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## **Clinton Township Found Liable in Religious Land Use and Institutionalized Persons Act Lawsuit.**

The Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”) is a federal law which establishes certain land use protections for religious organizations in connection with land use decisions—such as decisions related to permitting under ordinances—made at the local government level.

On July 24, 2019, the United States District Court for the Eastern District of Michigan granted summary judgment to a religious organization, River of Life Ministries (“River of Life”), in a RLUIPA lawsuit brought by River of Life against Clinton Township.

### **Background of the Case**

In 2001, River of Life’s pastor acquired property located in Clinton Township. The property is located within a “Multiple-Family Low Rise District” zone pursuant to Clinton Township’s Code of Ordinances that governs the use and development of real property located within the township.

The zoning district at issue is intended to promote the development of multiple-family dwelling structures. However, the court found that other uses in the district—outside of “Multiple-Family Low Rise District”—are permitted by Clinton Township as a matter of right, without the need to obtain a special land use permit.

In the court’s order granting River of Life’s motion for summary judgment, it explained that publicly-owned libraries and parks, municipal buildings, and swim clubs, among other things, are allowed to locate and operate within the district as a matter of right. Houses of worship, however, must acquire a special land use permit.

In 2014, River of Life applied for a special land use permit from Clinton Township. In June of 2015, the township board denied the permit request.

In July of 2015, River of Life brought suit alleging, among other claims, that Clinton Township’s zoning ordinance violates the “Equal Terms” provision of RLUIPA because, by requiring houses of worship such as River of Life to obtain a special land use permit, it treats religious uses of property on less equal terms than other, non-religious uses.

### **The Court’s Decision**

On July 24, 2019, the court entered an order granting summary judgment on River of Life’s RLUIPA claim, finding that the Clinton Township zoning ordinance treats churches less favorably than others who are entitled to operate schools, libraries, swim clubs, and other non-religious organizations as a matter of right within the district.

The court held that the Clinton Township zoning ordinance “fails to treat religious uses on equal terms with comparable nonreligious uses.” It is important for municipalities to consider whether

their land use ordinances and practices may give rise to lawsuits under RLUIPA because a judgment can result in significant liability, including a prevailing plaintiff's legal fees. With proper planning and preparation, however, municipalities can avoid, and, if necessary, defend against these claims.

November 14 2019

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