

Q What is RLUIPA?

A RLUIPA is an acronym that stands for the Religious Land Use and Institutionalized Persons Act of 2000. RLUIPA was passed unanimously by both houses of Congress in 2000 and was signed into law by President Clinton on September 22, 2000. RLUIPA is designed to protect the constitutional rights of religious institutions and assemblies from arbitrary and unlawful zoning laws and decisions.

Q What does RLUIPA protect?

A RLUIPA protects “religious assemblies or institutions” from zoning or landmarking laws that: (1) impose a substantial burden on the religious exercise of the religious assembly or institution, (2) treat a religious assembly or institution on less than equal terms with a nonreligious assembly or institution, (3) totally exclude religious assemblies from a jurisdiction, or (4) unreasonably limit religious assemblies or institutions within a jurisdiction. There are many different ways that these sections of RLUIPA can be violated by a zoning law or decision.

Q Why was RLUIPA passed?

A Congress passed RLUIPA in response to widespread discrimination against churches and religious institutions in zoning laws and decisions. Before passing RLUIPA, Congress held six House Committee hearings and three Senate Committee hearings during which numerous examples were given of discriminatory zoning laws and decisions regarding churches and religious institutions. In response to this clear record of pervasive religious freedom violations, Congress acted unanimously to pass RLUIPA.

Q What are some examples of zoning discrimination?

A Despite the passage of RLUIPA, churches and religious institutions still find themselves subjected to discriminatory zoning laws and decisions on many fronts. Some examples are that churches and religious institutions have been denied permission to locate in a zoning jurisdiction even though identical secular uses are allowed in the jurisdiction. Churches and religious institutions have been subject to limitations on the size of their property, the size of their buildings, their hours of operation, and other ministry functions. Churches and religious institutions have been denied zoning permission based solely on the subjective and arbitrary decisions of the zoning authorities.

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LAND USE

PROTECT AND PROMOTE THE RIGHTS OF OUR CHURCHES

FREQUENTLY ASKED QUESTIONS

Q What can a church or religious institution do if its rights are violated by a zoning law or decision?

A First, churches and religious institutions should become informed and aware of their rights under RLUIPA. ADF has excellent resources available at SpeakUpMovement.org/Church to educate churches and religious organizations about their legal rights. And if a church or religious institution finds itself the subject of an unlawful zoning law or decision, they can contact ADF at 1-800-TELL-ADF or at SpeakUpMovement.org/Church to have an attorney review their situation.

A RESOURCE OF THE ALLIANCE DEFENSE FUND

