



The Law That Defends Builders of Religious Structures

Are Muslim Americans familiar with the little-known law that protects the freedom of building houses of worship?

BY DANIEL P. DALTON

CAN YOU IMAGINE AN AMERICAN town in which people have no place to worship? If not for a little-known law that celebrated its 15th anniversary in September 2015, communities throughout this nation would be living that very reality.

For nearly 225 years, one of the great hallmarks of this nation has been the freedom to gather and worship without governmental influence or interference. American almost lost that liberty in 1990, when a Supreme Court decision allowed local governments to block the construction of new churches, temples, mosques and synagogues.

After this ruling, Congress began amassing evidence demonstrating the harm that this law had caused to Americans' freedom of religion. After nine hearings that took place over a period of seven years, Congress deemed it necessary to pass an additional law to address those areas in which religious discrimination had become the most prevalent: laws governing institutionalized persons (i.e., prisoners and persons in mental institutions) and land use laws.

To rectify this situation, the Religious Land Use and Institutionalized Persons Act (RLUIPA) was proposed and enacted with overwhelming bipartisan support in both the House and the Senate. President Clinton signed it into law on Sept. 22, 2000.

Fifteen years later, we can say RLUIPA is one of the most significant laws ever passed by Congress, for it impacts people's lives by

providing critical protections for religious freedom. Its land use provisions have allowed houses of worship across the nation to escape discriminatory or substantially burdensome land use restrictions. But right now, it's being tested in the Detroit area as well as in towns and cities across the country.

Religious organizations have the right to purchase land and erect structures deemed suitable to serve their members. This sounds like a fairly simple and straightforward concept. And yet this proposition is being tested by those municipalities and Islamophobes who want to keep religious, especially Islamic, organizations from building and expanding their local footprints.

Most cities prefer not to have religious organizations because they do not pay property taxes. When it comes to zoning, most communities do not allow religious uses as a right and may allow them only as a conditional use in a small area of town that may

not be conducive. They would like to either eliminate them from a community or place them next to a factory or a place where you would not necessarily want to have a house of worship. This was not always the case.

When zoning was first established, religious uses were the center of the community and residential and other uses were built around these houses of worship. But times have changed. Most cities reject a body of research that reveals the socioeconomic values of religious institutions to a community. They would rather have the tax base than the free social services provided by religious organizations.

And houses of worship matter, for they quite literally bring us together and help us develop the relationships that create meaning in our lives. Such places are invaluable and desperately needed in a busy and often lonely world, one in which communication technologies from smartphones to Snapchat help us stay connected but also drive us further apart. This is why we see new churches or mosques fill up so quickly when they are built in busy areas like New York City and Los Angeles.

Let's celebrate religious freedom by remembering the hard-fought battles that ensure that all of this nation's religious groups can worship freely. And let's thank those who have the wisdom and the foresight to challenge local governments that discriminate against religious groups by precluding houses of worship. ■

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