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## Zoning Ordinance Prohibiting Religious Assemblies Did Not Violate Religious Land Use and Institutionalized Person's Act

A Riverside County zoning ordinance that removed religious assemblies as a permissible use in a particular zone did not violate the equal terms provision of the Religious Land Use and Institutionalized Person's Act (RLUIPA) because it prohibited both religious and secular institutions alike from staging events without charging a fee. *Calvary Chapel Bible Fellowship v. Riverside County*, No.17-5685 (9th Cir., Feb. 4, 2020) Calvary Chapel Bible



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Calvary purchased a second a second parcel of land in the C/V zone, with hopes of expanding its church by building a larger sanctuary, a special-occasion facility, an open-air wedding venue, a church administration building, and a single-family residence. Calvary claimed it was unaware, at the time of purchase, of the zoning change that disallowed religious assemblies in the C/V zone. Calvary asked Riverside to amend its zoning ordinance to specifically include religious assemblies as permitted uses in the zoned area and submitted an application to proceed with the proposed expansion. After both applications were denied, Calvary filed a facial challenge to the ordinance. The church claimed the ordinance violated the equal terms provision of RLUIPA by prohibiting religious assemblies while allowing special occasion facilities, hotels, golf courses, wineries and other uses in the C/V zone. Calvary claimed its proposed religious use was not permitted under any of these categories. The Ninth Circuit determined that on its face, the ordinance treated both secular and religious places of assembly the same as both were allowed in the C/V zone if they met the requirements of a "special occasion facility." Special occasion facilities, whether secular or religious, were permitted in the zone if they rented their facilities out in return for compensation. The ordinance thus did not violate RLUIPA's equal terms provision.