

Court Stops Eviction of Churches Meeting in New York Schools

New York City churches that have been meeting in public schools won a reprieve from eviction. A Friday court order allows churches to continue meeting for **worship services** while a lawsuit against the city continues.

The preliminary injunction against New York City's unique-in-the-nation prohibition on worship services in vacant public school buildings on weekends comes on the heels of a temporary order that allowed the Bronx Household of Faith to meet for 10 days.

"Churches that have been helping communities for years can once again offer the hope that empty buildings can't. The city can't single out **religious expression** and treat it worse than the expression of everybody else," says Alliance Defense Fund (ADF) senior counsel Jordan Lorence.

"The court's order allows churches and other religious groups to meet in empty school buildings on weekends just as non-religious groups do while the lawsuit proceeds. The city's view of the **First Amendment** is wrong, and we intend to continue to demonstrate that in court."

ADF sought the injunction on Feb. 3 from the U.S. District Court for the Southern District of New York to stop the evictions based on violations of the First Amendment that had not been ruled on previously in the case, *Bronx Household of Faith v. Board of Education of the City of New York*.

"In this court's view, losing one's right to exercise freely and fully his or her religious beliefs is a greater threat to our democratic society than a misperceived violation of the

Establishment Clause,” the court wrote in its opinion accompanying the order.

Many New York City churchgoers have been protesting the city’s plans to evict them ever since the U.S. Supreme Court declined to take up the case on free speech grounds on Dec. 5. A bill that would compel the city’s Department of Education to allow the worship services passed the state senate this month and is awaiting action by the state assembly.

“New York legislators should continue efforts to overturn this policy,” Lorence explains. “This order prevents the city’s policy from being enforced while litigation continues, but legislators can resolve the issue once and for all by making the city get rid of the policy. The courts have consistently ruled that the **Constitution** does not require New York City to ban religious worship services, so the city or the state legislature is free to repeal the policy.”