



**Report on the Twentieth Anniversary of the  
Religious Land Use and Institutionalized Persons Act**

**September 22, 2020**



## U.S. Department of Justice

### Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

September 22, 2020

I am very pleased, on behalf of the Civil Rights Division of the Department of Justice, to release the enclosed Report on the Twentieth Anniversary of the Religious Land Use and Institutionalized Persons Act (RLUIPA).

The Civil Rights Division is charged with enforcing many of our nation's most important civil rights laws. From laws barring segregation and discrimination based on race in schools, public accommodations, employment, voting, and other areas that were the chief motivating factors in the creation of the Division and the passage of the landmark Civil Rights Acts of the 1960's, to later laws protecting broad rights such as the rights of persons with disabilities to participate fully in public life or protecting the basic rights of persons confined to institutions, the Division works to protect the civil rights of all Americans. This includes many laws protecting the rights of persons to be free from discrimination and violence based on religion, and upholding their religious liberty.

For more than four centuries, religious people from all over the world have sought refuge here. Often, these people did so to escape persecution by monarchs, dictators, and other despots. Then, when our ancestors established the United States of America, the Founders adopted the First Amendment to the United States Constitution and thereby enacted into law the right of all people to exercise religion. Two decades ago, Congress extended these protections when it passed RLUIPA. RLUIPA law protects religious people and their institutions from unduly burdensome or discriminatory land use regulations, and protects the religious rights of persons confined to institutions.

The United States is, and must always remain, committed to the right of all people to practice their faith and worship together. The enclosed report on RLUIPA shows one of important tools Congress has provided to uphold that commitment, and how the Department of Justice has worked to enforce this important law. The United States Department of Justice will continue to fight against any unlawful deprivation of the right of all people to practice their faith.

*Eric S. Dreiband*

Eric S. Dreiband  
Assistant Attorney General

## **Introduction**

This year marks the 20th anniversary of the passage of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA),<sup>1</sup> a landmark federal law that has helped secure the ability of thousands of individuals and institutions to practice their faiths freely and without discrimination.

RLUIPA provides protection for religious liberty in two very different settings. First, it protects the rights of religious individuals and institutions to use land for religious purposes, such as places of worship and religious schools. Second, it protects the rights of persons confined to institutions, such as prisons or jails, state-run psychiatric hospitals, or nursing homes, to exercise their faiths.

The Department of Justice has a central role in the enforcement of RLUIPA, through litigation, investigations, settlements, court filings, and public education. Over the past twenty years, the Department has protected the religious liberty of people of many different faiths throughout the country through enforcement of RLUIPA, both through action in the courts but also by informing officials of their obligations under RLUIPA, prompting voluntary compliance. The Department's RLUIPA enforcement program is part of the broader effort by the Department of Justice to protect the religious exercise of individuals and communities through enforcement of laws against religious discrimination, laws protecting people from threats and violence based on their faith, and laws protecting religious freedom.

This report chronicles the history and purpose of RLUIPA, describes the law's various provisions and how courts have interpreted them over the first 20 years, and describes the breadth and success of the Department of Justice's enforcement program.

## **Federal Law Protections for Religious Liberty**

RLUIPA is just the most recent example of major federal legislation protecting religious freedom. The freedom to exercise one's faith is among our nation's oldest and most cherished rights. This right is the first freedom enshrined in our Constitution's First Amendment and is protected by a range of federal laws.

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<sup>1</sup> 42 U.S.C. §§ 2000cc *et seq.*

Throughout our history, Congress and the federal government have acted to protect individuals and groups facing discrimination based on religion and to protect their rights to practice their faith free from such discrimination. During this time, the Department has fully and vigorously enforced these laws to ensure that the fundamental right to exercise one’s religion is a right secured for all Americans.

For example, the landmark Civil Rights Act of 1964 was passed principally to address the legacy and ongoing problem of racial discrimination and to provide nationwide remedies to combat it. Nonetheless, Congress also included religion along with race and color among the categories protected in provisions of the Civil Rights Act barring discrimination in employment, education, public accommodations, and public facilities (national origin discrimination also was included in each of these, and sex discrimination was included in the education and employment provisions). In 1972, Congress amended Title VII of the Civil Rights Act to provide that discrimination based on religion includes failure of employers to reasonably accommodate religious observances and practices of employees, unless it would cause an undue hardship on an employer.

Federal criminal laws against religion-based violence also are an important component of federal laws protecting religious freedom. George Washington noted in his Letter to the Hebrew Congregation in Newport, Rhode Island in 1790 that the “inherent natural rights” of religious freedom included the right to practice one’s faith in peace and without fear of attack, and that “every one shall sit in safety under his own vine and figtree, and there shall be none to make him afraid.” In 1968, Congress enacted the first federal hate crimes law covering acts of violence based on religion, recognizing the fundamental right to practice one’s faith in peace. This principle also of course includes the right of people to be left in peace when they gather in community at a place of worship. Thus in 1996, Congress responded to a rash of arsons, which targeted many places of worship but particularly African-American churches, by passing the Church Arson Prevention Act, 18 U.S.C. § 247, making it a federal crime to commit arson or vandalism against a church, synagogue, mosque, or other place of worship, or to otherwise violently interfere with one or more person’s free exercise of religion.

*Religious liberty is a wonderful ideal, but without practical safeguards, zoning laws may be used to suppress religious freedoms. Fortunately, we have RLUIPA which helps protect religious organizations from onerous zoning laws. Today, thanks in large part to RLUIPA, my local church is gathering regularly at our building for public worship.*

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*Jamie Sinclair, pastor of Christian Fellowship Centers, Canton, N.Y.*

Recognizing that religious freedom requires not merely protections *from* discrimination and violence, but often requires proactive protection *for* religious exercise that conflicts with various requirements imposed by the government, Congress in 1993 passed the Religious

Freedom Restoration Act (RFRA), 42 U.S.C. §§ 2000bb *et seq.*, which requires that government action that imposes a “substantial burden” on religious exercise must be supported by a “compelling governmental interest” pursued through the least restrictive means necessary. RFRA still applies to the federal government, but in *City of Boerne v. Flores*, 521 U.S. 507 (1997), the Supreme Court held that applying RFRA broadly to state and local governments exceeded Congress’s power. *City of Boerne* involved a land-use dispute between a Catholic Archdiocese that wanted to expand a church in a historic district and local zoning officials who had denied it the necessary permit. That decision limiting the scope of RFRA led directly to the passage of RLUIPA.

## The History of RLUIPA

After the Supreme Court invalidated RFRA as applied to state and local governments, Congress began to look at other ways that it could, in a constitutional manner, protect religious liberty from infringement by state and local officials.



Photo: President Bill Clinton signs RLUIPA into law.

Over the course of three years, Congress held nine hearings to examine religious discrimination in land-use decisions. These hearings unearthed “massive evidence” of widespread discrimination by state and local officials in cases involving individuals and institutions seeking

to use land for religious purposes.<sup>2</sup> Congress found that religious groups often encountered overt and subtle forms of discrimination when seeking zoning approval for places of worship—most often impacting minority faiths and newer, smaller, or unfamiliar denominations.<sup>3</sup> Moreover, Congress found that “[r]eligious discrimination is sometimes coupled with racial and ethnic discrimination.”<sup>4</sup>

Congress also learned that, as a whole, religious institutions were often treated worse in zoning decisions than comparable secular institutions. As the bill’s lead sponsors, Senators Edward Kennedy and Orrin Hatch, noted in their joint statement upon the bill’s passage, “Zoning codes frequently exclude churches in places where they permit theaters, meetings halls, and other places where large groups of people assemble for secular purposes. . . . Churches have been denied the right to meet in rented storefronts, in abandoned schools, in converted funeral homes, theaters and skating rinks—in all sorts of buildings that were permitted when they generated traffic for secular purposes.”<sup>5</sup>

Congress also found evidence that zoning ordinances subjected religious assemblies to unbounded and highly discretionary permitting proceedings, often resulting in discrimination or the imposition of significant burdens on religious exercise.<sup>6</sup>

Congress likewise determined that legislation was needed to protect the religious-freedom rights of persons institutionalized in facilities like prisons, jails, juvenile facilities, state-run nursing homes and facilities for people with disabilities. In its fact-finding, Congress noted that “some institutions restrict religious liberty in egregious and unnecessary ways,” and that “prison

*Getting RLUIPA across the finish line was a massive bipartisan undertaking, requiring years of hard work, negotiation, and compromise. But in the end, former Senator Ted Kennedy and I were able to pass a bill that united people of all faiths by preventing various forms of religious discrimination. I am grateful to my friends on both sides of the aisle who joined us in protecting religious liberty—our first and most fundamental freedom.*

*Former Senator Orrin Hatch, Sept. 2020*

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<sup>2</sup> See H.R. Rep. No. 106-219, 18-24 (1999); 146 Cong. Rec. 16698 (2000) (Joint Statement of Senators Hatch and Kennedy).

<sup>3</sup> *Id.*; H.R. Rep. No. 106-219 at 23-24.

<sup>4</sup> *Id.* at 24.

<sup>5</sup> Joint Statement at 16698.

<sup>6</sup> H.R. Rep. 106-219 at 19-24.

officials sometimes impose frivolous or arbitrary rules.”<sup>7</sup> The legislative history cited examples such as Jewish prisoners denied matzo bread at Passover, prisoners denied the ability to wear small religious symbols such as crosses that posed no security risk, and a Catholic prisoner whose private confession to a priest was recorded by prison officials.<sup>8</sup>

The bill had sponsors in the House and Senate that were bi-partisan and diverse.<sup>9</sup> RLUIPA was supported by more than seventy religious and civil rights groups representing a great diversity of religious and ideological viewpoints such as the Leadership Conference on Civil Rights, the American Civil Liberties Union, the Baptist Joint Committee, the American Jewish Committee, the Union of Orthodox Jewish Congregations, and the Christian Legal Society.<sup>10</sup> The Department of Justice strongly supported the bill, and worked closely with House and Senate Judiciary Committee staffs on drafting and refining the bill.<sup>11</sup>

RLUIPA passed both houses of Congress unanimously and was signed into law on September 22, 2000. President Bill Clinton, upon signing the Act, stated: “Religious liberty is a constitutional value of the highest order, and the Framers of the Constitution included protection for the free exercise of religion in the very first Amendment. This Act recognizes the importance the free exercise of religion plays in our democratic society.”<sup>12</sup>

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<sup>7</sup> Joint Statement at 16699.

<sup>8</sup> H.R. Rep. 106-219 at 9-10; Joint Statement at 16699.

<sup>9</sup> The sponsors included, in addition to Senators Hatch and Kennedy, Senators Robert Bennett, Mike Crapo, Tom Daschle, Tim Hutchinson, Joe Lieberman, Charles Schumer, and Gordon Smith, and Representatives Sanford Bishop, Roy Blunt, Charles Canady, Merrill Cook, Chet Edwards, Barney Frank, Jerrold Nadler, Lee Terry, and Robert Wexler.

<sup>10</sup> Joint Statement at 16701-02.

<sup>11</sup> 146 Cong. Rec. S7776 (daily ed. July 27, 2000) (letter from Assistant Attorney General Robert Raben).

<sup>12</sup> Presidential Statement on Signing The Religious Land Use and Institutionalized Persons Act of 2000, 36 Comp. Pres. Doc. 2168 (September 22, 2000).

## Overview of RLUIPA's Provisions

RLUIPA's land-use sections provide important protections for the religious freedom of persons, places of worship, religious schools, and other religious assemblies and institutions. They codify the constitutional protections for religious freedom and against religious discrimination provided under the Free Exercise Clause, the Free Speech Clause, and the Equal Protection Clause, and provide mechanisms for enforcement of these rights.<sup>13</sup> The land-use sections contains five separate provisions, which together provide comprehensive protection for individuals and religious institutions from zoning and landmarking laws that discriminate based on religion or unjustifiably infringe on religious freedom:

- Protection against substantial burdens on religious exercise: RLUIPA prohibits the implementation of any land-use regulation that imposes a “substantial burden” on the religious exercise of a person or religious assembly or institution except where justified by a “compelling governmental interest” that the government pursues in the least restrictive way possible. 42 U.S.C. § 2000cc(a).
- Protection against unequal treatment for religious assemblies and institutions: RLUIPA provides that religious assemblies and institutions must be treated at least as well as nonreligious assemblies and institutions. 42 U.S.C. § 2000cc(b)(1).
- Protection against religious or denominational discrimination: RLUIPA prohibits discrimination “against any assembly or institution on the basis of religion or religious denomination.” 42 U.S.C. § 2000(b)(2).
- Protection against total exclusion of religious assemblies: RLUIPA provides that governments must not totally exclude religious assemblies from a jurisdiction. 42 U.S.C. § 2000cc(b)(3)(A).
- Protection against unreasonable limitation of religious assemblies: RLUIPA states that governments must not unreasonably limit “religious assemblies, institutions, or structures within a jurisdiction.” 42 U.S.C. § 2000cc(b)(3)(B).

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<sup>13</sup> Joint Statement at 16699-7.



RLUIPA’s institutionalized-persons section prohibits regulations that impose a “substantial burden” on the religious exercise of persons residing or confined in an “institution,” unless the state or local government imposing the burden can show that the regulation serves a “compelling governmental interest” and is the least restrictive way for the government to further that interest. It covers persons in institutions as defined by the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. § 1997. While most suits filed under RLUIPA address prisons and jails, the definition of “institution” in CRIPA includes state or local government-operated intermediate and long-term care facilities, mental health facilities, correctional facilities, pretrial detention facilities, and juvenile detention facilities, and these facilities also are covered by RLUIPA. Private prisons and jails are generally covered by RLUIPA because they are operated on behalf of states or municipalities. RLUIPA applies when the institution receives federal funding, or when the burden involved affects interstate commerce.

RLUIPA allows aggrieved persons to bring lawsuits under both its land-use provisions and its institutionalized-persons provision. In addition, RLUIPA authorizes the Attorney General to bring suits to enforce it. The Department of Justice may bring suits under RLUIPA for declaratory or injunctive relief, but not for monetary damages.

The text of RLUIPA is linked here:  
<https://www.justice.gov/crt/title-42-public-health-and-welfare>.

### **RLUIPA in the Courts: 2000-2020**

The Supreme Court has yet to rule on a case involving the land-use provisions of RLUIPA. The Court has, however, ruled on RLUIPA’s institutionalized-persons provision on three occasions.

#### *Institutionalized Persons*

The Supreme Court held in *Cutter v. Wilkinson*, 544 U.S. 709 (2005), that the institutionalized-persons section of RLUIPA did not violate the Establishment Clause, finding that it serves to “alleviate[ ] exceptional government-created burdens on private religious exercise.” *Id.* at 720. The Court observed that the institutionalized-persons section of RLUIPA “covers state-run institutions—mental hospitals, prisons, and the like—in which the government exerts a degree of control unparalleled in civilian society and severely disabling to private religious exercise.” *Id.* at 720-21. The Court rejected the argument that RLUIPA improperly elevated religious interests above all others in violation of the Establishment Clause, noting that RLUIPA’s drafters designed the law, through its compelling-interest test, to give “due deference to the experience and expertise of prison and jail administrators in establishing necessary regulations and

*The existence of the RLUIPA affirms religious freedom and justice, and its enforcement is indispensable for religious organizations to safely and equally promote their teachings. As a result, the Middle Land Chan Monastery can continuously share the Buddhist teachings of mindfulness, compassion and wisdom to all people.*

*Jiangui Shi  
Middle Land Chan Monastery*

procedures to maintain good order, security and discipline, consistent with consideration of costs and limited resources.” *Id.* at 723 (quoting Joint Statement of Sens. Hatch and Kennedy).

In *Sossamon v. Texas*, 563 U.S. 277 (2011), the Supreme Court held that monetary damages were not available to plaintiffs under the institutionalized-persons section of RLUIPA, because the statutory text did not clearly manifest Congress’s intent to include a damages remedy and thus did not give states sufficient notice that they would waive their sovereign immunity from monetary damages under RLUIPA by accepting federal funds.

The Supreme Court addressed the key substantive issues in institutionalized-persons cases in *Holt v. Hobbs*, 574 U.S. \_\_\_ (2015). The petitioner in *Holt* was a Muslim prisoner who challenged the Arkansas Department of Corrections’ grooming policy, which prohibited beards and provided no religion-based exceptions. *Id.* at 860-61. The Supreme Court found that the policy substantially burdened the prisoner’s religious exercise, because it forced him to choose between violating his sincerely held beliefs and risking serious discipline. *Id.* at 857, 862. In *Holt*, the Court held that while security as a general matter is always a compelling governmental interest, RLUIPA, like RFRA, “requires the Government to demonstrate that the compelling interest test is satisfied through application of the challenged law ‘to the person’—the particular claimant whose sincere religious exercise of religion is being substantially burdened.” *Id.* at 863. The Court held that the grooming policy violated RLUIPA because the defendant failed to prove

that prohibiting beards was the least restrictive means to further its interests in preventing prisoners from hiding contraband and quickly and reliably identifying prisoners. *Id.* at 863-65. The Court found that there were less restrictive means to further these interests, such as searching beards to limit contraband and taking pictures of prisoners with and without beards to enable speedy identification. *Id.* Furthermore, defendant did not show why it needed to take a different course from the many other correctional facilities around the country that permitted beards like the plaintiff’s. *Id.* at 865-67.

*Even though communal worship is clearly a part of religious exercise, government officials aren’t always very good about protecting it. RLUIPA offers religious communities the protections they need.*

*Asma Uddin, Attorney and Author*

### *Land Use*

As noted, the Supreme Court has not decided any cases on the land-use sections of RLUIPA, though numerous federal courts of appeals and district courts have ruled on a wide range of issues.

On the question of substantial burden, courts “have coalesced around a totality-of-the-circumstances test, examining whether the government’s actions substantially inhibit religious exercise, rather than merely inconveniencing it.” Brief of the United States as Amicus Curiae,

*Thai Meditation Association of Alabama v. City of Mobile*, No. 19-12418 (11th Cir. filed Oct. 23, 2019) at 17.<sup>14</sup>

Among the factors courts have examined in making this determination are the “actual need of the congregation for new, different or additional space,” *id.* at 17-18; whether a plaintiff exercised due diligence and had a reasonable expectation that the property could be used as intended, *id.* at 20; whether the government action has imposed “delay, uncertainty, and expense” on the plaintiff, *id.* at 19; whether the government acted arbitrarily, *id.*; and whether the government denial was final or whether the plaintiff was given an opportunity to cure concerns. *Id.* at 18.

*Had it not been for the existence of the federal RLUIPA statute, the Muslim community would not have won approval of its mosque needed to meet its spiritual and religious needs.*

*M. Ali Chaudry, President,  
Islamic Society of Basking  
Ridge, NJ*

RLUIPA’s equal terms provision, barring the treatment of a religious assembly or institution on “less than equal terms with a nonreligious assembly or institution,” has generated numerous decisions in the lower courts, with varying interpretations of how to determine if a religious use is treated unequally. All the courts to some degree focus on the text and underlying purpose of the zoning ordinance in question, and evaluate whether it forbids religious assemblies and institutions that are functionally equivalent to nonreligious entities that are allowed.

For example, in *Elijah Group v. City of Leon Valley*, Texas, 643 F.3d 419, 421-422 (5th Cir. 2011), the Fifth Circuit invalidated the exclusion of a church from a “retail corridor” that despite its name allowed non-retail assemblies such as private clubs and lodges, but not places of worship. The court held that “less than equal terms” is to be measured by examining the ordinance and the criteria it sets forth, and determining if it is applied equally to religious uses. *Id.* at 424. *See also Lighthouse Institute for Evangelism v. City of Long Branch*, 510 F.3d 253, 266 (3d Cir. 2007) (question is whether religious assembly is “similarly situated as to the regulatory purpose” of the challenged ordinance). Taking an approach more focused on generally accepted zoning categories like “commercial” or “industrial” than on the specific intent of the municipality in establishing a particular zone, the Ninth Circuit struck the exclusion of a church from a downtown commercial zone when private clubs and a corrections facility were permitted in the zone. *Centro Familiar Cristiano Buenas Nuevas v. City of Yuma*, 651 F.3d 1163

<sup>14</sup> Citing *Roman Catholic Bishop of Springfield v. City of Springfield*, 724 F.3d 78, 95 (1st Cir. 2013); *Bethel World Outreach Ministries v. Montgomery Cty. Council*, 706 F.3d 548, 558 (4th Cir. 2013); *Livingston Christian Sch. v. Genoa Charter Twp.*, 858 F.3d 996, 1003-1004 (6th Cir. 2017); *Chabad Lubavitch of Litchfield Cty., Inc. v. Litchfield Historic Dist. Comm’n*, 768 F.3d 183, 195-196 (2d Cir. 2014); *Westchester Day Sch. v. Vill. of Mamaroneck*, 504 F.3d 338, 349-351 (2d Cir. 2007); *Guru Nanak Sikh Soc’y of Yuba City v. Cty. of Sutter*, 456 F.3d 978, 988 (9th Cir. 2006); *Sts. Constantine & Helen Greek Orthodox Church, Inc. v. City of New Berlin*, 396 F.3d 895, 899-901 (7th Cir. 2005).

(9th Cir. 2011); see also *River of Life Kingdom Ministries v. Village of Hazel Crest*, 611 F.3d 367 (7th Cir. 2010) (question is whether “religious and secular land uses are treated the same . . . from the standpoint of an accepted zoning criterion such as ‘commercial district’ or ‘residential

*RLUIPA has emerged as one of the most effective measures for safeguarding religious liberty in contemporary America. This is particularly true in regard to the Orthodox Jewish communities, where the statute has not only helped protect religious life, but has also been a powerful asset in fighting discriminatory efforts to prevent their members from moving to towns and localities.*

*Abba Cohen, Washington Director,  
Agudath Israel of America*

district’ or ‘industrial district.’”). The Eleventh Circuit has taken different approaches in facial and as-applied cases. In cases alleging discrimination on the face of an ordinance, the court looks to whether any secular assemblies or institutions are permitted; if so, a religious assembly must be permitted as well. *Midrash Sephardi v. Town of Surfside*, 366 F.3d 1214 (11th Cir. 2004). For cases involving how a place of worship is treated in the application of a facially neutral ordinance, the Eleventh Circuit evaluates whether the secular uses “hav[e] comparable community impact” as the proposed religious use. *Konikov v. Orange County*, 410 F.3d 1317 (11th Cir. 2005). The Second Circuit has deliberately avoided adopting a rigid test,

stating that RLUIPA “is less concerned with whether formal difference may be found between religious and non-religious institutions—they almost always can—than with whether, in practical terms, secular and religious institutions are treated equally.” *Third Church of Christ, Scientist v. City of New York*, 626 F.3d 667, 669 (2d Cir. 2010).

Compared to the “substantial burden” and “equal terms” provisions, RLUIPA’s nondiscrimination requirement has generated far fewer court decisions. Courts have held that in bringing a suit under the nondiscrimination provision, “a plaintiff must demonstrate that the government decision was motivated at least in part by discriminatory intent, which is evaluated using the ‘sensitive inquiry’ established in *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252 (1977).” *Jesus Christ is the Answer Ministries v. Baltimore*, 915 F.3d 256, 263 (4th Cir. 2019); see also *Chabad Lubavitch of Litchfield County, Inc. v. Litchfield Historic Dist. Comm’n*, 768 F.3d 183, 198 (2d Cir. 2014). Under *Arlington Heights*, courts examine all relevant factors that could reveal discriminatory intent, including the impact of the official action and whether it bears more heavily on one group; the historical background of the decision and the specific sequence of events leading up to the challenged decision; departures from the normal procedural sequence and substantive criteria; and the legislative or administrative history, along with contemporary statements by members of the decision-making body. 429 U.S. at 465-67.

RLUIPA’s provisions barring “totally exclude[ing] religious assemblies from a jurisdiction” or “unreasonably limit[ing] religious assemblies, institutions, or structures within a jurisdiction”

have likewise been the subject of few cases. One court held that the unreasonable-limitation provision will be violated if land-use laws have “the effect of depriving . . . religious institutions or assemblies of reasonable opportunities to practice their religion, including the use and construction of structures,” within the jurisdiction. *Rocky Mountain Christian Church v. Bd. of Cty. Comm’rs of Boulder*, 613 F.3d 1229, 1238 (10th Cir. 2010). Another held that “what is reasonable must be determined in light of all the facts, including the actual availability of land and the economics of religious organizations.” *Vision Church v. Vill. of Long Grove*, 468 F.3d 975, 990 (7th Cir. 2006). Courts have found unreasonable limitations where regulations left few sites for construction of places of worship, such as through excessive frontage and spacing requirements, or where zoning restrictions imposed steep and questionable expenses on applicants. *Rocky Mountain*, 613 F.3d at 1238; *Chabad of Nova, Inc. v. City of Cooper City*, 575 F. Supp. 2d 1280, 1290-91 (S.D. Fla. 2008).

In the early years after Congress passed RLUIPA, defendants challenged the statute’s constitutionality. Over time, all of these challenges failed and the constitutionality of RLUIPA is no longer an active issue in the courts.

## **The Department of Justice’s Enforcement of RLUIPA**

In the twenty years since its enactment, RLUIPA has had a dramatic impact on protecting individuals and institutions seeking to exercise their religions through construction, expansion, and use of property, and on protecting the religious liberty of institutionalized persons. The Department’s lawsuits and other enforcement actions under RLUIPA have successfully defended the rights of a wide range of religious groups, including Christians, Muslims, Jews, Hindus, Buddhists, Sikhs, and others.

From September 2000 to September 2020, the Department has used the full array of available enforcement tools to ensure the protection of religious freedom in the land-use and institutionalized-persons context, including formal and informal investigations, lawsuits, *amicus* briefs and statements of interest, and intervening in private lawsuits, including:

- Opening 553 RLUIPA preliminary and full investigations into local or state governments’ zoning and land-use practices or accommodation of the religious exercise of institutionalized persons;
- Filing 28 RLUIPA lawsuits on behalf of persons, religious groups, or institutionalized persons;
- Filing 53 *amicus* briefs in courts at every level addressing the interpretation and application of RLUIPA’s provisions. Those briefs have addressed a wide variety of religious land uses, including places of worship, religious cemeteries, prayer meetings and similar activities in private homes, and faith-based social services such as homeless shelters, group homes, and rehabilitation centers; in institutionalized-persons cases, the

Department's briefs have addressed rights relating to religious diet, religious books and other materials, religious clothing, grooming, congregational worship, and other aspects of religious practice; and

- Filing more than 65 briefs as intervenors in private lawsuits to defend the constitutionality of RLUIPA.

The sections below provide details concerning the Department's enforcement of both the land-use and institutionalized-persons provisions of RLUIPA, along with examples and summaries of key investigations, cases, and *amicus* filings under these provisions.

### ***The Department's Enforcement Of RLUIPA's Land-Use Provisions***

Since its enactment, the Department has opened 485 RLUIPA land-use matters. Many of these matters developed into formal investigations, lawsuits, or other court filings. In total, the Department:

- Opened 148 RLUIPA formal land-use investigations;
- Filed 25 RLUIPA land-use lawsuits; and
- Filed 29 *amicus* briefs involving RLUIPA's land-use provisions.

The majority of the Department's 148 investigations involved Christian groups (56%). The other significant portion involved Muslim and Jewish groups (comprising 23% and 10% respectively). The remainder involved Buddhist (3%) and Hindu (3%) organizations, and Unitarian, Afro-Caribbean, and Native-American groups (less than 1% for each).

The investigations involving Muslim and Jewish groups have significantly exceeded the percentage of the Muslim and Jewish U.S. population. (See Charts 1, 2, and 3 below). While the percentage of the Jewish and Muslim population in the United States has been approximately 3% combined, according to the Pew Research Center, cases involving these two faith groups have comprised 33% of all investigations.

Investigations involving Buddhist and Hindu groups, while not as high by percentage as those involving Muslim and Jewish groups, also were higher than the overall percentage of the U.S. population for these groups. While Buddhist and Hindu populations make up approximately 1.5% of the U.S. population according to the Pew Research Center, 6.6% of all investigations have involved these groups.

More than two thirds of the Department's investigations have resolved with the local governments modifying their ordinances or taking other corrective action to remedy the RLUIPA issues.

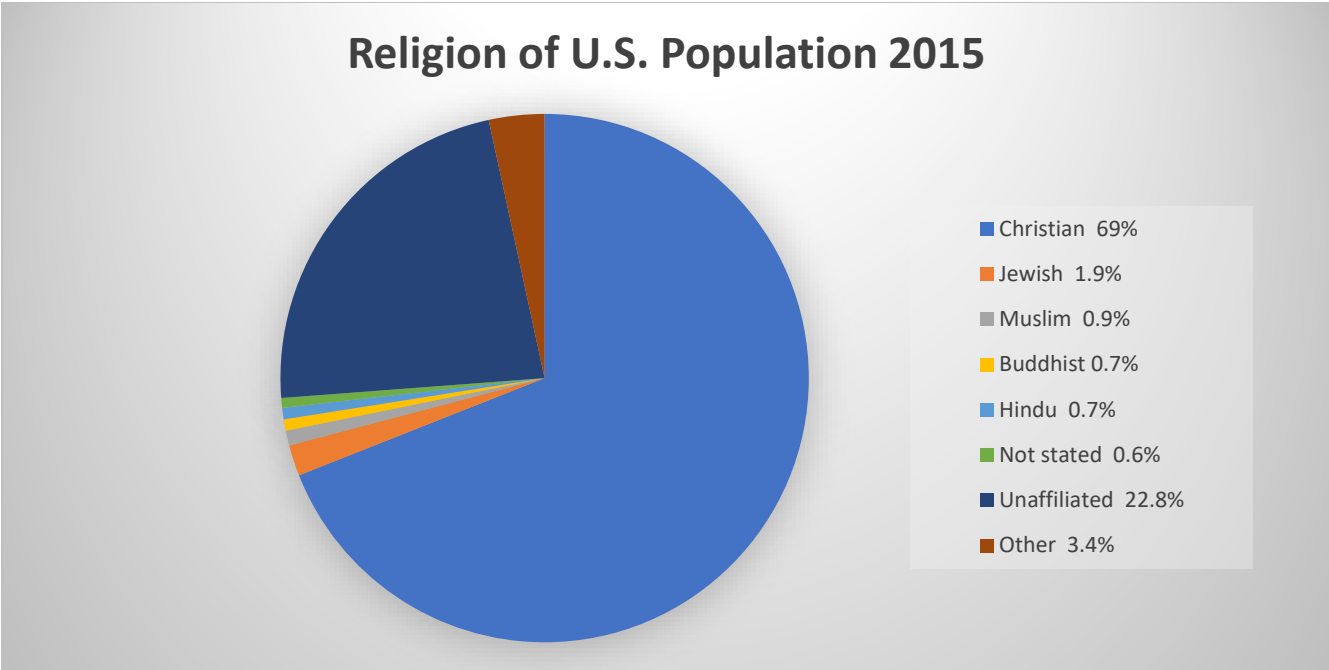


Chart 1: Data from *American's Changing Religious Landscape*, Pew Research Center, May 12, 2015

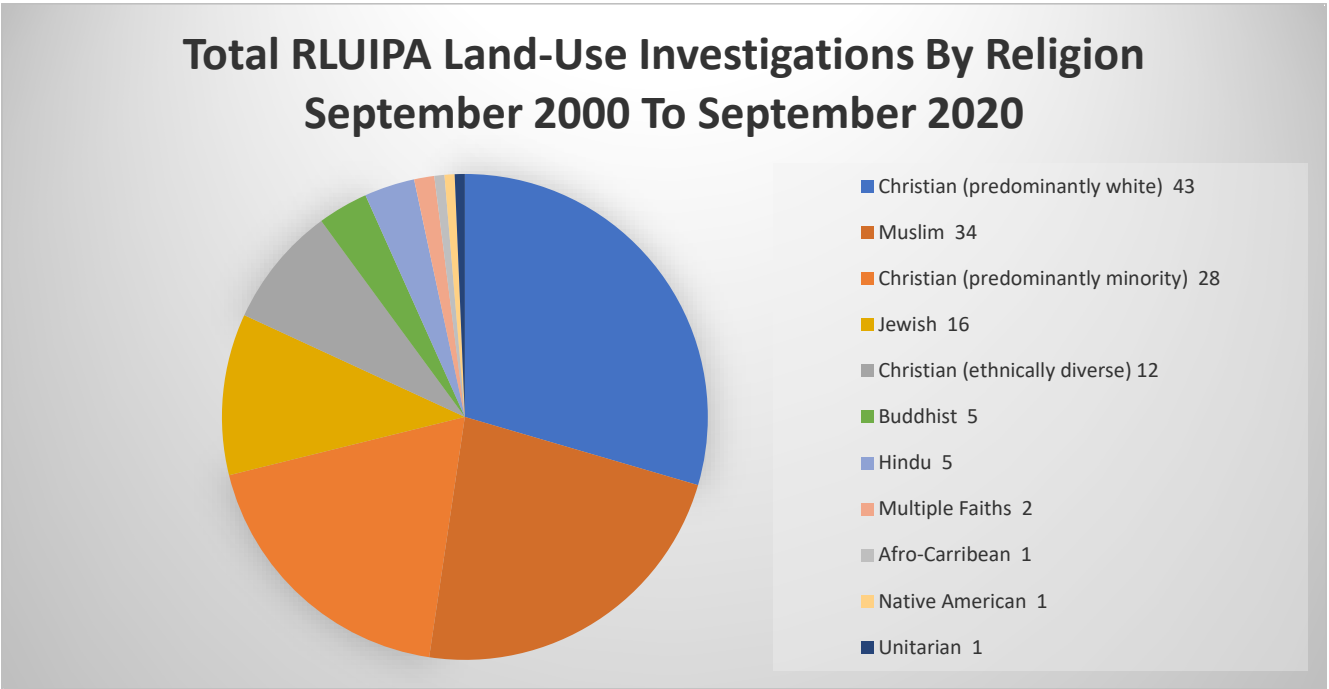


Chart 2: Department of Justice, 2020

The Department filed its combined 54 land-use lawsuits and *amicus* briefs (25 lawsuits and 29 *amicus* briefs) in the U.S. district courts, the U.S. courts of appeals, and in state court. These filings fall into four basic categories: cases involving allegations of religious discrimination (or religion combined with race or ethnicity) by a jurisdiction against a place of worship or religious school; cases in which houses of worship have been barred in zones where secular assemblies such as clubs, lodges, or community centers are permitted; cases where local governments, through their land-use codes, unreasonably limit the locations where religious assemblies and institutions may locate; and cases where local governments have placed substantial burdens on the religious exercise of congregations, religious schools, or faith-based social service providers.

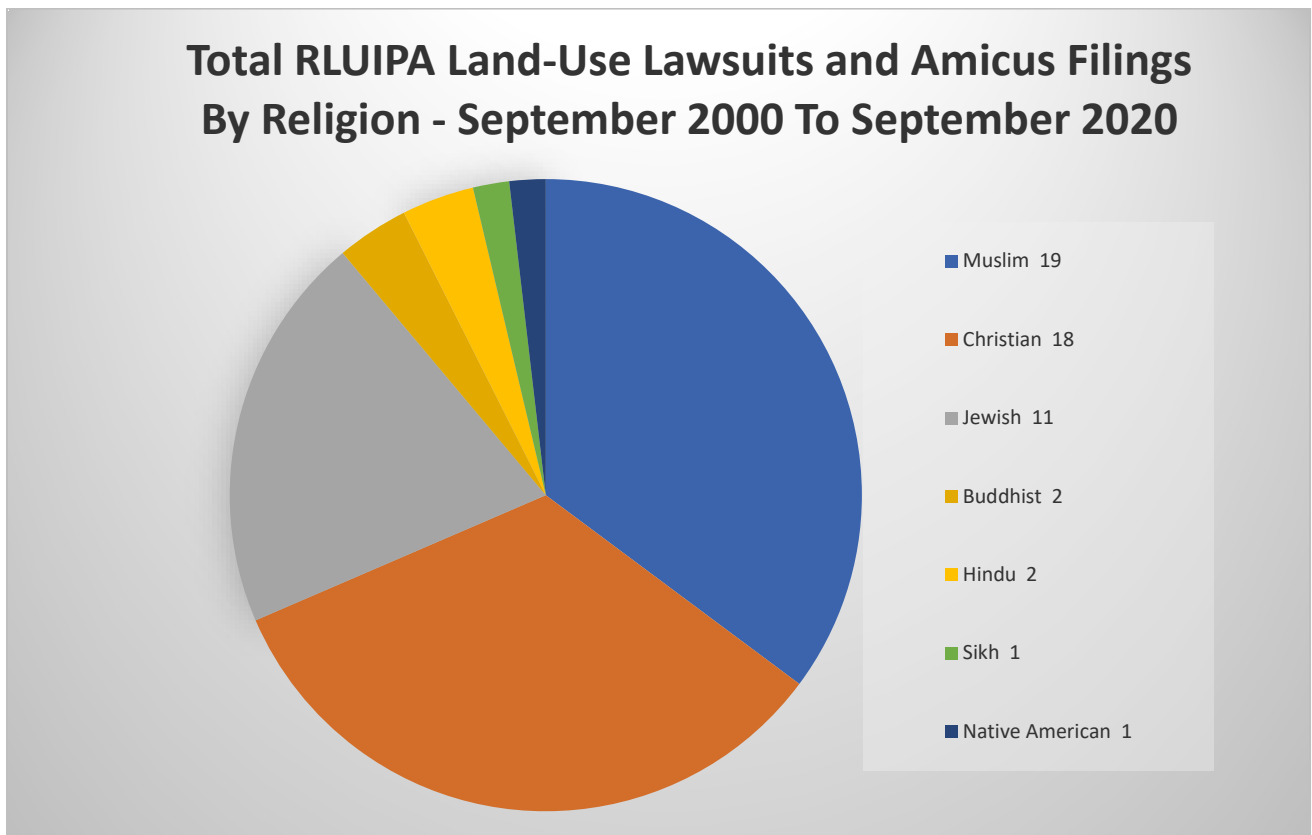


Chart 3: Department of Justice, 2020



The largest number of filings involved Islamic mosques and schools, and Christian churches, schools, and other institutions, with each representing approximately 35%. Jewish synagogues, schools, and institutions were the next group, representing 20%. Other filings have involved Hindu and Buddhist groups, each representing 4%, and one filing each on behalf of Sikh and Native American groups.

Like its investigations, the percentage of the Department's lawsuits and *amicus* filings involving Jewish and Islamic groups have been higher than the percentage of the U.S. adult population for these groups, comprising 55% of all filings. Court action by the Department on behalf of these Jewish and Islamic groups has often been necessitated by an unwillingness by local governments to take voluntary corrective action, and these cases have been more likely to involve allegations of discriminatory animus.

Below are examples and summaries of investigations and lawsuits brought by the Department of Justice and cases in which the Department has filed *amicus* briefs.

### **Examples of Land-Use Cases and Investigations:**

Examples of the Department's land-use RLUIPA investigations, lawsuits, and *amicus* filings from September 2000 to September 2020 include<sup>15</sup>:

- ***United States v. Maui County*** (D. Haw.): In July 2003, the Department filed suit against the county of Maui for denying permission to Hale O Kuaia, a small, nondenominational Christian church, to build a house of worship on 5.85 acres of land in an agricultural district. The church, which had held services on Maui since 1960, encouraged practitioners to grow food in accordance with Biblical principles and live in harmony with the land. Being in an agricultural district was integral to its worship needs. The county permitted various secular assemblies in the district, including rodeo facilities, petting zoos, and sports fields. The county subsequently settled with the church, permitting it to build its house of worship and paying it damages and attorney's fees.
- ***Guru Nanak Sikh Society v. County of Sutter*** (9th Cir.): In May 2004, the United States, participating as *amicus*, argued that a Sikh congregation's rights under RLUIPA had been violated, and the court of appeals agreed. The case involved a congregation in a California county seeking to build a gurdwara, a Sikh place of worship. The county only permitted houses

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<sup>15</sup> A complete list of the Department's court filings, and more detailed information, is available at the Civil Rights Division's Housing and Civil Enforcement Section RLUIPA case page, <https://www.justice.gov/crt/housing-and-civil-enforcement-section-cases-1#rluipa> and at the Civil Rights Division's Appellate Section case page, <https://www.justice.gov/crt/appellate-briefs-and-opinions-11>.

of worship in residential and agricultural districts. The congregation first purchased land in a residential district, was denied a permit, and then purchased land in an agricultural district, only to be denied a permit there as well.



Photo: Victory Family Life Church, Douglas, GA.

● ***Douglas County, GA:*** In January 2005, the Department opened an investigation of Douglas County after it denied Victory Family Life Church the ability to build a new sanctuary on land it had occupied for 20 years. The church’s property was 2.8 acres, just below the new 3-acre minimum imposed on churches but not on comparable nonreligious assemblies. The County amended its code to treat churches equally, and the Department closed its investigation.

● ***United States v. City of Hollywood*** (S.D. Fla.): In April 2005, the Department filed suit against the City of Hollywood, Florida, after it denied a permit to an Orthodox Jewish synagogue located in a residential neighborhood, a permit that the suit alleged was routinely granted to other houses of worship. The Department alleged that the denial and subsequent enforcement actions taken by the city against the synagogue were a result of discrimination toward Orthodox Jews. In July 2006, the Department reached a consent decree with the city that permitted the synagogue to continue operating at its location and to expand in the neighborhood in the future.



Photo: Location of Synagogue in Hollywood, FL.



● ***United States v. Village of Suffern*** (S.D.N.Y.): In September 2006, the Department filed suit against the Village of Suffern alleging violations of RLUIPA’s substantial burden provision after the village denied a zoning variance to a Jewish group to operate a “Shabbos House” near a hospital. The Shabbos House provides food and lodging to Sabbath-observant Jews to enable them to visit sick relatives at the hospital on the Sabbath. In June 2010, the Department obtained a consent decree permitting the continued operation of the Shabbos House.



Photo: Location of Shabbos house (left) in Suffern, NY.

● ***Albanian Associated Fund v. Township of Wayne*** (D. N.J.): In July 2007, the Department filed a statement of interest contending that a plaintiff Islamic group had produced sufficient evidence to show that the Township deliberately thwarted its application for a conditional use permit to build a mosque. The Township allegedly delayed the group’s mosque building application for more than three years, then tried to stop the project by seizing the property under eminent domain. The court agreed with the Department that the use of eminent domain power to bypass zoning regulations could violate RLUIPA.

- ***United States v. City of Waukegan*** (N.D. Ill.): In February 2008, the Department filed suit against the City of Waukegan over its exclusion of places of worship in districts that permitted clubs, lodges, meeting halls, and theaters, and its imposition of notices of violation to several small churches operating in these districts. The Department reached a consent decree with the city in February 2008 requiring it to treat places of worship equally with other assemblies.

- ***United States v. Metropolitan Government of Davidson County and Nashville*** (M.D. Tenn.): In September 2008, the Department filed suit alleging that defendants amended their zoning code to keep a Christian group, Teen Challenge, from building a residential substance abuse center on land it had purchased. In January 2009, the Department reached a settlement under RLUIPA and the Fair Housing Act, permitting Teen Challenge to move forward with its plans to build its residential treatment center.

- ***United States v. City of Walnut*** (C.D. Cal.): In September 2010, the Department filed suit against the City of Walnut challenging its denial of a conditional use permit to the Chung Tai Zen Center to allow it to build a Buddhist house of worship. In August 2011, the Department settled its claim with an agreed order prohibiting the city from imposing different zoning or building requirements on houses of worship. The agreement also required city officials to obtain training on RLUIPA and to report periodically to the Department.



Photo: Buddhist monastery in Walnut, CA



- ***United States v. City of Lilburn*** (N.D. Ga.): In August 2011, the Department filed suit and reached a settlement allowing Dar-E-Abbas, a Shia Muslim community, to build a new mosque at its current location. The suit included allegations that the city’s denial of approval was the result of bias against Muslims and that the city had permitted other similarly sized and situated places of worship. A federal court entered a consent decree requiring the city to allow the group to construct the mosque, as well as conduct RLUIPA training and reporting to the Department on future land-use applications by places of worship.



Photo: *United States v. City of Lilburn*: Opposition to Dar-E-Abbas’ zoning request

- ***United States v. Rutherford County*** (M.D. Tenn.): In July 2012, the Department filed suit under RLUIPA and won a temporary restraining order in federal court allowing the Islamic Center of Murfreesboro to move into a mosque it built on land where places of worship are allowed as of right. The Department filed the suit in response to a state Chancery Court order blocking the county from issuing a certificate of occupancy in a suit brought by county residents who cited fears of terrorism and related concerns.

- ***United States v. City of St. Anthony Village*** (D. Minn.): In August 2014, the Department filed suit in federal court alleging that the city violated RLUIPA by denying approval for the Abu-Huraira Islamic Center to open a prayer center in the basement of an office building in a light industrial zone. The suit alleged that the denial imposed a substantial burden on the Center, and that allowing “assemblies, meeting lodges, and convention halls,” but not religious assemblies in the zoning district, violated RLUIPA’s equal terms provision. In January 2015, a federal court in Minneapolis entered a consent order that permitted the Center to use the building as a place of worship.



Photo: *United States v. St. Anthony Village*: City officials and religious leaders at settlement press conference.

- ***James City County, VA***: In June 2015, the Department closed its investigation of the county after it rezoned Peninsula Pentecostal Church’s 40-acre site to permit its use for a place of worship. The county’s zoning code had permitted places of worship when the church purchased the property, but the county had subsequently changed its ordinance to bar places of worship within the zone.



● ***United States v. Bernards Township*** (D. N.J.): In November 2016, the Department filed a lawsuit against Bernards Township alleging violations of RLUIPA’s substantial burden, equal terms, discrimination, and unreasonable limitations provisions relating to the denial of approval for a mosque sought by a Muslim congregation on land it owned in the Township. In May 2017, the Department entered into an agreement with the Township that required it to approve the mosque and to modify its zoning code to increase the availability of land for places of worship.



Photo: Mohammad Ali Chaudry, president of Islamic Society of Basking Ridge

● ***Garden State Islamic Center v. City of Vineland*** (D. N.J.): In September 2017, the Department filed a statement of interest in federal court challenging the city’s assertion that a Muslim congregation’s RLUIPA lawsuit should be dismissed because it believed a sewage regulation used to deny a certificate of occupancy for a place of worship was not a “land-use regulation” and therefore not covered by RLUIPA. In December 2018, the court issued an opinion denying the city’s motion to dismiss and finding that the application of the sewage regulation fell within RLUIPA.



- ***United States v. Borough of Woodcliff Lake*** (D. N.J.): In June 2018, the Department filed a complaint against the borough alleging a violation of the substantial burden provision of RLUIPA when it denied a variance application to allow a Jewish organization to construct a synagogue on property it owned in the borough. The case was resolved in a settlement announced September 14, 2020.
- ***Ramapough Mountain Indians, Inc. v. Township of Mahwah, NJ*** (D. N.J.): In March 2019, the Department filed a statement of interest arguing that the plaintiff, the Ramapough Mountain Indians, a Native American tribe, had asserted meritorious RLUIPA claims when the township denied the tribe’s ability to worship communally and erect religious structures, including a sweat lodge and prayer circle, on its land. The Department argued that the facts alleged by the Ramapough established violations of RLUIPA’s substantial burden and equal terms provisions and that the township’s conduct significantly impeded the tribe’s ability to worship on its land.



Photo: *Ramapough Mountain Indians v. Township of Mahwah*: Religious structure on tribal land.

- ***Christian Fellowship Centers of NY, Inc. v. Village of Canton*** (N.D.N.Y.): In March 2019, the United States filed a statement of interest arguing that the lawsuit brought by the Christian Fellowship Centers of New York, should proceed under RLUIPA’s equal terms provision. The brief challenged the village’s exclusion of churches from its C-1 zoning district, even though that district allowed similarly situated nonreligious assemblies such as municipal buildings,

charitable and social clubs, and theaters. On March 29, 2019, the court agreed with the Department and entered an order enjoining the village from excluding churches from the district.



Photo: Jamie Sinclair, pastor of Christian Fellowship Centers at location of new church in Canton, N.Y.

- ***United States v. City of Farmersville*** (E.D. Tex.): In April 2019, the Department filed suit alleging that the city violated RLUIPA’s substantial burden and nondiscrimination provisions by denying zoning approval for a Muslim congregation to construct a religious cemetery. The parties entered into a settlement agreement requiring the city to approve the cemetery, to provide RLUIPA training to its employees and officials, and to notify the public of its compliance with RLUIPA in its land use actions.
- ***Salik, LLC v. Forsyth County*** (N.D. Ga.): In January 2020, the Department filed a statement of interest arguing that a Hindu congregation’s private suit should proceed and that the congregation had standing to raise RLUIPA claims. On March 25, 2020, the court rejected the county’s arguments and refused to dismiss the congregation’s lawsuit.
- ***United States v. Village of Walthill*** (D. Neb.): In February 2020, the Department filed suit alleging that the village violated the substantial burden and equal terms provisions of RLUIPA by denying permission to a Christian congregation to construct a church in the village. The case is pending.
- ***United States v. Stafford County*** (E.D. Va.): In June 2020, the Department filed a lawsuit alleging that Stafford County violated RLUIPA by enacting overly restrictive zoning regulations prohibiting an Islamic organization from developing a religious cemetery after the Islamic group

purchased a 27-acre tract of land in the county for that purpose. The case is pending.

- ***United States v. Jackson Township*** (D. N.J.): In May 2020, the Department filed suit against the township and its planning board, alleging that they violated RLUIPA and the Fair Housing Act by targeting the Orthodox Jewish community through zoning ordinances restricting religious schools and barring religious boarding schools. The case is pending.

### ***The Department's Enforcement Of RLUIPA's Institutionalized Persons Provisions***

Over the last twenty years, the Department has conducted investigations, filed lawsuits, reached settlements, and filed statements of interest and *amicus* briefs to protect the rights of institutionalized people to practice their faiths. The Department has found that some institutions continue to restrict practices in ways that impose substantial burdens on religious exercise, and thus must be accommodated unless the institutions can demonstrate compelling governmental interests, pursued through the means that are least restrictive on religious exercise.

The Department has conducted 68 formal or informal investigations, initiated three lawsuits, and filed eight statements of interest and 13 *amicus* briefs involving RLUIPA and institutionalized

*Over the last decade, I have seen firsthand the concrete impact RLUIPA has made to the lives of inmates all across the country. RLUIPA provides incarcerated men and women the ability to exercise their essential and inborn right to practice their faith even while in prison.*

*Rabbi Jacob Weis, Executive Director,  
Tzedek Association*

persons. Through its engagement in these matters, the Department has been able to reach voluntary compliance or court-ordered resolution in cases related to religious diet, access to religious texts and articles, opportunity to participate in religious group meetings, religious headwear, and accommodation of religious grooming practices. Through these enforcement actions, the Department has achieved statewide relief in many cases, providing access to religious accommodations for prisoners in some of the country's largest correctional systems, including Florida and California, which each confine around 100,000 prisoners. The institutional policy changes that the Department has achieved through its

enforcement actions often benefit not only the prisoner whose claims initially came to its attention or those of the same religion, but also prisoners of other religious faiths whose beliefs require similar accommodation. For example, policy changes permitting a Sikh prisoner to maintain untrimmed hair or a beard also benefits those of other religions requiring accommodation of grooming practices, such as Muslim or Native American prisoners.

The Department's work has supported the religious exercise of people practicing a wide range of religions, including Jews, Muslims, Sikhs, Christians, and Native Americans. While any



religious group may be affected by policies that prohibit religious exercise, RLUIPA claims in institutional settings are most often raised by people who practice minority faiths. The Department's enforcement efforts reflect this unsurprising reality, with the majority of the cases the Department has pursued involving religions other than Christianity.

### **Institutionalized-Persons Cases and Investigations**

Below are examples of the Department's RLUIPA institutionalized-persons cases, investigations, statements of interest, and *amicus* briefs. More detailed information is available at the Civil Rights Division's Special Litigation Section RLUIPA case page, <https://www.justice.gov/crt/special-litigation-section-cases-and-matters0#rluipa> and on the Civil Rights Division's Appellate Section case page, <https://www.justice.gov/crt/appellate-briefs-and-opinions-11>.

- ***Taylor Care Center*** (Westchester, N.Y.): The Department received allegations that staff members at Taylor Care Center, a nursing home, failed to accommodate a Sikh resident's religious practices, resulting in the resident being fed an inappropriate diet and his hair being trimmed, both in violation of his religious beliefs. The resident's family had filed a private suit against the facility, and shortly after the Department initiated its investigation, the family was able to obtain a settlement that required the distribution of guidelines and training on religious accommodations. The Department in 2009 reached an agreement with the facility that ensured that the settlement agreement with the family would be honored.
- ***Khatib v. County of Orange*** (9th Cir.): In 2010, the Department filed an *amicus* brief arguing that a pre-trial detention facility is an "institution" as defined by RLUIPA, and therefore RLUIPA's heightened standards protecting religious freedom applied. A panel of the Ninth Circuit rejected this position, but that decision was overturned by the Ninth Circuit after *en banc* review in an opinion that was consistent with the Department's position.
- ***Basra v. Cate*** (C.D. Ca.): The Department intervened in a case brought on behalf of Sukhjinder Basra seeking an accommodation to enable him to wear his hair unshorn in accordance with his Sikh faith. The California Department of Corrections and Mr. Basra entered into a settlement agreement in 2011 that permitted Mr. Basra, and all prisoners confined by the state, to wear their hair unshorn for religious reasons.
- ***Prison Legal News v. Berkeley*** (D. S.C.): The Department intervened in a lawsuit against the Berkeley County Sheriff's Office alleging that the Office violated RLUIPA and the First Amendment by restricting access to religious texts. The parties ultimately entered into a court enforceable agreement in 2012 that ensured access to religious texts consistent with RLUIPA and the Constitution.
- ***Native American Council of Tribes v. Weber*** (D. S.D. and 8th Cir.): The Department filed a statement of interest in the district court in support of the plaintiffs' position that a jurisdiction cannot deny an accommodation on the basis of its assessment that the requested practice is not compelled by or central to a particular religion. The plaintiffs in the case sought to use tobacco

in their Native American religious practice and were prohibited from doing so in part on the basis of the South Dakota State Penitentiary’s determination that tobacco use was not “traditional.” In 2013, the Department also filed a brief in the appellate court on this issue, and the case was ultimately decided in the plaintiffs’ favor.

● ***United States v. Florida Department of Corrections*** (S.D. Fla. and 11th Cir.): The Department filed litigation alleging that the Florida Department of Corrections violated RLUIPA by failing to provide a kosher diet to prisoners with a sincere religious need for one. The district court issued a permanent injunction in 2015 requiring the Department of Corrections to offer a kosher diet accommodation, and the kosher diet has now been implemented statewide. The Eleventh Circuit upheld the injunction, and the district court later terminated it after the State demonstrated more than two years of compliance.

● ***Ali v. Quarterman*** (E.D. Tex.; 5th Cir.): The Department filed a statement of interest in district court and an *amicus* brief in the court of appeals in support of the plaintiff, a Muslim man in the custody of the Texas Department of Corrections (TDOC) who sought to maintain a beard in conformity with his religious practice. The Department argued that TDOC’s ban on religious beards was not the least restrictive means to further a compelling government interest. In 2016, the Fifth Circuit affirmed the district court’s decision that the policy was not, in fact, the least restrictive means to further government interests.

● ***Cherokee County Detention Center*** (N.D. Ga): The Department investigated a Georgia detention facility’s policies regarding head coverings, access to religious materials such as books, and access to religious diets. In 2018, the Department closed its investigation after officials at the facility promptly instituted several changes addressing the potential RLUIPA violations identified by the Department.

● ***Virginia Department of Corrections*** (Richmond, Va.): In September 2019, the Department reached an agreement with the Commonwealth of Virginia to resolve the Department’s investigation of the Virginia Department of Corrections (VDOC). The agreement addressed the State’s: (1) five-person minimum for group worship and religious activities; (2) policy of preventing prisoners from attending religious services if they had missed services in the past; and (3) policy of removing prisoners from religious diets for failing to pick up a minimum number of trays per month from the special food line for religious accommodations. During the course of the investigation, VDOC made policy changes that addressed these issues and which protect prisoners’ rights to engage in religious practices.

*RLUIPA is a powerful source of protection for vulnerable people of all faiths from the prisoner praying behind bars, to the halfway house helping the hungry, to the house of worship trapped in a maze of red tape. Every American enjoys more religious freedom because of this landmark legislation.*

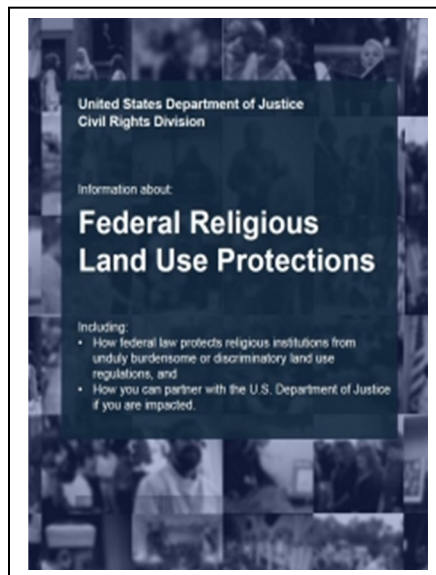
*Luke Goodrich, Vice President & Senior Counsel, The Becket Fund for Religious Liberty*

● **McGill v. Clements** (M.D. Pa.): In April 2020, the Department filed a statement of interest in support of a pretrial detainee who alleged he was being held in solitary confinement because he refused to cut his dreadlocks, which he wore as part of his religious practice as a Rastafarian. The Department argued that, in considering the plaintiff’s motion for a preliminary injunction, the court should find that he was likely to succeed on the merits of his claim, because officials had not shown that the burden on his religious exercise was the least restrictive means of achieving its compelling interests. The facility has since changed its policy to permit religious exemptions to the grooming policy.

● **Holt v. Kelley** (E.D. Ark.): In June 2020, the Department filed a statement of interest in a RLUIPA case addressing the meaning of “program or activity” receiving federal financial assistance for purposes of RLUIPA coverage. The Department argued that RLUIPA’s scope covers an entire agency even if only a sub-agency receives federal financial assistance. This is consistent with interpretations of the same language in Title VI of the Civil Rights Act of 1964.

## Education and Outreach

An important part of the Department’s RLUIPA enforcement program is education and outreach. Affected individuals and communities often are not aware of RLUIPA, do not fully understand its provisions, or do not know about the assistance the Department can offer in many cases. Local officials also are often not aware of the law and what it requires. Thus, public education and outreach about the law is critical to its success.



In June 2018, the Attorney General announced the Place to Worship Initiative, which seeks to increase the Department’s enforcement of RLUIPA’s land-use provisions and to educate religious leaders, county and municipal officials, and the general public about the statute’s requirements. As part of the Place to Worship Initiative, the Department created and maintains a website, provides informational materials for religious leaders and municipal officials, and conducted 15 community outreach and training events in FY19 to raise awareness about RLUIPA. Since the start of the initiative, the Department has filed six lawsuits and eight amicus briefs, a rate double the average for Department RLUIPA filings, and opened 23 formal investigation, a 60% increase over the average.

In conjunction with the launch of the Place to Worship Initiative, the Department updated its *Statement on the Land-Use Provisions of RLUIPA*, consisting of Questions and

Answers about the law's various provisions and requirements, and issued a *Federal Religious Land Use Protections* information booklet. This statement and information booklet, along with other materials about RLUIPA, are available at the homepage for the Place to Worship Initiative at <https://www.justice.gov/crt/placetoworship>.

Department of Justice officials, including the Assistant Attorney General and U.S. Attorneys, have participated in more than 70 events to educate religious leaders, local officials, and the public about RLUIPA's land-use provisions. Nearly half the RLUIPA land-use matters opened by the Department have involved referrals from community-based organizations, religious leaders, or attorneys for religious organizations.

Education and outreach also are critical to the Department's program for enforcing RLUIPA's institutionalized-persons provisions. Although many state and local corrections officials are aware of RLUIPA, some affected institutions are unfamiliar with the requirements that the statute places on them, do not fully understand how to provide adequate religious accommodations, and do not know about the guidance that the Department offers. Similarly, many institutionalized persons, or their families or representatives, along with groups that advocate on behalf of institutionalized people or religious groups, are unaware of the protections that RLUIPA provides. Through publications and outreach, the Department educates these individuals and groups around the country about these protections. The Department's Civil Rights Division also coordinates internally with other entities of the federal government, such as the Federal Bureau of Prisons and the U.S. Marshals Service, which have obligations to the people they confine similar to those imposed by RLUIPA. As opportunities arise, the Department is also available to provide outreach and education presentations on RLUIPA's institutionalized-persons requirements.



Photo: RLUIPA training in Pittsburgh, PA

On the Tenth Anniversary of RLUIPA’s passage in 2010, the Department issued a Statement on the Institutionalized Persons Provisions of RLUIPA, consisting of Questions and Answers about the rights and obligations under the statute. This Statement has been updated in the intervening years. The Questions and Answers and other materials related to the Department’s enforcement efforts are available at the Civil Rights Division Special Litigation Section RLUIPA page, <https://www.justice.gov/crt/religious-land-use-and-institutionalized-persons-act-0>.

## **RLUIPA’s Third Decade and Beyond**

Over the past 20 years, RLUIPA has served as a valuable tool for protecting the fundamental right of religious freedom and preventing religious discrimination. During the third decade and beyond, the Department of Justice will remain vigilant in its efforts to protect the rights of individuals and communities to practice their faiths free from discrimination and unjustified government infringement.



The Department of Justice will continue to fulfill an important role in enforcing RLUIPA, investigating potential violations, bringing lawsuits, participating as *amicus* in significant cases, providing technical assistance, and educating the public and government officials. While acknowledging the tremendous impact RLUIPA has had on protecting and defending religious liberty, the Department also acknowledges the challenges that remain, including the need to educate and inform officials of their obligations under the law to combat discrimination in their communities and to protect the religious exercise of their citizens.

*RLUIPA's passage 20 years ago and its specific protections for religious assemblies and prisoners demonstrate the very best of our country's commitment to religious liberty. RLUIPA remains an essential aspect of our country's religious liberty law, particularly for religious minorities.*

*Holly Hollman, General Counsel,  
Baptist Joint Committee for Religious  
Liberty*

The freedom to exercise one's religious is foundational to our nation and is among its most basic civil rights. The Department of Justice will continue to use RLUIPA, and all our national civil rights laws, to defend religious liberty for all.