

Title 42 U.S. Code § 2000cc. Protection of Land Use as Religious Exercise

(a) SUBSTANTIAL BURDENS

(1) **GENERAL RULE** 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.

(2) **SCOPE OF APPLICATION** This subsection applies in any case in which—

(A) the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability;

(B) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden results from a rule of general applicability; or

(C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

(b) DISCRIMINATION AND EXCLUSION

(1) **EQUAL TERMS** **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.**

(2) **NONDISCRIMINATION** **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.**

(3) **EXCLUSIONS AND LIMITS** 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.

(Pub. L. 106-274, § 2, Sept. 22, 2000, 114 Stat. 803.)

BACKGROUND: Public Law 106-274, codified as Title 42 U.S.C. § 2000cc et seq., is a United States federal law that prohibits the imposition of burdens on the ability of churches and other religious institutions to freely exercise their religion and provides a way to avoid zoning law restrictions on their property use. It also defines the term "religious exercise" to include "any exercise of religion, whether or not compelled by, or central to, a system of religious belief."

The act was passed in both the House of Representatives and the Senate by unanimous consent in voice votes, meaning that no objection was raised to its passage, so no written vote

was taken. The S. 2869 [legislation](#) was enacted into law by the [42nd President of the United States](#) Bill Clinton on September 22, 2000.

In religious land use disputes, RLUIPA's general rule is the most commonly cited section. It provides:

1. General rule. 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 can demonstrate 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.
2. Scope of Application. This subsection applies in any case in which—
 - a. the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability; or
 - b. the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden results from a rule of general applicability; or
 - c. the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

Title 42 U.S.C. § 2000cc(a).

The correct interpretation of the term "land use regulation": The statute defines a "land use regulation" as "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 an option to acquire such an interest." 42 U.S.C. § 2000cc-5(5).