

County Officials Force Georgia Church Underground

Rockdale County is allegedly discriminating against a Georgia church, effectively forcing it underground.

Rockdale County refused the small church access to several properties for its **worship services** because the properties are less than three acres. The restriction does not apply to non-religious groups. The Alliance Defense Fund (ADF) has filed a lawsuit.

“Government officials should not use zoning restrictions to close down religious services of small, start-up churches,” says ADF Senior legal counsel Erik Stanley. “Not only is it irresponsible to target small ministries dedicated to serving the community, it’s unconstitutional and violates federal law.”

Rockdale County’s zoning code restricts churches from meeting on property of less than three acres in any zoning district but does not similarly restrict other groups.

The county’s code also requires churches to obtain special use permits and prohibits them from locating in limited industrial districts. These restrictions do not apply to non-religious groups, including sports centers, day care centers, libraries, performing arts centers, recreational clubs and educational institutions.

Here’s the backstory: In February 2011, the county denied New Generation Christian Church a meter to heat a building it rented, citing the zoning code’s three-acre limit on churches. The following month, the church applied for another meter for a different building, but the county refused the request on similar grounds.

In May, the church requested permission to rent the vacant property they initially occupied, but the county again denied the request for the same reasons, forcing the congregation to meet in the inadequate basement of a jewelry store. As a small, start-up church, New Generation cannot afford to purchase or lease a property of three acres or more.

“Under the city’s requirements, only non-religious groups and large, wealthy churches can find an adequate place to meet,” Stanley explains. “This is exactly why federal law protects churches from arbitrary and subjective zoning decisions.”

The lawsuit argues that the zoning code violates the church’s free exercise of religion guaranteed by the U.S. Constitution and the Religious Land Use and Institutionalized Persons Act, a federal law which protects churches and religious groups from burdensome and discriminatory zoning law restrictions on their property use. Along with the lawsuit, ADF attorneys filed a motion that asks the court to suspend the county’s restrictions while the case proceeds in court.