Renovating the Church Building

What does our congregation need to know about zoning and land use?

What legal protections exist if our church wants to expand the sanctuary or remodel the exterior of the building and is having problems with local government zoning and land marking commissions?

What legal protections exist if our church wants to expand the sanctuary or remodel the exterior of the building and is having problems with local government zoning and land marking commissions?

The Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) is a federal law that is intended to protect religious organizations rights for the use of their real property. It is designed to protect religious assemblies and institutions from zoning and historic landmark laws that substantially interfere with their religious free exercise.

Does RLUIPA immunize churches and other religious properties from land-use regulations?

NO. All land-use regulations apply to religious buildings until a claimant makes a showing that a land-use regulation imposes a substantial burden on a sincerely held religious belief or activity.

Claimants will need to follow local land-use regulations and procedures until they are faced with a government decision that discriminates or places a substantial burden on their religious practice. They then can try to show that the Act has been violated. Even then, many zoning and building regulations regarding structural integrity and construction requirements, fire and flood safety, sanitation regulations, and similar health and safety requirements may well be found supported by a compelling governmental interest.

Legal Disclaimer

Information on this document does not constitute legal advice to anyone. In addition, the use of this document, and the sending or receipt of information through elca.org does not create attorney-client relationship of any sort. Visitors to elca.org should be aware that communication in this manner may not be considered as privileged or confidential. Individuals requiring legal assistance should engage a qualified attorney, licensed to practice law in the particular state or jurisdiction where the legal issues have arisen. Members of the ELCA, pastors, congregations, synods, and others affiliated with this church should always consult their own attorneys, accountants, or similar professionals whenever legal issues or problems arise. Neither the churchwide organization nor the general counsel is responsible for any loss, injury, liability, or damage related to your use of this document, whether from errors or omissions in the content of this document or any linked sites, from the site being down, or from any other use.