

Court Mandates Idaho Town to Lift Church Meeting Ban



Elmore County Courthouse in Mountain Home, Idaho.

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City officials in Mountain Home, Idaho, have agreed to let a local church hold worship services in its leased property after church leaders sued.

An Alliance Defense Fund-allied attorney secured a court order Wednesday, which resolves the primary issue of the church's lawsuit. The suit argued that the city's zoning code violated federal law and the constitutionally protected rights of No Limits Christian Ministries.

"Churches should not be singled out for discrimination by a city's zoning restrictions," says John W. Mauck, lead counsel in the suit and an ADF alliance attorney. "The city of Mountain Home did the right thing by agreeing to this court order and letting this growing church meet on its leased property so it can exercise its constitutionally protected right to assemble—just like everyone else."

"We are gratified by the city council's prompt and proper action to correct the injustice," Pastor Clark Williams said in a statement. "We are thankful to God that we are allowed to worship."

Mountain Home officials would not allow the 70-member-church, which ministers to a number of military families, to locate in any of the city's zones. The city required the church to go through a burdensome conditional use permit process to assemble on the land that it leased, even though non-religious assemblies are freely allowed to meet within the city's zones.

"This case is just one of numerous lawsuits throughout the country demonstrating that many municipalities don't understand the law. Zoning schemes may not exclude churches or single them out from similar uses for disfavored treatment," ADF Senior Counsel Joseph Infranco explains. "This lawsuit had a great outcome, and we hope other cities in similar situations will take notice."

The lawsuit, filed May 30, contended that city zoning officials were violating the U.S. and Idaho constitutions as well as the federal Religious Land Use and Institutionalized Persons Act, which prevents zoning officials from singling out churches for discriminatory treatment.

According to *The Republic*, Mountain Home Mayor Tom Rist claimed he and the city council did not know about the federal act, and said the city's zoning rules, requiring churches to get a conditional permit, were the same as many other Idaho communities.

The city and No Limits Christian Ministries both agreed to continue to work toward a settlement of the federal case as part of the court order.