

Battered wives lose 2nd court fight

By Tim Mead
Staff Writer

A county District Court judge yesterday ordered a Hackensack shelter for battered wives and their children not to reopen, ruling that it constitutes a forbidden business in a residential zone.

Judge David Follender, sitting in state Superior Court in Hackensack, enjoined Sandy Ramos for using her home at 133 Cedar Ave. as a shelter and allowing more than eight people to occupy it.

His ruling affirmed a previous court order and applies until June 18, the tentative date for a full hearing.

Meanwhile, in Trenton, two legislators yesterday introduced a bill that would allow the state to contract with

public or private agencies to operate shelters for battered wives and their children.

Sens. John J. Jay, D-Middlesex, and Anne C. Martindell, D-Mercer, said finding refuge for battered women is a major state-wide problem.

"Why can battered wives live on Cedar Avenue with their husbands and not be able to live in safety in a shelter on the same street?" Ms. Ramos asked outside the courtroom shortly after Judge Follender's decision. She said she knew of two women living on her street who were beaten by their husbands.

Follender admitted that two of the three provisions of the city's zoning ordinance for which Ms. Ramos was cited

See COURT, Page C-4

FROM PAGE C-1

might be voided under judicial scrutiny. But, he said, the third provision — permitted uses in a residential zone — had clearly been violated.

The other two provisions say that no more than three unrelated persons may live under the same roof and set space requirements for each resident.

Seventeen persons were found living in the Shelter Our Sisters (SOS) center when it was inspected April 19. That same day, state Superior Court Judge Theodore W. Trautwein issued a temporary restraining order evicting all but eight residents of SOS because of the city's occupancy requirements.

Dennis O'Leary, representing Ms. Ramos, argued yesterday that it wasn't necessary to extend the restraining order because the problem of overcrowding had been eliminated. He said only seven people — Ms. Ramos, her three children, two women, and another child — now occupy the shelter.

O'Leary also contended that the shelter operated as a nonprofit charity, not as a business. He noted that it was the only outlet for battered wives in the area.

Although Follender agreed that the shelter provided a unique social service,

he said that it operated as a business in a broad sense of the word. As such, he said, it caused a nuisance to neighbors. An extension of the restraining order was the best way to remedy that nuisance, he said.

Ms. Ramos also had been summoned to appear yesterday morning in Municipal Court on the three charges, but the date was postponed pending the outcome of yesterday's hearing in state Superior Court.

The city is paying about \$130 a day to house four of the women evicted from the shelter and their eight children in a local motel. How long the city will continue paying the bills will be determined at Monday's City Council meeting, according to City Manager Joseph J. Squillace.

Sens. Fay and Martindell said the shelters envisioned in their bill would be open 24 hours to provide emergency housing, food, legal aid, and counseling to women who must flee their homes.

Sen. Martindell recently proposed a bill to provide court protection for battered wives, which would bar the husband from the spouse's home for up to a year, but require him to pay support.

Yesterday's bill would allow either the Department of Human Services or Community Affairs to contract for the shelters.