



YOUR RIGHT TO BUILD A HOUSE OF WORSHIP 101

THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT (RLUIPA)

Religious communities frequently face opposition from municipal governments and neighborhood groups when seeking to build houses of worship, religious schools, community centers, or burial grounds. Fortunately, the Religious Land Use and Institutionalized Persons Act, known as RLUIPA, provides religious communities powerful legal protections from certain types of opposition. RLUIPA contains important safeguards designed to prevent discriminatory regulations from being used to deny the rights of religious communities to develop their land or to construct religious facilities.

This fact sheet provides an overview of RLUIPA and its protections as they relate to religious land use. If you believe you have a RLUIPA issue, please contact Muslim Advocates using the information provided below.

RLUIPA IS A POWERFUL TOOL FOR PROTECTING THE CIVIL RIGHTS OF FAITH-BASED COMMUNITIES.

WHAT DOES RLUIPA PROTECT?

- RLUIPA protects the religious exercise of individuals, religious assemblies, and religious institutions.
 - This includes houses of worship, religious schools, cemeteries, and faith-based social services.
 - In some situations, RLUIPA may also protect religious communities seeking to expand existing places of worship or to construct facilities that have both secular and religious uses.

WHO IS BOUND BY RLUIPA?

- All states and their subdivisions must comply with RLUIPA. This includes counties, municipalities, villages, towns, cities, city councils, planning boards, and zoning boards.

RLUIPA PROTECTS AGAINST DISCRIMINATORY “LAND USE REGULATIONS.” WHAT DOES THAT MEAN?

- A land use regulation is a law that limits or restricts the way that a landowner is allowed to use their land. This includes limitations or restrictions on the types of structures that a landowner can build and the types of activities that are allowed to take place on their land.
 - RLUIPA protects religious communities from the discriminatory implementation of land use regulations.
 - RLUIPA also prohibits governments from implementing discriminatory rules when considering construction- and other land use-related permit applications.

RLUIPA HAS FOUR PROVISIONS THAT ARE IMPORTANT TO UNDERSTAND WHEN YOUR RELIGIOUS COMMUNITY IS SEEKING TO DEVELOP LAND FOR RELIGIOUS USE:

SUBSTANTIAL BURDEN PROVISION

RLUIPA's "substantial burden" provision **prevents municipalities from implementing land use regulations that are unreasonably difficult for religious groups to follow.**

- Under RLUIPA, municipalities can only institute highly burdensome regulations if they are needed to meet critical demands like protecting the public from serious safety threats. Even then, governments must show that their regulations are the least restrictive way of addressing their concerns.

EQUAL TERMS PROVISION

RLUIPA's "equal terms" provision **requires that land use and zoning regulations treat religious groups and institutions at least as well as their secular counterparts.**

- For example, the equal terms provision may be invoked if a local zoning code prohibits religious buildings in a neighborhood that allows nonreligious assemblies like theaters and meeting halls.

NONDISCRIMINATION PROVISION

RLUIPA's "nondiscrimination" provision **prohibits land use and zoning regulations from discriminating on the basis of religion.**

- Municipal governments cannot enforce land use or zoning regulations that contain openly discriminatory language or that are applied in a discriminatory manner.
- In other words, municipal officials are not allowed to deny a land use permit simply because they dislike members of a particular religion or religious denomination.

TOTAL EXCLUSION PROVISION

RLUIPA's "total exclusion" provision **prevents municipal governments from instituting policies that completely exclude or unreasonably limit religious assemblies within a particular jurisdiction.**

- For example, if a town or county were to pass a law prohibiting the construction of any new houses of worship, that may constitute a violation of RLUIPA's total exclusion provision.

WHAT CAN YOU DO IF YOUR LAND USE RIGHTS HAVE BEEN VIOLATED?

If you think the government has violated your rights or your religious institution's rights under RLUIPA, you should consult with an attorney. **RLUIPA allows individuals and institutions to file lawsuits in state or federal court within four years of the alleged violation. These lawsuits may result in discriminatory policies being blocked and monetary compensation being granted to your religious institution.** You may also ask the U.S. Department of Justice to investigate whether a RLUIPA violation occurred.

If your religious community is seeking to develop property for religious use and has questions or is experiencing difficulty, please contact Muslim Advocates at **(202) 897-2622** or **religiousliberty@muslimadvocates.org**.