

Federal Religious Land Use Protections

- How does federal law protect religious institutions from unduly burdensome or discriminatory land use regulations?
- How can you partner with the U.S. Department of Justice if you are impacted?



U.S. Department of Justice

Civil Rights Division



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How RLUIPA protects religious institutions

RLUIPA stands for “The Religious Land Use and Institutionalized Persons Act.” Among other things, this federal law protects religious institutions from unduly burdensome or discriminatory land use regulations.

Congress passed RLUIPA in 2000 after hearing testimony that land use and zoning regulations often burden religious institutions seeking to exercise their faiths as protected by the U.S. Constitution.

How you can partner with DOJ

If your RLUIPA rights are violated, you may bring a private civil action with your own attorney. DOJ can also review potential RLUIPA violations, open investigations, bring lawsuits to enforce the statute, and file friend-of-the-court briefs in private RLUIPA cases. DOJ can seek court orders to correct violations but cannot seek monetary relief. Unfortunately, DOJ is not able to open investigations or file suits in all complaints that it receives.

To file a complaint about a possible RLUIPA violation, or find out more information about the law, contact the DOJ Civil Rights Division:

 **Telephone:** (800) 896-7743

 **Email:** RLUIPA.complaints@usdoj.gov

What does RLUIPA do?

1) Bars land use regulations that substantially burden religious exercise, except where justified by a “compelling governmental interest” that the government pursues in the least restrictive way possible

For example: A church is denied a permit to build an addition to accommodate more Sunday school classes, which it believes it needs to carry out its religious mission. This may violate RLUIPA if the town cannot show a compelling reason for the denial.

2) Requires governments to treat houses of worship as favorably as nonreligious assemblies

For example: A mosque leases space in a storefront. Zoning officials deny an occupancy permit since houses of worship are forbidden in that zone. However, fraternal organizations, meeting halls, and banquet facilities are all permitted as of right in the same zone. This may violate RLUIPA.

3) Bars governments from discriminating on the basis of religion or religious denomination

For example: An Orthodox Jewish congregation is denied a building permit for a temple despite meeting all of the requirements for height, setback, and parking required by the zoning code. The zoning administrator is overheard making a disparaging remark about the Jewish community. If it were proven that the permit was denied because the applicants were Jewish, this would violate RLUIPA.

4) Bars governments from totally or unreasonably excluding religious assemblies, institutions, or structures

For example: A town enacts a law requiring that houses of worship must be located on parcels with a minimum acreage, but parcels of that size are unavailable or prohibitively expensive. Such a law may be an unreasonable limitation in violation of RLUIPA.

Examples of DOJ's RLUIPA work

City of Santa Ana, California

Micah's Way is a faith-based organization that provides services to people who are homeless. When Santa Ana refused to grant a certificate of occupancy to allow Micah's Way to provide food and drinks to its clients in accordance with its religious beliefs, Micah's Way filed a RLUIPA lawsuit against the city.

DOJ filed a friend-of-the-court brief in a federal district court explaining that feeding persons in need may be religious exercise under RLUIPA and that the City's conduct may have substantially burdened Micah's Way's religious exercise. The court agreed and found that Micah's Way had properly alleged a RLUIPA claim. Soon after, the case settled, and the City allowed Micah's Way to continue providing food and drink to its clients.

Stafford County, Virginia

The All Muslim Association of America purchased property in Stafford County for a cemetery. After learning about the planned cemetery, the County changed its zoning laws to impose new restrictions that would prevent the cemetery from being built. The association reached out to the Civil Rights Division for help.

The Department of Justice investigated the association's claims and brought a lawsuit against the County, alleging violations of RLUIPA.

As a result, the County repealed the ordinance and approved the permits for the association to build its cemetery.



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Examples of DOJ's RLUIPA work

Township of Jackson and Jackson Planning Board, New Jersey

The Orthodox Jewish community in the Township of Jackson wanted to develop land for use by religious boarding schools.

The Township and Planning Board passed zoning ordinances broadly prohibiting religious schools and banning schools with dormitories, both of which are important to providing religious education within the Orthodox Jewish community.

DOJ investigated and filed a RLUIPA case. Ultimately, the Township and Planning Board agreed to a settlement with DOJ which required them to repeal and replace the discriminatory ordinances to allow religious elementary and secondary schools, religious higher learning institutions, and religious residential schools.

Learn more about our work

DOJ's *Place to Worship Initiative*: www.justice.gov/crt/placetoworship

RLUIPA: www.justice.gov/crt/rluipa

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