

STORZER & ASSOCIATES

A PROFESSIONAL CORPORATION

ROMAN P. STORZER

SIEGLINDE K. RATH*
BLAIR LAZARUS STORZER**
ROBIN N. PICK***

* Admitted in Maryland & N.J.
** Admitted in D.C., Maryland & Illinois
*** Admitted in California & Maryland

OF COUNSEL

ROBERT L. GREENE†
JOHN G. STEPANOVICH††

† Admitted in N.Y.
†† Admitted in Virginia, N.Y. & Ohio (inactive)

1025 CONNECTICUT AVENUE, NORTHWEST
SUITE ONE THOUSAND
WASHINGTON, D.C. 20036

(202) 857-9766
FACSIMILE: (202) 315-3996

WWW.STORZERLAW.COM

BALTIMORE OFFICE:

9433 COMMON BROOK ROAD
SUITE 208
OWINGS MILLS, MD 21117

(410) 559-6325
FACSIMILE: (202) 315-3996

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Contact: Roman P. Storzer
(202) 857-9766
storzer@storzerlaw.com

ALEKSANDER SHUL FILES FEDERAL LAWSUIT AGAINST CITY OF UNIVERSITY HEIGHTS

Suit challenges oppressive zoning laws used to prevent Orthodox Jewish prayer

On October 13, 2021, Storzer & Associates, P.C. clients Aleksander Shul, Rabbi Shnior Zalman Denciger, and University Realty USA, LLC, filed suit against the City of University Heights, Ohio challenging city zoning regulations that effectively exclude houses of worship from the City and treat religious institutions on less-than-equal terms than secular institutions. The Complaint alleges violations of the First Amendment of the Constitution, the federal Religious Land Use and Institutionalized Persons Act (“RLUIPA”) and Ohio law. The Aleksander Shul is also represented by Ohio attorney John P. Slagter, Esq. of Tucker Ellis, LLP.

The Aleksander Shul has met at the home of Rabbi Denciger in University Heights since 2009, when Rabbi Denciger began inviting his neighbors to join him to pray, study Torah, and celebrate Jewish holidays according to the unique traditions of the Polish Chassidic sect known as Aleksander. Prior to the Holocaust, Aleksander was one of the largest Chassidic sects in Poland, with over 400 Aleksander synagogues. Today, the Aleksander Shul in University Heights is one of the last remaining of its kind in the world.

The City filed criminal charges against the owner of the rabbi’s home for operating a house of worship without a permit, resulting in almost \$1,000,000 in fines. The city also filed a civil suit seeking a permanent injunction to prohibit the Shul’s members from gathering at the property for prayer. The Aleksander Shul filed a counterclaim, still pending in state court, alleging discrimination by the City and the City’s Mayor, Michael Dylan Brennan.

The federal lawsuit against the City separately challenges the City’s code provisions that require a highly discretionary special use permit and variances to operate any house of worship in the City. Prayer groups such as the Aleksander Shul are considered by the City to be houses of worship and are not permitted to gather without a special use permit, but secular uses, including schools, assembly halls, libraries, community theaters, athletic fields, and stadiums are permitted

in various locations as of right without having to obtain a special use permit. The criteria to obtain a special use permit for a house of worship are so restrictive that currently there is not a single location in the entire City that satisfies them.

“University Heights’ ordinances are unconstitutional and contrary to federal and Ohio law,” stated Roman P. Storzer, attorney for the Plaintiffs. “These ordinances deprive the Aleksander Shul and other religious communities of their fundamental right to religious expression and exercise.”

Storzer has been described by Religion Newswriters Association as “one of the country’s most experienced litigators” in religious land use law, and has successfully represented Christian, Jewish, Muslim, Hindu, Buddhist, Native American, Sikh and other religious organizations in RLUIPA, Fair Housing Act,, and First Amendment cases throughout the nation. Eric W. Treene is senior counsel with Storzer & Associates, and is the former Special Counsel for Religious Discrimination for the Department of Justice.

Mr. Slagter, a partner at Tucker Ellis, LLP, is an Ohio attorney practicing in all facets of real estate, including land use and zoning. He is actively involved in the real estate community on a local and national level, and he is a frequent speaker, writer, and contributor on real estate and land use issues.

In 2000, attorneys Storzer and Slagter successfully litigated the first RLUIPA case in the State of Ohio.