

ACLJ Defeats Locality's Attempt to Shut Down Small Home Prayer Gathering

Each year, the American Center for Law and Justice receives numerous legal requests for help relating to discrimination against churches, religious organizations, and individuals by local authorities through the zoning process. And each year, we send out demand letters and informational memos, and sometimes file lawsuits to defend religious liberty, because the law and the Constitution are on our side.

A recent example of one such request came from a private homeowner desiring to hold weekly prayer gatherings in his home. After a few weeks of these prayer gatherings, the homeowner received a notice from city officials demanding that he cease and desist his prayer gatherings until he had obtained special permission from the proper zoning authorities.

The city asserted that the homeowner was operating a church or house of worship as defined under the city's ordinance as "churches, temples, synagogues, religious organizations, parish houses and parochial schools" and likened to non-residential uses such as a day care centers, treatment institutions and mental health facilities.

Contrary to the city's assertion, our client's decision to hold a private prayer gathering in his home was no different—for purposes of zoning—than a homeowner's decision to host a weekly book club, Girl Scout club meeting or a family meal for relatives—all perfectly permissible uses not regulated by the city.

In fact, regulating a Bible study or small home prayer gathering as a church or day care is like regulating a couple

of friends getting together to watch the game on TV as a sports stadium. It's just as absurd.

Accordingly, the ACLJ contacted local city officials and put them on notice that their attempts to treat our client's private religious gatherings differently than similar private, nonreligious gatherings violated federal law, and thus would not be tolerated.

One such law is the Equal Protection Clause of the 14th Amendment, which requires government entities to treat similarly situated people alike. In the zoning context, a violation of the Equal Protection Clause occurs where similarly situated property owners are treated differently and there is no rational basis for the different treatment. In our client's case, there were no valid reasons for the city's different treatment of his religious gatherings. No valid traffic, parking, or other safety concerns were present.

Another law that applies to protect religious organizations and individuals alike in the zoning context is the Religious Land Use and Institutionalized Persons Act. RLUIPA was enacted to address the widespread discrimination by local zoning authorities as it relates to churches and religious uses, and it prohibits, among other things, the application of land use laws in a manner that imposes a substantial burden on religious exercise without a compelling reason to do so.

In the case of our client, once the city received our letter, our client was able to reconvene his private prayer gatherings, and the city backed down from its attempt to enforce the zoning ordinance to prohibit the private gatherings.

Local authorities' illegal attempts to limit religious activity can occur in many forms. Sometimes it comes in the form of the misapplication of zoning ordinances to limit or exclude altogether a religious organization or activity. Other

times, local officials—likely recognizing they have no authority to regulate the activity through zoning regulations—will attempt to intimidate or harass the individual or religious organization during the scheduled prayer gatherings or church services.

Many times, we are able to defend your rights with a simple memo or demand letter. Other times, we're forced to file a lawsuit, which is what happened when a local authority tried to force a church—get this—to obtain a liquor license to use its own property. The church doesn't so much as use wine in communion; but the county refused to back down, so we filed a lawsuit. As we explained:

The bottom line is the county is treating our client, the church, differently and worse—because it's a church and has these religious beliefs about alcohol.

But federal statutes and the U.S. Constitution do not allow the county to do that, and that's why we're taking it to court. We must stand up for churches' rights in this country.

It's a small church, and it's a big county. It's David and Goliath.

Whatever tactics are employed, the ACLJ stands ready to defend your religious liberty. {eo}

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