

# Introduction

This book on religious property law covers three narrow issues of religious property disputes: (1) the local church versus a denomination over the ownership of land and real property when the church leaves the denomination, (2) the ownership of religious property within an independent church, and (3) the religious entity versus a local community engaged in a land use and zoning dispute.

This book is intentionally a general overview of the law in these three areas. The reason is that the law continues to be developed in decisions state by state, federal circuit by circuit. Federal statutory and constitutional issues have a role to play in land use and zoning disputes. And state property, trust, and corporate law typically cover the answers to most of the questions as they relate to property disputes between the local church and denominations as well as intra-church disputes. No decision seems to be final, as state courts, for example, reach opposite conclusions on the same issue of the law all the time. That is why I can provide only a general overview of the law.

My goal is to provide you a starting point for your research, discussion, and deliberation of these three significant and narrow issues.

The first part of this book covers litigating the ownership of local church property for the church that wishes to leave a denomination, but the denomination will not release the church with its property—property that the church paid for with no help from the denomination—based on an asserted “trust clause.” Given the recent trend of declining membership and allegiance to mainline denominations, the issue has become front and center over time.

The second part of this book builds on the first part—namely, the role of a court when evaluating religious property disputes within an independent congregation. That is, a church, temple, mosque, or synagogue that is not affiliated with a denomination.

The third part of this book covers land use and zoning for religious entities. I have previously written two books on litigating land use and zoning cases that cover this topic in greater detail.<sup>1</sup> This section provides an overview to give you an idea how to identify a religious land use case on behalf of a religious entity pursuant to the Religious Land Use and Institutionalized Persons Act (RLUIPA),<sup>2</sup> the U.S. and state constitutions, and other federal and state statutory claims. These claims can serve as an effective tool to protect the property interests and creed of religious organizations.

I hope you find this book interesting and helpful in your search for understanding and resolving religious property disputes in the United States.

---

1. *Litigating Religious Land Use Cases*, 2d ed., can be found at <https://www.americanbar.org/products/inv/book/252179232/>.

2. 42 U.S.C. §§ 2000cc *et seq.* (2000).