



4/18/2011

Rutherford Institute Joins Suit Against Zoning Board Over Right of Jewish Congregation to Hold Prayer Meetings in Private Home

TEANECK, N.J. — The Rutherford Institute has come to the aid of a Jewish congregation that is being restricted in its ability to assemble for prayer and worship meetings by a New Jersey zoning board. Institute attorneys have joined the legal team representing Etz Chaim of Teaneck, N.J., in a state court lawsuit challenging conditions imposed by the Teaneck Board of Adjustment upon Etz Chaim's use of its property, which is also its rabbi's home, for prayer meetings and other religious activities. The lawsuit alleges that the Board's actions violated the rights of Etz Chaim and its members under the federal Religious Land Use and Institutionalized Persons Act (RLUIPA), the First Amendment's guarantees to freedom of speech and religion, and other provisions of federal and state law.

"What you do in your own home is not the government's business," said John W. Whitehead, president of The Rutherford Institute. "Etz Chaim is involved in protected First Amendment activities and the government has no business interfering."

Since 2007, Etz Chaim has operated as a neighborhood-based Orthodox Jewish religious assembly and faith community, meeting for prayer and other religious activities at the home of its rabbi. In November 2007, Etz Chaim's rabbi began planning an addition to his home to better accommodate the burgeoning prayer group, and received Township approval for the addition after fully disclosing the religious activities that would take place in the addition. However, after the addition was completed and the Township issued a certificate of occupancy in 2009, neighbors complained about the use of the property for religious purposes. Bowing to this pressure, the Township issued a cease and desist order barring religious gatherings at the property. Etz Chaim filed an appeal of the order, asserting violations of federal and state constitutional guarantees to religious freedom. Eventually, and in order to maintain harmony within the community, Etz Chaim agreed to drop the appeal and seek Board approval to use the property as a house of worship.

After protracted proceedings, the Board granted approval but imposed numerous conditions limiting the religious activities Etz Chaim could engage in on the property. The lawsuit, filed in New Jersey Superior Court, alleges that the conditions imposed by the Board are unreasonable and unduly burden the ability of Etz Chaim's members to worship and practice their religion. Specifically, the complaint alleges that the conditions include a ban on outdoor celebratory activities (such as bar mitzvahs), a ban on community religious activities, and a limitation of only one study group or other gathering outside of regular services per month.

These and other conditions violate RLUIPA by treating Etz Chaim differently from other places of assembly within the Township, and by imposing a substantial burden on Etz Chaim's religious exercise, according to the complaint. Etz Chaim also alleges that its First Amendment rights to freedom of expression are violated by a condition that no signs of any kind be placed on the property even though commercial signs are allowed on other nearby property. The complaint also alleges that several conditions imposed by the Board, such as a ban on "community events," are unconstitutionally vague in violation of the requirements of due process.

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