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Religion Clause

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof... --US Const., Amend. 1

Tuesday, June 30, 2009

[Court Refuses To Dismiss RLUIPA Challenge To "Shabbos House"](#)

In *Bikur Cholim v. Suffern*, [2009 U.S. Dist. LEXIS 54187](#) (SDNY, June 25, 2009), a New York federal district court refused to dismiss claims under [RLUIPA](#) and freedom of association claims challenging the denial of a zoning variance for a Suffern (NY) "Shabbos House." The facility provides overnight accommodations for Jews unable to travel on the Sabbath who wish to visit patients at Suffern's Good Samaritan Hospital. Complaints had been filed by private plaintiffs and also by the federal government alleging RLUIPA and other violations. The court concluded that: "Rabbi [Simon] Lauber's administration of the Shabbos House and private plaintiffs' utilizing the Shabbos House constitute 'religious exercise' under RLUIPA. As to all other elements of the RLUIPA claims, these remain for the factfinder." The court dismissed plaintiffs' equal protection claim.

Posted by Howard Friedman --PermaLink: [7:25 AM](#)

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