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For immediate release

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Major Victory for The Church of the Hills in Civil Rights Case

*Court upholds RLUIPA, refuses to dismiss lawsuit,
and holds that Township's actions will undergo "strict scrutiny"*

The federal district court hearing the lawsuit between The Church of the Hills and Bedminster Township, which charges that the Township violated the First Amendment and the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), denied the Township's motion to dismiss the lawsuit late Friday. The United States Department of Justice had previously filed a brief in support of the Church's arguments, saying that the Township's arguments were "without merit" and represented "a fundamental misunderstanding" of the applicable law.

The court rejected every single argument by the Township that RLUIPA was unconstitutional, holding that "[a]pplying the heightened level of scrutiny imposed by the RLUIPA's general rule . . . to these types of individualized assessments merely codifies the jurisprudence in Free Exercise cases . . ." The court rejected the Township's additional arguments that RLUIPA violated the Commerce Clause, the Tenth Amendment, the Establishment Clause, or "separation of powers."

The court also held that the First Amendment's Free Exercise Clause protects the Church to the same extent as RLUIPA:

Under the First Amendment's Free Exercise protections, religious justifications for such an exemption [the variance] cannot be denied unless the Township can demonstrate a compelling state interest for the denial and that the denial represents the least restrictive means available to further that interest.

The court held that, under this standard, the facts as described by the Church "stated a claim" under the Free Exercise Clause, the Equal Protection Clause, and RLUIPA:

The need for religious institutions to have the ability to develop "a physical space adequate to their needs and consistent with their theological requirements" is at the heart of the RLUIPA's land-use provisions. 146 CONG. REC. S7774-01, 7774 (daily ed. July 27, 2000) (Joint Statement of Sen. Hatch and Sen. Kennedy on the Religious Land Use and Institutionalized Persons Act of 2000).

The Church, represented by the Law Office of Roman P. Storzer and by Stephen E. Barcan of the law firm of Wilentz, Goldman & Spitzer P.A., first applied for a variance in March 2002 in order to accommodate its growing ministries, which include Sunday school, adult education, a library, prayer rooms, educational facilities, and a choir room. It has also been forced to hold two Sunday services instead of one, against its beliefs that dictate that the congregation worship together as one body. The Township denied the application outright, even though it decided that "not any one factor" of the application constituted "substantial detriment to the public good."

Copies of the court's opinion are available upon request.