital and those who care for them."

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