

In 2000 Congress passed the Religious Land Use and Institutionalized Persons Act (RLUIPA). The intent of this legislation was to prevent discrimination against religious land uses. I don't think there are many people in this town or in this country who would think it is right for a local government to zone out churches as allowable uses or to treat them less fairly than other non-residential uses.

While this well-intended law may have been enacted to prevent discrimination against religious institutions, it has gone too far. Instead of simply discouraging *discrimination*, it has put religious institutions in a special class exempt from most zoning and land use ordinances. Zoning is almost irrelevant as far as churches are concerned. As long as they address certain public safety minimums, and as long as they have the money to buy new properties, they can bulldoze and build and bulldoze and pave as much as they want with almost no regard to how such expansions affect neighbors and their communities overall.

Nobody in Southern Pines is trying kick out any churches. Nobody is saying that you cannot start new ones. The issue here is the changing character of our town. How big is too big when it comes to institutional uses in residential neighborhoods? Is the continued loss of residences in our historic residential neighborhoods chipping away at the very ambiance and character that define our wonderful town, especially its core? And, of course, there's the ultimate issue when it comes to zoning and land use matters- the fine balance between the rights of a property owner and the rights of the community overall.

RLUIPA says towns cannot place a "substantial burden" on religious institutions. Many legal experts on both sides of the debate over the law agree that "substantial burden" can be interpreted as a church being unable to grow by even one more member. Some in town have asked where this growth in these churches is coming from. One response was, "as Southern Pines grows, so do the churches." While it is true that Southern Pines is growing, it is also true that a large proportion, often a majority, of new members are coming from other, more rapidly growing communities. An examination of the mission statements of any denomination shows that all are dedicated to growing their membership. Now that the large downtown churches have almost filled up their individual blocks, what happens next?

Thanks to RLUIPA, the citizens of Southern Pines have greatly diminished control over the character and growth of their own town. They are at the mercy of federal law, but more importantly the mercy of the religious institutions which have continued to grow and grow over the years. If land use laws do not apply to religious institutions, all we can do is pray they will do the right thing.