

# Land use and religion



**ASSIGN  
BUSTER**

Land Use and Religion Introduction: The Religious Land Use and Allocated Persons Act (RLUIPA), was passed and became law during the administration of President Clinton, and was meant to provide the right to assemble for worship, which lies at the heart of the free exercise of religion. (1). However since then the RLUIPA has become controversial with the unintended consequences that have resulted since its enactment.

#### Background:

The RLUIPA was enacted to prevent zoning codes and land marking laws from discriminating against religious assemblies, while considering permission for the assembly of people for religious assemblies, or the zoning board or land marking commission from discriminating against religious assemblies, while taking their decisions on granting permission for religious assemblies. (1).

Religious groups and their supporters welcomed the RLUIPA, as the exercise of religion without a physical place of worship was as good as impossible, and therefore any house of worship needs to use land. Municipal authorities have had a tendency to restrict land use by religious groups, as they fail to generate retail and tax revenues, and thereby affect the fortunes of the municipality. (2) It was the impunity with which zoning officials discriminated against religious groups that sought to use land for religious assembly purposes that laid the foundation for RLUIPA. Thus RLUIPA provided the means for religious groups to seek relief from such discriminatory practices of the zoning officials. (3).

The opponents of RLUIPA argue that the RLUIPA acts against the provisions of equality. They contend that the provisions of RLUIPA virtually make the property owners' second-class citizens, and cannot exercise their rights. The

example that they cite is that religious groups can enter into a single-family residential neighborhood to open a large day care center or a three-story synagogue, or a mega-church, even though it is unable to satisfy land use rules, by flaunting the provisions of RLUIPA. (4) This is what has happened at Airmont, New York.

The Issue at Airmont, New York:

Hillside Avenue in Airmont, New York consists of century old house and new mansion homes, presenting a single-family residential neighborhood. In this environment the Congregation of Mischknois Lavier Yakov Orthodox Jews plans to build a 170-student dormitory on 19 acres of land, along with its yeshiva. Airmont maintains a zoning code that prohibits religious boarding schools, and this has led to a series of law-suits, and the local people up in support of the zoning code to prevent the religious use of land, which violates RLUIPA. (5). The residents of Hillside Avenue site several reasons for their dislike to the setting up a religious house of worship, and the student dormitory in their midst. These objections range from the change of setting of the residential neighborhood, to increase in traffic that would put their children at risk in a neighborhood that has no streetlights and sidewalks. In addition they fear that this sudden large influx of people would just swamp the utilities like the sewerage system. (6)

Conclusion:

In my opinion the RLUIPA needs to go as it works against the interests of communities, particularly the small communities. Such small communities would find the denial of their right to a type of existence, and a way of life that they have been used to, as they are quite likely to be swamped by the sudden emergence of the new religious group in their midst.

### Works Cited

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