

**Update on the Justice Department's Enforcement of the
Religious Land Use and Institutionalized Persons Act:
2010 – 2016**



U.S. Department of Justice

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I. INTRODUCTION

In September 2010, the Civil Rights Division issued its [Report on the Tenth Anniversary of the Religious Land Use and Institutionalized Persons Act](#). The Report recounted the history and purpose of RLUIPA, and detailed the RLUIPA enforcement efforts of the Civil Rights Division and U.S. Attorneys' Offices. This update describes the continuing work of the Department of Justice in enforcing RLUIPA.

As described in the Tenth Anniversary Report, RLUIPA was enacted by Congress by unanimous consent in 2000, and was supported by a religiously and ideologically diverse coalition, all seeking to expand religious freedom and prevent religious discrimination. RLUIPA was aimed at protecting against discrimination and protecting religious freedom in two areas where Congress determined there was a particular need for federal legislation: application of land-use laws to places of worship and other religious uses of property, and the religious rights of persons confined to institutions. In addition to providing for lawsuits that may be brought by people whose rights are violated, RLUIPA authorizes the Department of Justice to bring suit to uphold people's rights. The Attorney General has delegated this authority to the Civil Rights Division, which enforces RLUIPA with the assistance of U.S. Attorneys around the country.

The Tenth Anniversary Report found that, consistent with Congress's objective, RLUIPA had a significant impact on protecting the religious freedom of, and preventing religious discrimination against, persons exercising their religions through the construction, expansion, and use of property, and persons confined to institutions. The report also highlighted the great diversity of religions of persons whose rights had been protected by the law.

As detailed below, since 2010 RLUIPA has continued to be a powerful tool for protecting the religious freedom of all, and the Department of Justice has continued to conduct investigations, bring suits under RLUIPA, and file friend-of-the court briefs (also known as "amicus briefs") in key privately filed cases, to protect these critical rights. This Update is intended to provide a summary of key trends and developments in the Department's enforcement of this important civil rights law.

II. UPDATE ON LAND USE ENFORCEMENT

A. Background

RLUIPA's land use section contains a number of provisions addressing different aspects of the problems that individuals and religious institutions encounter when seeking to use property for religious purposes:

- RLUIPA protects the ability of religious institutions to freely carry out their missions and allow their members to exercise their religious beliefs through the construction and use of property for religious purposes. Section 2(a) of RLUIPA bars zoning restrictions that impose a "substantial burden" on religious exercise, unless the government can show that it has a "compelling interest" for imposing the restriction and that it is the least restrictive way for the government to further that interest. This provision can apply to individuals holding prayer meetings in their homes, as well as to institutions, such as churches, mosques, synagogues, temples, religious schools, and faith-based charities.

- Section 2(b)(1) of RLUIPA, known as the “equal terms” provision, mandates that religious assemblies and institutions be treated at least as well as nonreligious assemblies and institutions, such as fraternal organizations, clubs, and community centers.
- RLUIPA Section 2(b)(2) states that it is unlawful to discriminate “against any assembly or institution on the basis of religion or religious denomination,” making it illegal to treat zoning applicants differently because of their particular religious identity or beliefs.
- RLUIPA’s final section, 2(b)(3), provides that local governments may not totally exclude religious assemblies from, or unreasonably limit them in, a particular city, town, county, or other jurisdiction. Thus if there is nowhere at all in a city to locate a place of worship, or the availability of locations is so limited as to be unreasonable, this provision is violated.

Each of these provisions reflects problems that diverse religious communities face, as identified in RLUIPA’s legislative history. Congress showed particular concern that minority faiths, as well as Christian congregations with members who are predominantly from ethnic or racial minorities, were disproportionately the subjects of zoning conflicts. The Tenth Anniversary Report described how this concern had been borne out in the Department’s RLUIPA enforcement work, concluding that: “Animus-based discrimination remains a priority. Jewish synagogues and schools, African-American churches, and, increasingly, Muslim mosques and schools are particularly vulnerable to discriminatory zoning actions taken by local officials, often under community pressure.”

B. Enforcement

The Department of Justice has used the full array of available enforcement tools, including investigations, lawsuits, and friend-of-the-court briefs in important cases, to ensure the protection of religious freedom when persons or institutions seek to construct new buildings or use existing buildings for religious purposes. Since September 2010, the Department has:

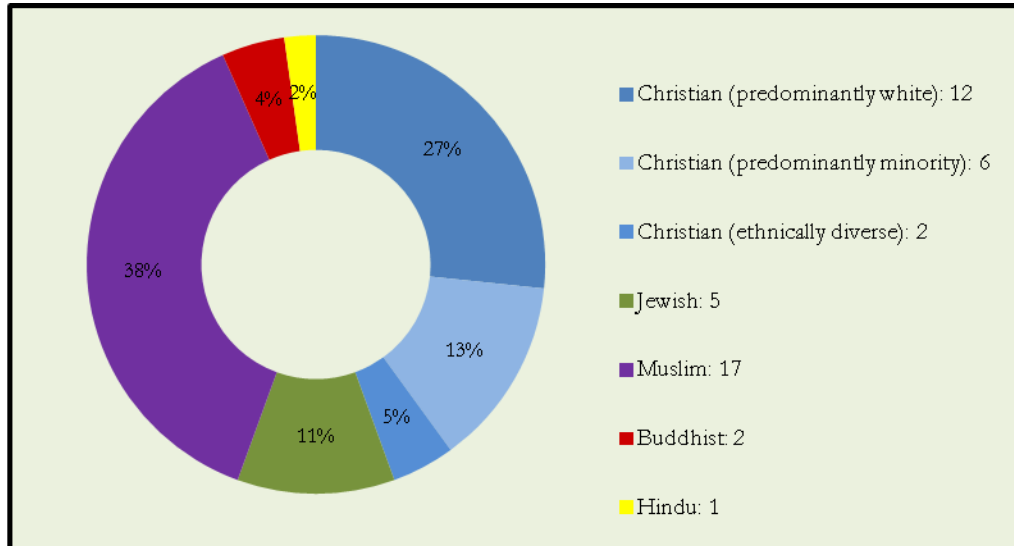
- ✓ Opened forty-five RLUIPA land-use investigations,
- ✓ Filed eight RLUIPA lawsuits involving land use, and
- ✓ Filed eight *amicus* briefs in privately filed RLUIPA land-use cases to inform the court about the law’s provisions.

The Department’s experience in its investigations since 2010 has reinforced the conclusion that minority groups have faced a disproportionate level of discrimination in zoning matters, reflected in the disproportionate number of suits and investigations involving minority groups undertaken by the Department. In particular, the percentage of Department RLUIPA investigations involving mosques or Islamic schools has risen dramatically in the time since the Tenth Anniversary Report was issued—from 15% in the 2000 to August 2010 period to 38% during the period from September 2010 to the present. Investigations involving Jewish institutions remain disproportionate to the percentage of the overall U.S. population that is Jewish.

Figure 1 below shows the breakdown by religion of RLUIPA investigations opened by the Department of Justice from September 2010 to the present, by religion of the group seeking to build, expand, rent or otherwise use land for religious purposes. Within the religion “Christian,” the chart further

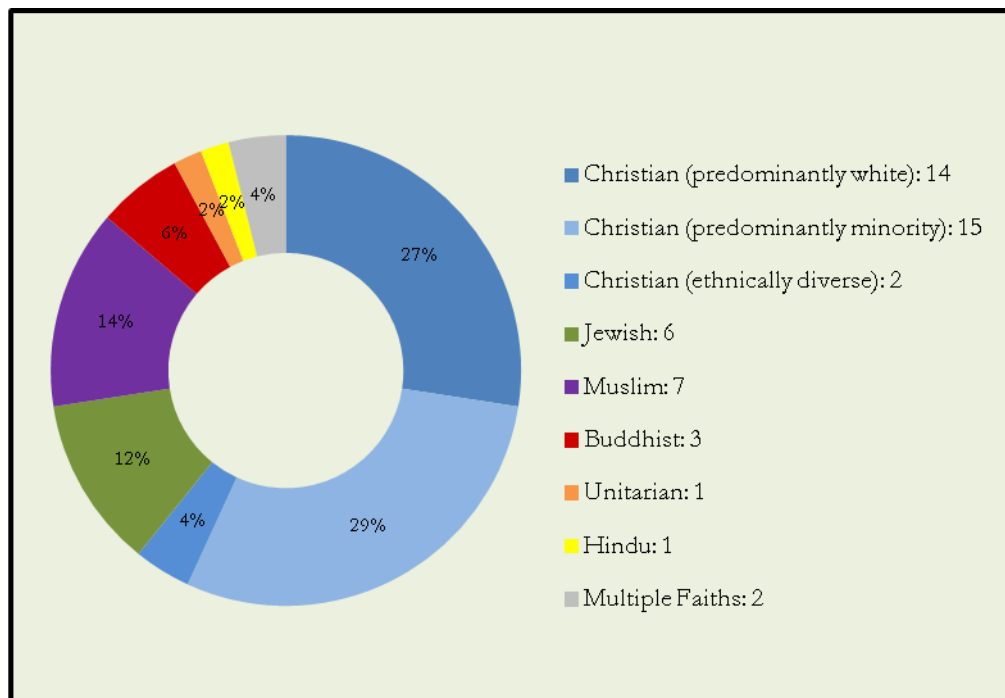
breaks down the type of church by ethnic and racial characteristics. Figure 2 is organized the same way, covering the period from RLUIPA's enactment to September 2010, and is reproduced from the 2010 report. Figure 3 shows current U.S. religious demographics, as reported by the Pew Research Center in 2015.

Figure 1: DOJ RLUIPA Investigations by Religion – September 2010 to Present



Source: Department of Justice (July 2016)

Figure 2: DOJ RLUIPA Investigations by Religion – September 2000 to September 2010



Source: Department of Justice (September 2010)

Figure 3: U.S. Religious Demographics

Religion	Percentage of Population
Christian	69
Unaffiliated	22.8
Other	3.4
Jewish	1.9
Muslim	0.9
Buddhist	0.7
Hindu	0.7
Not Stated	0.6

Data from *America's Changing Religious Landscape*, Pew Research Center. May 12, 2015.

The increase in Muslim cases is the most significant development. While not all of the cases involving Muslims have included allegations of intentional religion-based discrimination under RLUIPA Section 2(b)(2), as the summaries below make clear, most of them have. Moreover, it is important to note that RLUIPA's substantial burden provision, which requires laws that create a "substantial burden" on a person or institution's exercise of religion must be justified by a compelling, narrowly tailored government justification, was intended in part to prevent subtle, hard-to-prove discrimination. As the U.S. Court of Appeals for the Seventh Circuit has observed, this provision "backstops the explicit prohibition of religious discrimination in the later section of the Act, much as the disparate-impact theory of employment discrimination backstops the prohibition of intentional discrimination."¹ Thus the sharp increase in total RLUIPA cases involving mosques and Islamic schools is a matter for concern and attention, even when those cases do not involve explicit anti-Muslim animus.

Another troubling statistic that emerges from the last five-and-a-half years reinforces the conclusion that there is particularly severe discrimination faced by Muslims in land use: While 84% of non-Muslim investigations opened by the Department resulted in a positive resolution without the United States or private parties filing suit, in mosque and Islamic school cases, only 20% have resulted in a positive resolution without the filing of a RLUIPA suit. Seven of the last eight RLUIPA land use cases filed by the Department have involved mosques or Islamic schools. While it is encouraging that so many RLUIPA cases are resolved once a local government is informed of its obligations under RLUIPA, the sharp disparity between Muslim and non-Muslim cases in this regard is cause for concern.

In enacting RLUIPA, Congress also expressed concern that places of worship were frequently disfavored in zoning treatment relative to nonreligious assemblies.² This remains a significant problem. Since 2010, 49% of the RLUIPA investigations handled by the Department have involved disparate treatment between religious and nonreligious assemblies as the principal issue or as a major issue in the case. As the summaries below indicate, these investigations have helped secure the rights of a wide range of religious groups, particularly smaller congregations seeking to rent space to use for worship.

¹ *Sts. Constantine and Helen Greek Orthodox Church v. City of New Berlin*, 396 F.3d 895, 900 (7th Cir. 2005).

² See, e.g., 46 Cong. Rec. 16698 (2000) (Joint Statement of Senators Hatch and Kennedy):

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.

Below are examples of the Department's RLUIPA land use cases, investigations, and friend-of-the-court briefs. More detailed information is available at the Civil Rights Division's Housing and Civil Enforcement Section [RLUIPA case page](#), and at the Civil Rights Division's [Appellate Section case page](#).

- ***Congregation Etz Chaim v. City of Los Angeles*** (C.D. Cal.): In April 2011, the Department filed a friend-of-the-court brief in Federal District Court in support of a small Orthodox Jewish congregation seeking to hold services in a home in a residential neighborhood in which the city had permitted the operation of nonreligious assemblies and institutions including private schools, athletic clubs, and a consulate. Locating in the neighborhood was crucial to the congregation in order to be within walking distance of its members on the Sabbath. The court agreed in a ruling in July 2011 that the City's refusal to allow the congregation to hold services at the home violated RLUIPA's substantial burden and equal terms provisions.
- ***Palm Beach Gardens, FL***: The Department opened an investigation in response to the city's requirement that a church seek zoning approval to continue to rent a high school cafeteria to hold worship meetings for approximately 25 members. The Department closed the investigation in May 2011 after the city amended its zoning ordinance to allow religious groups of less than 100 members as of right and to treat larger religious organizations under the same rules applied to clubs, meetings halls, and other places of assembly.
- ***United States v. City of Lilburn*** (N.D. Ga.): In August 2011, the Department filed suit and reached a consent decree winning the right of 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 other similarly sized and situated places of worship had been permitted.
- ***United States v. County of Henrico*** (E.D. Va.): In September 2011, the Department filed suit and obtained a consent decree allowing a local Muslim community to construct a mosque. The suit alleged that the county's denial of the rezoning application was based on the religious bias of county officials and members of the public whom the officials sought to appease, and that the denial imposed a substantial burden on the congregation's religious exercise.
- ***Schodack, NY***: The Department investigated the town's denial of approval for a small church to rent space in a building that had previously been the site of a business training center, and which was in a commercial zone that allowed various nonreligious assemblies including membership clubs and lodges, funeral homes, and libraries. The Department closed its investigation in November 2011 after the town amended its zoning code to treat places of worship equally with other assemblies.
- ***Opulent Life Church v. City of Holly Springs, MS*** (U.S. Ct. of Appeals, 5th Cir.): The Department filed a friend-of-the-court brief in March 2012 with the U.S. Court of Appeals for the Fifth Circuit arguing that a city ordinance imposing special conditions on churches, including requiring churches to obtain the permission of 60% of neighbors, which were not imposed on nonreligious assemblies, violated RLUIPA's equal terms provision. The court agreed in a September 2012 ruling.
- ***Bethel World Outreach Ministries v. Montgomery County, MD*** (U.S. Ct. of Appeals, 4th Cir.): The Department filed a friend-of-the-court brief in the U.S. Court of Appeals for the Fourth Circuit in April 2012 arguing that the county imposed a substantial burden on Bethel

World Outreach Ministries' efforts to build an 800-seat church on its 119-acre site, in light of the church's need at its current smaller location to hold multiple services and curtail a number of important activities. The court agreed in a ruling in January 2013.

- ***Brewer, ME***: The Department investigated the city's denial of zoning approval to The Rock Church to expand within a strip mall in a commercial district. The Department closed its investigation in May 2013 after the city amended its ordinance to treat places of worship equally with clubs, community service organizations, theaters, indoor recreation facilities, night clubs, funeral homes, and child care centers.
- ***United States v. City of Lomita*** (C.D. Cal.): In February 2013, the Department filed suit and reached an agreed settlement order in a suit alleging that the city imposed a substantial burden on a mosque when it denied a request by the Islamic Center of the South Bay to take down the aging and inadequate structures on the property where it worshipped and construct a new mosque.
- ***United States v. Rutherford County*** (M.D. Tenn.): The United States filed suit under RLUIPA and won a temporary restraining order in federal court in Tennessee in July 2012 allowing the Islamic Center of Murfreesboro to move into a mosque it built on land that allows places of worship as of right. The United States 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, sharia law, and related concerns.
- ***Bazetta, OH***: In September 2014, the Department closed its investigation of Bazetta, Ohio, after the township amended its zoning rules to permit places of worship in residential zones and treat churches equally with other assemblies in commercial zones. The investigation had been prompted by the township's denial of an application by the Living Word Sanctuary based on acreage requirements that applied differently to religious and nonreligious assemblies.
- ***Chabad Lubavitch v. Borough of Litchfield, CT*** (U.S. Ct. of Appeals, 2d Cir.): The Department filed a friend-of-the-court brief in the U.S. Court of Appeals for the Second Circuit in November 2012 in this case involving a Chabad Lubavitch Orthodox Jewish congregation seeking to expand a house to use as a synagogue. The brief argued that discrimination does not need to be proven to make out a claim under RLUIPA's substantial burden provision. It also argued that in evaluating RLUIPA's nondiscrimination provision, the appropriate test is the multi-factor test outlined by the Supreme Court in *Village of Arlington Heights v. Metropolitan Housing Development Corp* (1977), for housing discrimination cases. The Court of Appeals agreed in a decision in September 2014.
- ***United States v. City of St. Anthony Village*** (D. Minn.): The Department brought a suit against the city in federal court in Minnesota in August 2014 alleging that denial of approval for the Abu-Huraira Islamic Center to open a prayer center in the basement of an office building in a light industrial zone violated RLUIPA. 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, violated RLUIPA's Equal Terms provision. A federal court in Minneapolis entered a consent order that permitted the Center to use the building as a place of worship on January 5, 2015.
- ***Kennesaw, GA***: In May 2015, the Department closed its RLUIPA investigation, opened in response to a city vote denying a mosque a permit to lease space in a commercial district, after the

city amended its ordinance to allow places of worship in all of its zoning districts. The change corrected favored treatment given to various non-religious assemblies.

- ***James City County, VA:*** The Department of Justice closed its investigation of the county in June 2015 after the county rezoned Peninsula Pentecostal Church's 40-acre site to permit a house of worship use. The county's zoning code had permitted places of worship when the church purchased the property, but the county had subsequently changed its ordinance in a way that had barred the church from building.
- ***Palatine, IL:*** On September 21, 2015, the Department closed its investigation of the village after it amended its zoning to allow the Korean Bethel Presbyterian Church to move into a vacant building formerly used as an indoor golf training center in an area where various nonreligious places of assembly are permitted.
- ***United States v. Des Plaines*** (N.D. Ill.): In September 2015, the Department brought suit against the city over its denial of rezoning to allow a Bosnian Muslim congregation to use a vacant office building as a mosque. The suit, filed in federal court in Chicago and currently pending, alleges that the city treated the mosque less favorably than it treated nonreligious assemblies and other religious assemblies.
- ***United States v. Pittsfield*** (E.D. Mi.): In October 2015, the Department filed suit against the township alleging that it improperly denied rezoning of a parcel on which the Michigan Islamic Academy, currently located on a small lot in Ann Arbor, wished to build a new school. The suit, which is pending, alleges that the denial imposed a substantial burden on the religious exercise of the school and its students.
- ***Lauderhill, FL:*** The Department closed an investigation of the city in December 2015 after the city changed its zoning code to remove special restrictions on the location of churches, which had included prohibitions on churches in freestanding structures and on locating within 1,000 feet of another church in certain zones.
- ***Garden City, KS:*** In January 2016, the Department closed an investigation of the city after it made changes to treat religious assemblies equally with nonreligious assemblies, including auditoriums, funeral homes, lodges, meeting halls, private clubs, and schools in its commercial zones.

C. Education and Outreach

An important part of the Department's RLUIPA land use enforcement program is outreach. RLUIPA has multiple overlapping provisions, and affected individuals and communities often either 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. Thus public education and outreach about the law is critical to its success.

In conjunction with the release of the Tenth Anniversary Report, the Department issued a Statement on the Land-Use Provisions of RLUIPA, consisting of Questions and Answers about the law's various provisions and requirements. This Statement, along with other materials about RLUIPA, is available at the Civil Rights Division [Housing and Civil Enforcement RLUIPA page](#).

Department of Justice officials, including the head of the Civil Rights Division, U.S. Attorneys, and others, have participated in more than 55 events since September 2010 to educate religious leaders, attorneys, local officials, and the public about RLUIPA’s land-use provisions. These events have included speeches to national conventions of religious groups, panels at law schools, presentations at regional seminars for Islamic nonprofits sponsored by Muslim Advocates, a presentation to the Diocesan attorneys of the U.S. Conference of Catholic Bishops, a course at the Sikh Coalition Advocate Academy, presentations at Continuing Legal Education courses, an American Bar Association webinar, the Washington Nonprofit Legal & Tax Conference, community roundtables in conjunction with U.S. Attorney’s offices, and many others. Nearly half the RLUIPA matters opened by the Department since September 2010 have involved referrals from community-based organizations, religious leaders, or attorneys for religious organizations.

III. UPDATE ON INSTITUTIONALIZED PERSONS

A. Background

RLUIPA’s institutionalized persons provisions are intended to prevent officials from imposing frivolous and arbitrary restrictions on religious exercise. In introducing the bill that would become RLUIPA, Senator Kennedy noted that institutionalized persons were often denied opportunities to practice their religions even when such practice would not have harmed the discipline, order, or safety of the institutions in which they were located.³ He also noted that restrictions on the practice of religion in the prison context could even be counter-productive because “[s]incere faith and worship can be an indispensable part of rehabilitation.”⁴

- Section 3(a) of RLUIPA prohibits regulations that impose a “substantial burden” on the religious exercise of persons residing or confined in an institution. This provision also makes clear that its prohibition applies even if the regulation imposing the burden is a rule of general applicability.
- Regulations amounting to a substantial burden will only be permitted if the government can show that the regulation serves a “compelling government interest” and is the least restrictive way for the government to further the identified compelling interest.
- RLUIPA “may require a government to incur expenses in its own operations to avoid imposing a substantial burden on religious exercise.” § 2000cc–3(c).

A significant Supreme Court case interpreting RLUIPA, *Holt v. Hobbs*, was decided in 2015. In that case, the Court affirmed that the strict scrutiny analysis required by the statute is “exceptionally demanding” and that the protection it affords is “expansive.” 135 S. Ct. 853, 860, 864 (2015). The United States filed a brief in support of the petitioner in *Holt* explaining the proper standard for analyzing RLUIPA claims. The petitioner in *Holt* was a Muslim prisoner who challenged the Arkansas Department of Corrections’ (ADOC) grooming policy, which prohibited beards and provided no exceptions for requests based on religion. *Id.* at 860-61. The Supreme Court found that the grooming policy violated RLUIPA because the ADOC failed to prove that prohibiting beards was the least restrictive means to further its interests in (1) preventing prisoners from hiding contraband and (2) quickly and reliably

³ 146 CONG. REC. S6678-02, at S6688 (daily ed. July 13, 2000).

⁴ *Id.* at S6689.

identifying prisoners. *Id.* at 863-65. The Court found that there were less restrictive means to further these interests. For example, the ADOC could search beards to limit contraband and take pictures of prisoners with and without beards to enable speedy identification. *Id.* Furthermore, the ADOC did not show why it must take a different course from the many other correctional facilities around the country that permit the plaintiff's requested beard exception. *Id.* at 865-67. *Holt* makes clear that courts should not accept prison administrators' broad statements about governmental interests as a basis for denying religious accommodations. *Id.* at 863-64.

B. Enforcement

Between 2010 and 2016 the Department has continued to conduct a full range of enforcement efforts to hold institutions, primarily jails and prisons, to RLUIPA's requirement that they permit religious exercise except where restrictions on practice are the least restrictive means of furthering a compelling government interest. The Department has found that many jurisdictions continue to restrict practices that must be accommodated under RLUIPA's strict scrutiny analysis. To protect the rights of institutionalized people to practice their religions, the Department has conducted investigations, filed litigation, reached settlements, and filed statements of interest and amicus briefs.

During this time period we conducted six formal investigations, informally intervened in seven matters, initiated three lawsuits, and filed 17 statements of interest or amicus briefs. Though our engagement in these matters, we have been able to reach voluntary compliance or court ordered resolution in cases related to religious diet, access to religious texts and articles, and accommodation of religious grooming practices. Through these enforcement actions, we have achieved statewide relief in many cases, providing access to religious accommodations for prisoners in some the country's largest correctional systems, including Florida and California, which each confine over 100,000 prisoners.

Our 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, as with land use, 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 our work involving the rights of people who practice religions other than Christianity. Among the issues that the Department has addressed over the last five years include religious diets, access to religious articles, access to religious texts, hair and beard length, religious headwear, and accommodations for religious fasts such as Ramadan.

Below are examples of the Department's RLUIPA institutionalized persons cases, investigations, and statements of interest. More detailed information is available at the Civil Rights Division's [Special Litigation Section RLUIPA case page](#), and on the [Appellate Section case page](#).

- ***Khatib v. County of Orange, CA*** (U.S. Ct. of Appeals, 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 position taken by the Department.
- ***Basra v. Cate*** (C.D. Cal.): 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.

- ***Prison Legal News v. Berkeley County*** (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 non-Christian religious texts. The parties ultimately entered into a court-enforceable agreement in 2012 that ensures access to religious texts consistent with RLUIPA and the Constitution.
- ***Sullivan County, TN***: In 2012, the Department conducted an investigation related to the denial of requests for religious articles at the Sullivan County Jail. The Department ultimately entered into an agreement with the County to reform the process for accepting and reviewing requests for religious accommodations in the jail.
- ***Native American Council of Tribes v. Weber*** (D.S.D. and U.S. Ct. of Appeals, 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 U.S. Ct. of Appeals, 11th Cir.): The Department filed litigation alleging that the Florida Department of Corrections violated RLUIPA by failing to provide a kosher diet accommodation to prisoners with a sincere religious basis for seeking a kosher diet. The district court issued a permanent injunction requiring the Department of Corrections to offer a kosher diet accommodation in 2015 and the kosher diet has now been implemented statewide. The Eleventh Circuit affirmed the district court decision on July 14, 2016.
- ***Ali v. Quarterman*** (E.D. Tex. and U.S. Ct. of Appeals, 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 who sought to maintain a beard in conformity with his religious practice. The Department argued that the Department of Corrections' 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 decision that the policy was not, in fact, the least restrictive means to further government interests.

C. Education and Outreach

Similar to the Department's RLUIPA land use enforcement program, education and outreach are a critical part of 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 not aware of the requirements RLUIPA 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. The 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, who have similar

obligations to those imposed by RLUIPA regarding the people they confine.

As it did with regard to the land use provisions of RLUIPA, on the Tenth Anniversary of RLUIPA's passage in 2010, the Department also issued a Statement on the Institutionalized Persons Provisions of RLUIPA, consisting of Questions and Answers about RLUIPA's institutionalized persons provisions and requirements. 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](#).

IV. MOVING FORWARD

RLUIPA continues to provide strong protections against religious discrimination and in support of religious freedom in the two important areas of religious land use and the religious exercise of institutionalized persons. The land use provision protects the ability of people to come together and exercise their faith in community, through establishing places of worship and other religious institutions. Religious liberty would be an empty right for many people if they were not able to exercise that right in community with others. RLUIPA helps ensure this critical aspect of religious freedom. And for those confined to institutions, even the most basic elements of religious exercise are not available unless the institutions are willing to make accommodations for their religious needs. RLUIPA helps ensure that they do, consistent with the needs for safety, security, and the effective functioning of the institutions.

Moving forward, the Department of Justice will continue to enforce RLUIPA and ensure that these important rights remain protected. As the Department of Justice's experience enforcing the law has shown, minority religious rights are especially vulnerable, but the breadth of religious traditions in the cases in which the Department has been involved demonstrate that all faiths can face unjustified infringement in land use and in institutions. RLUIPA is, and will remain, an important part of the array of federal civil rights protections upholding the rights of all.