



August 16, 2005

Mayor Cheryl C. Farmer  
City of Ypsilanti  
One South Huron Street  
Ypsilanti, Michigan 48197

VIA FIRST CLASS MAIL,  
EMAIL ([mayorsis@provide.net](mailto:mayorsis@provide.net))  
AND FACSIMILE: (734-487-8742)

Re: Religious Discrimination

Dear Mayor Farmer and City Council:

It has been brought to our attention that the City of Ypsilanti has ordered a small church group to vacate a building in the city. We also understand that the City Council may be discussing this issue tonight at tonight's meeting. We write to urge the city to respect the values of religious freedom enshrined in the Constitution and reverse its decision.

According to the landlord of the building, Doug Winters, and the Ann Arbor News, Mr. Winters rents space in one of his buildings to a Pentecostal Church group that holds bible classes on Tuesday evenings and church services on Sunday evenings. Only approximately 15 people attend the classes and services. The City has given the church 60 days to vacate the building because it is located in a business district. See <http://www.mlive.com/news/aanews/index.ssf?/base/news-2/112377129472210.xml&coll=2>.

The right of each and every American to practice his or her own religion, or no religion at all, is among the most fundamental of the freedoms guaranteed by the Bill of Rights. The ACLU strongly believes, and the First Amendment requires, that government remain neutral in matters of religion. The state cannot promote one religion over another and it cannot promote religion over non-religion. But, by the same token, the state cannot suppress individuals' expression of religion. The Constitution's framers understood very well that religious liberty can flourish only if the government leaves religion alone.

Additionally, the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) – which the ACLU helped to draft – forbids the government from imposing land use regulations in a way that substantially burden a person's religious freedom unless the government demonstrates that the regulation: (1) furthers a "compelling governmental interest"; and (2) "is the least restrictive means of furthering that

compelling governmental interest.” 42 U.S.C. § 2000cc(a)(1). Moreover, RLUIPA specifically provides that “no government shall impose or implement a land use regulation that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.” 42 U.S.C. § 2000cc(b)(1).

In the present case, Ypsilanti’s threat of eviction violates the First Amendment and RLUIPA because the city is discriminating against a religious institution through its zoning laws. The building in question is located in the B3 Central Business Zoning District. Under Ypsilanti’s zoning ordinance, buildings in a B3 district may be used for dozens of purposes including, but not limited to: private and community service clubs, lodges, banquet halls, meeting halls, schools, adult drop-in centers, financial institutions, offices, retail, apartments, restaurants, video rentals establishments, arcades, pool halls, homeless shelters and tattoo parlors. See Ypsilanti Zoning Ordinance, §§ 122-392 and 122-394, which may be found online at [http://www.cityofypsilanti.com/services/comm\\_econ\\_dev/zoning/Article%20VII.pdf](http://www.cityofypsilanti.com/services/comm_econ_dev/zoning/Article%20VII.pdf). Nonetheless, the ordinance prohibits buildings in B3 districts to be used for religious purposes.

By allowing secular private and community service groups to meet in a B3 district, but not religious groups, the zoning ordinance illegally “treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.” 42 U.S.C. § 2000cc(b)(1). Indeed, there is no rational reason – much less a compelling reason – for the city to discriminate against this church.

Accordingly, we strongly encourage the City to revoke its eviction order against the Pentecostal church group and to amend its zoning ordinance to comply with the constitutional and statutory provisions protecting religious freedom.

Thank you very much for your attention to this important matter. If you would like to discuss this matter further, please contact Michael J. Steinberg, legal director of the ACLU of Michigan, at the number below.

Very truly yours,

\_\_\_\_\_/s/\_\_\_\_\_  
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\_\_\_\_\_/s/\_\_\_\_\_  
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W. Douglas Winters