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Suburban NY village will allow Orthodox Jews to gather at house near hospital on Sabbath

Published June 17, 2010 | Associated Press

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WHITE PLAINS, N.Y.

WHITE PLAINS, N.Y. (AP) — A New York City suburb has settled a civil rights lawsuit and will allow Orthodox Jews to gather at a house near a hospital so they can visit patients on the Sabbath without breaking their religious laws.

The village of Suffern had denied a variance from single-family zoning. Under the settlement, as many as 14 people can stay overnight at the home, known as a "Shabbos House."

The Orthodox, who typically don't drive, use electricity, exchange money or carry objects on the Sabbath, can drive to the residence on a Friday, before the Sabbath begins at sundown. They can walk to Good Samaritan Hospital during the Sabbath and drive home after it ends. Discharged patients can also stay there.

Shabbos is another word for Sabbath. The house also allows residents to avoid using electricity or carrying objects, and the room and board is free, so they don't have to exchange money.

The variance was denied in 2005. The federal government filed suit in White Plains in 2006, alleging interference with religious practice in violation of the Religious Land Use and Institutionalized Persons Act.

Village attorney Terry Rice denied any violation.

"Faced with the additional costs of litigation and the budget constraints a municipality has, and looking at the uncertainties of a trial ... the Board of Trustees thought the responsible thing was to compromise," Rice said.

The house has been operating throughout the four-year lawsuit, and Rice said there had been no major problems. The operator, the Orthodox service agency Bikur Cholim Inc., had agreed to apply for site-plan approval, which is different from zoning, and to comply with any instructions, Rice said.

A separate lawsuit filed by Bikur Cholim was also settled, Rice said.

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Under the settlement with the federal government, the village agreed to teach members of its planning board, zoning board and building department about the requirements of the land use act.

"Governments cannot unreasonably impose their zoning laws in a manner that deprives people of the right to practice their religion freely," U.S. Attorney Preet Bharara said. "We are pleased that the Village of Suffern has finally agreed to allow the Shabbos House to continue to provide such important service."

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