



**Office of the New York State
Attorney General**

**Letitia James
Attorney General**

May 5, 2025

Jay Clayton
Interim U.S. Attorney
U.S. Attorney's Office for the Southern District of New York
26 Federal Plaza
New York, NY 10007

Dear U.S. Attorney Clayton:

I write in strong support of the renewed 2025 Statement of Interest filed by the United States Attorney's Office for the Southern District of New York in *Lost Lake Holdings, LLC v. Town of Forestburgh*.¹ This case exemplifies the critical need for robust enforcement of the Fair Housing Act and other federal anti-discrimination statutes and the protection of all communities from discriminatory governmental conduct.

The allegations in *Lost Lake Holdings* are deeply troubling. The assertion that the Town of Forestburgh denied land use applications based on the religious identity of the developers and the potential use of the property by Orthodox Jewish residents is profoundly disturbing and, if proven true, represents a clear violation of the Fair Housing Act. Discrimination on the basis of religion, race, national origin, or other protected characteristics—whether explicit or cloaked in pretext—is not only illegal but fundamentally un-American. We must make clear that prejudice has no place in public policy or the administration of municipal affairs.

As Attorney General of New York, I have long maintained that antisemitism, in all its forms, is unacceptable and must be confronted with vigilance. New York is home to the largest Jewish population outside of Israel, and we take seriously our duty to ensure that all New Yorkers—regardless of faith—can live, work, and worship freely and without fear of discrimination or harassment. That duty extends equally to Orthodox Jewish communities, who have too often faced bias masked as bureaucratic decision-making in matters of zoning, housing, and land use.

¹ Statement of Interest of the United States, *Lost Lake Holdings, LLC v. Town of Forestburgh*, No. 7:22-cv-10656 (S.D.N.Y. Mar. 7, 2025)

In April of last year, my office wrote a letter² to Forestburgh's Town Supervisor raising concerns that the town's Local Law 3 of 2023³ appeared to violate state and federal law by discriminating against religious uses. For instance, the law requires religious uses to meet lot area and setoff minimums that far exceed those for comparable secular uses. Under federal law, no government may impose or implement a land use regulation that "treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution"⁴ Similarly, New York law prohibits imposing zoning conditions on religious uses that are not imposed on other uses.⁵ In light of subsequent evidence that the town may have "dug in its heels" on discriminatory grounds, I am even more concerned about Forestburgh's official actions. An email from a government official referring to the "Hasidic threat" and boasting that the town has "the cash to fight and make their lives miserable," certainly bolsters claims that these were not governmental actions taken solely on the merits.⁶ Under the circumstances, it is critically important that this case be allowed to play out so that all facts come to light.

The enforcement of the Fair Housing Act and related federal statutes is essential to preserving the pluralism and diversity that are cornerstones of American democracy. When government actors allow discriminatory intent to infect their decisions—especially when those decisions involve the basic right to housing and community development—they betray not only the law, but the values that underpin it.

The use of zoning laws and land use regulations as tools to exclude or drive out Jewish residents recalls a dark history of housing discrimination that this country has long sought to leave behind. That such tactics appear to be reemerging in the 21st century underlines the ongoing urgency of robust civil rights enforcement. The allegations in this case are not isolated; they reflect a broader pattern of discriminatory practices that have been observed in various communities across the nation. These actions undermine the fundamental principles of equality and fairness that are enshrined in our laws and threaten the fabric of our diverse society.

² Letter from Jill F. Faber, Chief Deputy Atty. Gen. for Regional Aff., to Dan Hogue Jr., Town Supervisor, Town of Forestburgh, NY (Apr. 19, 2024) (on file with the N.Y. Att'y Gen.'s Office).

³ Town of Forestburgh Local Law #3 of 2023, Town of Forestburgh Zoning Code (filed November 16, 2023), available at <https://forestburgh.net/wp-content/uploads/2023/12/Local-Law-3-of-2023-Zoning-Code-Amendments.pdf>.

⁴ 42 U.S.C. § 2000cc(b)(1).

⁵ *Cornell Univ. v. Bagnardi*, 68 N.Y.2d 583, 595–96 (1986) (the "controlling consideration in reviewing the request of a school or church for permission to expand into a residential area must always be the over-all impact on the public's welfare" and a "special permit may be required and reasonable conditions directly related to the public's health, safety and welfare may be imposed to the same extent that they may be imposed on noneducational applicants").

⁶ Statement of Interest, P. 15, fn. 6.

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I commend your office for making clear, through the Statement of Interest, that the federal government will not stand by when such rights are infringed. Your engagement in this matter sends a powerful message that no individual or community is above the law—and no community is beyond its protection. The Department of Justice plays a critical role in ensuring that discriminatory practices are not legitimized through inaction or indifference.

My office remains committed to partnering with federal authorities in identifying, challenging, and remedying all forms of discrimination. Together, we must affirm the principle that government decisions must be based on law and evidence—not bias, fear, or bigotry.

Thank you for your leadership and for your commitment to justice in this important case.

Sincerely,

A handwritten signature in black ink that reads "Letitia James". The signature is written in a cursive, flowing style.

Letitia James