

RLUIPA: Protecting Religious Freedom of Houses of Worship and Institutionalized Persons

ADL "friend of the court" briefs in support of the Religious Land Use and Institutionalized Persons Act

Enacted by Congress in 2000, the Religious Land Use and Institutionalized Persons Act ("RLUIPA") safeguards the religious freedom of houses of worship in the land-use context and institutionalized persons by restoring courts' ability to apply a strict standard for reviewing laws that substantially burden religious exercise. In the land-use context, RLUIPA also contains an Equal Terms provision that prohibits local governments from enacting or applying land use regulations that treat religious groups less favorably than non-religious groups.

The constitutionality of RLUIPA has been challenged in multiple federal cases. Defendants in these cases claim that RLUIPA is unconstitutional because Congress did not have authority under the 10th or 14th Amendments to pass the statute. In response, ADL filed *amicus* ("friend of the court") briefs successfully arguing that Congress had the constitutional authority to enact RLUIPA and that the statute is valid religious accommodation under the First Amendment's religion clauses.

CASES & SUMMARIES OF ADL BRIEFS

[Cutter v. Wilkinson \(U.S. 2004\)](#)

In this [brief](#) filed on behalf of a coalition of organizations that successfully lobbied for the passage RLUIPA, ADL defended the constitutionality of Section III of RLUIPA. This portion of the statute protects the religious rights of people detained within prisons, public mental hospitals and other government facilities. The brief argued that Section III is a valid religious accommodation under the First Amendment's Establishment Clause. The U.S. Supreme Court agreed and in a unanimous decision ruled that Section III is a constitutional religious accommodation. This decision guarantees inmates and other institutionalized persons strong protections against arbitrary or frivolous restrictions on religious practices. However, the Court also struck an appropriate balance between religious freedom and prison security by making clear that these protections do not rise above potential threats to prison safety.

[Murphy v. Zoning Commission of the Town of New Milford \(2nd Cir. 2005\)](#)

Robert and Mary Murphy challenged a Town order prohibiting them from using their home to host prayer meetings of over twenty-five persons. In its [brief](#), ADL defended the constitutionality of RLUIPA. The Court did not reach the case's constitutional issues. Rather, it decided that the Murphys could not proceed in federal court without first obtaining a final local ruling about the town's order from a zoning board of appeals.

[Westchester Day School v. Village of Mamaroneck \(2nd Cir. 2004\)](#)

Westchester Day School, a religious school, challenged the Village Zoning Board of Appeals' revocation of a favorable decision that would have permitted the school to renovate and construct school buildings. In its [brief](#), ADL defended the constitutionality of RLUIPA. The Court did not reach the case's constitutional issues. Rather, it reversed the lower court's favorable finding for the School on the grounds that the lower court had to resolve certain factual questions in further proceedings.

[Elsinore Christian Center v. City of Lake Elsinore \(9th Cir. 2004\)](#)

The Christian Center challenged the City's denial of its application for a conditional-use permit to operate a church on a piece of property owned by a school. In its [brief](#), ADL defended the constitutionality of RLUIPA.

[Guru Nanak Sikh Society of Yuba City v. County of Sutter \(9th Cir. 2004\)](#)

The Sikh Society challenged the County's denial of permit to build a temple on property owned by the group. In its [brief](#), ADL defended the constitutionality of RLUIPA.

[Benning v. Georgia \(11th Cir. 2004\)](#)

A Jewish inmate challenged the Georgia Department of Corrections for denying him kosher food and permission to wear a Yarmulke, a religious head covering. In its [brief](#), ADL successfully defended the constitutionality of RLUIPA. The Court found RLUIPA constitutional. It determined that Congress properly exercised its spending power in enacting RLUIPA, and that RLUIPA did not violate the First Amendment's Establishment Clause or the Tenth Amendment.

[Konikov v. Orange County \(11th Cir. 2004\)](#)

A Rabbi challenged the County's requirement that he obtain a special exception to use a house in a residential neighborhood for religious services. In its [brief](#), ADL defended the constitutionality of RLUIPA. The Court issued a multipart decision addressing the Rabbi's claims under RLUIPA's Equal Terms provision and Substantial Burden on Religion provision. The Equal Terms provision prohibits local governments from enacting or applying land use regulations that treat religious groups less favorably than non-religious groups, and the Substantial Burden provision prohibits local governments from applying land use and zoning regulations in ways that substantially burden the religious exercise of individuals or religious institutions. The Court found the Equal Terms provision constitutional. Finding that the county treated the Rabbi's religious assembly on less than equal terms than non-religious assemblies, the Court reversed the lower court's dismissal of the Rabbi's Equal Terms claim. The Court upheld the lower court's dismissal of the Rabbi's Substantial Burden claim, but did not address the constitutionality of this provision.

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