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**UNITED STATES FILES CIVIL RIGHTS SUIT
AGAINST THE VILLAGE OF AIRMONT, NEW YORK**

DAVID N. KELLEY, the United States Attorney for the Southern District of New York, announced today that the United States filed a civil rights lawsuit in federal court late Friday against the Village of Airmont, which is located in Rockland County, New York, alleging that Airmont unlawfully discriminates on the basis of religion, in violation of the Religious Land Use and Institutionalized Persons Act ("RLUIPA") and the Fair Housing Act, by maintaining a zoning code that prevents religious boarding schools from operating anywhere in the Village.

According to the Complaint, Airmont's zoning code, by its terms, prohibits all boarding schools, including religious boarding schools, from operating anywhere in Airmont, regardless of the size or location of the school. The Government alleges that while Airmont's zoning code bans religious schools that require group residential housing, it permits non-religious building projects that accommodate group residential needs, such as community residence facilities for the disabled, sleep-away camps, hospitals, and nursing homes. In its Complaint, the Government alleges that

Airmont included a blanket prohibition on boarding schools in its zoning code to prevent boarding schools operated by Hasidic Jews from operating anywhere in Airmont.

According to the Complaint, the Congregation Mischknois Lavier Yakov, a congregation of Hasidic Jews, purchased a 19-acre tract of land in Airmont in 2001 for the purpose of building a religious boarding school, known as a yeshiva, on the property. The Complaint alleges that members of the Congregation believe that when Hasidic boys reach the age of approximately 15 years, they should live and study at a yeshiva to pursue their religious studies. According to the Complaint, however, Airmont's Planning Board denied the Congregation's application to build a religious school, citing the zoning code's blanket prohibition against any residential student housing. The Complaint alleges that Airmont's zoning code "makes it impossible for the Congregation and other Hasidic Jews with similarly held beliefs to engage in the religious educational experience that their faith mandates."

The Government's lawsuit seeks, among other things, a declaration from the court that Airmont's ban on residential student housing violates RLUIPA and the Fair Housing Act, and an order prohibiting Airmont from applying its zoning code in a manner that substantially burdens religious exercise and discriminates on the basis of religion. The Government also seeks an order requiring Airmont to amend its zoning code to permit residential

student housing in Airmont in compliance with RLUIPA and the Fair Housing Act. The Government's Complaint also requests that the court impose civil monetary penalties against the Village.

The lawsuit announced today represents the second time that the United States Government has sued Airmont for using its zoning code to discriminate against Orthodox Jews. In 1991, the Government sued Airmont under the Fair Housing Act alleging that the founders of Airmont formed the Village for the purpose of excluding Orthodox Jews from its boundaries by, among other things, adopting zoning restrictions that would preclude Orthodox Jews from using their homes for prayer services. The Government contended that, because observance of Orthodox Judaism requires daily worship and forbids travel by car on the Jewish Sabbath and certain Jewish holidays, Airmont's zoning rules effectively precluded Orthodox Jews from residing in the Village. In that case, the Government successfully obtained relief requiring Airmont to amend its zoning code to permit such places of worship and prohibiting Airmont from discriminating in housing on account of religion.

Mr. KELLEY stated: "The Federal Government is committed to ensuring that the Village of Airmont discontinues its practice of using its zoning regulations to discriminate against Orthodox Jews. The enactment of zoning regulations that burden religious exercise and discriminate on the basis of religion cannot be

tolerated."

In 2002, the Congregation filed its own federal lawsuit against Airmont challenging Airmont's zoning code and Airmont's application of that zoning code to deny the Congregation permission to build its religious school. Congregation of Mischknois Lavier Yakov, Inc., et al. v. Board of Trustees for the Village of Airmont, et al., 02 Civ. 5642 (S.D.N.Y.). The parties to that private suit entered a settlement agreement, which was approved by the United States District Judge STEPHEN C. ROBINSON on January 24, 2005. That settlement agreement, however, did not require Airmont to amend its zoning code to remove the code's blanket ban on religious boarding schools. In addition, notwithstanding the settlement by the Village, non-parties to that settlement agreement recently filed legal challenges to the Congregation's proposed development of the property. Those challenges remain pending in New York State court.

Assistant United States Attorneys LISA R. ZORNBERG and LAWRENCE H. FOGELMAN are in charge of the case.

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