

RELIGIOUS ORGANIZATION FILES FEDERAL LAWSUIT TO UPHOLD RIGHT TO BUILD A CHURCH

FOR IMMEDIATE RELEASE

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Albuquerque, New Mexico, February 2, 2012. Today the União do Vegetal (UDV), a Christian Spiritist religion, filed a lawsuit in the United States District Court in Albuquerque, New Mexico against the Santa Fe County Board of County Commissioners challenging its denial of the UDV's application to build a church in Santa Fe County. The County's actions violated federal and state law, which guarantee the right of every person to freely exercise their faith.

The Supreme Court of the United States previously ruled unanimously that the UDV members could practice their religion. The Santa Fe County Commission, however, yielded to the objections of neighbors who opposed the church and denied UDV and its members the right to build their temple. UDV believes the neighbors are wrong to believe that the presence of a small church would harm the neighborhood or the neighbors in any way, and that their opposition is driven by a lack of understanding of the UDV. The structure UDV proposes to build will accommodate approximately one hundred members. The temple would be smaller than some nearby residences and is designed to blend harmoniously with its surroundings.

For 14 years—from 1992 to 2006—UDV members practiced their religion in a temporary building on the same land on which they now wish to build a small, permanent temple. Never once during that time did a single neighbor complain.

Congress passed the Religious Land Use and Institutionalized Persons Act (RLUIPA) to stop religious discrimination, which often hides behind the ordinary sorts of complaints commonly described as “Not in My Back Yard” opposition. The UDV now must return to federal court to secure its right to build its church and to establish that its members have the same rights to practice their religion as everybody else in this country.

The county did not deny the church's application based on a fair application of the Santa Fe County Land Use Code. The UDV's application met all land use requirements, as the county's own land use staff, its own experts, and its development review committee found. The county's decision, which was made on a vote of 3-2, seems to have been based on allegations about the UDV that were not based on fact. The County Commission's decision is likely to result in substantial cost to the County and to the UDV. If the UDV prevails, which we believe it will, the cost to County taxpayers will be far in excess of what the average county taxpayer is likely to see as the value of preventing the construction of a small church in a semi-rural area.

In addition to alleging a violation of RLUIPA, UDV's complaint alleges that the County's actions violate the New Mexico's own Religious Freedom Restoration Act and the First and Fourteenth Amendments to the United States Constitution. The complaint is available on the UDV's website at www.udvusa.org.

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