

Eleventh Circuit Clarifies RLUIPA Substantial Burden Inquiry

Article By:

Eden (Hunter) Yerby

Evan J. Seeman

The United States Court of Appeals for the Eleventh Circuit recently clarified how to determine whether a substantial burden on religious exercise exists for purposes of the Religious Land Use and Institutionalized Persons Act (RLUIPA). The [case](#) involves Vision Warriors Church, a “non-profit ministry that seeks to provide a faith-based community for men recovering from addiction” and helps them to be “better Disciples of Christ, fathers, husbands, leaders, and friends” through a residential program involving weekly services and faith-based meetings. The Court reversed and remanded the District Court’s earlier decision dismissing the RLUIPA claim but affirmed the case in all other respects.

Vision Warriors sought to operate its ministry on two residential parcels of about 6.5 acres in Cherokee County, Georgia. Happy Acres Mission Transit Center previously owned and operated the property as a dormitory with a mission “to promote the recreation, health, safety, welfare, common benefit and enjoyment of missionaries and to help further aid their religious and spiritual beliefs and goals.” Happy Acres offered a range of activities for up to 55 people, including services, conferences, retreats, and banquets. It also temporarily hosted up to six families at a time at no charge.

In 2016, Happy Acres decided to sell the property, and obtained written confirmation from County planning staff that temporary housing could continue at the property as a legal nonconforming use. However, planning staff stated that “if the previous tenants were missionaries and the new tenants are planned to be recovering drug addicts, then[n] a different zoning will be required.” In 2017, Vision Warriors entered into a letter of intent to purchase the property. On multiple occasions, planning staff again confirmed the property’s use for temporary housing subject to Vision Warriors obtaining a Tenant Occupancy Change (TOC) permit. The then zoning administrator stated, “I am the interpreter of land use, and I assure you this meets Vision Warriors[’] use.” Vision Warriors purchased the property, obtained a TOC permit, and began to operate a facility housing men formerly in recovery centers for drug and alcohol abuse.

Following neighbor complaints in 2018, the County revoked Vision Warriors’ TOC permit because temporary shelters were not permitted in residential zones. The County took the position that planning staff had previously issued the TOC permit in error. Vision Warriors unsuccessfully appealed to the Zoning Board of Appeals and the Cherokee County Board of Commissioners. Thereafter, the County amended its zoning code to allow religious institutions to have temporary

shelters and transitional housing by special use permit if the facilities were provided free of cost. Vision Warriors submitted a special use permit application and, in the alternative, sought to rezone its property to another zone to allow it to operate a dormitory for up to 55 residents. The County Planning Commission denied both the special use permit and rezone request, which the Board of Commissioners upheld.

Vision Warriors sued in federal court, alleging violations of the federal Fair Housing Act (FHA), Americans with Disabilities Act (ADA), RLUIPA, the Fourteenth Amendment, and state law. The District Court dismissed Vision Warriors' RLUIPA claim for failure to demonstrate a substantial burden on religious exercise and then granted summary judgment to the County on all other claims. The Eleventh Circuit reversed the RLUIPA dismissal but otherwise affirmed the District Court's decision.

As for the RLUIPA claim, the Eleventh Circuit ruled that the District Court applied the wrong standard in assessing Vision Warriors' substantial burden claim. That is, the District Court improperly determined that Vision Warriors had to show that it could not use the property in any way in accordance with its religious beliefs. The County argued that Vision Warriors could not establish that it was completely banned from using its property for religious exercise because Vision Warriors could still house up to eight unrelated members. The Eleventh Circuit disagreed, finding that Vision Warriors could allege a substantial burden without shutting its doors entirely. The Court stated that its "substantial burden inquiry does not require a Plaintiff to establish an 'unmet' religious need in the community, and its religious exercise need not be completely hamstrung to meet the substantial burden threshold."

Vision Warriors also alleged that the County had intentionally discriminated against disabled persons in violation of the FHA and ADA. It also alleged violations under those federal statutes based on the County's refusal to make reasonable accommodations. The intentional discrimination claims failed because there was no direct or circumstantial evidence to support them. There were no expressly discriminatory comments from County officials or neighbors in opposition. The closest thing to circumstantial evidence were comments made by a Commissioner who told opponents he would vote to deny the proposed use (although not expressly based on disability). The Court, however, stated that the Commissioner's comments were probative of only one member's motives and could not be imputed to the rest of the agency.

The Court rejected the reasonable accommodation claims on the ground that Vision Warriors failed to establish that the accommodation was truly necessary to alleviate the effects of disability. Vision Warriors did not explain why the requested 55 members "are therapeutically more meaningful as opposed to the eight members it is legally permitted to house at any time." Nor did Vision Warriors offer evidence demonstrating how a facility with only eight people would not be economically viable.

Vision Warriors' "class of one" Equal Protection claim under the Fourteenth Amendment also failed. According to the Court, Happy Acres was not a similarly situated comparator because the County knew that Vision Warriors sought to operate a temporary shelter but had no knowledge that Happy Acres had actually done so. In other words, Happy Acres' temporary shelter was operated in secret, so the County could not be penalized for what it did not know.

Copyright © 2025 Robinson & Cole LLP. All rights reserved.

Source URL: <https://natlawreview.com/article/eleveth-circuit-clarifies-rluipa-substantial-burden-inquiry>