

Avoiding and Defending Against RLUIPA Litigation

Howard R. Feldman

Aaron L. Casagrande

James R. Benjamin, Jr.

Baltimore County Maryland

WTP Whiteford | Taylor | Preston LLP

RLUIPA Enactment

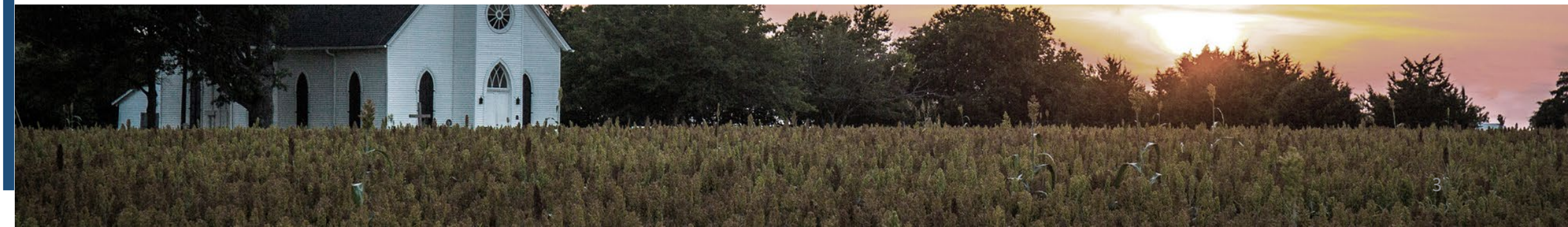
- July 27, 2000: United States House of Representatives and Senate passed P.L. 106-274, the **Religious Land Use and Institutionalized Person Act** (RLUIPA), by unanimous consent.
  - September 22, 2000: Signed into law by President Clinton
- Congress enacted RLUIPA "'in order to provide very broad protection for religious liberty.'"
  - *Holt v. Hobbs*, 574 U.S. 352, 357 (2015); *see also* 42 U.S.C.§2000cc-3(g).
- RLUIPA and predecessor, Religious Freedom Restoration Act, were adopted in response to the Supreme Court's decision in *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 U.S. 872 (1990), in which it held that neutral and generally applicable laws may be applied to religious practices even when not supported by a compelling government interest.



RLUIPA – General Proposition

RLUIPA does not provide religious institutions with immunity from land use regulation, nor does it relieve religious institutions from applying for variances, special permits or exceptions, hardship approval, or other relief provisions in land use regulations, where available without discrimination or unfair delay.

Andon, LLC v. City of Newport News, VA, 63 F. Supp. 3d 630, 642-43 (E.D. Va. 2014)(quoting Joint Statement of Senators Hatch and Kennedy, 146 Cong. Rec. S7774-01, S7776 (daily ed. July 27, 2000)).



RLUIPA – Types of Claims

- **Substantial Burden**
  42 U.S.C. § 2000cc(a)
- **Equal Terms**
  42 U.S.C. § 2000cc(b)(1)
- **Nondiscrimination**
  42 U.S.C. § 2000cc(b)(2)
- **Total Exclusion**
  42 U.S.C. § 2000cc(b)(3)(A)
- **Unreasonable Limitations**
  42 U.S.C. § 2000cc(b)(3)(B)

Two Gating Issues

For plaintiffs asserting a RLUIPA claim:

1. Plaintiff must establish that it is a religious assembly or institution (or, for a substantial burden claim, that one was burdened). *See Midrash Sephardi, Inc. v. Town of Surfside*, 366 F.3d 1214, 1230 (11th Cir. 2004)("we must first evaluate whether an entity qualifies as an 'assembly or institution,' as that term is used in RLUIPA").

2. The regulation or law challenged under RLUIPA must be a "land use regulation" as that term is defined in the statute. *See Prater v. City of Burnside*, 289 F.3d 417, 434 (6th Cir. 2002) ("[A] government agency implements a 'land use regulation' only when it acts pursuant to a 'zoning or landmarking law' that limits the manner in which a claimant may develop or use property in which the claimant has an interest.").



Religious Assembly or Institution

Organizational plaintiff must prove that it is a religious assembly or institution.

"Because RLUIPA does not define 'assembly' or 'institution,' we construe these terms in accordance with their ordinary or natural meanings."
Midrash Sephardi, Inc. v. Town of Surfside, 366 F.3d 1214, 1230 (11th Cir. 2004).

- **Religion**: a system of faith and worship that often involves, but need not involve, a belief in a supreme being and a moral or ethical code.
- **Assembly**: a company of persons collected together for some common purpose, or a group of persons organized and united for some common purpose.
- **Institution**: an established society, organization, or corporation.



Land Use Regulation

A zoning or landmarking law, or the application of such a law, that limits or restricts a claimant's use or development of land (including a structure affixed to land), if the claimant has an ownership, leasehold, easement, servitude, or other property interest in the regulated land or a contract or option to acquire such an interest.

See 42 U.S.C. § 2000cc-5(5).

Land Use Regulation

- "[A]t its core [zoning] involves the division of a community into zones based on like land use."
  - *Fortress Bible Church v. Feiner*, 694 F.3d 208, 216 (2d Cir. 2012).
- Case specific applications:
  - State environmental review law implicated RLUIPA.
    - *See Fortress Bible Church v. Feiner*, 694 F.3d 208, 216 (2d Cir. 2012).
  - Denial of legislative amendment to water and sewer plan held to be application of zoning law sufficient to trigger RLUIPA.
    - *See Redeemed Christian Church of God (Victory Temple) Bowie, Maryland v. Prince George's County, Maryland*, 17 F.4th 497, 507-09 (4th Cir. 2021).
  - Taking of property under eminent domain proceedings not a land use regulation subject to RLUIPA.
    - *See Congregation Adas Yereim v. City of New York*, 673 F. Supp. 2d 94, 105-06 (E.D.N.Y. 2009).

Substantial Burden Claim

No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—

A. is in furtherance of a compelling governmental interest; and

B. is the least restrictive means of furthering that compelling governmental interest.

See 42 U.S.C.§2000cc(a)(1); *see also* 42 U.S.C.§2000cc-2(b) (addressing burden of persuasion).

Substantial Burden Claim

To determine whether a substantial burden has been imposed, courts generally consider:

(1) whether the impediment to the organization's religious practice is substantial and

(2) whether the government or the religious organization is responsible for the impediment.

See Jesus Christ Is the Answer Ministries, Inc. v. Baltimore Cnty., 915 F.3d 256, 261 (4th Cir. 2019); *Int'l Church of Foursquare Gospel v. City of San Leandro*, 673 F.3d 1059, 1066 (9th Cir. 2011).



Substantial Burden Claim

Other Courts have articulated this analysis in different ways.

For, example, in *Thai Meditation Association of Alabama, Inc. v. City of Mobile, Alabama*, 980 F.3d 821, 831-32 (11th Cir. 2020), the court articulated the following factors:

Whether the plaintiffs have demonstrated a genuine need for new or more space—for instance, to accommodate a growing congregation or to facilitate additional services or programming.

The extent to which the defendant's decision, and the application of its zoning policy more generally, effectively deprives the plaintiffs of any viable means by which to engage in protected religious exercise.

Whether there is a meaningful "nexus" between the allegedly coerced or impeded conduct and the plaintiffs' religious exercise.

Whether the defendant's decision-making process concerning the plaintiffs' applications reflects any arbitrariness of the sort that might evince animus or otherwise suggests that the plaintiffs have been, are being, or will be (to use a technical term of art) jerked around.

Whether the defendant's denial of the plaintiffs' zoning applications was final or whether, instead, the plaintiffs had (or have) an opportunity to submit modified applications that might satisfy the defendant's objections.

Whether the alleged burden is properly attributable to the government (as where, for instance, a plaintiff had a reasonable expectation of using its property for religious exercise) or whether the burden is instead self-imposed (as where the plaintiff had no such expectation or demonstrated an unwillingness to modify its proposal in order to comply with applicable zoning requirements).

Substantial Burden Claim

Whether the impediment was substantial

Courts have found the following may establish substantial impediments:

- Undue delay, uncertainty and additional costs
  - *Sts. Constantine & Helen Greek Orthodox Church, Inc. v. City of New Berlin*, 396 F.3d 895, 901 (7th Cir. 2005).
  - *Reaching Hearts Int., Inc. v. Prince George's Cnty,* 584 F. Supp. 2d 766, 786 (D. Md. 2008), *aff'd*, 368 F. App'x 370 (4th Cir. 2010).
- No ready alternatives
  - *Westchester Day School v. Village of Mamaroneck*, 504 F.3d 338, 349 (2d Cir. 2007).
  - *Int'l Church of Foursquare Gospel v. City of San Leandro*, 634 F.3d 1037, 1045-46 (9th Cir. 2011).
- Malicious prosecution of lawsuit against church
  - *World Outreach Conf. Ctr. v. City of Chicago*, 591 F.3d 531, 537 (7th Cir. 2009).

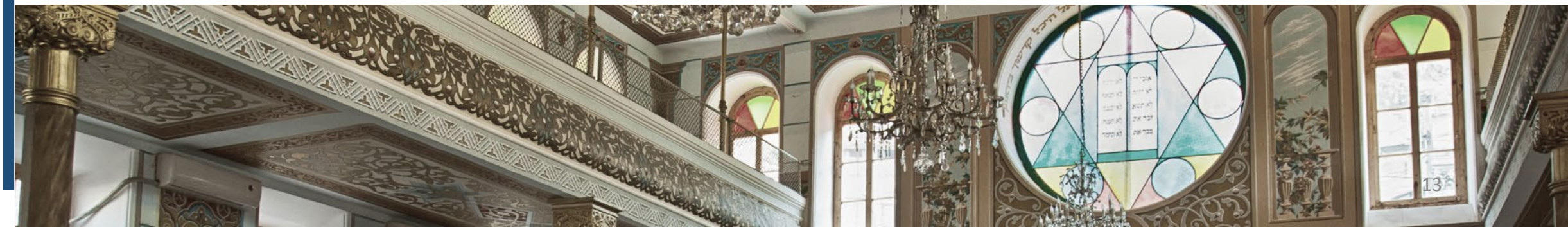


Substantial Burden Claim

Was the restriction absolute?

If the restriction is not an absolute restriction or ban on religious use, some Courts have held that the restriction is not substantial.

- *Canaan Christian Church v. Montgomery Cnty., Maryland*, 29 F.4th 182, 193-94 (4th Cir. 2022)
- *Westchester Day Sch. v. Village of Mamoroneck*, 504 F.3d 338, 349 (2d Cir. 2007)
- *Living Water Church v. Charter Township of Meridian*, 258 F. App'x 729, 738-39 (6th Cir. 2007)
- *Petra Presbyterian Church v. Village of Northbrook*, 489 F.3d 846, 851 (7th Cir. 2007)
- *Friends of Lubavitch, Inc. v. Baltimore Cty.*, 421 F. Supp. 3d 146, 163-64 (D. Md. 2019)



Substantial Burden Claim

Was the religious organization or the governmental entity responsible for the impediment?

- In answering this question, courts assess whether the religious organization had a reasonable expectation of the desired religious use of the property.
  - *Canaan Christian Church v. Montgomery County, Md.*, 29 F.4th 182, 194-96 (4th Cir. 2022); *Andon, LLC v. City of Newport News*, 813 F.3d 510 (4th Cir. 2016); *New Harvest Christian Fellowship v. City of Salinas*, 463 F. Supp. 3d 1027, 1038-39 (N.D. Cal. 2020); *Second Baptist Church v. City of San Antonio,* 2020 WL 6821334, at *9 (W.D. Tex. Feb. 24, 2020).
- If a religious organization does not have a reasonable expectation of the desired religious use of the property, courts hold that any burden is self-imposed.
  - *Andon*, 813 F.3d at 515-16; *Eagle Cove Camp & Conf. Center, Inc. v. Town of Woodboro*, 734 F.3d 673, 681-82 (7th Cir. 2013); *Petra Presbyterian Church v. Village of Northbrook*, 489 F.3d 846, 851 (7th Cir. 2007); *Wesleyan Methodist Church v. Village of Canisteo*, 792 F. Supp. 2d 667, 674 (W.D.N.Y. 2011); *Calvary Temple Assembly of God v. City of Marinette*, 2008 WL 2837774, at *6-10 (E.D. Wis. July 21, 2008).
- The absence of affordable or available properties in an area will not itself support a substantial burden claim.
  - *Andon*, 813 F.3d at 516; *Civil Liberties for Urban Believers v. City of Chicago*, 342 F.3d 752, 762 (7th Cir. 2003).

Substantial Burden Claim

Neutral Zoning Provisions May Not Give Rise to Liability

Burdens resulting from generally applicable and neutral regulations are not substantial.

- If a neutral land use regulation imposed a substantial burden, religious organizations would have immunity from regulations that regularly apply to nonreligious organizations.
  - *Andon, LLC v. City of Newport News, VA,* 63 F. Supp. 3d 630, 643 (E.D. Va. 2014).
- "Congress did not intend to permit religious organizations to exempt themselves from neutral zoning regulations."
  - *Bethel World Outreach Ministries v. Montgomery Cty. Council*, 706 F.3d 548, 577 n.4 (4th Cir. 2013).
- Plaintiff's insistence on building camp that did not comply with neutral zoning law was self-imposed burden.
  - *Eagle Cove Camp & Conf. Center, Inc. v. Town of Woodboro*, 734 F.3d 673, 679-82 (7th Cir. 2013).
- "[G]enerally applicable burdens, neutrally imposed, are not 'substantial.'"
  - *Wesleyan Methodist Church v. Village of Canisteo*, 792 F. Supp. 2d 667, 673 (W.D.N.Y. 2011)(church created its own hardship when it sought to build in an industrial district that did not permit churches).

Equal Terms Claim

"No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution."

See 42 U.S.C.§2000cc(b)(1).

Equal Terms Claim

- Three distinct kinds of Equal Terms statutory violations:
    1. Statute that facially differentiates between religious and nonreligious assemblies or institutions
    2. Facially neutral statute that is nevertheless "gerrymandered" to place a burden solely on religious, as opposed to nonreligious, assemblies or institutions; or
    3. Truly neutral statute that is selectively enforced against religious, as opposed to nonreligious assemblies or institutions.

    Vision Church v. Village of Long Grove, 468 F.3d 975, 1003 (7th Cir. 2006); *Primera Iglesia Bautista Hispana v. Broward Cty.,* 450 F.3d 1295, 1308 (11th Cir.2006).

- Equal-terms provision does not require that all religious entities be treated similarly, but rather requires that religious entities be treated equally to secular entities.

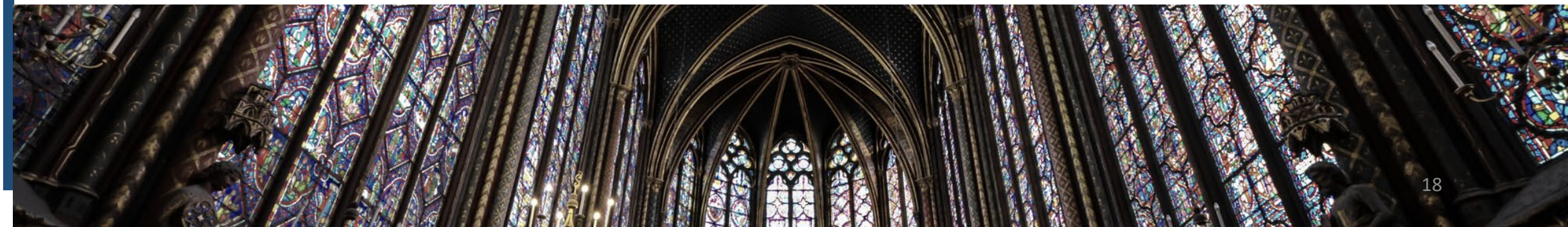
    Adhi Parasakthi Charitable, Med., Educ., & Cultural Society v. Township of West Pikeland, 721 F. Supp. 2d 361, 385 (E.D. Pa. 2010).

Equal Terms Claim – Elements

The four elements of an equal terms claim are:

1. Plaintiff is a religious assembly or institution;
2. Plaintiff is subject to a land use regulation;
3. Land use regulation treats the religious assembly or institution on less than equal terms, with
4. A nonreligious assembly or institution.

Canaan Christian Church v. Montgomery County, Maryland, 29 F.4th 182, 196 (4th Cir. 2022); *Tree of Life Christian Schools v. City of Upper Arlington*, 905 F.3d 357, 367 (6th Cir. 2018); *Primera Iglesia Bautista Hispana of Boca Raton, Inc. v. Broward Cnty.*, 450 F.3d 1295, 1307 (11th Cir. 2006).



Equal Terms Claim – Comparator

- A comparator for an equal terms claim must be similarly situated with regard to the regulation, or zoning criteria, at issue.
    - *Canaan Christian Church v. Montgomery County, Maryland*, 29 F.4th 182, 196 (4th Cir. 2022); *Tree of Life Christian School v. City of Upper Arlington*, 905 F.3d 357, 368 (6th Cir. 2018); *Elijah Grp., Inc. v. City of Leon Valley*, 643 F.3d 419, 424 (5th Cir. 2011); *River of Life Kingdom Ministries v. Village of Hazel Crest*, 611 F.3d 367, 371-74 (7th Cir. 2010); *Immanuel Baptist Church v. City of Chicago*, 2022 WL 767253 (N.D. Ill. March 14, 2022).
- Properties subject to different regulations than those challenged cannot be comparators.
    - *Canaan Christian Church v. Montgomery County, Maryland*, 29 F.4th 182, 196-98 (4th Cir. 2022); *Thai Meditation Ass'n v. City of Mobile*, 980 F.3d 821, 833-34 (11th Cir. 2020); *Marianist Province v. Kirkwood*, 944 F.3d 996, 1002 (8th Cir. 2019); *Chabad Lubavitch v. Litchfield Historic Dist. Comm'n*, 768 F.3d 183, 196-97 (2d Cir. 2014).
- Public buildings not subject to zoning regulations cannot be a comparator.
    - *Compare Divine Grace Yoga Ashram Inc. v. County of Yavapai*, 2022 WL 279577 (D. Ariz. Jan. 31, 2022) (because public and charter schools are exempt from zoning regulations under Arizona law, they are not a proper comparator) with *Catholic Archbishop of Seattle v. City of Seattle*, 28 F. Supp. 3d 1163 (W.D. Wash. 2014) (public school that was subject to zoning ordinance, albeit subject to a special exemption, was a proper comparator).



Nondiscrimination Claim

"No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination."

See 42 U.S.C.§2000cc(b)(2).

Nondiscrimination Claim – Discriminatory Intent

Generally, a plaintiff asserting a nondiscrimination claim will need to establish that the defendant acted against the religious organization based on religious animus—*i.e.*, because plaintiff is a religious organization.

- Plaintiff must demonstrate that a government decision was motivated by discriminatory intent.
  Jesus Christ Is the Answer Ministries, Inc. v. Baltimore Cnty., 915 F.3d 256, 263 (4th Cir. 2019).

- "Bethel [] has failed to put forth any evidence that the County took those measures because Bethel and Dearwood are religious organizations."
  Bethel World Outreach Ministries v. Montgomery Cnty. Council, 706 F.3d 548, 560 (4th Cir. 2013).

- Zoning ordinance did not violate RLUIPA's nondiscrimination provision because it was addressed to legitimate planning concerns, rather than religious animus, and applied with equal force to any educational institution, religious or secular.
  Congregation Rabbinical Coll. of Tartikov, Inc. v. Vill. of Pomona, NY, 945 F.3d 83 (2d Cir. 2019).

- Courts look to equal protection principles and precedent in analyzing RLUIPA nondiscrimination claims.
  Chabad Lubavitch of Litchfield Cnty., Inc. v. Litchfield Historic Dist. Comm'n, 768 F.3d 183, 198-200 (2d Cir. 2014)(citing *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 540 (1993)); *Bethel*, 706 F.3d at 559-60; *Friends of Lubavitch v. Baltimore Cnty.*, 421 F. Supp. 3d 146, 166-67 (D. Md. 2019).

Nondiscrimination Claim – Discriminatory Intent Factors

Courts consider a variety of factors in analyzing whether there is a discriminatory intent:

Evidence of a consistent pattern of actions by the decision-making body disparately impacting members of a particular class of persons

Historical background of the decision, which may take into account any history of discrimination by the decision-making body or the jurisdiction it represents

The specific sequence of events leading up to the particular decision being challenged, including any significant departures from normal procedures, the context in which the decision was made, and any report of the decision.

Contemporaneous statements by decision-makers on the record or in minutes of their meetings and statements by community members.

See Chabad Lubavitch of Litchfield Cnty., Inc. v. Litchfield Historic Dist. Comm'n, 768 F.3d 183, 199 (2d Cir. 2014); *Friends of Lubavitch v. Baltimore Cnty.*, 421 F. Supp. 3d 146, 166-67 (D. Md. 2019).

Nondiscrimination Claim – Discriminatory Intent Factors

- Discriminatory statements of non-decisionmakers are generally not imputed to decisionmakers.
  - *Thai Meditation of Ala., Inc. v. City of Mobile,* 980 F.3d 821, 835-36 (11th Cir. 2020).
- Courts may infer, however, that a government decision may have been influenced by community members' religious bias even if the government decisionmakers display no bias themselves, when such community bias is followed by irregularities in the decision-making process.
  - *Jesus Christ Is the Answer Ministries, Inc. v. Baltimore Cnty.*, 915 F.3d 256, 263 (4th Cir. 2019).



Total Exclusion and Unreasonable Limits Claims

"No government shall impose or implement a land use regulation that—
(A) totally excludes religious assemblies from a jurisdiction; or
(B) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction."

See 42 U.S.C.§2000cc(b)(3).

Total Exclusion Claim

A total exclusion claim means exactly what it says – plaintiff must establish that the defendant "totally excludes religious assemblies" from the jurisdiction.

- "In the present case, the Village, by permitting churches in all residential districts as a special use, has not completely or totally excluded religious assemblies from its jurisdiction."
  - *Vision Church v. Long Grove*, 468 F.3d 975, 990 (7th Cir. 2006).
- "The exclusion provision of RLUIPA forbids the total exclusion of religious assemblies from a jurisdiction. The challenged laws do not totally exclude all religious assemblies from Pomona."
  - *Congregation Rabbinical Coll. of Tarkitov, Inc. v. Village of Pomona*, 945 F.3d 86, 125 (2d Cir. 2019).
- It is not sufficient for a plaintiff to allege that religious uses have been excluded from particular sections, or parts, of a jurisdiction.
  - *Friends of Lubavitch v. Baltimore County*, 421 F. Supp. 3d 146, 167 (D. Md. 2019).

Unreasonable Limits Claim

- To prevail under RLUIPA's unreasonable limits provision, a religious organization must establish that "religious organizations are left without a reasonable opportunity to build elsewhere" in the jurisdiction.
  - *Bethel World Outreach Ministries v. Montgomery Cty. Council*, 706 F.3d 548, 560 (4th Cir. 2013); *Vision Church v. Vill. of Long G*rove, 468 F.3d 975, 991 (7th Cir. 2006).
- The purpose of this subsection is not to examine the restrictions placed on individual landowners but to prevent municipalities from broadly limiting where religious entities can locate.
  - *Bethel World Outreach Ministries v. Montgomery Cty. Council*, 706 F.3d 548, 560 (4th Cir. 2013).
- Case law on the "unreasonable limitation" element of RLUIPA has established that the provision is not violated by neutral regulations based on "legitimate, nondiscriminatory planning goals."
  - *Bethel World Outreach Ministries v. Montgomery Cty. Council*, 706 F.3d 548, 560 (4th Cir. 2013); *Vision Church v. Vill. of Long Grove*, 468 F.3d 975, 990-92 (7th Cir. 2006).

Burden of Proof/Persuasion

If a plaintiff produces prima facie evidence to support a claim alleging a violation of the Free Exercise Clause or a violation of section 2000cc of this title, the government shall bear the burden of persuasion on any element of the claim, except that the plaintiff shall bear the burden of persuasion on whether the law (including a regulation) or government practice that is challenged by the claim substantially burdens the plaintiff's exercise of religion.

See 42 U.S.C.§2000cc-2(b)

Defenses

- Collateral Estoppel as to Findings of Fact by Administrative/Quasi-Judicial Bodies or Courts
  - Issue preclusion applies to factfinding by government agencies acting in a judicial capacity.

Univ. of Tennessee v. Elliott, 478 U.S. 788 (1986); *see Friends of Lubavitch, Inc. v. Baltimore Cnty.*, 421 F. Supp. 3d 146, 165 n.8 (D. Md. 2019); *Spirit of Aloha Temple v. Cty. of Maui*, 2019 WL 3294797, *10-16 (D. Haw. July 22, 2019).

Defenses

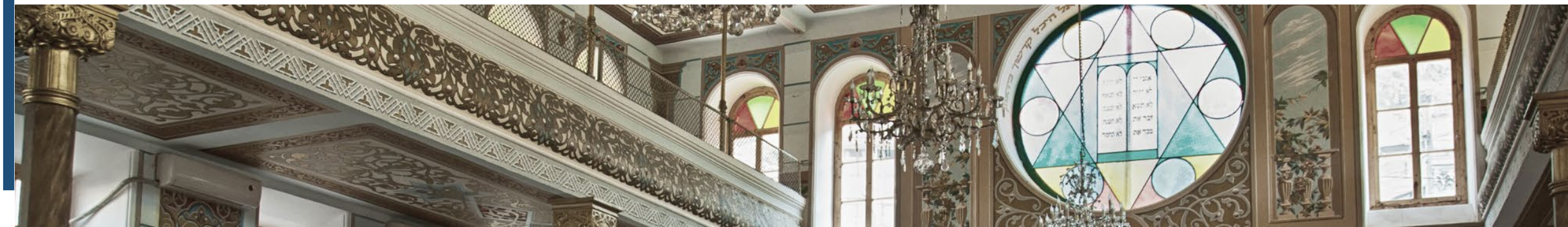
- ***Rooker-Feldman* Doctrine**
  - Narrow doctrine that prohibits federal district courts from exercising subject matter jurisdiction over "cases brought by state court losers complaining of injuries caused by state court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments."
    Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 284 (2005).
  - "*Rooker-Feldman* prevents a losing party in state court from 'complaining of an injury caused by the state-court judgment and seeking federal-court review and rejection of that judgment.'"
    Lamar v. Ebert, 681 F. App'x 279, 287 (4th Cir. 2017).
  - A plaintiff "may not escape the jurisdictional bar of *Rooker-Feldman* by merely refashioning its attack on the state court judgments as a § 1983 claim."
    Jordahl v. Democratic Party of Va., 122 F.3d 192, 199, 202 (4th Cir. 1997).
  - *Rooker-Feldman* doctrine prevented plaintiff from seeking to dissolve state court order transferring title to property under RLUIPA.
    Congregation Adas Yereim v. City of New York, 673 F. Supp. 2d 94, 104-05 (E.D.N.Y. 2009).

Defenses

- ***Younger* Abstention**
  - Precludes federal courts from interfering with state court proceedings that are "'uniquely in furtherance of the state courts' ability to perform their judicial functions.'"
    Sprint Comm'ns., Inc. v. Jacobs, 571 U.S. 69, 73, 78 (2013) (precludes federal judicial interference with a State's interest in enforcing the orders of its courts).
  - "'[W]here the jurisdiction of the state court has first attached, the federal court is precluded from exercising its jurisdiction over the same res to defeat or impair the state court's jurisdiction.'"
    State Eng'r v. S. Fork Band, 339 F.3d 804, 810 (9th Cir. 2003).
  - Application: District court stayed proceedings asserting RLUIPA claims pending conclusion of state court proceedings pursuant to which religious organization was ordered to cease and desist use of building without occupancy permit, which proceeding were on appeal.
    Lighthouse Community Church of God v. City of Southfield, 382 F. Supp. 2d 937 (E.D. Mich. 2005).

Privileges & Immunities

- 11th Amendment Immunity
  - Claims for monetary damages against state correctional facility and its employees under RLUIPA barred by 11th Amendment
    - *See Green Haven Prison Preparative Meeting of the Religious Society of Friends, et al., v. New York State Department of Corrections and Community Supervision, et al.*, 2022 WL 902933 (S.D.N.Y. March 28, 2022).
- Quasi-Judicial Immunity
  - *See United States v. Morgan*, 313 U.S. 409 (1941); *Beam v. Dep't of Air Force*, 169 F.R.D. 309, 310 (D. Md. 1996).
- Legislative & Executive/Deliberative Process Privileges
  - *See Canaan Christian Church v. Montgomery County, Maryland*, 335 F. Supp. 3d 758 (D. Md. 2018).



Practice Tips

Reasonable expectations – investigate prior inconsistent statements by plaintiff

Professional advice provided to plaintiff, even if by legal counsel, may be discoverable if plaintiff puts that advice at issue

Do not adopt new regulations impacting religious use of property after entity seeks a land use approval

Decision makers should not express bias

Consistent communications with interested parties and members of the public

Practice Tips

Laws should be neutral when considering new legislation and fix existing legislation that is not neutral

Ensure no irregularities in decision-making process.

Decision makers should address RLUIPA issues if they are raised – findings of fact and conclusions of law may have collateral estoppel/preclusive effect

Even offhand remarks can come back to haunt a defendant

Ensure timely decisions by administrative agencies with clear and timely appeal rights

QUESTIONS?



Aaron L. Casagrande

Whiteford, Taylor & Preston
acasagrande@wtplaw.com
410.347.8714



Howard R. Feldman

Whiteford, Taylor & Preston
hfeldman@wtplaw.com
410.347.8793



James R. Benjamin, Jr.

Baltimore County Attorney
jrbenjamin@baltimorecountymd.gov
410.887.4420

The information contained here is not intended to provide legal advice or opinion and should not be acted upon without consulting an attorney. Counsel should not be selected based on advertising materials, and we recommend that you conduct further investigation when seeking legal representation.