

RLUIPA

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The land use provisions of the [Religious Land Use and Institutionalized Persons Act of 2000](#) (RLUIPA), 42 U.S.C. §§ 2000cc, et seq., protect individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws (for information on RLUIPA's institutionalized persons provisions, please refer to the Civil Rights Division's [Special Litigation Section](#)).

A four-page color brochure on RLUIPA, *Information About Federal Religious Land Use Protections*, is [available here](#).

A detailed *Statement of the Department of Justice on the Land Use Provisions of RLUIPA with Questions and Answers* (June 13, 2018), is [available here](#) (for a version of the Questions and Answers document with full legal citations, [click here](#)).

Religious assemblies, especially smaller or unfamiliar ones, may be illegally discriminated against on the face of zoning codes and also in the highly individualized and discretionary processes of land use regulation. Zoning codes and landmarking laws may illegally exclude religious assemblies in places where they permit theaters, meeting halls, and other places where large groups of people assemble for secular purposes. Or the zoning codes or landmarking laws may permit religious assemblies only with individualized permission from the zoning board or landmarking commissions, and zoning boards or landmarking commission may use that authority in illegally discriminatory ways.

To address these concerns, RLUIPA prohibits zoning and landmarking laws that substantially burden the religious exercise of churches or other religious assemblies or institutions absent the least restrictive means of furthering a compelling governmental interest. This prohibition applies in any situation where: (i) the state or local government entity imposing the substantial burden receives federal funding; (ii) the substantial burden affects, or removal of the substantial burden would affect, interstate commerce; or (iii) the substantial burden arises from the state or local government's formal or informal procedures for making individualized assessments of a property's uses. In addition, RLUIPA prohibits zoning and landmarking laws that:

- (1) treat churches or other religious assemblies or institutions on less than equal terms with nonreligious assemblies or institutions;
- (2) discriminate against any assemblies or institutions on the basis of religion or religious denomination;
- (3) totally exclude religious assemblies from a jurisdiction; or
- (4) unreasonably limit religious assemblies, institutions, or structures within a jurisdiction.

The Department of Justice can investigate alleged RLUIPA violations and bring a lawsuit to

enforce the statute. The Department can obtain injunctive, but not monetary, relief. Individuals, houses of worship, and other religious institutions can also bring a lawsuit in federal or state court to enforce RLUIPA.

The Department of Justice issued a [Report on the Tenth Anniversary of RLUIPA](#) in 2010, and an [Update on RLUIPA Enforcement in 2016](#).

The legislative history of RLUIPA is [available here](#).

On December 15, 2016, the Civil Rights Division sent a [letter about RLUIPA's requirements](#) to mayors and other local officials that includes examples of cases and other resources.