



AGUDATH ISRAEL OF AMERICA LEGAL SUPPORT SERVICES

42 Broadway, New York, NY 10004 • (212) 797-9000 • Fax (646) 254-1650

Date

Dear :

You asked me for information about the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), which Agudath Israel of America helped draft and which became law on September 22, 2000 (Public Law 106-274). I have enclosed the full text of RLUIPA, and a copy of a booklet prepared by the RLUIPA Litigation Task Force with questions and answers about the Act. For more information, see www.rluipa.com.

RLUIPA prohibits local zoning boards from imposing or implementing zoning and other land use regulations in a manner that significantly affects the free religious exercise of a person, assembly, or institution. Zoning regulations that have the effect of restricting religious rights--such as the right to worship where one chooses or give one's children a religious education--are only permissible where the zoning board can demonstrate that its restrictions are both required to further a "compelling governmental interest" and are the least restrictive means of furthering that interest.

Even where a zoning regulation meets the "compelling governmental interest test", it still cannot treat religious assemblies or institutions differently than non-religious assemblies or institutions, and cannot treat some religious assemblies differently than others. As the legislative history of RLUIPA makes clear, this means that land use regulations cannot exclude places of worship or religious schools in places where they permit theaters, meeting halls, and other places where people assemble for secular purposes. Nor, for that matter, can places of worship be excluded from an area on the grounds of preventing excess traffic if the zoning code allows buildings in that area that generate traffic for secular purposes.

I hope that this information proves helpful to you. Please feel free to show this letter and these materials to your local zoning officials, and to call me if you have any further questions about RLUIPA.

Sincerely,

Mordechai Biser, Esq.
General Counsel



AGUDATH ISRAEL OF AMERICA LEGAL SUPPORT SERVICES

42 Broadway, New York, NY 10004 • (212) 797-9000 • Fax (646) 254-1650