



**United States Department of Justice
Civil Rights Division**

Information about:

Federal Religious Land Use Protections

Including:

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

What is RLUIPA?

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

Congress passed RLUIPA in 2000, after hearing testimony that land use/ zoning regulations were often burdening the ability of religious congregations to exercise their faiths in violation of the Constitution.

What Does RLUIPA Do?

Bars land use regulations that impose a “substantial burden” on religious exercise

If you work with a church or other religious institution, you know that having a place to meet and operate is fundamental. Section 2(a) of RLUIPA bars land use/zoning restrictions that impose a “**substantial burden**” on the religious exercise of a person or institution, unless the government can show that:

- it has a “**compelling interest**” for imposing the restriction and
- the restriction is the **least restrictive** way for the government to further that interest.

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.

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

Section 2(b)(1) of RLUIPA says that religious assemblies and institutions must be treated at least as well as nonreligious assemblies and institutions. This is known as the “**equal terms**” provision of RLUIPA.

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.

Bars governments from discriminating among religions

Section 2(b)(2) of RLUIPA bars discrimination “against any assembly or institution on the basis of religion or religious denomination.”

For example: A Hindu 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 Hindus. If it were proven that the permit was denied because the applicants were Hindu, this would violate RLUIPA.

Bars governments from totally or unreasonably excluding houses of worship.

Section 2(b)(3)(A) and (B) of RLUIPA provide: “No government shall impose or implement a land use regulation” that “totally excludes religious assemblies from a jurisdiction,” or “unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.”

For example: A town, seeking to preserve tax revenues, enacts a law that no new churches or other houses of worship will be permitted. Such a total exclusion may violate RLUIPA.

Examples of DOJ's RLUIPA Work

Montgomery County, Maryland

Bethel World Outreach Ministries had outgrown its church and purchased a 119-acre site in the county to build a new 800-seat church. The county subsequently made zoning changes that blocked the development. The church brought suit under RLUIPA. After a trial court ruled against it, the church reached out to DOJ for help.

DOJ filed a friend-of-the-court brief in a federal appeals court arguing that the church had shown a substantial burden on its religious exercise. The appeals court agreed, finding that the church had outgrown its facility and needed a bigger church; that it had a reasonable expectation that it could build on the property it bought; and that the "delay, uncertainty and expense" of looking for a different property all created a substantial burden on the church's religious exercise.

Bernards Township, New Jersey

The Islamic Society of Basking Ridge was meeting in a rented public school and a public park and was looking for permanent space. It bought a property in a zone permitting places of worship as-of-right, and which met the minimum acreage requirements for places of worship. However, the Islamic Society was denied a permit to build a mosque after 39 public hearings over a three-and-a-half year period. The Islamic Society reached out to DOJ.

After a thorough investigation, DOJ filed suit alleging violations of RLUIPA. Ultimately, DOJ and the Islamic Society reached a settlement with the Township. The settlement allowed the Islamic Society to build its mosque.

Hollywood, Florida

The Hollywood Community Synagogue applied for a permit to operate out of two connected houses on a busy street which it had purchased. After several hearings, and despite a determination by the zoning board that the synagogue met the requirements for a permit, the city commission denied the synagogue's permit.

DOJ investigated and ultimately filed a RLUIPA case. DOJ alleged that the city had given similar permits to other houses of worship and nonreligious assemblies, and had never before denied any place of worship a special permit to operate in a residential district. The suit also alleged bias against Orthodox Jews by the city.

On the eve of trial, DOJ, the synagogue, and the city reached a settlement that allowed the synagogue to operate.

How You Can Partner with DOJ

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

If you want to file a complaint about a possible RLUIPA violation, or find out more information about the law, you can reach the DOJ Civil Rights Division at:

TELEPHONE:
(800) 896-7743

EMAIL:
RLUIPA.complaints@usdoj.gov

More information about DOJ's *Place to Worship* Initiative and RLUIPA is also available at:

www.justice.gov/crt/placetoworship

and at

www.justice.gov/crt/rluipa



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