



*United States Attorney  
Southern District of New York*

FOR IMMEDIATE RELEASE  
MAY 9, 2011

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**MANHATTAN U.S. ATTORNEY'S OFFICE SETTLES RELIGIOUS  
DISCRIMINATION LAWSUIT WITH VILLAGE OF AIRMONT**

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 filed against the VILLAGE OF AIRMONT ("AIRMONT") in Rockland County, New York. The settlement ensures that AIRMONT will permit Congregation Mischknois Lavier Yakov (the "Congregation") to construct a yeshiva, an educational institution devoted to study of the central texts of Judaism, with housing for students on a plot of land it purchased in 2001. The settlement also provides that the lawsuit can be reinstated if Airmont fails to amend its Zoning Code to comply with federal law prohibiting discrimination and unreasonable impositions on religious freedom by October 15, 2011. The settlement, in the form of a Consent Decree, was approved on May 6, 2011, by U.S. District Judge LEWIS A. KAPLAN and entered today.

Manhattan U.S. Attorney PREET BHARARA said: "The Village of Airmont did the right thing by agreeing to amend its zoning law and by allowing Congregation Mischknois Lavier Yakov to build a school and student housing on land it purchased almost 10 years ago. As this case demonstrates, we will vigorously enforce the federal civil rights laws against those who discriminate based on religion."

According to the Complaint filed in Manhattan federal court in June of 2005:

AIRMONT violated the Religious Land Use and Institutionalized Persons Act ("RLUIPA") and the Fair Housing Act ("FHA") by denying an application to build a yeshiva with housing that was submitted by the Congregation, a religious congregation of Hasidic Jews. In 2001, the Congregation purchased a 19-acre tract of land located in AIRMONT. In 2002, the Congregation applied to the AIRMONT Planning Board for a permit to build a religious school on the land. AIRMONT denied the Congregation's application on the sole basis that AIRMONT's Zoning Code prohibited residential student housing.

AIRMONT's Zoning Code prohibits boarding schools, including religious boarding schools, from operating anywhere within the VILLAGE OF AIRMONT. At the same time, it permits a variety of other building projects with similar group residential components, such as condominium developments, "family and group care" facilities, sleep-away camps, hotels, and nursing homes.

The Complaint charged that AIRMONT's denial of the Congregation's application to build a yeshiva violated RLUIPA, which among other things prohibits governmental entities from implementing land use laws in a manner that imposes a substantial burden on religious rights absent a compelling government interest. In addition, the United States charged that AIRMONT violated the FHA by making residential student housing unavailable to the Congregation based on religion.

Pursuant to the Consent Decree approved today, AIRMONT has until October 15, 2011, to amend its Zoning Code to permit educational institutions with accessory housing, and has agreed to permit the construction of the Congregation's yeshiva, subject to relevant law. The United States has the option to reinstate the lawsuit if AIRMONT fails to amend its Zoning Code in compliance with the FHA and RLUIPA. AIRMONT also has agreed not to discriminate on the basis of religion or to 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. AIRMONT has further agreed to comply with certain notice and record-keeping requirements to ensure that Village officials are knowledgeable about and comply with RLUIPA and the FHA, and to allow the Government to monitor AIRMONT's compliance. The Village has also agreed to pay the United States a \$10,000 civil penalty.

This case is being handled by the Office's Civil Rights Unit. Assistant U.S. Attorneys LAWRENCE H. FOGELMAN and BRIAN K. MORGAN are in charge of the case.

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