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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

AGUDATH ISRAEL OF AMERICA, a New
York non-profit corporation, and WR
PROPERTY LLC, a New Jersey limited
liability company,

Plaintiffs,

v.

TOWNSHIP OF JACKSON, NEW JERSEY,

Defendant.

**PLAINTIFFS' COMPLAINT FOR
DECLARATORY JUDGMENT,
INJUNCTIVE RELIEF, AND NOMINAL
DAMAGES**

Plaintiffs AGUDATH ISRAEL OF AMERICA, a New York non-profit corporation, and
WR PROPERTY LLC, a New Jersey Limited Liability Company, and by their undersigned
attorneys, complains of Defendant TOWNSHIP OF JACKSON, NEW JERSEY as follows:

INTRODUCTION AND NATURE OF ACTION

1. On March 16, 2017, the Township Council of the Township of Jackson, New
Jersey, passed Ordinances No. 03-17 and 04-17 (the "Ordinances"). These Ordinances

prohibited schools from locating in the Township's residential zoning districts, and prohibited outright dormitories throughout the Township.

2. The purpose of the Ordinances was to target the Orthodox Jewish community, to prevent that community from being able to have the necessary educational institutions to teach their youth, and to discourage that community from residing in Jackson Township.

3. This action is commenced by Plaintiffs, AGUDATH ISRAEL OF AMERICA INC., a New York non-profit corporation (hereinafter "Agudath Israel"), and WR PROPERTY LLC, a New Jersey limited liability company (hereinafter "WR Property") (collectively, the "Plaintiffs"), to redress violations of their civil rights, as protected by the United States Constitution, the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. § 2000cc et seq. ("RLUIPA"), the Fair Housing Act, 42 U.S.C. § 3601 *et seq.*, and the New Jersey Law Against Discrimination caused by the enactment of the Ordinances by the Defendant, Township of Jackson (hereinafter "Township").

4. Specifically, the adoption of the Ordinances was motivated by discriminatory animus against the Orthodox Jewish community, they treat religious educational institutions differently and worse than various nonreligious assembly and institutional uses, they unreasonably limit and exclude religious educational institutions from the Township, and they make housing unavailable within the Township based on religion.

5. The Ordinances are the latest action taken by the Township in a long campaign to erect a wall on its border with Lakewood Township, where many Orthodox Jews live, in order to discourage them from moving into Jackson. Its Mayor has told residents "Don't sell" to the Orthodox Jewish community, its Township Council President said that a suggestion that Orthodox Jews move into communities such as Jackson was "reprehensible," and referred to the

community as a “threat” to Jackson, and noted that the Township Council “is on the same page” with a community that harbors substantial hostility toward the Orthodox Jewish community.

JURISDICTION AND VENUE

6. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3), (4), 42 U.S.C. § 2000cc, *et seq.*, 42 U.S.C. § 3613(a), *et seq.*, and 42 U.S.C. § 1983, which confer original jurisdiction on federal district courts in suits to redress the deprivation of rights, privileges and immunities secured by the laws and Constitution of the United States, particularly the First and Fourteenth Amendments to the Constitution of the United States, and the Religious Land Use and Institutionalized Persons Act of 2000 and the Fair Housing Act.

7. This Court has jurisdiction over the request for declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202. This Court has supplemental jurisdiction over all state law claims under 28 U.S.C. § 1367(a).

8. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), because the acts and transactions complained of occurred, and continue to occur in this District.

THE PARTIES

9. Plaintiff Agudath Israel of America Inc. is a non-profit organization incorporated by act of the New York legislature in 1939, with headquarters at 42 Broadway, New York, New York 10004. Agudath Israel was founded ninety-five years ago to unite a broad array of Orthodox Jews, and to serve and advocate the interests of Orthodox Jewry. It has a branch in New Jersey and actively advocates for the interests of Orthodox Jewry in this State.

10. Jewish education is prominent among the causes for which Agudath Israel advocates. The right of Orthodox Jews to educate their children in accord with the traditions and beliefs of their faith is a central element of the religious exercise of Agudath Israel and its members.

11. Included among Agudath Israel's members are several Orthodox Jewish residents of New Jersey and of Jackson Township itself.

12. Those Agudath Israel members residing in Jackson Township have children who they wish to have educated in their religious faith at an Orthodox Jewish religious school.

13. Orthodox Jewish individuals are significantly less likely to move to a location that does not provide adequate religious educational opportunities for their children.

14. Defendant's Ordinances have thus impeded and interfered with rights of Agudath Israel's members to the associational, personal, social, and professional benefits of an integrated community and one that does not discriminate against them on the basis of their religious beliefs.

15. Agudath Israel asserts those constitutional and statutory rights on behalf of its members.

16. Additionally, at the July 26, 2016 meeting of the Jackson Township Council, former Council President Rob Nixon announced that the Township had filed complaints with the United States Department of Justice and the New Jersey Division of Civil Rights in the Attorney General's Office, mentioning statements made by an Agudath Israel official that suggested that Orthodox Jewish persons should consider moving into towns surrounding Lakewood, New Jersey, including Jackson. Such complaints were rejected as described below.

17. Agudath Israel thus has a particular interest in this litigation based on its own freedom of association, religious exercise and equal protection of the laws. It also seeks to vindicate its members' rights and to protect its members from anti-Orthodox hostility.

18. Plaintiff WR Property is a domestic limited liability company formed under the laws of the State of New Jersey in 2014.

19. Plaintiff WR Property owns approximately 4.93 acres on White Road in the Jackson Township, identified on the tax map of the Township of Jackson as Block 21401, Lot 1 ("the Property").

20. The Property is zoned R-3.

21. WR Property acquired the Property for the purpose of developing or marketing it for development of an Orthodox Jewish religious school. WR Property specifically seeks to assist in the development of an Orthodox Jewish religious school on the Property, and is aware of substantial interest by several entities interested in locating in Jackson Township.

22. WR Property expended more than three hundred thousand dollars in acquiring the Property in view of such prospective development.

23. WR Property is now unable to develop the Property as an Orthodox Jewish religious school and has lost opportunities to develop its Property for such purpose as a direct result of the adoption of the Ordinances.

24. Plaintiff WR Property has a direct stake, and substantial material interest in the outcome of this case.

25. Defendant, TOWNSHIP OF JACKSON, NEW JERSEY ("Jackson Township" or "Defendant"), is a municipal corporation of the State of New Jersey, having offices at 95 West Veterans Highway, in the Township of Jackson, in the State of New Jersey.

26. Defendant is a “government” within the meaning of 42 U.S.C. § 2000cc-5(4)(A).

FACTUAL ALLEGATIONS

A. Background

27. Jackson Township is located within Ocean County, New Jersey.

28. Jackson Township is approximately one hundred square miles in area.

29. Jackson Township regulates zoning within its borders through the Land Use and Development Regulations codified at Chapter 244 of the Township’s Code (hereinafter the “Land Use Code”).

30. Jackson Township is located directly to the west of Lakewood Township, New Jersey.

31. A large Orthodox Jewish community resides in Lakewood Township.

32. This Orthodox Jewish population, sometimes referred to as “ultra-Orthodox” or *haredi*, is characterized by distinctive dress, customs, religious practices, and educational needs, among other attributes.

33. Orthodox Jewish families believe that it is important for their children to be educated in Orthodox Jewish elementary and high schools. These schools teach Jewish (as well as secular) studies but, more importantly from the perspective of the Orthodox Jewish parents who send their children there, they instill in their students Jewish ethical and moral values.

34. High schools for Orthodox Jewish boys (called *mesivtas*) are most often boarding schools.

35. Dormitories are an indispensable component of a boarding school.

36. Orthodox Jews, including Agudath Israel, believe that Jewish tradition values learning and the pursuit of knowledge as an all-encompassing ethic.

37. Plaintiffs believe that this all-encompassing ethic is derived from the Bible. The Torah commands that one should “speak of [the Torah’s precepts] while you sit in your home, while you walk on the way, when you retire and when you arise.” Deuteronomy 6:5-9.

38. The Babylonian Talmud, Sabbath 127a, states: “These are the precepts whose fruits a person enjoys in This World but whose principal remains intact for him in the World to Come. They are: the honor due to father and mother, acts of kindness, early attendance at the house of study morning and evening, hospitality to guests, visiting the sick, providing for a bride, escorting the dead, absorption in prayer, bringing peace between man and his fellow - and the study of Torah is equivalent to them all.”

39. Plaintiffs believe that it is essential to provide a *mesivta* education and experience for the education of Orthodox Jewish youth.

40. Plaintiffs believe that there is a very powerful religious obligation in Jewish life to teach children religious studies, as part of a prayer that is recited three times a day by most Orthodox Jews. The practical way of fulfilling that key religious obligation is through the medium of a religious school.

41. It is the Plaintiffs’ sincerely held religious belief that *mesivta* education should be provided in a cloistered environment.

42. Plaintiffs believe that it is essential for *mesivta* students to be removed from the distractions of everyday life so that they may concentrate on their studies, experience a community of dedicated religious practitioners and scholars, and devote their attention to spiritual development with appropriate models and guides as to how to live their lives in accord with the Torah.

43. Plaintiffs believe that it is important that teachers at *mesivtas* provide vital moral and spiritual examples to their students and closely supervise the students' moral and spiritual development.

44. Plaintiffs believe that the establishment of *mesivta* to educate high-school children is in accord with the command set forth in the Mishnah, which deals with ethical behavior, to "Exile yourself to a place of Torah and do not assume that it (Torah study) will come after you, [or] that your colleagues will cause it to remain with you; and do not rely on your own understanding." (Chapters of our Fathers: Chapter 4, Mishnah 14.)

45. The Orthodox Jewish community operates religious boarding schools in Lakewood Township and other areas with large numbers of Orthodox Jews.

46. There are currently no Orthodox Jewish religious schools in the Township.

47. Because of a shortage of available housing in Lakewood, some Orthodox Jews have moved from Lakewood Township and elsewhere to townships surrounding Lakewood, including Jackson, Toms River, Howell and Brick Townships.

48. This attempt by Orthodox Jews to obtain housing has been met with substantial resistance among residents in these surrounding Townships.

49. It has also been met with legislative and other governmental action targeting the needs of the Orthodox Jewish community.

50. Jackson Township has been at the forefront of such opposition, taking various actions to discourage the Orthodox Jewish community from moving into its jurisdiction.

51. The latest in a series of official actions designed to discourage the Orthodox Jewish community from moving to Jackson Township is its adoption of Ordinances 04-17 and 03-17, which (a) banned schools from residential zoning districts, leaving them as permitted uses

in only a small fraction of the Township's jurisdiction; and (b) banned dormitories entirely from the jurisdiction.

B. Ordinances 03-17 and 04-17 Prohibit Schools from Residential Zoning Districts and Bans Dormitories Completely from the Jurisdiction.

52. On February 14, 2017, the Township Council introduced two Ordinances, Ordinance No. 03-17 and Ordinance No. 04-17.

53. Ordinance No. 03-17 sought to amend sections 244-46, 244-48, 244-50 of Jackson Township's Code to prohibit "private or parochial schools not operated for profit" from locating in the R-2, R-3, R-5, R-20, R-15 and R-9 Residential zoning district and the MF Multifamily zoning district.

54. Prior to the enactment of Ordinance No. 03-17, "private or parochial schools not operated for profit" were permitted in the R-2, R-3, R-5, R-20, R-15, R-9, and MF zoning districts by right.

55. Private and parochial schools were already banned in the R-1 zoning district in 2010, as described below, and in the R-30 district.

56. Schools remain permitted only in the PMURD, LC, NC districts, which constitute a small fraction of the land in Jackson Township and even less of which is available or developable, and also within zoning districts in the "Pinelands" area of the Township, where development is severely constrained.

57. Ordinance No. 03-17 does not provide a reasonable opportunity for the Orthodox Jewish community to locate a religious school the Township.

58. Ordinance No. 03-17 also amended section 244-48 of Jackson Township's Code to prohibit "public schools" as a permitted use in certain zoning districts. Upon information and

belief, the reason for this is because New Jersey law prohibits differential treatment between public and private schools. Additionally, the Township already has several public schools that were sited in residential zoning districts, including two recently constructed as discussed below.

59. Ordinance No. 03-17 also banned “dormitories” throughout Jackson Township. The Ordinance includes a definition of “dormitory” in the Township’s Land Use Code under section 244-6 entitled “Definitions” as:

Any building, or portion thereof, designed or converted to contain living quarters which are provided as residences or for overnight sleeping for individuals or groups, operated as an accessory use to a school, college, university, boarding school, convent, monastery, non-profit educational institution, religious order, or other.

60. Such “Dormitories” are “dwellings,” as that term is defined by the Fair Housing Act, 42 U.S.C. § 3602.

61. Ordinance No. 03-17 also created a new section of the Land Use Code, section 244-176.1, entitled “Prohibited Uses” that provides:

a. All uses not expressly permitted in any given district are expressly prohibited in such district. No structure or addition thereto shall be built, moved or remodeled and no land shall be used, occupied, reoccupied, designed or improved for use or occupancy except for a use that is expressly permitted within the zone.

b. The following shall be prohibited as principal or accessory uses or structures in all zoning districts within the Township of Jackson:

(1) Dormitories

62. There are no prohibited uses under the new section of Jackson Township’s Code § 244-176.1 other than dormitories.

63. Ordinance No. 04-17 mirrored Ordinance No. 03-17 with respect to the addition of a definition of dormitory and the creation of § 244-176.1 entitled “Prohibited Uses.” Ordinance No. 04-17 did not include the prohibition on schools in residential districts.

64. Upon information and belief, the Township was aware of the Orthodox Jewish community's need for religious schools with dormitories, including knowledge of recent actions against Ocean Township, New Jersey (Civ. No. 16-0096) where this Court held that preventing a religious school with dormitories from locating in the Township violated RLUIPA and ordered the Township to permit the operation of such school, and against Howell Township, New Jersey (Civ. No. 16-2457), where this Court held that the plaintiffs' claims could proceed where they "allege that Defendants harbor hostility towards the ultra-Orthodox Jewish faith."

65. The first reading of the Ordinances took place at the Jackson Township Council's January 24, 2017 meeting.

66. The Ordinances were placed on the agenda for second reading and adoption at the Township Council meeting on February 28, 2017.

67. Over 150 Orthodox Jewish Township residents appeared at the February 28 meeting in opposition to the Ordinances.

68. Many Orthodox Jews spoke against the proposed Ordinances, informing the Jackson Township Council of the significant impact they would have on the Orthodox Jewish community.

69. The Township tabled the Ordinances at the meeting, indicating that they had to be approved as consistent with the Township Master Plan by the Township Planning Board before adoption.

70. The Asbury Park Press reported in an article the next day, March 1, 2017, entitled "Jackson Pulls Back on Dorm Ban" that included:

The measure has engendered controversy as many see it as aimed at curtailing the recent influx of Jewish families as the borders of the neighboring Lakewood community rapidly expand.

71. The Township Planning Board approved the adoption of the Ordinances at its March 6, 2017 meeting, to the applause of over 200 residents in attendance.

72. The second reading of the Ordinances took place at the Township Council's March 16, 2017 meeting.

73. Many of the residents who spoke at the March 16 meeting referred to Lakewood and the Orthodox Jewish community and indicated that they supported the Ordinances to prevent Jackson from becoming like Lakewood.

74. One resident who was questioning the Ordinance 03-17's exclusion of public schools stated: "It's a little shortsighted. It seems like you're shooting yourself in the foot to solve a problem here. . . . If the problem is to keep Jews out of Jackson, then you need to" and was silenced by the Council. The Council's Attorney stated in response "All such comments become part of the record To highlight a particular group and to suggest that is part of the motivation of Council, ask that you refrain from making those comments."

75. Another resident stated at the March 16 meeting: "I see you moving here to change or convert our town to accommodate the small Jewish population that is just beginning to move into towns adjacent to Lakewood. . . . I see the Jewish population forcing and pushing their cultural and religious way of life on Jackson its residents and our neighbors the way it has done in Lakewood for years." His comments resulted in considerable applause from the residents in attendance.

76. Another resident stated at the March 16 meeting: "Every home [in Lakewood] comes with a temple, a school for the Jewish." His comments also received substantial applause from the residents.

77. The Township Council adopted the Ordinances at its March 16, 2017 meeting.

78. Notice of adoption of these ordinances was published on March 24, 2017.
79. Schools are now prohibited throughout the Township's residential zones.
80. Various public schools have been developed throughout the Township in residential zoning districts, including a public high school in 2006.
81. Dormitories are now prohibited throughout the Township in its entirety.
82. There is no location within the Township where a private religious school with dormitories can be located.
83. Public schools do not have dormitories.
84. Plaintiff WR Property cannot now develop its property as a religious school.
85. Plaintiff Agudath Israel's members that live in Jackson are prevented by the Ordinances from living in a community that provides a religious school with dormitories for their children.
86. Plaintiff Agudath Israel's members that live in Jackson are prevented by the Ordinances from living in a community that permits reasonable opportunities to locate religious schools within its jurisdiction.
87. Other members of Plaintiff Agudath Israel that may seek to move to Jackson will be discouraged from doing so because of the lack of religious school opportunities.
88. The purpose of the Ordinances was to prevent Orthodox Jewish religious schools from locating in Jackson Township.
89. The Township Council was not motivated by any legitimate nondiscriminatory reason in adopting the Ordinances.
90. In adopting the Ordinances, the Township Council was motivated by animosity toward the Orthodox Jewish community.

91. In adopting the Ordinances, the Township Council was directly responsive to residents who supported the Ordinances and were substantially motivated by hostility against Orthodox Jews.

92. In enacting the Ordinances, the Township presented no evidence that religious schools with or without dormitories would threaten any Township interest generally, or would threaten any Township interest more than various permitted uses.

93. The Township possesses no compelling or sufficiently substantial governmental interest to justify the restrictions contained in the Ordinances.

94. The Asbury Park Press published an article that evening, entitled “Jackson dorm law advances amid cries of anti-Semitism.” Some of the public comments appearing in that news article and in the public comments section include: “Great job! Don’t let the cult out of Lakewood!,” “Hasidics will always play the race card when they don't get their way,” and “Now the Orthodox will go to a corrupt federal judge and he will overturn the town ordinance. The fix is in.”

95. In an article published on March 16, 2017 in the Asbury Park Press, anti-Orthodox comments by members of the public in and to the story included:

- i. “Okay, Now for step #2. They lost locally. Now they’ll go find a corrupt federal judge and he’ll/she’ll rule in favor of the Orthodox Jewish group (the Judge has already been bought and paid for). This is the way they do things.”
- ii. “The Hasidism have enormous resources even as many of them are on welfare.”

iii. “What the Jews are doing is wanting people who have lived for decades in Jackson to sell their beloved homes, leave behind the lives they have built in Jackson, so they can ship more of their people into Ocean County. There is a major reason why Trump was elected. Because American citizens are sick and tired of being pushed out of their homes, their jobs; all for people to come here to take away the benefits-that American citizens fought so hard to have. We were never a socialist country, but I witness too many times the Hasidic's pulling out their cards from the gov't for free stuff. And now they want to take our very town from us. A message to the Hasidic-the Old Testament states to not covet anything of your neighbors-including their homes. Exodus 20:17”

iv. “Please don't be so naive. First of all, it's not the Jews! You are painting a lot of very nice and hard-working people with a terrible brush. All of your problems only stem from the Ultra-Religious! The Hasidics and Ultra-Orthodox! And then it's mostly the rabbis and the rich developers who are to blame! The followers are sheeple who are cut off from the modern world and don't know much about anything! If you really want to see what's going on just Google Monsey, NY, Kiryas Joel, NY and Bloomingburg, NY. There is a population explosion in Brooklyn, and they are coming to a town near you. And no, they won't go away - they will double their numbers in about 10 years. So figure out who will be the majority soon in Jackson. Oh, and they do know how to pay off the politicians, don't they?”

96. On March 8, 2017, the Township issued a statement titled “Dormitory Ordinance” that addresses the Ordinances.

97. The Township’s “Dormitory Ordinance” statement attempted to justify the exclusion of schools and dormitories by stating that schools were now “permitted within certain zones of the Township,” namely commercial zones, and that prohibiting dormitories is justified because “residential uses are not permitted in the Highway Commercial or Neighborhood Commercial zones.”

98. It is the Ordinances that restricted schools to commercial zones.

99. The tortured logic of the “Dormitory Ordinance” statement demonstrates that the purported reasons for the Ordinances are pretextual, and designed to mask the Township’s discriminatory intent.

100. The Township enacted the Ordinances order to prevent Orthodox Jewish religious schools and religious boarding schools from locating and operating in Jackson Township, and to discourage Orthodox Jews from moving into the Township.

101. There have been no negative impacts by educational institutions with dormitories in Jackson Township, as there are none.

102. Upon information and belief, the only “dormitories” in Jackson Township are housing units operated by Six Flags Great Adventure for its seasonal employees, and the Township has no land use concerns about those dormitories.

103. While Jackson Township’s Code bans dormitories from operating anywhere within its jurisdiction, the Township Code permits other land uses that entail group residential components. For example, the Code permits the construction and operation of “Community

residences for the developmentally disabled,” “Community shelters for victims of domestic violence,” and “Life care facility or development” in various of its residential zoning districts.

104. The Code also permits the construction and operation of “Hotel or motel,” “Hotels with a minimum of 30 guest rooms,” “Age-restricted multifamily dwellings,” “Assisted living facilities,” and “Rehabilitation facilities” in various of its zoning districts.

105. Jackson Township also permits multifamily residential construction in its “MF Multifamily Zone,” “MF-AH-6 Multifamily Affordable Housing Zone,” “PRC Planned Retirement Community Zone,” and “PMURD Planned Mixed Unit Residential Development Zone.”

106. Jackson Township also permits mobile homes in its “MHP Mobile Home Park Zone.”

107. While Jackson Township’s Code bans schools in all of its residential zoning districts, it permits other assembly and institutional land uses in various residential zoning districts, including “Municipal parks, playgrounds and other such municipal buildings and uses,” “Federal, state, county and other public buildings and grounds, including public schools, parks, playgrounds or other public recreational uses or areas,” “Child-care centers, nursery schools and day-care centers,” “Health care facilities,” “Hospitals, philanthropic or eleemosynary uses,” and “Quasi-public and private club recreation areas.”

108. Jackson Township contains a wide variety of large assembly, institutional and commercial land uses, including the Six Flags Great Adventure, the Jackson Premium Outlets, ten public schools, several assisted living facilities, funeral homes, medical facilities, campgrounds, golf clubs, and rehabilitation facilities.

109. Jackson Township is the largest municipality by area in Ocean County.

110. Jackson Township Mayor Mike Reina was quoted in an April 2017 news article as supporting commercial development including hotels near Six Flags Great Adventure.

111. There is no legitimate governmental interest in prohibiting schools of any nature from the residential zones of the Township.

112. There is no legitimate governmental interest in prohibiting dormitories throughout the Township's jurisdiction.

113. The Township cannot demonstrate that there exists no less intrusive means of achieving any government interest other than prohibiting schools completely from residential zoning districts and prohibiting dormitories completely from its jurisdiction, or that it has narrowly drawn its regulations to serve its interests.

C. The Township's Pattern and Practice of Discrimination Against the Orthodox Jewish Community.

114. The adoption of the Ordinances is part of a pattern and practice of Jackson Township discriminating against Orthodox Jews and discouraging them from moving into the Township.

115. This policy of discrimination against Orthodox Jews has manifested itself in a number of ways over the last several years.

116. Members of the Orthodox Jewish community have recently sought housing in Jackson Township.

117. Members of the Orthodox Jewish community and real estate agents serving that community have inquired into the potential availability of homes, which has caused an outcry against the Orthodox Jewish community by Jackson Township residents.

118. Certain Jackson Township residents have initiated and participated in a campaign known as “Jackson Strong,” which is intended to discourage homeowners from selling to the Orthodox Jewish community.

119. Upon information and belief, Jackson Township officials support this campaign.

120. A Township resident published the following comment on a social media website:

A great report from a resident who went the the Meet the Mayor meeting last night with [Jackson Township] Mayor Mike Reina and we thought we'd share.

....

"Meet the Mayor was a success. The signs will be Great Success to let everyone know Don't Sell Jackson Strong! The mayor said the key to keeping Jackson the way we all know and love it is Tell your neighbors DONT SELL. STAY STRONG!

121. Upon information and belief, Mayor Reina’s statement “Tell your neighbors DONT SELL” referred to the sale of homes to the Orthodox Jewish community.

122. In reaction to a statement made by Rabbi Shmuel Lefkowitz, an official of Plaintiff Agudath Israel, that young Orthodox Jewish families should consider moving to jurisdictions in the vicinity of Lakewood, including Jackson, the Township took various steps to discourage such migration.

123. Local media reported that Rob Nixon, president of the Jackson Township Council, stated that Agudath Israel’s statements regarding Orthodox Jews moving into areas such as Jackson was “not acceptable” and “reprehensible.”

124. Township residents vehemently expressed their concern to the Township about the possibility of Orthodox Jews moving to Jackson Township.

125. A reported account of a Township Council meeting stated that Nixon told Township residents that “the threat can be eliminated if people held their ground and refused the

offers being made on their properties and remain committed to Jackson Township and their neighbors.”

126. Nixon announced that the Township filed complaints with the United States Department of Justice and the New Jersey Attorney General asserting that Orthodox Jews’ attempts to buy homes in the Township constituted “blockbusting.”

127. These complaints were made despite the fact that offers to purchase homes in the Township by members of the Orthodox Jewish community that sought to move into the Township and were generally made in substantial excess of their actual value.

128. Such efforts to move into a community do not constitute “blockbusting,” either under New Jersey or federal law.

129. The New Jersey Attorney General’s Office rejected the Township’s complaint.

130. The United States Department of Justice, after reviewing the Township’s complaint, responded to the Township’s attorneys on October 14, 2016 that “we have determined that no action by the Department of Justice is necessary at this time.”

131. The Township’s actions in filing complaints were responsive to local residents’ hostility towards the Orthodox Jewish community.

132. At the Township Council’s July 26, 2016 meeting where Council President Nixon announced the Township’s complaints made to federal and state authorities, a large number of local residents participated in the public comment section. Nearly all of the comments were hostile toward the Orthodox Jewish population and Lakewood.

133. In response to these public comments, Nixon stated: “[E]veryone in this room is on the same page.”

134. In order to further discourage Orthodox Jews from purchasing homes in Jackson Township, in or about August 2015, the Township adopted a “no-knock” ordinance that prohibits individuals from knocking on doors in the Township unless they are registered with the Township, and prohibits solicitation at premises that are listed on a “No-Knock Registry.”

135. Penalties for violation of the ordinance include fines of \$1,250 and 90 days in jail.

136. The “no-knock” ordinance was specifically aimed at members of the Orthodox Jewish community soliciting homeowners regarding the potential sale of their homes.

137. Other forms of door-to-door canvassing including political campaigning and non-profit fundraising are unaffected by the “no-knock” ordinance.

138. Former Township Council President Barry Calogero admitted that a majority of the complaints brought by residents involved the Orthodox Jewish community.

139. The Township’s adoption of the “no-knock” ordinance was responsive to local residents’ hostility towards the Orthodox Jewish community.

140. Township Council president Rob Nixon stated that all Jackson Township residents should sign up for the no-knock registry.

141. Nixon further stated: “Don’t believe those who attempt to flippantly dismiss this tool. Our law is strong, it’s effective, and its penalties hit harder than those laws passed in towns nearby.”

142. Jackson Township has been involved in affordable housing litigation for several years.

143. In a state court action (Docket Nos. L-822-92, L-1879-15) related to Jackson Township’s *Mount Laurel* affordable housing obligations, the issue of the Township’s refusal to

adopt Ordinance 30-16, which would have created a “Planned Inclusionary Community Zone,” and the reasons for such refusal, were raised by certain parties.

144. Ordinance 30-16 would have provided for affordable housing units, integrated with market rate units to be developed in the Township.

145. Ordinance 30-16 was the result of extensive negotiations between the developers of a potential housing site and the Township.

146. During the course of those proceedings, in 2016 Township representatives repeatedly stated that they wanted to (a) limit the number of bedrooms that such housing development would include; and (b) substantially reduce the size of the “clubhouse” included in such development or eliminate it entirely.

147. A statement read by the Jackson Township Attorney at the November 29, 2016 Township Council meeting regarding Ordinance 30-16 stated in part: “The revised ordinance hasn’t addressed any of the issues (clubhouse and bedroom restrictions and small minimum lot sizes) raised in Item 12 of my previous memo.”

148. Upon information and belief, the Township’s opposition to greater numbers of bedrooms and restrictions on a clubhouse was directly related to its hostility toward the Orthodox Jewish community.

149. A certification filed in that action stated in part:

Township representatives articulated the rationale for bedroom restrictions and the elimination of or reduction in size of the clubhouse -- preventing and inhibiting Jewish people from Lakewood Township (commonly referred to as Orthodox) from moving into the EL site.

150. Plaintiffs believe that Jews should “be fruitful and multiply” and are obliged to have children, as “[a]lthough a man has fulfilled the mitzvah of be fruitful and multiply -- he is commanded by the rabbis not to desist from procreation while he yet has strength, for whoever

adds even one Jewish soul is considered as having created an entire world.” Moses Maimonides, Mishneh Torah, Hilkhos Ishut 15:16.

151. These religious beliefs often result in larger family sizes for Orthodox Jews and a need for more bedrooms.

152. The clubhouse referenced with respect to Ordinance 30-16 would have been available for use by the Orthodox Jewish community for worship services and other religious events.

153. Clubhouses are otherwise explicitly permitted by Township’s Land Use Code in the PRC, PMURD, MF-AH-6, and MHP zoning districts.

154. No motion or second was made by any member of the Township Council on Ordinance 30-16 at the Township Council’s meeting on November 29, 2016, resulting in the ordinance not moving forward.

155. The Township residents in attendance at the meeting applauded at the result of Ordinance 30-16 not moving forward.

156. Another example of hostility toward the Orthodox Jewish community is the Township’s actions with respect to the Lakewood Civilian Safety Watch (“LCSW”), a neighborhood watch group, from entering its jurisdiction.

157. Despite Jackson Township’s police chief Matthew Kunz stating--after investigating complaints by Township residents--“Please know that no evidence of the alleged activities was discovered or corroborated in the course of investigating the matter. This is a civilian group, and they appear to be cognizant of their limitations,” Township Mayor Reina ordered him to advise the LCSW not to patrol the Township.

158. Subsequently, the Township Council passed Resolution No. 192R-16, which bans local police from affiliating with any neighborhood watch group based outside of the Township.

159. Resolution NO. 192R-16 states in part:

1. The Jackson Police Department shall not cooperate with or form any association with any neighborhood watch organized outside of Jackson Township.

2. A neighborhood watch organized in Jackson Township shall not use any vehicle, uniform or ID cards and shall not receive training or assistance from any organization other than from a federal, state, county or local law enforcement agency

160. Township Council president Nixon said that the action came in response to complaints from residents who were unhappy that the LCSW had been observed patrolling Jackson streets.

161. In 2010, the Township adopted Ordinance No. 30-10, which created an “R-1 Residential Zone,” which excluded schools as a permitted or conditional use in the R-1 zoning district.

162. A significant area of the Township was thereafter rezoned “R-1 Residential.”

163. The rezoning of property within the Township to the R-1 zoning district occurred predominantly near the Township’s border with Lakewood Township.

164. Many Orthodox Jews who live in Jackson Township near the border of Lakewood Township live in the areas rezoned to R-1.

165. A large residential development called “Westgate” was developed in the late 1990s on the western edge of Lakewood Township, adjacent to the area in Jackson Township where much of the R-3 zoned property was rezoned R-1 in 2010. Nearly all of the residents of the Westgate development are Orthodox Jews.

166. Two of the most recently developed public schools in the Township are the Elms Elementary School located on Goetz Lane and the Jackson Liberty High School located on North Hope Chapel Road. Elms Elementary was completed in 2004 and houses over 830 students and 55 full-time teaching staff. Liberty High was completed in 2007 and has approximately 1,400 students and 90 full-time teaching staff.

167. At the time of their construction, both Elms Elementary and Jackson Liberty High School were located in residential zoning districts. Upon information and belief, Liberty High and Elms Elementary did not experience any public hostility or opposition by the Township to their location and/or construction.

168. Jackson Liberty High School is located very near the border with Lakewood and near Lakewood's Westgate community.

169. The former president of the Jackson Township Board of Education stated that the Board condemned property near the municipal border with Lakewood in order to prevent the Westgate development from spreading into Jackson Township. She stated that the goal of preventing the Westgate development from spreading into Jackson Township overrode all other criteria, including the fact that the location was very close to the existing Jackson Memorial High School and that the municipality owned enough property in central and western Jackson Township to build a new high school without the need to exercise its condemnation powers.

170. The Oros Bais Yaakov High School, an Orthodox Jewish religious girls school, recently attempted to locate in Jackson Township. In 2013, the school applied to the Jackson Township Zoning Board of Adjustment for a use variance to permit its use.

171. Substantial hostility of Township residents toward the Orthodox Jewish community was demonstrated during the hearings.

172. The Zoning Board denied the school's use variance application.

173. Zoning Board members were directly responsive to the questions and statements made by Township residents hostile toward to that school.

174. In the context of the use variance application, Township Zoning Board members made various comments relating to Lakewood Township. Another Board member made the following statements:

a. "[T]hat is a private school and is exclusively for the use of the Orthodox community; there will be no other children of other religions admitted to that school without being able to pass a strict religious component,"

b. "And I want to relate something that I experience during my time living in Lakewood, I attended a meeting at the municipal courtroom in Lakewood during which the titular head of the Orthodox community in Lakewood, Rabbi Schenkolewski, stated several times that 'the Orthodox community will never assimilate; therefore, they stand alone.'"

c. "[A]nd I think that the community of Jackson cannot expect the Orthodox residents in Jackson to assimilate into the Jackson community as a whole in the same way that they will not do so in Lakewood."

175. Other Zoning Board members that voted on that school's application made the following statements about the Orthodox Jewish community on social media websites:

a. "Jackson is not prepared for the tsunami of orthodoxy that is mounting at the border. I beg you all to CONFRONT OR ACCOST the council members and demand that they appoint Rae Ann Walker to the zoning board she is strong enough and smart and will quell and regulate the tide before it envelopes Jackson."

b. Describing the Orthodox community as "Cockroaches."

c. "They DO have more money than you or me or all of us put together and they have a long term plan and an abundance of patience."

d. "Over time, enabled by group unity, they will form a bloc vote that will elect whomever they choose. . . . Over time they will become dominant."

176. That school filed suit in the Superior Court for Ocean County, New Jersey against the Board, alleging, *inter alia*, violations of RLUIPA, which are pending.

177. The Township's actions described above all took place under color of state law.

178. The Township was informed of the applicability of federal law to its actions.

179. The harm to the Plaintiffs caused by the Township is immediate and severe.

180. The Plaintiffs have no adequate remedy at law for the harm and damage caused by Defendant's wrongful laws and actions.

COUNT I
Equal Protection Clause
United States Constitution,
Fourteenth Amendment
42 U.S.C. § 1983

181. Plaintiffs repeat and reallege paragraphs 1 through 180 as if fully set forth herein.

182. Defendant's laws and actions, on their face, deprived and continue to deprive all Plaintiffs of their right to equal protection of the laws, as secured by the Fourteenth Amendment, by (1) discriminating against and targeting the Plaintiffs for disfavor on the basis of religion; and (2) by treating religious institutions on less than equal terms as similarly situated nonreligious institutions.

183. The Plaintiffs have no adequate remedy at law for the harm and damage caused by Defendant's violation of their constitutional rights.

184. Defendant has caused the Plaintiffs to suffer, and to continue to suffer, irreparable harm, damage and injury. The Plaintiffs will continue to suffer such damages unless the Village's acts and conduct complained of are permanently enjoined.

COUNT II
Free Exercise Clause
United States Constitution,
First and Fourteenth Amendments
42 U.S.C. § 1983

185. Plaintiffs repeat and reallege paragraphs 1 through 184 as if fully set forth herein.

186. Defendant's laws and actions, on their face, deprived and continue to deprive all Plaintiffs of their right to free exercise of religion, as secured by the First Amendment to the United States Constitution and made applicable to the States by the Fourteenth Amendment by discriminating against and targeting the Plaintiffs and Orthodox Jews for disfavor on the basis of religion.

187. The Plaintiffs have no adequate remedy at law for the harm and damage caused by Defendant's violation of their constitutional rights.

188. Defendant has caused the Plaintiffs to suffer, and to continue to suffer, irreparable harm, damage and injury. The Plaintiffs will continue to suffer such damages unless the Village's acts and conduct complained of are permanently enjoined.

COUNT III
Establishment Clause
United States Constitution,
First and Fourteenth Amendments
42 U.S.C. § 1983

189. Plaintiffs repeat and reallege paragraphs 1 through 188 as if fully set forth herein.

190. By adopting the Ordinances based on hostility toward Plaintiffs and Orthodox Jews, the Township was hostile toward and disapproving of religion, specifically the Orthodox Jewish faith.

191. They Township does not have a secular legislative purpose for prohibiting schools in residential areas and prohibiting dormitories completely from its jurisdiction. Rather, the Township was motivated by an anti-religious and, more specifically, anti-Orthodox Jewish animus; it has as its object and purpose the suppression of religion and religious conduct.

192. On its face, the Ordinances have the principal and primary effect of inhibiting religion, in that they prevent the Orthodox Jewish community from providing religious education opportunities for their children.

COUNT IV
Freedom of Association
United States Constitution,
First and Fourteenth Amendments
42 U.S.C. § 1983

193. Plaintiffs repeat and reallege paragraphs 1 through 192 as if fully set forth herein.

194. Defendant's laws and actions, on their face, deprived and continue to deprive Plaintiffs of their right to freedom of expressive association, as secured by the First Amendment to the United States Constitution and made applicable to the States by the Fourteenth Amendment, by intruding upon the Plaintiffs' right to associate for purposes of protected expressive activity and preventing the Orthodox Jewish community from establishing religious schools in the Township, causing other Orthodox Jews to hesitate to move into the Township.

195. The Plaintiffs have no adequate remedy at law for the harm and damage caused by Defendant's violation of their constitutional rights.

196. Defendant has caused the Plaintiffs to suffer, and to continue to suffer, irreparable harm, damage and injury. The Plaintiffs will continue to suffer such damages unless the Village's acts and conduct complained of are permanently enjoined.

COUNT V

“Nondiscrimination”

Religious Land Use and Institutionalized Persons Act of 2000

42 U.S.C. § 2000cc(b)(2)

197. Plaintiffs repeat and reallege paragraphs 1 through 196 as if fully set forth herein.

198. Defendant’s laws and actions deprived and continue to deprive Plaintiffs of their right to the free exercise of religion, as secured by the Religious Land Use and Institutionalized Persons Act, by imposing land use regulations that discriminate against the Plaintiffs and Orthodox Jews on the basis of religion.

COUNT VI

“Equal Terms”

Religious Land Use and Institutionalized Persons Act of 2000

42 U.S.C. § 2000cc(b)(1)

199. Plaintiffs repeat and reallege paragraphs 1 through 198 as if fully set forth herein.

200. Defendant’s laws and actions deprived and continue to deprive Plaintiffs of their right to the free exercise of religion, as secured by the Religious Land Use and Institutionalized Persons Act, by imposing land use regulations that treat religious assemblies and institutions on less than equal terms as nonreligious assemblies and institutions.

COUNT VII

“Exclusions and Limits”

Religious Land Use and Institutionalized Persons Act of 2000

42 U.S.C. § 2000cc(b)(3)(A)

201. Plaintiff repeat and reallege paragraphs 1 through 200 as if fully set forth herein.

202. Defendant’s laws and actions deprived and continue to deprive Plaintiffs of their right to the free exercise of religion, as secured by the Religious Land Use and Institutionalized

Persons Act, by imposing land use regulations that totally excludes religious schools with dormitories from its jurisdiction.

COUNT VIII
“Exclusions and Limits”
Religious Land Use and Institutionalized Persons Act of 2000
42 U.S.C. § 2000cc(b)(3)(B)

203. Plaintiffs repeat and reallege paragraphs 1 through 202 as if fully set forth herein.

204. Defendant’s laws and actions deprived and continue to deprive Plaintiffs of their right to the free exercise of religion, as secured by the Religious Land Use and Institutionalized Persons Act, by unreasonably limiting religious schools within its jurisdiction.

COUNT IX
Fair Housing Act
42 U.S.C. § 3604

205. Plaintiffs repeat and reallege paragraphs 1 through 204 as if fully set forth herein.

206. The Defendant, by its continuing conduct, acts and legislative enactments targeted at the Orthodox Jewish community, has discriminated against the Plaintiffs by making residential student housing “unavailable” in the Township because of religion, in violation of 42 U.S.C. § 3604(a).

207. The Defendant’s Ordinances prohibiting dormitories from existing anywhere in Jackson Township discriminates against Orthodox Jews on the basis of religion, in violation of 42 U.S.C. § 3604(a).

208. Plaintiffs are aggrieved persons as that term is defined in the Fair Housing Act, 42 U.S.C. § 3602(i), and they have suffered harm, damage and injury as a result of Defendant’s conduct.

209. Plaintiffs have no adequate remedy at law for such harm, damage and injury caused by Defendant's conduct.

COUNT X
New Jersey Law Against Discrimination
N.J. Stat. Ann. § 10:5-1, *et seq.*

210. Paragraphs 1 through 209 are incorporated by reference as if set forth fully herein.

211. By denying Plaintiffs, on the basis of religion, the opportunity to obtain the accommodations, advantages, facilities, and privileges of ownership of real property, Defendant violated and continues to violate Plaintiff's rights under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, *et seq.*

212. Defendant's conduct has caused significant damage to Plaintiffs.

213. Defendant is liable for the damage caused to Plaintiffs, and should be enjoined from further violating Plaintiffs' rights.

COUNT XI
Action in lieu of prerogative writ
Declaratory Judgment
Targeted Ordinance

214. Paragraphs 1 through 213 are incorporated by reference as if set forth fully herein.

215. The actions of Jackson Township in adopting the Ordinances were arbitrary and capricious and contrary to law.

216. The Ordinances do not advance one of the purposes of the Municipal Land Use Law as set forth in N.J.S.A. 40:55D-2.

217. Upon information and belief, the Ordinances are not substantially consistent with the land use plan element and the housing plan element of the Township master plan or designed to effectuate such plan elements.

218. The Ordinances do not comport with constitutional constraints on the zoning power, including those pertaining to due process and equal protection.


RELIEF SOUGHT

WHEREFORE, Plaintiffs demand Judgment as follows:

- A. Declaratory judgment holding that the Ordinances are unconstitutional and illegal under the United States Constitution, the Religious Land Use and Institutionalized Persons Act, the Fair Housing Act, the New Jersey Law Against Discrimination, and the New Jersey Municipal Land Use Law;
- B. Annulment of the Ordinances;
- C. Preliminary and permanent orders enjoining the application of the Ordinances;
- D. Declaratory judgment declaring that a religious school with dormitories is a permitted use on Plaintiff WR Property LLC's property;
- E. An award to Plaintiffs of full costs, disbursements and attorneys' fees, to the extent permitted by law, arising out of Defendant's laws and actions and out of this litigation;
- F. An award to Plaintiffs of nominal damages; and
- G. Granting such other, further and different relief as to this Court deems just, proper and equitable.

Respectfully submitted by the Plaintiffs this 8th day of May, 2017.

STORZER & ASSOCIATES, P.C.



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Roman P. Storzer

pro hac vice admission pending

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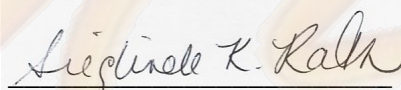
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Attorneys for Plaintiffs

CERTIFICATION

Pursuant to Local Civil Rule 11.2, I hereby certify that this matter is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding and that no such action, arbitration or administrative proceeding is contemplated at this time. I do not know of any other party who should be joined in this action.

A handwritten signature in cursive script, reading "Sieglinde K. Rath", is written over a light grey rectangular background.

Sieglinde K. Rath

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