

Nation's churches are continuing to struggle to survive

by Randy Bright <http://www.tulsabeacon.com/?p=3621#more-3621>

If you think churches aren't in the crosshairs for eminent domain and zoning abuse, I'd like to invite you to go to the website for The Becket Fund for Religious Liberty where you will find a long list of cases involving churches in a struggle to survive.

Here are some examples.

In *C.L.U.B v. City of Chicago*, a group of churches filed suit because they believed that the city was imposing a substantial burden on their churches because permits for construction were too costly and too politicized for small churches to bear.

“Substantial burden” is a key ingredient of RLIUPA (Religious Land Use and Institutionalized Persons Act) necessary to prevent abuse and to uphold the property rights of churches.

The government is prohibited from imposing a substantial burden on a church that is more than would be imposed on others.

In that case, the churches lost when the courts decided to ignore RLIUPA.

Claiming that their zoning rules treated everyone the same, they believed that they had effectively eliminated substantial burden as a factor in the case.

In the case of *Calvary Chapel O'Hare v. Village of Franklin Park, Illinois*, the church wanted to renovate an old bowling alley for use as a church.

However, the city refused to give them a permit even though other assembly uses would be allowed.

In the case of the *Flatiron Community Church in Lafayette, Colorado*, the City Council changed their zoning rules after learning that the church wanted to move to an area where churches were allowed under current zoning ordinances.

The church sued the city claiming that they were being singled out for treatment unequal to other types of assembly uses.

In the case of *Grace United Methodist Church v. City of Cheyenne*, the church sued the city because it had denied them a permit to add a day care center to their church building.

They applied for a variance to the zoning rule that prohibited day care centers, and after they were denied again, filed suit. They lost.

The brief for that suit said that, "...the City's flat rejection of the variance actually inhibits the Church from engaging in a full range of activities it has determined necessary to carry out its religious mission of evangelizing to youth..."

Greenwood Community Church, even with prior permits, "meticulous" adherence to city requirements, and \$250,000 in engineering, planning and architectural fees, was denied permits to expand their facilities in the City of Greenwood Village.

The City Council had decided that RLIUPA was unconstitutional and decided to ignore it.

After filing suit against the city, it eventually reversed itself and granted the permit.

In what became the first case resolved under RLIUPA, the Haven Shores Community Church was finally allowed to occupy a storefront location after the City of Grand Haven, Michigan refused to grant them a permit for the space.

The city denied the permit even though they would allow other types of assembly.

In the case of *Living Faith Ministries v. Camden County Improvement Authority*, the church charged the Authority with violation of their rights because it was attempting to seize their property using eminent domain in order to transfer the property to a private developer to build "private residential units."

New Life Christian Fellowship in DePere, Wisconsin, was denied a permit to move into a former retail space.

In response, the Becket Fund wrote a letter to the city stating, "The City has not articulated an interest (compelling government interest) sufficient to impose such a burden, because courts have determined that compelling interests are those of the highest order...interests that address a clear and present, grave and immediate danger to public health, peace and welfare. The only government interest identified by the City - essentially the need to preserve the area for revenue generating retail business - simply does not meet that high hurdle."

There are many more cases on the website. We simply cannot forget that the rights of churches are being abused, and that churches must fight to maintain their place within their communities.

At this moment, Tulsa has a chance to become the model for the rest of the country. Are we going to become another city that decides that tax revenues and politically correct planning are more valuable than the intrinsic value of religious rights or the stabilizing affect churches have on community?

Or will we choose to model ourselves after the cities who abuse their churches and the religious rights of Christians?

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