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## Making room for 'Shabbos house'

JUNE 21, 2010

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**1** | **2** Next Page

A Suffern home will continue to operate as a "Shabbos house" for family and friends who want to stay nearby to visit patients at Good Samaritan Hospital during the Sabbath and religious holidays. The Village of Suffern and the U.S. Attorney's Office, which filed suit against the village over the issue, and the guesthouse's operator, Bikur Cholim, have reached a settlement that allows the home to continue serving observant Jews who want to honor the tenets of their faith while tending to sick loved ones. It is a reasonable settlement that is overdue. Key to the settlement: Suffern officials, including those who serve on land-use boards, will receive training on the religious protections outlined in the federal Religious Land Use and Institutionalized Persons Act.

### RLUIPA's Issues

While Suffern has to pay for RLUIPA training, the village should consider itself lucky to get off so cheaply. As we've seen in other Lower Hudson Valley cases, remedying a RLUIPA challenge can be costly. Mamaroneck had already lost two federal court challenges when it settled a RLUIPA challenge in 2008 with Westchester Day School, which wanted to expand. In the 2008 settlement, the village paid the school \$4.6 million and allowed the expansion. The bill could have been higher for Mamaroneck: Westchester Day School declined to go after the village for full legal fee reimbursement, which could have quadrupled the settlement amount.

That is not to say all legal action is unwise. The Village of Pomona is fighting a RLUIPA challenge by the Congregation Rabbinical College of Tartikov, which seeks to build a school that could house up to 1,000 students, and their families. The residential component of the college could overwhelm the village of fewer than 3,000. In 2007, village property taxes jumped some 70 percent to build coffers to pay anticipated legal fees, with scant complaint from residents. The impact of the size and scope of the planned rabbinical

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college on Pomona is so great, residents clearly see a benefit to testing  
RLUIPA's boundaries in allowing a wholesale change in land use.