



Department of Justice

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**UNITED STATES FILES CIVIL RIGHTS LAWSUIT
AGAINST THE VILLAGE OF SUFFERN, NY**

NEW YORK - The United States filed a civil rights lawsuit in White Plains federal court today against the Village of Suffern, which is located in Rockland County, N.Y., alleging that Suffern unlawfully discriminated on the basis of religion, in violation of the Religious Land Use and Institutionalized Persons Act of 2000, when it refused to allow a private religious organization to operate a Shabbos House near Good Samaritan Hospital in Suffern, U.S. Attorney Michael J. Garcia of the Southern District of New York, announced today.

Bikur Cholim Inc. has been operating a Shabbos House directly across the street from Good Samaritan Hospital in Suffern. A Shabbos House provides meals and lodging to Orthodox Jews on the Sabbath and other holy days to allow them to observe their religious beliefs and practices on those days such as engaging in prayer and refraining from driving and other activities. Bikur Cholim's Shabbos House in Suffern provides meals and lodging to Orthodox Jews who take patients to and from Good Samaritan Hospital, visit patients at the hospital, or are patients released from the hospital. The complaint further alleges that there are no other locations within a reasonable and safe walking distance of Good Samaritan Hospital that could accommodate Orthodox Jews on the Sabbath or other holy days and afford these Orthodox Jews the opportunity to exercise their religious beliefs by visiting the sick and observing the laws of the Sabbath.

"This lawsuit enforces Congress's determination that local zoning regulations must give way when they unlawfully burden religious exercise," U.S. Attorney Garcia stated.

Suffern's zoning code does not permit Bikur Cholim to operate a Shabbos House anywhere within walking distance of the hospital, and Suffern has denied Bikur Cholim's

application for a variance from the zoning code, ordering Bikur Cholim to stop operating the Shabbos House.

The government alleges that Suffern's denial of Bikur Cholim's variance application substantially burdens the religious exercise of the Orthodox Jews who need to visit the sick in Suffern while observing the religious proscription against driving on the Sabbath and other holy days. The government's lawsuit seeks, among other things, an order preventing Suffern from applying its zoning laws in a manner that substantially burdens the religious exercise of the Orthodox Jews served by Bikur Cholim.

The government filed its lawsuit as related to a private lawsuit filed last year by Bikur Cholim and certain private plaintiffs, entitled Bikur Cholim, Inc. v. Village of Suffern, No. 05 Civ. 10759 (S.D.N.Y.). That lawsuit remains pending before U.S. District Judge Stephen C. Robinson.

Assistant U.S. Attorney Russell M. Yankwitt is in charge of this case.

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