



# RELIGIOUS EXERCISE: SPECIAL USE/ SPECIAL PROTECTION

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# RELIGIOUS EXERCISE: SPECIAL USE/SPECIAL PROTECTION

- Religious Land Use and Institutionalized Persons Act (RLUIPA)
  - 2000 - 20th anniversary
- The Texas Religious Freedom Restoration Act (TRFRA)
  - 1999

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## RLUIPA/TRFRA

Protection from government regulations which:

- impose a substantial burden on religious exercise
- unless
  - the government justifies that burden
  - as the least restrictive way
  - to achieve a compelling government interest

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## RLUIPA/TRFRA

- Important terms not defined
  - Substantial burden
  - Compelling gov't interest
  - Least restrictive way
- U.S. Supreme Court  $\neq$  RLUIPA land use case
- TX Supreme Court = *Barr v. City of Sinton*

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## RLUIPA/TRFRA

### Legally Aligned

- *Hope in the City, Inc. v. City of Austin* (W.D. Tex. 2008)
  - “the court will grant summary judgment for the government entity under TRFRA on the same grounds as under RLUIPA”
- Fed. Ct. decisions on RLUIPA and RFRA apply to TRFRA cases- Barr

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"Religious Institutions: Special Use/Special Protection"