

Locking Out Small Congregations in NYC

USCCB Fact Sheet

In 1994, New York City's Department of Education denied the request of the Bronx Household of Faith and several other churches to rent space from public schools on weekends for worship services, even though non-religious groups could rent the same schools for scores of other uses. Litigation began soon afterward, and twenty years later, about 60-80 small church and synagogue congregations continue to fight for their rights guaranteed by the U.S. Constitution. The church groups have been serving their communities for years and simply wish to be able to rent vacant school space as the City allows other groups to do.

In 2011, a federal appellate court upheld New York City's ban on private worship services meeting in vacant public schools on weekends. The court stated that a church could conduct a meeting in the NYC public schools that contained singing, praying, preaching, and fellowship, but that they could not conduct a "worship service." But some denominations' worship services consist only of singing, praying, preaching, and fellowship.

New York City claims it only goes on the word of the religious group—if the group says that it is not conducting a worship service, then it can meet. However, the churches claim the City and school employees have been investigating what the churches do in the public schools and that the City has made its own assessments of whether the meetings constitute a "worship service" or not.

Many NYC churchgoers have protested the City's plans to evict them since the U.S. Supreme Court declined to take the case in 2011.

In 2012, a federal district court issued a permanent injunction against the City's policy, ruling that the policy violated the Free Exercise Clause and the Establishment Clause of the U.S. Constitution. However, the City won its case on appeal, and in 2015, the U.S. Supreme Court again declined to take the case.

Now it is up to the Mayor of New York City to decide whether to reverse the policy or to render these small church congregations homeless for their worship services.

While New York City's discrimination would not frequently affect Catholic parishes, which generally own their own buildings, this kind of discrimination can be devastating to many smaller congregations, which merely seek to rent vacant space in schools on weekends, as civic clubs and other organizations do. The City's policy is a simple case of discrimination against religious believers: people may assemble in vacant school space for any peaceful purpose—except worship.

Is our most cherished freedom truly under threat?

Among many current challenges, New York City's policy severely diminishes many churchgoers' right to exercise freely and fully their religious beliefs. Without religious liberty properly understood, all Americans suffer.



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