

Municipal governments are continuing to target churches

by Randy Bright <http://www.tulsabeacon.com/?p=6095>

In yet another example of discrimination against churches, the New Generation Christian Church in Rockdale County, Georgia, has been denied the use of property for their worship services. The reason? Local zoning codes require churches to own or lease a minimum of three acres of land before they will be given an occupancy permit.

New Generation Christian's congregation is small, and because it is a new start-up, it is not financially able to purchase or lease a property of that size.

It had rented a smaller building in February of 2011, but the county denied their application for an electrical meter so that they could turn the heat on, citing the three-acre rule.

So the church rented another building, but when it made an application for a meter for it, the county denied their application for the same reason.

Having failed on those two properties, it asked for permission to go back to the property they had originally used, but again, the county denied them the permit.

The Alliance Defense Fund is now assisting the church in a lawsuit against the county for violation of the church's rights. They cite the U.S. Constitution and the Religious Land Use and Institutionalized Persons Act (RLUIPA) to show that their right to free exercise of religion has been violated.

According to ADF Senior Legal Counsel Erik Stanley, the county does not require a three-acre land minimum for other places of assembly, effectively singling out small churches for discrimination.

Stanley was quoted to say, "Government officials should not use zoning restrictions to close down religious services of small, start-up churches. Not only is it irresponsible to target small ministries dedicated to serving the community, it's unconstitutional and violates the law... Under the city's requirements, only non-religious groups and large, wealthy churches can find an adequate place to meet. This is exactly why federal law protects churches from arbitrary and subjective zoning decisions."

The church now meets in the basement of a jewelry store, believing that it is living on borrowed time until the county tells them that they can't meet there either.

The Alliance Defense Fund is a legal group dedicated to defending religious freedoms. Headquartered in Scottsdale, Arizona, ADF is associated with more than 2,100 attorneys across the country. They depend on donations to fund the legal cases that they litigate.

At ADF's website, another case of discrimination was presented that it is also litigating. In Fredericksburg, Virginia, Calvary Christian Church decided to offer a community service by providing daycare for emotionally and mentally disabled children. The church currently offers before and after school day care for non-disabled children.

The church applied to the city for a permit. After the Planning Commission received favorable feedback at a public hearing, it approved their application for a special-use permit for the church to use its facilities for the program. It then sent the application on to the City Council for final approval, but it turned the application down, claiming that the disabled children posed a risk to the non-disabled children, even though they would not be using the facilities at the same time. ADF filed a federal lawsuit against the city, citing RLUIPA as a basis for discrimination. Erik Stanley, who is also handling the New Generation Christian Church case, said, "churches shouldn't be singled out for discrimination, especially when attempting to expand their ministries to safely serve the needs of the community – in this case, disabled children. No disabled students would even be on the campus at the same time as other students, and the church has the approval of planning officials because it has met all zoning requirements to run such a facility. There's no legitimate reason for a denial, so the city's stated reasons only serve to feed old stereotypes about the disabled."

RLUIPA is a critically valuable tool to remedy cases of discrimination against churches. I was concerned last year that if the case of Rocky Mountain Christian Church had been accepted to be heard by the U.S. Supreme Court, it might have been struck down. As it turned out, it chose not to hear the case.

Given the recent ruling on Obamacare, which in effect cast the Constitution aside, I think that my concerns were well-founded. Hopefully RLUIPA will stand in the lower courts to bring both of these cases to the right resolution and to set a higher precedent for the rights of all churches to worship freely.

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Randy W. Bright, AIA, NCARB, is an architect who specializes in church and church-related projects. You may contact him at 918-582-3972, rwbrightchurcharch@sbcglobal.net or www.churcharchitect.net

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