



LEAGUE OF RESIDENTIAL NEIGHBORHOOD ADVOCATES

"PROTECTING NEIGHBORHOODS AND THE UNIQUE CHARACTERISTICS THAT DEFINE THOSE PORTIONS OF OUR CITIES DEDICATED TO SINGLE FAMILY HOMES"

FOR IMMEDIATE RELEASE

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**HANCOCK PARK RESIDENTS FILE LAWSUIT AGAINST
CITY OF L.A., CONGREGATION ETZ CHAIM TO HALT USE OF
HOMES AS SYNAGOGUES IN RESIDENTIAL AREA**

Lawsuit Expected to Lead to Direct Supreme Court Challenge of New Federal Legislation
Giving Special Consideration to Religious Groups

LOS ANGELES (July 10, 2003) – The League of Residential Neighborhood Advocates (LRNA), a new non-profit organization formed to protect and preserve homeowners rights and the integrity of neighborhoods, today filed a lawsuit against the City of Los Angeles and the Congregation of Etz Chaim which seeks, in part, to prevent use of a rebuilt neighborhood home for what is expected to be a three-story, 8,100 square foot synagogue in the heart of the long-time residential community.

The lawsuit is expected to lead to a challenge of the Religious Land Use and Institutionalized Persons Act (RLUIPA), which effectively takes away zoning control from local communities and governments by giving religious organizations special consideration on land use issues.

“Home ownership is a cornerstone of the American dream, but in too many communities across the country, those dreams have become nightmares of traffic, noise and congestion as buildings owned by religious groups are situated alongside single family homes without concern for the impact on the community,” said Larry Faigin, lead plaintiff. “Home owners expect their government to apply regulations consistently and not to jettison local zoning laws to give special consideration to religious or any other groups.”

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Throughout the United States, religious organizations have used RLUIPA as the basis for lawsuits against local governments who have tried to apply area land use laws to the religious groups. The LRNA case is believed to be the first lawsuit in the nation in which local home owners are challenging a City's zoning decision related to a place of worship and, in essence, RLUIPA.

"When Congress passed RLUIPA, Washington usurped local governments' authority and ignored a long-held and fundamental principle of zoning laws – that local land use decisions should be made by local government in consultation with local communities," said Marci Hamilton, J.D., Professor of Law at the Benjamin N. Cardozo School of Law, Yeshiva University and a leading expert on RLUIPA. Hamilton is lead counsel and one of the attorneys who filed the case. "In this case and under the shadow of RLUIPA, the City of Los Angeles entered into what we believe is a void settlement that permits the construction of what will be a major neighborhood nuisance."

The suit alleges in part, that the City violated its own zoning ordinances by entering into a void settlement agreement, granting a de facto conditional use permit (CUP), and issuing a building permit, all without community input or disclosure.

The allegations in the case stem from actions by the Congregation over the past six years as it attempted to construct a building to be used for a religious purpose in the residential area of Hancock Park, which has maintained its residential character for 75 years. Since 1996, the congregation made a series of unsuccessful attempts to gain approval under local zoning laws; all were rejected at each step of the City's administrative review process and subsequently by a state and appeals court. The suit claims the siting of a religious building that attracts more than 50 people each week and 200

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to 500 people for special events causes a substantial burden on the neighborhood due to parking, traffic and noise problems. This intense use is inconsistent with the character of the neighborhood.

The congregation was repeatedly denied a CUP after multiple public hearings. Nonetheless, it continued to use the property as a religious institution. When neighborhood residents complained, they were given assurances by city officials that their quality of life and their community would be protected.

The repeated rejection of the congregation's CUP and the Court's upholding of those decisions were subsequently circumvented when Congress passed RLUIPA in 2000. Shortly after that, the congregation asserted its right to build in the residential community based on RLUIPA.

The City of Los Angeles then entered into a settlement agreement granting a de facto CUP to the congregation without public hearings or notice. While the settlement agreement contained a provision that ensured the "residential character and architecture" of the property would be restored and maintained, the City later issued a building permit that ignored the terms of the settlement. The congregation then demolished a residential home to build a new structure almost three times larger than the size of the original home for what is expected to be use as a religious building. At the same time, the congregation began using another nearby residential home for religious services that attracts over 50 people weekly, as well as other gatherings that have attracted from 200 to 500 people.

LRNA has been formed to assist homeowners across the country to expand the efforts to preserve the character, tranquility and quality of life of residential neighborhoods through the

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enactment and consistent enforcement of zoning and land use laws, as well as public education. This lawsuit is the first in what is expected to be a series of actions by the group to protect the residential character of neighborhoods.

“Residents must speak out and be pro-community and pro-neighborhoods, even as they risk being unfairly labeled ‘anti-religion,’” said Faigin. “In fact LRNA board members, plaintiffs and supporters represent many religions.”

“We strongly believe that RLUIPA is unconstitutional. It is beyond the power of Congress, violates states rights and ignores the separation of church and state by giving preferential treatment to religious organizations. And, in this case, it led to the violation of the community’s right to due process and equal protection under the law,” said Hamilton.

Hamilton was retained by LRNA because of her in-depth knowledge of RLUIPA. Hamilton specializes in constitutional law and the First Amendment, and is a frequent advisor on matters involving Supreme Court litigation, and federal and state legislation. As lead counsel for the city of Boerne, Texas, Hamilton successfully challenged the constitutionality of the Religious Freedom Restoration Act (RFRA), the legislative precursor to RLUIPA, before the United States Supreme Court. Leslie Werlin and David Van Etten of Van Etten Suzumoto & Becket LLP of Santa Monica are co-counsel on the case.

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