

Churches face an ongoing struggle with eminent domain

by Randy Bright <http://www.tulsabeacon.com/?p=3655#more-3655>

Last year, a Ft. Lauderdale, Florida, church lost its legal battle to keep its property from being taken by Broward County, who wanted build a substance abuse facility and sexual assault center on their property.

The church, Christian Romany Church Ministries, purchased the one-and-one-half-acre tract of land after spending two years looking for a suitable site. They paid \$1.2 million for the site and spent an additional \$500,000 to make improvements.

The county offered the church \$1.6 million for the church and the church's school property, but the church said that it was worth about twice that amount.

The county had attempted to take the property from the previous owner, but when the county failed to get the property rezoned or to obtain building permits, the case was postponed. It was at that point that the church bought the property. Two years later the county began its proceedings to make another attempt to take the property.

Notwithstanding the wisdom, or lack thereof, of purchasing property that was at risk for an eminent domain taking, this case demonstrated the risk that any church could be taken, even one that might not fit the profile of a property ripe for seizure. So while I don't know more about the case than a few scant headlines, the statements issued by the courts suggest the path that future cases might take. So my opinion here is not so much about this particular church, but about church seizures in general.

What immediately interested me about this case was that there was an assumption from the outset that the county's social services were more important than those that the church offered. Under this assumption, I question how any church could argue that they were more relevant than government.

On the contrary, I think that we who believe in small government could argue by asking the question, why does a local government need to be involved in providing those kind of services to begin with?

During trial, the church insisted that their church building, at that location, was fundamental to their right to exercise religious freedom, but the court found that there was nothing unique about their particular location that had anything to do with their religious freedom.

But what does this say about churches that buy specific properties, or build specific buildings, intended for specific uses? Churches do these things because they believe God has directed them to do so, so what gives our courts the right to arbitrarily, or otherwise, assume that they know better what the churches need or do not need? Certainly judges who are not Christians or do not

fear God could displace churches until no place is considered safe from seizure, especially when government agencies assert that their services are somehow superior or more important than the existence of a church.

The church defended itself in its court battle by demonstrating that the county was violating the Florida Religious Freedom Restoration Act, stating that the county was imposing a substantial burden on the church because the church had no other alternative sites to move to, but the court ruled that there was no substantial burden.

So then the question becomes why, even when states, under the Tenth Amendment, assert state's rights by creating laws designed to protect churches from seizures, can those laws be ignored?

The problem is that as land becomes more regulated, and scarce, not only will churches have difficulty finding suitable locations, but government agencies will as well. When that happens, we will see more court battles just like this one, and when they do occur, the government agencies will be more likely to win. Why? Because the courts will favor the party they believe is the most important, and governments increasingly regard churches as unnecessary impediments to growing bureaucracies.

There are really two problems that society and Christians must face. As hard as it is to say, the first is that some churches really have become irrelevant to society. But there are many more that are far more capable of helping people than any government agency could ever hope to accomplish. There should never be a necessity for a county to provide social services in the presence of a functional church.

The second problem is that government continues to grow while dependence on God diminishes. It is no wonder that the public at large is not disturbed about the use of eminent domain to take churches.

Of course, it will be a different story when it comes to take their home.

©2010 Randy W. Bright

Randy W. Bright, AIA, NCARB, is an architect who specializes in church and church-related projects. You may contact him at 918-582-3972, rwbrightchurcharch@sbcglobal.net or www.churcharchitect.net.

This entry was posted on Thursday, February 25th, 2010 and is filed under [Columns](#).