



U.S. Department of Justice

United States Attorney's Office
District of New Jersey

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Civil Rights Division
Housing and Civil Enforcement Section

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August 28, 2017

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TWP CLERK'S OFFICE
JACKSON TOWNSHIP

By First-Class Mail and Electronic Transmission

Mayor Michael Reina
95 West Veterans Highway
Jackson, NJ 08527
mikereina@jacksontwpnj.net

Dear Mayor Reina:

This is to inform you that the Department of Justice Civil Rights Division and the United States Attorney's Office for the District of New Jersey have initiated an investigation of the Township of Jackson ("the Township" or "Jackson") pursuant to the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. §§ 2000cc et seq. ("RLUIPA") and the Fair Housing Act, 42 U.S.C. §§ 3601 et seq. ("FHA").

RLUIPA prohibits application of a land use regulation that: (1) imposes a substantial burden on religious exercise absent a compelling justification pursued in the least restrictive means; (2) treats a religious assembly or institution on less than equal terms with nonreligious assemblies or institutions; (3) discriminates against religious entities on the basis of religion or religious denomination; and/or (4) totally excludes or unreasonably limits religious assemblies, institutions, or structures within a jurisdiction. The FHA prohibits, among other things, discrimination by housing providers, as well as other entities, such as municipalities, whose discriminatory practices make housing unavailable to persons because of religion.

Our investigation will focus on how the Township's zoning law treats religious land use and religious housing, and we will review in particular the Township's enactment of two ordinances, 3-17 and 4-17 (collectively the "Ordinances"), that together ban schools from locating in all residential districts except for mixed-use residential districts, as well as ban dormitories throughout Jackson. Our investigation will also focus on whether the Township, by enacting these Ordinances, has engaged in discrimination on the basis of religion by effectively prohibiting any religious organization from establishing a school with religiously affiliated housing, including a yeshiva, in Jackson. Our investigation is preliminary in nature and we have

not made any determination as to whether there has been a violation of RLUIPA or the FHA by the Township.

We believe that the public interest and the interests of the Township will be best served by our having complete and accurate information about the Township's zoning and land use practices. To that end, we are requesting that you send the information and documents identified in the attachment to this letter to the Assistant United States Attorney Kelly Horan Florio at the Office of the United States Attorney for the District of New Jersey, 970 Broad Street, Suite, 700, Newark, New Jersey, 07102 within 21 days of receipt of this letter. In your response, please specify which documents respond to each request.

We have attempted to limit the areas of inquiry to expedite the initial phase of this investigation and are willing to work with you to minimize any burdens that would be imposed on you or your staff in obtaining this information. Wherever possible, please provide all responsive documents scanned onto an electronic memory device (CD-ROM, DVD, etc.). For all documents or files produced in electronic form, please identify the software program and version required to read the file and provide any explanatory information necessary to understand the structure of the file (in the case of databases, for example). If the documents requested cannot be made available in electronic format, please provide hard copies. If any of the documents we requested do not exist, please state that affirmatively in writing and provide any other documents that provide substantially the same information.

In addition to providing us with the requested information and documents, we invite you to provide us with any other information and/or documents relevant to our inquiry. We may want to interview certain Township employees, agents, and/or officials in the near future. We will let you know who we would like to interview, if anyone, as soon as we make those determinations.

Finally, the Township should preserve and retain all evidence relevant to our investigation of its zoning and land use practices, including, but not limited to all evidence (including electronic data) responsive to the United States' requests for information in this matter, until further written notice from the United States.¹ We request that the Township maintain in their current form any and all records, both electronic and otherwise, including, but not limited to, documents, files, or recordings that could be relevant to this investigation. Electronic files should not be altered or destroyed pending completion of our investigation. If, during the course of this investigation, the Township discovers that responsive electronic files have been altered or destroyed, please inform AUSA Florio and Ernestine Ward, trial attorney with the Department of Justice Civil Rights Division, Housing and Civil Enforcement Division, immediately. Likewise, if the Township determines that it needs to discard any information or documentation, we request that you notify AUSA Florio and Ms. Ward before taking any further action.

¹ For purposes of this letter, "electronic data" shall include, but not be limited to, all text files (including word processing documents), spreadsheets, email, and information concerning email (including logs of email history and usage, header information and "deleted" files), databases, calendar and scheduling information, computer system activity logs, and all file fragments and backup files containing electronic data, as well as the metadata associated with any of these items.

If you have any questions or concerns, please contact AUSA Florio at (973) 645-2824 or Ms. Ward at (202) 616-4506. Thank you for your cooperation.

Sincerely,

William E. Fitzpatrick
Acting United States Attorney

By: Sameena S. Majeed
Sameena Shina Majeed
Chief
Housing and Civil Enforcement Section

By: Kelly Moran Florio
Kelly Moran Florio
Assistant U.S. Attorney
Civil Rights Unit

cc: Jean Cipriani, Esq.
Township of Jackson
(via email)

Ernestine Ward
Trial Attorney
Housing and Civil Enforcement Section
(via email)

ATTACHMENT

INFORMATION AND DOCUMENTS REQUESTED BY THE UNITED STATES

Please provide the following information and documents. In responding to the United States' requests, please indicate the numbered request to which your explanations or documents are responsive. If the requested information is available online, you may indicate with specificity which item or items are available online and provide the web address for any identified items in lieu of producing copies.

1. A current copy of the Zoning Ordinance of Jackson Township (the "Township"), the Township's Zoning Map, the Township's Master Plan, and copies of any other laws, codes, ordinances, plans, or regulations governing or relating to procedures and requirements for requests or applications to use, locate in, construct, or restore, repair, expand, or otherwise alter, any structure within the Township, or for rezoning or a zoning text or map amendment.
2. Copies of any previous or superseded Zoning Ordinance, Zoning Map, Master Plan, or other laws, codes, ordinances, or regulations governing or relating to procedures and requirements for requests or applications to use, locate in, construct, or restore, repair, expand, or otherwise alter, any structure within the Township, or for rezoning or a zoning text or map amendment, that were in effect at any time from January 1, 2007 to the present.
3. Copies of all letters, emails, correspondence, memoranda, notes, resolutions, agendas, audio and/or video recordings, transcripts, minutes, decisions, drafts, reports, studies, or other documents or recordings concerning the adoption, amendment, modification, clarification, or alteration of Township Zoning Ordinance Nos. 3-17 and/or 4-17, reexamination or other modification to the Township's Master Plan in relation to these Zoning Ordinances since January 1, 2007. Include in your response any documents or information relating to the definition of "dormitory" in Ordinance 4-17 and/or the process for adopting that definition.
4. Copies of all applications, letters, emails, correspondence, memoranda, notes, resolutions, agendas, audio and/or video recordings, transcripts, minutes, decisions, reports, studies, or other documents or recordings concerning the dormitories associated with the Six Flags theme park located in Jackson.
5. Copies of all applications submitted since January 1, 2007 by or concerning any entity seeking site plan approval, special use permit, rezoning, or any other application to use, locate in, construct, or restore, repair, expand or otherwise alter any structure in the Township in order to build a school. Include as part of your response, a statement regarding whether each application contained a proposal for associated housing, whether that application was approved or denied, the zoning district involved, and the date of the approval or denial.

6. Copies of all applications submitted since January 1, 2007 by or concerning any entity seeking site plan approval, special use permit, rezoning, or any other application to use, locate in, construct, or restore, repair, expand or otherwise alter any structure in the Township in order to build a religious structure with associated housing or simply associated housing for an existing religious structure. Include as part of your response, Include, as part of your response, whether that application was by or on behalf of a religious or a non-religious entity, whether the application was approved or denied, the zoning district involved, and the date of the approval or denial.
7. Copies of all applications submitted since January 1, 2007 by or concerning any entity seeking site plan approval, special use permit, rezoning, or any other application to use, locate in, construct, or restore, repair, expand or otherwise alter any structure in the Township in order to build a non-religious structure with associated housing or dormitory-style housing not associated with any additional structures. Include as part of your response, whether the application was approved or denied, the zoning district involved, and the date of the approval or denial.
8. Copies of all letters, emails, correspondence, reports, memoranda, notes, resolutions, agendas, recommendations, Township Council meeting documents, Zoning Board meeting documents, audio or video recordings, transcripts, minutes, decisions, reports, studies, or other documents or recordings concerning Agudath Israel of America, Inc.
9. Copies of all letters, emails, correspondence, reports, memoranda, notes, resolutions, agendas, recommendations, Township Council meeting documents, Zoning Board meeting documents, audio or video recordings, transcripts, minutes, decisions, reports, studies, or other documents or recordings concerning WR Property, LLC.