

HARMEET K. DHILLON
Assistant Attorney General
CARRIE PAGNUCCO
Chief
NOAH SACKS
AMEYA S. ANANTH
Trial Attorneys
Civil Rights Division
United States Department of Justice
950 Pennsylvania Avenue NW, 4CON
Washington, D.C. 20530
Phone: (202) 598-9888

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MASJID SADAR, INC. and
SHAMEER PROPERTIES, LLC,

Plaintiffs,

v.

BOROUGH OF SAYREVILLE,
NEW JERSEY and
BOROUGH OF SAYREVILLE,
NEW JERSEY PLANNING BOARD,

Defendants.

HON. MICHAEL A. SHIPP

No. 3:25-cv-17831-MAS-JTQ

**THE UNITED STATES' STATEMENT OF INTEREST IN SUPPORT OF
PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

TABLE OF CONTENTS

	PAGE
INTRODUCTION	1
BACKGROUND	2
A. The Subject Property and Sayreville’s Zoning Code	2
B. Sayreville Denies Plaintiffs a Conditional Use Permit	4
C. Sayreville’s Code Requirements for Institutional Uses and Houses of Worship	8
ARGUMENT	9
I. Plaintiffs Are Likely to Succeed on the Merits of Their Facial RLUIPA Equal Terms Claim	10
a. Plaintiffs Have Demonstrated that Sayreville’s Zoning Code, on its Face, Treats Religious Assemblies on Less than Equal Terms with Secular Assemblies	10
b. There Is No Regulatory Purpose Justifying Sayreville’s More Onerous Requirements Imposed on Religious Assemblies than Secular Assemblies.....	13
CONCLUSION	21

TABLE OF AUTHORITIES

CASES	PAGE
<i>Al Falah Ctr. v. Twp. of Bridgewater</i> , No. CV 11-2397 (MAS), 2013 WL 12322637 (D.N.J. Sept. 30, 2013)	16
<i>Anchor Stone Christian Church v. City of Santa Ana</i> , 777 F. Supp. 3d 1126 (C.D. Cal. 2025).....	18–19
<i>Bais Brucha Inc. v. Twp. of Toms River</i> , No. CV-21-3239 (ZNQ), 2024 WL 863698 (D.N.J. Feb. 29, 2024).....	20
<i>Centro Familiar Cristiano Buenas Nuevas v. City of Yuma</i> , 651 F.3d 1163 (9th Cir. 2011)	16
<i>Digrugilliers v. Indianapolis</i> , 506 F.3d 612 (7th Cir. 2007).....	19
<i>Hope Rising Cmty. Church v. Mun. of Penn Hills</i> , No. 15-cv-1165, 2015 WL 7720380 (W.D. Pa. Oct. 28, 2015)	17
<i>Lighthouse Inst. for Evangelism, Inc. v. City of Long Branch</i> , 510 F.3d 253 (3d Cir. 2007).....	<i>passim</i>
<i>New Harvest Christian Fellowship v. City of Salinas</i> , 29 F.4th 596 (9th Cir. 2022).....	19
<i>Reilly v. City of Harrisburg</i> , 858 F.3d 173 (3d Cir. 2017).....	10
<i>Tandon v. Newsom</i> , 593 U.S. 61 (2021).....	19
<i>United States v. City of Troy</i> , 592 F.Supp.3d 591 (E.D. Mich. 2022).....	16–17
<i>Winter v. Nat. Res. Def. Council, Inc.</i> , 555 U.S. 7 (2008).....	9–10

STATUTE

Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA),
42 U.S.C. § 2000cc *et seq.* *passim*

OTHER AUTHORITIES

Borough of Sayreville Master Plan, LU-13 (Feb. 6, 2013)4, 12

Sayreville Borough, NJ Code of Ordinances Chapter XXVI –
Land Development, Code *passim*

N.J. Stat. Ann. § 40:55D-10(g)(2) (West 2025).....6, 7

INTRODUCTION

The Borough of Sayreville, New Jersey makes it significantly harder to build houses of worship than to build secular places of assembly. The Borough’s Zoning Code requires religious groups to go to great lengths to obtain discretionary conditional use permits to develop houses of worship; at the same time, other groups are allowed to build secular places of assembly as of right, without obtaining such permits. And the Code singles out houses of worship by holding them to more stringent lot size and dimensional requirements than their secular counterparts—for no documented reason.

Plaintiffs collided with this unequal treatment when they applied for a conditional use permit to build the first mosque in Sayreville for its growing Muslim community. Three years and eight hearings later, the Borough denied Plaintiffs’ application. As a result, Plaintiffs sued the Borough under the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”), 42 U.S.C. § 2000cc *et seq.* They now seek a preliminary injunction on the grounds that Sayreville’s Zoning Code violates RLUIPA’s Equal Terms provision, which prohibits local governments from enacting zoning regulations that treat religious and nonreligious land uses unequally, when both have the same impact on the aims of the zoning regulation. Because Sayreville’s Zoning Code, on its face, treats houses of worship on worse terms than secular places of assembly, without

justifying this treatment, Plaintiffs have shown a likelihood of success on their facial RLUIPA Equal Terms claim.¹

The United States is charged with enforcing RLUIPA and thus has an interest in how courts apply and interpret the statute. *See* 42 U.S.C. § 2000cc-2(f). The United States respectfully submits this Statement of Interest under 28 U.S.C. § 517 to help ensure the correct and consistent application of RLUIPA. The United States has filed statements in numerous other cases where religious groups have sought protection under RLUIPA’s Equal Terms provision.²

BACKGROUND

A. The Subject Property and Sayreville’s Zoning Code

For years, Plaintiffs Masjid Sadar Inc. (“Plaintiff Masjid”) and Shameer Properties, LLC (“Plaintiff Shameer”) (together, “Plaintiffs”) have attempted to

¹ In this Statement of Interest, the United States does not address the other elements of a preliminary injunction or the parties’ other claims or arguments.

² *See, e.g., Muslims on Long Island, Inc. v. Town of Oyster Bay, et al.*, No. 2:25-cv-00428-SJB, ECF No. 45 (E.D.N.Y. April 11, 2025); *Anchor Stone Christian Church v. City of Santa Ana*, No. 8:25-cv-00215-JWH, ECF No. 56 (C.D. Cal. Mar. 14, 2025) (decision at 777 F. Supp. 3d 1126); *Hope Rising Community Church v. Borough of Clarion*, No. 2:24-cv-01504-WSH, ECF No. 47 (W.D. Pa. Mar. 3, 2025); *Christian Fellowship Ctrs. of New York, Inc. v. Village of Canton*, No. 8:19-cv-00191-LEKDJ, ECF No. 27 (N.D.N.Y. Mar. 26, 2019) (decision at 377 F. Supp. 3d 146); *see also, e.g., Opulent Life Church v. City of Holly Springs*, 697 F.3d 279 (5th Cir. 2012); *Centro Familiar Cristiano Buenas Nuevas v. City of Yuma*, 651 F.3d 1163 (9th Cir. 2011); *Lighthouse Inst. for Evangelism, Inc. v. City of Long Branch*, 510 F.3d 253 (3d Cir. 2007).

develop the first mosque in the Borough of Sayreville (the “Borough” or “Sayreville”), in Middlesex County, New Jersey, within proximity to Sayreville’s Muslim community and in accordance with the community’s religious tenets. *See* Declaration of Shameer Sadar at ¶¶ 8–18 (Dkt. No. 22-8) (“Shameer Decl.”). This includes having separate prayer facilities for men and women, a kitchen for preparing and serving food, adequate spaces for youth education and for the elderly to gather, and the proper facilities to perform ceremonies for birth, marriage, and death, among other religious uses. *See id.*; Declaration of Samiullah Mirza Baig at ¶¶ 24–26 (Dkt. No. 22-3); Declaration of Aquil Mohammed at ¶¶ 25–36 (Dkt. No. 22-7).

Plaintiff Shameer purchased the real property parcels where Plaintiffs wish to build the mosque, located at 214–216 Ernston Road, from 2018 to 2021 (the “Subject Property”). Shameer Decl. ¶¶ 6–7. The Subject Property is located in the Borough’s R-7 zoning district, a single-family residential district which allows, as of right—without a conditional use permit—“institutional and public uses, community shelters, and community residences.” Sayreville Borough, NJ Code of Ordinances Chapter XXVI – Land Development (“Code”) § 26-81, Zoning Schedule I-A.³ “Institutional and public uses” are defined as “non-profit public or

³ The Code is available at https://library.municode.com/nj/sayreville_borough/codes/code_of_ordinances?nodeId=CHXXVILADE (last visited July 10, 2026).

quasi-public institutions and uses, such as public and private schools, libraries and municipally-owned or operated buildings, structures or land used for public purposes, *not including houses of worship*.” Code § 26-6 (emphasis added). Houses of worship, public utilities, and family daycares are allowed in R-7 only with a conditional use permit. *Id.*, Zoning Schedule I-A.

Sayreville’s Zoning Code enumerates no regulatory purpose for the R-7 district. Notably, however, with respect to “religious institutions” in residential districts, including R-7, the Borough’s Master Plan:

specifically recommends revising existing standards to better regulate their intensity, scale, building setbacks, parking requirements, appropriate buffers and other standards in the context of surrounding residential development within all residential districts in a manner that does not impose a substantial burden on the exercise of religion. *Such revisions should regulate religious institutions in a similar fashion to other institutional type uses.*

Borough of Sayreville Master Plan (Feb. 6, 2013) at LU-13 (emphasis added) (“Master Plan”), attached as Exhibit E (Dkt. No. 22-15) to the Declaration of Matthew Sykes (“Sykes Decl.”) (Dkt. No. 22-10).

B. Sayreville Denies Plaintiffs a Conditional Use Permit

On February 19, 2022, Plaintiff Masjid filed a comprehensive application with the Borough’s Zoning Board of Adjustment to obtain a conditional use permit to build a mosque on the Subject Property. *See* Zoning Board of Adjustment Application (Dkt. No. 22-19), attached as Exhibit I to the Sykes Decl. After 15

months of back-and-forth revisions between the Zoning Board of Adjustment and Plaintiff Masjid, Borough Staff recommended that Plaintiff Masjid move its application to the Borough's Planning Board. *See* First Amended Complaint ("FAC") ¶ 175 (Dkt No. 12); Borough's Answer to First Amended Complaint ("Answer") ¶ 175 (Dkt. No. 13); Planning Board Application (Dkt. No. 22-12), attached as Exhibit B to Sykes Decl.

Plaintiffs submitted a modified application to the Planning Board for a conditional use permit around August of 2023. FAC ¶ 176; Answer ¶ 176; Planning Board Application. The Planning Board requested that the application be revised a number of times. *See* Final Revised Plans (Dkt. No. 22-20), attached as Exhibit J to Sykes Decl. The final application, submitted in June 2025, provided for 107 parking spaces—one for every three of the 321 prayer mat spaces proposed in the application, *see* Code § 26-88, Parking Schedule I—in addition to leasing space for overflow parking. As a precautionary matter, Plaintiffs requested variances from the Code requirements for parking spaces beyond what they understood was required by the parking ordinance, among other variance requests. *See* June 4, 2025 Sayreville Planning Board Meeting Transcript at 12–14 (Dkt. No. 22-25), attached as Exhibit O to Sykes Decl.

The Planning Board held seven hearings on Plaintiff Masjid's application between April 2024 and May 2025, and ultimately denied the application at an

eighth hearing, on June 4, 2025. *Id.* at 51; FAC ¶ 4; Answer ¶ 4. Although the Planning Board was required to adopt a resolution memorializing its decision within 45 days of voting to deny the application, *see* N.J.S.A. § 40:55D-10(g)(2), it did not do so until six months later, on December 3, 2025. *See* Resolution of the Planning Board of the Borough of Sayreville No. 2025.12.03 (“Resolution”) (Dkt. No. 22-13), attached as Exhibit C to Sykes Decl. The Resolution explained that the Planning Board denied Plaintiff Masjid’s application because of the potential for 145 vehicles at a fully attended Friday prayer service, among other reasons. *Id.* at 36. In other words, despite the Code’s requirement for one parking spot per three seats (or prayer mat spaces), *see* Code § 26-88.1, Parking Schedule I, the Planning Board reasoned that if all 321 prayer mats were filled—despite that far fewer attend the Friday prayer services—and 1.6–1.8 congregants hypothetically traveled in each vehicle to the mosque, then there could be up to 145 vehicles, in excess of the 107 proposed. *See* Resolution at 30–38.⁴

During the period of time between the Planning Board hearings on Plaintiff Masjid’s application and the denial of the application, local hostility arose in opposition to a mosque being built in Sayreville. *See, e.g.*, Declaration of

⁴ The Planning Board ignored the 3:1 parking space to prayer mat ratio mandated by the code and instead determined that the ratio should be 1.6-1.8 based on its understanding of attendance figures and traffic counts performed by the applicant. *See* Resolution at 18-22, 36.

Mohammed Naveed ¶ 21–22 (Dkt. No. 22-6). At the Planning Board hearings where Plaintiff Masjid’s application was being considered, residents from Sayreville and neighboring communities voiced opposition to the mosque, with statements such as: “We know when the Indians have their holidays they come from Edison, they come from all over... You know they’re going to come from other towns on Ramadan. They’re going to come from all over.” Transcript of May 7, 2025 Planning Board Meeting at 112 (Dkt. No. 22-21), attached as Exhibit K to Sykes Decl.; “I pay taxes... If my property and lifestyle get ruined because there [are] services at 10:30, 11 o’clock at night... who do I complain to?,” and “How are we going to make them accountable for making it become a disaster?” Transcript of April 3, 2024 Planning Board Meeting at 121, 163 (Dkt. No. 22-22), attached as Exhibit L to Sykes Decl. The mayor of nearby Old Bridge Township wrote a letter to the Planning Board in response to the “numerous” residents who “voiced serious concerns” about the proposed mosque at Township Council meetings. Letter from E. Walker to Planning Board at 1 (Mar. 28, 2024) (Dkt. No. 22-23), attached as Exhibit M to Sykes Decl. And before a Planning Board meeting regarding the proposed mosque, a notice of the forthcoming meeting was posted on the Facebook group for the Borough, which resulted in hateful comments expressing opposition to the mosque on the basis of religion. *See* Shameer Decl. Exhibit A (Dkt. No. 22-9).

C. Sayreville’s Code Requirements for Institutional Uses and Houses of Worship

Sayreville’s Zoning Code imposes more onerous land use regulations on houses of worship in the R-7 zoning district than on nonreligious assembly uses (“institutional and public uses”). Code, Zoning Schedules II-A (Residential Districts), III (Houses of Worship). Houses of worship require discretionary conditional use permits to operate in the R-7 district, whereas institutional and public uses are permitted as of right. *Id.*, Zoning Schedule I-A (Use Regulations). Additionally, through Zoning Schedule III, the Zoning Code subjects houses of worship in the R-7 district to their own unique set of bulk requirements, which are more onerous than the other nonreligious assembly uses:

- **The minimum lot area** requirement for houses of worship is one acre (43,560 square feet), whereas for nonreligious assembly uses, 7,500 square feet. Code, Zoning Schedules II-A, III.
- **The minimum lot width** requirement for houses of worship is 100 feet, whereas for nonreligious assembly uses, 75 feet. *Id.*
- **The minimum front yard setback** requirement for houses of worship is 50 feet, whereas for nonreligious assembly uses, 20 feet. *Id.*
- **The minimum side yard setback** requirement for houses of worship is 25 feet on each side, and 50 feet in total, whereas for nonreligious assembly uses, 8 feet on each side and 20 feet in total. *Id.*
- **The minimum rear yard setback** requirement for houses of worship is 50 feet, whereas for nonreligious assembly uses, 25 feet. *Id.*

The Code imposes similar differences between houses of worship and other nonreligious assembly uses in the Borough's other zoning districts. For example, in Sayreville's other residential and commercial districts:

- **In the B-1, B-2, and B-3 zones**, institutional and public uses, childcare centers, health clubs, gym, and recreational facilities, are all permitted as of right, while houses of worship are only allowed with conditional use permits. Code, Zoning Schedule I-B.
- **The minimum lot area** requirement for (the conditional use of) a house of worship is one acre, while the minimum lot area for nonreligious assembly uses is the default bulk requirement for the particular district, which is almost always less than, and usually much less than, one acre. For example, in the B-1 district, all uses, including institutional and public uses, childcare centers and recreational facilities, require a minimum lot area of only 10,000 square feet. Code, Zoning Schedules II-A, II-B, III.
- **The minimum front yard setback** requirement for houses of worship is 50 feet, while the minimum requirement for childcare centers, theaters, hotels, nightclubs, health clubs and recreational facilities, among other permitted uses, is as low as 15 or 20 feet, depending on the district. *Id.*
- **The minimum side yard setback** for houses of worship is 25 feet on each side and 50 feet in total, whereas the minimum requirement for childcare centers, theaters, hotels, nightclubs, health clubs and recreational facilities, among other permitted uses, is 10 feet on each side, and 20 feet total. *Id.*
- **The minimum rear yard setback** for houses of worship is 50 feet, while the minimum requirement for childcare centers, theaters, hotels, and nightclubs, among other permitted uses, ranges from 20 to 25 feet, and for health clubs and recreational facilities, from 20 to 40 feet depending on the district. *Id.*

ARGUMENT

To obtain a preliminary injunction, Plaintiffs must first show that they are likely to succeed on the merits of the underlying claim. *Winter v. Nat. Res. Def.*

Council, Inc., 555 U.S. 7, 20 (2008); *Reilly v. City of Harrisburg*, 858 F.3d 173, 176 (3d Cir. 2017), *as amended* (June 26, 2017). Plaintiffs Shameer and Masjid are likely to succeed on the merits of their RLUIPA Equal Terms claim because they have shown that the Borough imposes more onerous land use requirements on houses of worship than on secular assembly uses, such as schools, libraries, and childcare centers, and that no regulatory purpose justifies treating houses of worship less favorably than secular assembly uses. *Lighthouse Inst. for Evangelism, Inc. v. City of Long Branch*, 510 F.3d 253, 266 (3d Cir. 2007).

I. Plaintiffs Are Likely to Succeed on the Merits of Their Facial RLUIPA Equal Terms Claim

a. Plaintiffs Have Demonstrated that Sayreville’s Zoning Code, on its Face, Treats Religious Assemblies on Less than Equal Terms with Secular Assemblies.

Under RLUIPA’s Equal Terms provision, “[n]o government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.” 42

U.S.C. § 2000cc(b)(1). In the Third Circuit,

a plaintiff asserting a claim under the RLUIPA Equal Terms provision must show (1) it is a religious assembly or institution, (2) subject to a land use regulation, which regulation (3) treats the religious assembly on less than equal terms with (4) a nonreligious assembly or institution (5) that causes no lesser harm to the interests the regulation seeks to advance.

Lighthouse, 510 F.3d at 270.

The first two elements are uncontested. Plaintiff Masjid is a Muslim religious assembly, attempting to build a mosque, which is subject to Sayreville's zoning regulations governing houses of worship.

As to the third and fourth elements, Plaintiffs have demonstrated that Sayreville's Zoning Code treats religious assembly uses on less than equal terms with nonreligious assembly uses. On its face, the R-7 (and other) zoning districts impose more onerous requirements on houses of worship than on secular assembly uses, even though these uses all have a comparable impact on the regulatory purpose of the district (discussed *infra* § I.b). First, under Sayreville's Zoning Code, in the R-7 district, houses of worship must obtain a discretionary conditional use permit to operate, while nonreligious assembly uses are permitted as of right. Second, houses of worship must satisfy numerous bulk requirements that are more onerous than those imposed on nonreligious assembly uses. For example, in the R-7 district, houses of worship must have at least 36,060 more square feet in lot area, 25 more feet in lot width, 30 more feet in front yard setback, 30 more feet in total side yard setback, and 25 more feet in rear yard setback than institutional and public uses, such as libraries. Code, Zoning Schedules I-A, II-A, III; *supra* p. 8–9.

In Sayreville's other zoning districts, houses of worship are also treated on less favorable terms than nonreligious places of assembly. For example, in the B-1, B-2, and B-3 commercial districts, houses of worship must obtain a conditional use

permit to operate, while numerous nonreligious assembly uses, including institutional and public uses, as well as childcare centers, health clubs, gyms, and recreational facilities, are allowed as of right. Code, Zoning Schedule I-B. Further, as in the R-7 district, in other districts, houses of worship are also subject to more onerous bulk requirements, including: a lot area minimum of up to 38,560 more square feet than institutional and public uses (R-5), 23,560 more square feet than theaters, hotels, nightclubs (B-3), and 23,560 to 33,560 more square feet than health clubs and recreational facilities (B-1, B-3); 30 more feet in minimum front yard and side yard setback than childcare centers, theaters, hotels, nightclubs, health clubs and recreational facilities; and 25 to 30 more feet in minimum rear yard setback than for childcare centers, theaters, hotels, nightclubs, health clubs and recreational facilities (B-1, B-3). Code, Zoning Schedules II-A, II-B, III.

The Borough does not attempt to justify this unequal treatment. Indeed, Sayreville's Master Plan explicitly acknowledges the unequal treatment of houses of worship and the need for reform: "For religious institutions, this Plan specifically recommends revising existing standards" to "regulate religious institutions in a similar fashion to other institutional type uses." Borough of Sayreville Master Plan, LU-13; *supra* p. 4.

b. There Is No Regulatory Purpose Justifying Sayreville’s More Onerous Requirements Imposed on Religious Assemblies than Secular Assemblies.

In *Lighthouse Institute for Evangelism, Inc. v. City of Long Branch*, the Third Circuit explained that a religious institution prevails on a RLUIPA Equal Terms claim by showing that “a secular comparator that is similarly situated as to the regulatory purpose of the regulation in question” “enjoys better terms under the land-use regulation.” 510 F.3d at 264. The analysis does not merely compare a secular institution “that performs the same functions” to a religious institution; rather, *Lighthouse* guides courts to assess whether the challenged regulation “treats religious assemblies or institutions less well than secular assemblies or institutions that are similarly situated *as to the regulatory purpose*.” *Id.* at 266 (emphasis in original). In other words, “if a land-use regulation treats religious assemblies or institutions on less than equal terms with nonreligious assemblies or institutions that are no less harmful to the governmental objectives in enacting the regulation, that regulation—without more—fails under RLUIPA.” *Id.* at 269.

This analysis hinges on the “regulatory purpose of the regulation in question.” *Id.* at 264. *Lighthouse* is instructive, here. In that case, a religious organization purchased property in a city’s commercial district, in which certain secular assemblies, such as restaurants, bowling alleys, and theaters, were allowed, but not churches. *Id.* at 257. After being denied a zoning permit to operate a church

on the property, the organization challenged the city’s “Ordinance” enumerating permitted uses in the district and a newer “Redevelopment Plan” that “superseded the Ordinance as the land use regulation applicable to” the property. *Id.* at 257–58.

The Third Circuit found that the regulatory purpose underlying the city’s Redevelopment Plan was “well documented”—to revitalize underutilized segments of the city and to “anchor a vibrant and vital downtown residential community.” *Id.* at 270 (internal quotation marks omitted). Accordingly, the court found valid the city’s reasons in the Redevelopment Plan to prohibit churches in the proposed downtown area, as churches would “hinder the development of the kind of modern entertainment-oriented district that [the city] envisages” and were therefore “not similarly situated to the other allowed assemblies with respect to the aims of the Plan.” *Id.*

The Third Circuit did not, however, extend this reasoning to the city’s older Ordinance, in which the court found that the “aims [were] not well documented.” *Id.* at 272. The court noted that, in the commercial district, the Ordinance permitted as of right restaurants, retail stores, bowling alleys, theaters, and secular “assembly halls,” among other uses. *Id.* Because the court found nothing in the Ordinance that described the city’s objectives for the commercial district and “because it is not apparent from the allowed uses why a church would cause greater harm to regulatory objectives than an ‘assembly hall’ that could be used for unspecified

meetings,” the court held that the church was entitled to summary judgment on its Equal Terms claim. *Id.*

In this way, when a zoning code is silent as to the challenged regulation’s aims, *Lighthouse* guides courts to look to the permitted uses to discern if there is an apparent purpose of the zoning district that would be impaired more by religious institutions. Because the Ordinance permitted a variety of secular uses in the central commercial district, including movie theaters, assembly halls, and government buildings, without a stated purpose, the Third Circuit held that excluding churches violated RLUIPA’s Equal Terms provision. *Id.*

So too here. While Sayreville’s Code articulates the regulatory purpose for certain districts—for example, the Code enumerates that the purpose underlying the *R-7B* zoning district is to rebuild abandoned commercial land, *see* Code § 26-81.9(1)—the Zoning Code articulates no purpose for the *R-7* district. And Defendants do not point to evidence of any such purpose in their Opposition brief. There is nothing apparent in the permitted uses—“non-profit public or quasi-public institutions and uses, such as public and private schools, libraries and municipally-owned or operated buildings, structures or land used for public purposes”—to justify holding houses of worship to more onerous standards. Code § 26-6; Zoning Schedule III. Public and quasi-public institutions, as well as municipally owned buildings and land used for public purposes, are analogous to the nonreligious

“assembly halls” that the Third Circuit found comparable to churches in terms of “harm to the interests the regulation seeks to advance.” *Lighthouse*, 510 F. 3d at 270, 272.

Because Defendants have presented no evidence or even argument that a house of worship “would cause greater harm to regulatory objectives” than any of the R-7 district’s permitted assembly uses, the Code’s requirements that houses of worship obtain conditional use permits and meet more onerous bulk requirements violates RLUIPA’s Equal Terms provision on its face. *Id.* at 272; *see Al Falah Ctr. v. Twp. of Bridgewater*, No. CV 11-2397 (MAS), 2013 WL 12322637, at *15 (D.N.J. Sept. 30, 2013) (recognizing that allowing “municipal buildings, parks, playgrounds, or other municipal facilities” as of right but subjecting houses of worship to conditional use permit and principal access requirements was not justified by the regulatory aim “to maintain and improve residential neighborhoods without undue intrusion from traffic, noise, light and degraded air quality” in residential districts); *see also Centro Familiar Cristiano Buenas Nuevas v. City of Yuma*, 651 F.3d 1163, 1171 & n.35, 1175 (9th Cir. 2011) (holding that zoning district, which excluded religious assemblies but permitted “secular membership assemblies” like “civic associations, social associations, fraternal associations, [and] political organizations,” treated religious organization on “less than equal terms” (internal quotation marks omitted)); *United States v. City of Troy*, 592

F.Supp.3d 591, 606 (E.D. Mich. 2022) (finding that zoning provisions that required stricter setback and parking standards for houses of worship than nonreligious assembly uses violated RLUIPA’s Equal Terms provision); *Hope Rising Cmty. Church v. Mun. of Penn Hills*, No. 15-cv-1165, 2015 WL 7720380, at *5 (W.D. Pa. Oct. 28, 2015) (examining the language of “[t]he challenged Light Industrial District ordinance” under *Lighthouse*, and finding that “the City has failed to show how a religious institution would cause greater harm to the Light Industrial District and its objectives than parks, playgrounds,” and schools), *report and recommendation adopted*, 2015 WL 7721252 (W.D. Pa. Nov. 30, 2015).⁵

In its Opposition brief, Sayreville acknowledges *Lighthouse*, but fails to identify a regulatory purpose for the unequal treatment, underscoring the Equal Terms violation. Instead, the Borough argues that there is no Equal Terms violation because the Code allows *some* religious uses in the R-7 district, such as private religious schools. Opp. at 6 (Dkt. No. 25). The Borough continues that, because houses of worship are allowed as conditional uses in all zoning districts, they are therefore treated “more favourably [sic] than other secular uses and even other non-house of worship religious uses.” *Id.* at 8.

⁵ The Code is also silent as to the purpose of the Borough’s commercial districts, and there is nothing apparent in the permitted uses in those districts to justify the Code’s more onerous treatment of houses of worship in those districts, either. *Lighthouse*, 510 F.3d at 272.

RLUIPA's Equal Terms provision requires that a land use regulation treats religious uses no worse than comparable secular uses that have a "similar impact on the regulation's aims." *See Lighthouse*, 510 F.3d at 266 (emphasis omitted). That *some* religious entities, like schools, are treated on equal terms to their secular counterparts does not compensate for subjecting *other* religious assemblies like houses of worship to more onerous requirements. RLUIPA's Equal Terms provision does not authorize Sayreville to treat any religious assembly on less than equal terms with comparable secular uses that bear the same impact on the regulatory purpose at issue. *See Lighthouse*, 510 F.3d at 269 ("[I]f a land-use regulation treats religious assemblies or institutions on less than equal terms with nonreligious assemblies or institutions that are no less harmful to the governmental objectives in enacting the regulation, that regulation—without more—fails under RLUIPA.").

In *Anchor Stone Christian Church v. City of Santa Ana*, 777 F. Supp. 3d 1126 (C.D. Cal. 2025), a case where a religious assembly was also seeking a preliminary injunction for a facial violation of RLUIPA's Equal Terms provision, the court rejected a similar justification as that offered by the Borough. There, the City of Santa Ana argued that there was no Equal Terms violation in requiring religious assemblies to obtain a conditional use permit to operate in the Professional district, because *certain*, but not all, secular assemblies were also required to obtain such a permit. *Id.* at 1143. In granting a preliminary injunction,

the district court rejected that argument and held that “the Equal Terms Provision would be toothless if the government could justify treating religious assemblies poorly by choosing a few unlucky nonreligious assembly uses to treat just as poorly.” *Id.* Rather, “the City must show that it treats ‘*every*’ similarly situated nonreligious assembly equally to religious assemblies.” *Id.* (emphasis in original) (quoting *New Harvest Christian Fellowship v. City of Salinas*, 29 F.4th 596, 607 (9th Cir. 2022)); see also *Tandon v. Newsom*, 593 U.S. 61, 62 (2021) (“It is no answer that a State treats some comparable secular businesses or other activities as poorly as or even less favorably than the religious exercise at issue.”). The *Anchor Stone* court rejected the argument that treating *some* nonreligious uses equally to religious uses satisfied the Equal Terms provision. And a municipality cannot treat religious uses unequally in some districts on the basis that it claims to treat them better in another. See *Digrugilliers v. City of Indianapolis*, 506 F.3d 612, 616 (7th Cir. 2007) (“So the record compiled in the preliminary-injunction proceedings does not permit a conclusion that the City’s discrimination against churches in [commercial] districts is offset by the creation of a privileged zone for religious uses in [a special use district]. And anyway an offset could not eliminate the discrimination.”).

Under *Lighthouse*, the Borough must explain how *houses of worship* pose a greater risk to its regulatory interests than nonreligious assembly uses, not why it

treats religious and secular schools equally. Sayreville cannot present such an explanation and has therefore violated RLUIPA's Equal Terms provision.

The Borough argues, in passing, that whether its “bulk standards for houses of worship violate RLUIPA . . . is a question of fact[] to be adjudicated after the close of discovery.” Opp. at 8. But there is no factual dispute regarding these bulk requirements. The Borough acknowledges that houses of worship must “compl[y] with zoning schedule three,” Opp. at 6, which, as discussed above, is a unique bulk requirement table specifically for “houses of worship.” Code, Zoning Schedule III. The Borough does not and cannot dispute that Schedule III's requirements are more onerous than the requirements imposed on other places of assembly, and provides no regulatory justification for doing so. The bulk requirements therefore violate RLUIPA's Equal Terms provision on its face. *Lighthouse*, 510 F.3d at 269; *see also Bais Brucha Inc. v. Twp. of Toms River*, No. CV-21-3239 (ZNQ), 2024 WL 863698, at *8 (D.N.J. Feb. 29, 2024) (granting judgment on the pleadings to plaintiffs on their RLUIPA Equal Terms claims because the zoning ordinance imposed “greater lot size requirements and larger lot width requirements for places of worship” than on nonreligious places of assembly).

CONCLUSION

For the reasons stated above, the United States respectfully requests that the Court consider its views and find that Plaintiffs have established a likelihood of success on their claim that on its face, Sayreville's Zoning Code violates RLUIPA's Equal Terms provision.

Respectfully submitted this 13th day of July, 2026.

HARMEET K. DHILLON
Assistant Attorney General
Civil Rights Division

CARRIE PAGNUCCO
Chief

/s/ Ameya S. Ananth
NOAH SACKS
AMEYA S. ANANTH
Trial Attorneys
Housing and Civil Enforcement Section
Civil Rights Division
U.S. Department of Justice-4CON
Washington, D.C. 20530
Phone: (202) 598-9888
Noah.Sack@usdoj.gov
Ameya.Ananth@usdoj.gov

Counsel for the United States of America

CERTIFICATE OF SERVICE

I, Ameya Ananth, Trial Attorney for the Department of Justice, hereby certify that on July 13, 2026, a copy of the foregoing Statement of Interest was served on counsel for all parties through ECF.

Dated: July 13, 2026

/s/ Ameya S. Ananth

AMEYA S. ANANTH

Trial Attorney

Counsel for the United States of America