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SEATTLE HOUSING AND RESOURCE EFFORT/WOMEN'S
HOUSING EQUALITY AND ENHANCEMENT PROJECT,
a Washington Non-Profit Corporation; and NORTHSHORE
UNITED CHURCH OF CHRIST, a Washington Public Benefit
Corporation,

Petitioner,

vs.

CITY OF WOODINVILLE, a Municipal Corporation,

Respondents.

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FILED
SUPREME COURT
STATE OF WASHINGTON

BRIEF OF AMICI CURIAE RELIGIOUS CONGREGATIONS

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A. Summary of Amici's Position.

Courts undermine the protected right to freely exercise religion by second-guessing the manner in which a congregation chooses to practice its faith. The Religious Land Use and Institutional Persons Act ("RLUIPA"), 42 U.S.C. § 2000cc, requires courts to subject to strict scrutiny a local government's attempt to regulate religious exercise under a land use ordinance. The establishment of a temporary homeless shelter on church¹ premises is protected under RLUIPA as the use of real property for the purpose of religious exercise. By prohibiting outright the use of church property as a temporary homeless shelter, a municipality substantially burdens the exercise of religion, even if a church may minister to the homeless in other ways or at other locations. The regulation of a church's right to establish a temporary homeless shelter on its premises may survive strict scrutiny only if such regulation is narrowly tailored to further local government's compelling interest in protecting public health and safety. The City's reliance on a moratorium prohibiting all accessory uses to ban Tent City on church property fails that test.

¹ Amici use the term "church" as short hand to include mosques, synagogues, temples, and other religious institutions or places of worship.

B. Identity And Interest Of Amici Curiae.

As more fully discussed in the Appendix, sheltering the homeless is a core element of each amicus's religion.

1. Church Council of Greater Seattle.

Established in 1919, the Church Council of Greater Seattle represents more than 400 churches in 15 denominations, as well as thousands of individuals. Over 130 of its member congregations provide some level of ministry to the homeless in King County.

2. Evergreen Council of American Baptist Churches.

Evergreen Association of American Baptist Churches has 36 churches in its membership, 27 of which are in the State of Washington. One of Evergreen Association's member congregations hosted Tent City 4 from August 10 to November 10, 2007.

3. Temple Beth Am.

Temple Beth Am is a Reformed Jewish Congregation in Seattle of 879 families. During the summer of 2003, and again in 2005, the Temple invited Tent City to share its land.

4. The Washington Association of Churches.

The Washington Association of Churches (WAC) is an association of ten Christian denominations and four ecumenical organizations united in the task of ecumenism in Washington State.

5. The Pacific Northwest Conference of the United Methodist Church.

The Pacific Northwest Conference of the United Methodist church is one of 63 Conferences across the United States. The conference has 252 congregations in the State of Washington. Several congregations have hosted Tent City.

6. Northwest Washington Synod of the Evangelical Lutheran Church.

The Northwest Washington Synod of the Evangelical Lutheran Church ("the Synod") consists of 106 congregations and eight ministries under development in King, Snohomish, Skagit, Whatcom, Island and San Juan Counties. The Synod's members have a long history of sheltering the homeless as part of their core ministry.

7. Catholic Archdiocese of Seattle.

The Catholic Archdiocese of Seattle ("the Archdiocese") exercises pastoral responsibility and spiritual leadership for the Catholic Church in Western Washington. Care of the homeless is an essential part of being Catholic. A number of parishes have sponsored tent cities over the past few years.

8. Pacific Northwest Conference of the United Church of Christ.

The Pacific Northwest Conference of the United Church of Christ consists of 84 congregations in Washington, Northern Idaho and Alaska, including Northshore United Church of Christ, petitioner in the instant case.

C. Issues Addressed By Amici Curiae.

Did the Court of Appeals misapply the Religious Land Use and Institutionalized Persons Act (“RLUIPA”) in holding that a City’s refusal to grant a temporary use permit to allow a church to establish a 90-day “tent city” on its property did not impose a substantial burden on a church’s free religious exercise of ministering to the homeless?

Amici adopt the arguments of the American Civil Liberties Union relating to whether this Court may hold that Wash. Const., Art. 1, § 11 provides greater protection to petition than does the First Amendment without undertaking a *Gunwall*² analysis. See *First Covenant Church of Seattle v. City of Seattle*, 120 Wn.2d 203, 840 P.2d 174 (1992) (statute indirectly burdening exercise of religion may violate Art. 1, § 11, without violating First Amendment).

² *State v. Gunwall*, 106 Wn. 2d 54, 720 P.2d 808 (1986).

D. Statement of the Case.

Amici adopt the statement of the case in Northshore United Church of Christ's ("the Church") Petition for Review and Brief of Appellant.

E. Argument.

1. RLUIPA Was Enacted In Order To Restore Strict Scrutiny Protection To Land Use Regulations That Substantially Burden The Free Exercise of Religion.

RLUIPA was enacted by Congress in order to codify the application of strict scrutiny to local land use regulations that affect conduct in furtherance of religious expression. Prior to 1990, many courts applied strict scrutiny under the First Amendment's Free Exercise Clause in challenges by religious organizations to attempts by local governments to regulate religious exercise through land use ordinances. See *Sherbert v. Verner*, 374 U.S. 398, 404 & n.6, 83 S.Ct. 1790, 10 L.Ed.2d 965 (1963) (government action creates a substantial burden if it has a "tendency to inhibit constitutionally protected activity."). Beginning in 1990, however, local governments began exerting greater control over religious institutions as the Supreme Court relaxed the requirements of strict scrutiny under the First Amendment's Free Exercise Clause.

In 1990, the Supreme Court rejected a challenge to the denial of unemployment benefits based on the claimant's use of peyote, holding that the application of a neutral and generally applicable criminal law to forbid religious practice was not subject to strict scrutiny under the First Amendment. *Employment Division v. Smith*, 494 U.S. 872, 110 S.Ct. 1595, 108 L.Ed.2d 876 (1990). This principle was later extended to land use laws of general applicability that do not target religious exercise. See *Lukumi Bablu Aye v. City of Hialeah*, 508 U.S. 520, 113 S.Ct. 2217, 124 L.Ed.2d 472 (1993).

In reaction to these cases, Congress initially attempted to restore the Court's earlier strict scrutiny standard under the Religious Freedom Restoration Act of 1993, 42 U.S.C. § 2000bb ("RFRA"). But RFRA was held unconstitutional as applied to the states in *City of Boerne v. Flores*, 521 U.S. 507, 117 S.Ct. 2157, 138 L.Ed.2d 624 (1997). In 2000, Congress passed RLUIPA "to provide protection for houses of worship and other religious assemblies from restrictive land use regulation that often prevents the practice of faith." 146 Cong. Rec. S6687 (July 13, 2000) (Statement of Senator Hatch).

To protect religious liberty, Congress under RLUIPA has prohibited local government from imposing “a land use regulation in a manner that imposes a substantial burden on the religious exercise of . . . a religious assembly or institution” unless the government establishes that the burden “is the least restrictive means of furthering a compelling governmental interest.” 42 U.S.C. § 2000cc- (a)(1)(A). As the Supreme Court has held in upholding the constitutionality of RLUIPA, Congress intended to “accord religious exercise heightened protection from government-imposed burdens . . .” *Cutter v. Wilkinson*, 544 U.S. 709, 714, 125 S.Ct. 2113, 161 L.Ed.2d 1020 (2005).

RLUIPA defines “religious exercise” to include “any exercise of religion, whether or not compelled by, or central to, a system of religious belief.” 42 U.S.C. § 2000cc-5(7)(A). It further provides that the “use, building, or conversion of real property for the purpose of religious exercise shall be considered to be religious exercise of the person or entity that uses or intends to use the property for that purpose.” 42 U.S.C. § 2000cc-5(7)(B).

Under RLUIPA, the plaintiff bears the burden of proving that the challenged law substantially burdens plaintiff’s religious exercise. Once a substantial burden on religious exercise is

established, the burden of proof shifts to the government to establish a compelling government interest in its law or regulation. Further, the government bears the burden to prove that it has used the least restrictive means of achieving such a compelling interest. 42 U.S.C. § 2000cc-2(b). By its terms, RLUIPA must “be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of [the statute] and the Constitution.” 42 U.S.C. § 2000cc-3(g).

2. The Church’s Efforts To Provide Temporary Shelter To The Homeless On Its Own Property Are Acts Of Religious Exercise Protected Under RLUIPA.

This Court should hold, as did the Court of Appeals, that the Church’s effort to provide temporary shelter to the homeless was a sincere exercise of religion. (Opinion at 14) The City has conceded that “the legitimacy of NUCC’s desire to assist the homeless is undisputed.” (Answer to Petition at 13) This holding is compelled by RLUIPA’s broad definition of religious exercise to include any “use . . . of real property for the purpose of religious exercise,” whether or not compelled by, or central to, a system of religious belief.” 42 U.S.C. § 2000cc-5(7)(A),(B).

Having conceded the sincerity of the Church's homeless ministry, however, the City has argued that the Church's interest in providing shelter to the homeless on the Church's property itself may be limited unless the Church could not assist the homeless elsewhere in the City. Such reliance on alternative means of ministering to the homeless is flawed because a court may not second-guess the manner in which a congregation chooses to engage in specific religious exercises.

The United States Supreme Court has held that RLUIPA "bars inquiry into whether a particular belief or practice is 'central' to [an adherent's] religion." *Cutter*, 544 U.S. at 725 n.13. Deciding that the Church may fulfill its religious obligation to minister to the homeless by other means or at other locations is itself impermissible religious interpretation. See *Hernandez v. Comm'r*, 490 U.S. 680, 699, 109 S.Ct. 2136, 104 L.Ed.2d 766 (1989) ("[it] is not within the judicial ken to question the centrality of particular beliefs, or practices to a faith or the validity of particular litigants' interpretations of those creeds."); *Thomas v. Review Board*, 450 U.S. 707, 716, 101 S.Ct. 1425, 67 L.Ed.2d 624 (1981) ("Courts are not arbiters of scriptural interpretation."). The particular religious exercise at issue here is the establishment by the Church of a

temporary shelter for the homeless on its own property, not whether the Church could “effectively minister[] to the homeless . . . in other ways.” (Opinion at 17)

The Ninth Circuit Court has recently rejected the notion that a court may define for itself the specific religious practice at issue in a manner that is at odds with an adherent's faith. In ***Greene v. Solano County Jail***, 513 F.3d 982 (9th Cir. 2008), the Ninth Circuit reversed the dismissal of a prisoner's claim under RLUIPA that challenged a county jail's refusal to allow maximum security prisoners to engage in group worship. The district court had held that the plaintiff prisoner's religious exercise was not substantially burdened because he could still practice his Christian faith by engaging in solitary worship. 513 F.3d at 987. The Ninth Circuit reversed, holding that the religious practice at issue was not the prisoner's “ability to practice his religion as a whole, but his ability to engage in group worship.” *Id.*

Here, there is no dispute that the Church sought to use its own property to shelter the homeless in furtherance of sincerely held religious beliefs. Western religions have a long tradition of sanctuary, dating from the early days of Judaism, and extending through Roman, medieval, and feudal times. In this country,

churches served as sanctuaries for fugitive slaves. As one court has noted, the contemporary practice of using churches to house and feed the poor traces its origins in the traditional use of churches as sanctuaries for the oppressed: The “church as a sanctuary for the poor [has become] a religious use ‘customarily incident’ to the ‘principle uses’” of a church. ***St. John’s Evangelical Lutheran Church v. City of Hoboken***, 195 N.J. Super. 414, 479 A.2d 935, 937 (1983).

As the appendix reflects, for amici the act of providing sanctuary and shelter to the homeless is part and parcel of the exercise of their respective faiths. Opening their doors and sharing their facilities with the poor is at the core of amici’s religious mission. This Court should hold that housing a temporary shelter for the homeless on Church property is “religious exercise” under RLUIPA.

3. A Court’s Speculation Regarding The Efficacy Of Alternative Means Of Engaging In Religious Exercise Undermines The Protection Of RLUIPA Against Governmental Regulations That Substantially Burden A Congregation’s Particular Form Of Religious Expression.

The City’s regulation of religious activity on the Church’s own property necessarily imposes a substantial burden on the free exercise of religion because it prohibited such use outright. In this

case, while recognizing that providing temporary shelter to the homeless was the exercise of the Church's religion, the Court of Appeals erroneously concluded that the City's regulations did not "substantially burden" the Church, based on speculation that the Church could "minister[] to the homeless on its property in other ways," or that the Church could "obtain permission to use private land outside of the R-1 zone, such as a local business' property." (Opinion at 17, 18).

The federal courts have uniformly rejected the notion that a religious institution must prove that no other possible alternative means of engaging in a religious practice exist. In the Ninth Circuit, a RLUIPA plaintiff establishes a "substantial burden" by showing that the restraint imposed by local government "is 'oppressive to a significantly great extent'" and which "'impose[s] a significantly great restrict or onus upon'" religious exercise. ***Guru Nanak Sikh Soc. of Yuba City v. County of Sutter***, 456 F.3d 978, 988 (9th Cir. 2006). Thus, in ***Greene***, the Ninth Circuit had "little difficulty in concluding that an outright ban on a particular religious exercise is a substantial burden on that religious exercise." 513 F.3d at 988.

Even under a more stringent test of "substantial burden" than that adopted by the Ninth Circuit, the Seventh Circuit has held that

a burden need not be “insuperable” in order to be substantial under RLUIPA. *Sts. Constantine and Helen Greek Orthodox Church, Inc. v. City of New Berlin*, 396 F.3d 895 (7th Cir. 2005).³ As here, “the Church could have searched around for other parcels of land,” 396 F.3d at 901, but such hypothetical alternatives did not diminish the substantial burden of being prohibited from using its own property in furtherance of its religious principles. Similarly, the Second Circuit recently held that “where the alternatives require substantial ‘delay, uncertainty, and expense,’ a complete denial of the [religious] school’s application might be indicative of a substantial burden.” *Westchester Day School v. Village of Mamaroneck*, 504 F.3d 338, 349 (2nd Cir. 2007).

This Court’s decisions also dispel the notion that the existence of potential alternatives to the Church’s chosen method of religious practice negates any substantial burden. For instance, this Court has held that a municipal landmark preservation ordinance may not be applied to prohibit a church from demolishing a school building in order to construct a pastoral center to be used for religious education, social functions, parish retreats and other

³ Here, the City denied the Church’s request to use an alternative site outside the R-1 zone even though the Church had successfully hosted Tent City on that site only two years before.

church functions as part of its religious ministry. *Munns v. Martin*, 131 Wn.2d 192, 930 P.2d 318 (1997). The ordinance required a delay pending a hearing by historical preservation proponents, who sought to compel the church to preserve, renovate and maintain the architectural integrity of the 1928 structure. 131 Wn.2d at 196-97.

Although it was potentially feasible for the church to engage in the religious activities in the older structure, this Court held that because application of the landmark ordinance allowed the stay of demolition for up to 14 months pending administrative hearings and review, it substantially burdened the church's free exercise rights. *Munns*, 131 Wn.2d at 207-08. Relying on its previous decision in *First Covenant Church of Seattle v. City of Seattle*, 120 Wn.2d 203, 223, 840 P.2d 174 (1992), the Court refused to subject a church to administrative delay in pursuing its chosen manner of religious exercise despite the fact that such delay may result in an alternative method of developing its pastoral center:

The additional delay is specifically for the purpose of permitting opponents of the proposed demolition to attempt to broker various alternatives to the church's planned religious purpose for the structure. The ordinance indicates the delay is designed to provide an "opportunity for acquisition, easement, or other preservation mechanism to be negotiated after the public hearing." WWMC 20.146.040B. If the Bishop

is unwilling to entertain alternatives, or if none meets his requirements, and he is unwilling to delay his plans, he must then seek approval of the secular authorities to lift the stay and allow him to proceed with his plans to carry out his religious mission. The challenged ordinance creates precisely the kind of administrative burdens *First United Methodist* forbids.

Munns, 131 Wn.2d at 208.⁴

Other courts have held that a local government's refusal to allow operation of a homeless shelter on a church's property substantially burdens the free exercise of religion. The Michigan Court of Appeals held that a zoning board's refusal to allow a church to operate a homeless shelter as an accessory use to church property imposed a substantial burden on the church's free exercise of religion in *The Jesus Center v. Farmington Hills Zoning Bd. Of Appeals*, 215 Mich. App. 54, 544 N.W.2d 698 (1996). The court rejected the argument that the church could

⁴ While the *Munns* Court relied on Wash. Const., Art. I, § 11, 131 Wn. 2d at 199, the Court's strict scrutiny analysis under the Washington Constitution is comparable to that mandated under the requirements of RLUIPA, and provides greater protection to the free exercise of religion than that imposed under the federal constitution. See *First United Methodist Church of Seattle v. Hearing Examiner For Seattle Landmarks Preservation Board*, 129 Wn.2d 238, 249 n.5, 916 P.2d 374 (1996) (noting that in enacting RLUIPA's predecessor statute, 42 U.S.C. § 2000bb, Congress intended to codify "the strict scrutiny standard of *Sherbert* and, as a result, effectively overrule[] *Smith*.")

minister to the homeless in other ways, or relocate its homeless program elsewhere:

It is substantially burdensome to limit a church to activities and programs that are commonly practiced by other churches rather than allowing it to follow its faith even in unique and novel ways.

544 N.W.2d at 704-05. See also ***St. John's Evangelical Lutheran Church v. City of Hoboken***, 195 N.J. Super. 414, 479 A.2d 935, 938 (1983) ("In view of the centuries old church tradition of sanctuary for those in need of shelter and aid, St. John's and its parishioners in sheltering the homeless are engaging in the free exercise of religion. Hoboken cannot constitutionally use its zoning authority to prohibit that free exercise."); ***Western Presbyterian Church v. Board of Zoning Adjustment of District of Columbia***, 862 F. Supp. 538, 546 (D.D.C. 1994) (Church's homeless feeding program "is religious activity and a form of worship" and the city's reliance on zoning laws to prohibit feeding program substantially burdens plaintiff's free exercise of religion under RFRA); ***Fifth Ave. Presbyterian Church v. City of New York***, 2004 WL 2471406 (S.D.N.Y. 2004) (allowing homeless to sleep on church steps); ***Greentree at Murray Hill Condominium v. Good Shepherd***

Episcopal Church, 146 Misc.2d 500, 550 N.Y.S.2d 981 (1989)
(temporary homeless shelter is an accessory use of a church).

Similarly, here, the Church satisfied its burden of proving a substantial burden on the exercise of religion once it established that the City's temporary moratorium on development in its residential zone imposed an outright ban to hosting Tent City on its property. The Court of Appeals offered as an alternative the "questionable" possibility that the Church could house the homeless on Church property overnight, while conceding that that the homeless would have to "clear out [of] the building each morning to prepare it for the day's activities." (Opinion at 17) Such speculation that hypothetical alternatives of ministering to the homeless short of providing temporary shelter on a 24-hour basis were acceptable equivalents is antithetical to the free exercise of religion that is at the heart of RLUIPA.

4. The City's Prohibition Against A Temporary Homeless Shelter Under A Moratorium Against Development In Its Residential Zone Cannot Survive Strict Scrutiny.

Where government action imposes a substantial burden on a church's religious exercise, it is subjected to "the most rigorous of scrutiny," ***Church of the Lukumi Babalu Aye***, 508 U.S. at 546,

and can be upheld only if narrowly tailored to meet a compelling governmental interest. 42 U.S.C. § 2000cc-(a)(1). “Only those interests of the highest order and those not otherwise served can overbalance legitimate claims to the free exercise of religion.” **Wisconsin v. Yoder**, 406 U.S. 205, 215, 92 S.Ct. 1526, 32 L.Ed.2d 15 (1972).

This Court has described compelling interests as those presenting “a clear and present, grave and immediate danger to public health, peace and welfare.” **First Covenant Church of Seattle v. City of Seattle**, 120 Wn.2d 203, 227, 840 P.2d 174 (1992). The City must establish not that the application of the law in general advances a compelling interest but rather that “there is a compelling government reason, advanced in the last restrictive means, to apply the [policy] to the individual claimant.” **Kikumura v. Hurley**, 242 F.3d 950, 962 (10th Cir. 2001).

Here, the City’s permit moratorium was neither necessary to protect a compelling governmental interest, nor narrowly tailored.

The City's rolling moratorium⁵ on development in the residential zone applies to permit applications for "the development, rezoning or improvement of real property." (CP 116) Its purpose was to freeze applications for commercial development that "will irreversibly alter the character and physical environment" in the R-1 zone. The moratorium allowed an exception for the expansion of single and multi-family structures and the construction of public owned structures within the zone. The *temporary* use of the Church's property to house homeless persons could in no way affect the City's goal of prohibiting the *permanent* alteration of the residential character of the R-1 zone.

The City may impose reasonable standards to ensure that the Church's temporary use of its property for housing the homeless does not pose a threat to public health and safety. For instance, it may impose reasonable occupancy limits regarding the number of persons camping at Tent City. It may require adequate toilets and other sanitary facilities, and ensure that food service

⁵ Even in the absence of RLUIPA's requirement of strict scrutiny, "a reasonable moratorium must be in place no longer than necessary to accomplish the necessary planning by a body exercising diligence to accomplish that planning." *Biggers v. City of Bainbridge Island*, 162 Wn.2d 683, 169 P.3d 14, 26, ¶ 51 (2007) (Chambers, J., concurring in result).

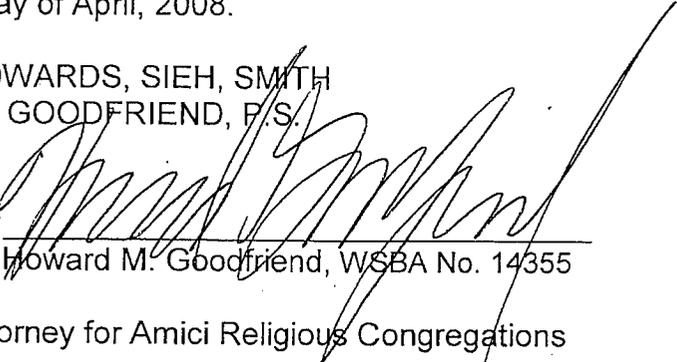
facilities meet reasonable standards. It may require internal security to address public safety concerns. The courts must ensure, however, that such requirements are narrowly tailored not to commercial hotel and restaurant standards, but to those solely necessary to prevent a grave and immediate danger to public health, peace and safety.

F. Conclusion.

At its core, RLUIPA requires strict scrutiny of a land use regulation that bars a church from using its property to engage in religious conduct. Hosting a 90 day homeless encampment on church property is at the core of religious exercise. This Court should hold that RLUIPA bars a municipality's prohibition against a church's establishment of a temporary homeless shelter on its own property under a moratorium prohibiting all accessory uses in the City's residential zone.

DATED this 15th day of April, 2008.

EDWARDS, SIEH, SMITH
& GOODFRIEND, P.S.

By: 

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Attorney for Amici Religious Congregations

APPENDIX

Church Council of Greater Seattle.

Established in 1919, the Church Council of Greater Seattle represents more than 400 churches in 15 denominations, as well as thousands of individuals, united by the belief that faith communities can work together to promote justice and increase compassion in our community. Over 130 of its member congregations provide some level of ministry to the homeless in King County.

For the past 25 years, the Church Council has been on the forefront of faith-based efforts to end homelessness. The Council led the effort to establish the Displacement Coalition and Downtown Emergency Services Center in the 1980's, was a founding member of the Committee to End Homelessness in King County in 2002, and created three human service programs that provide direct service to homeless families and individuals. In 2005, its advocacy and negotiations with the King County Council resulted in the passage of the County's homeless encampment ordinance.

The Church Council believes that religious congregations using their land and facilities to aid the homeless in furtherance of their religious principles are entitled to the full protection of the First Amendment from undue interference by local government.

Evergreen Council of American Baptist Churches.

Evergreen Association of American Baptist Churches has 36 churches in its membership, 27 of which are in the State of Washington. Its mission is to build bridges between communities; provide resources to equip member churches to share Christ and teach God's word; and translate its unity to the world.

One of Evergreen Association's member congregations hosted Tent City 4 from August 10 to November 10, 2007, acting in furtherance of the principle that God calls our churches to minister to the poor and homeless and that we cannot live out our ministry and mission unless we do what we can to alleviate pain and suffering in this world.

Temple Beth Am.

Temple Beth Am is a Reformed Jewish Congregation in Seattle of 879 families whose values embrace the concept of *tikkun olam*, to repair the world. Jewish values, based on the Torah – the five books of Moses – recognize *tzedekah*, which is loosely translated both as justice and as charity, as principles for the individual and for the community.

Temple Beth Am has sheltered the homeless as an act of religious faith. For one month during the summer of 2003, and again in 2005, the Temple invited Tent City to share its land, consistent with the Biblical mandate to share “the corners of your field ... [with] the poor and [] the sojourner.” VaYikra (Leviticus) 19:9-10. Temple Beth Am considers this effort, as well as its efforts to help homeless individuals and families transition to permanent housing, as both a religious commandment and a blessing for our community – a *mitzvah*.

The Washington Association of Churches.

Washington Association of Churches (WAC) is an association of ten Christian denominations and four ecumenical organizations united in the task of ecumenism in Washington State. Since 1975, WAC has served as a focal point for dialogue, advocacy, action and reflection. WAC's work is rooted in the conviction that our Christian faith calls us to act with compassion for people and respect the sacredness of life. WAC's members feel called to the challenge of unity in our society by addressing the needs of community in our world, including the homeless.

As a constitutional matter, WAC believes religion should be exercised free of governmental interference. Second, our faith tradition and religious calling summons us to defend and support the vulnerable in our midst. Clearly, the homeless are among the most vulnerable and defenseless in our communities. If we failed to act on our convictions, we would betray our religious calling.

The Pacific Northwest Conference of the United Methodist Church.

During its 223-year history, the United Methodist Church in the United States has stood for justice and tending to the needs of the poorest and weakest among us. The Pacific Northwest Conference of the United Methodist church is one of 63 Conferences across the United States. The conference has 252 congregations in the State of Washington, each with a unique ministry, many of which involve caring for the shelter needs of others: Woodland Park UMC in Seattle, Bellevue First UMC and Chehalis UMC, to name a few. Several congregations have hosted Tent City: Trinity UMC in Ballard, Riverton Park UMC in Tukwila, and Haller Lake UMC in North Seattle. The Pacific Northwest Conference provided the legal assistance to Trinity UMC in Ballard to host Tent City over the objections of the City of Seattle.

The Pacific Northwest Conference and its member churches believe in caring for the homeless is an important part of being the Church in the contemporary society. At its 2006 annual meeting, the Pacific Northwest Conference adopted a resolution supporting homeless encampments at churches regardless of denominational affiliation. The Pacific Northwest Conference stands beside all those who would attempt to provide care and shelter to those without a place to sleep.

Northwest Washington Synod of the Evangelical Lutheran Church.

The Northwest Washington Synod of the Evangelical Lutheran Church ("the Synod") consists of 106 congregations and eight ministries under development in King, Snohomish, Skagit, Whatcom, Island and San Juan Counties. The 48,000 members send representatives to an annual assembly each year. In 2006, the Synod Assembly adopted a resolution authorizing the bishop of this Synod to support congregations in education and advocacy for the poor and homeless in our communities. The Assembly strongly encouraged congregations to endorse local plans to end homelessness.

The Synod's members have a long history of sheltering the homeless as part of their core ministry. St. Luke's Lutheran Church in Bellevue has hosted Tent City 4. Phinney Ridge Congregation has twice hosted Tent City 3. Our Redeemer's in Seattle will be hosting Tent City 3 in the near future. The Compass Center is a Lutheran agency in Pioneer Square that works with the homeless and is strongly supported by this Synod. A number of our congregations provide shelter for homeless on a rotating basis with other congregations in their buildings.

Catholic Archdiocese of Seattle.

The Catholic Archdiocese of Seattle ("the Archdiocese") exercises pastoral responsibility and spiritual leadership for the Catholic Church in Western Washington, west of the Cascade Mountains, south of Canada and north of the State of Oregon. The Archdiocese serves a population of 577,400 Catholics, in 142 Parishes, 28 Missions, eight Pastoral Centers, three High Schools, and 56 Grade Schools. The Archdiocese also has oversight responsibilities for the Catholic Community Services of Western Washington and the Archdiocesan Housing Authority.

Care of the homeless is an essential part of being Catholic. The Archdiocesan Housing Authority has 14 Shelters and Transitional Housing serving 5,148 people last year and 39 Permanent Housing Projects providing housing for 3,671 people last year. This does not include food distribution centers. Catholic Community Services provides permanent housing for 50 people, and transitional housing for 350 people. These numbers do not include parish housing at some of the 142 Parishes. Neither does it count the St. Vincent de Paul Society housing and social services. A number of parishes have sponsored tent cities over the past few years.

Pacific Northwest Conference of the United Church of Christ.

The Pacific Northwest Conference of the United Church of Christ consists of 84 congregations in Washington, Northern Idaho and Alaska, including Northshore United Church of Christ, petitioner in the instant case. Kirkland United Church of Christ hosted a previous Tent City.

Outreach to and providing shelter to the homeless is central to the religious mission of the members of the Pacific Northwest Conference. Its members are thoughtful compassionate Christians, Biblically rooted and continually guided by the Holy Spirit to love the whole of God's creation. Because we are called by God to follow the historic Jesus and risen Christ as the center of our faith, we reach out in love and understanding to the whole of God's people, committed to ecumenical partnerships and action, listening for and honoring the prophetic voice. We are communities of nurture and care, gathered in the life of Christ for faithful healing, celebration, and growth. We are centers of service seeking to build neighborhoods of decency and justice, and a world at peace.

RECEIVED
 SUPREME COURT
 STATE OF WASHINGTON
DECLARATION OF SERVICE

2008 APR 18 A 8 37
 The undersigned, BY RONALD R. CARPENTER declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

That on CLERK April 18, 2008, I arranged for service of the foregoing Brief of Amici Curiae Religious Congregations, to the court and to the parties to this action as follows:

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DATED at Seattle, Washington. this 18th day of April, 2008.


 Tara D. Friesen

**FILED AS ATTACHMENT
 TO E-MAIL**