

JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Tuesday, June 6, 2017

Justice Department and City of Des Plaines, Illinois Settle Lawsuit Over Alleged RLUIPA Violations

The Justice Department today announced an agreement with the City of Des Plaines, Illinois, to resolve allegations that the City violated the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) when it denied a rezoning application to allow The Society of American Bosnians and Herzegovinans (SABAH), a Bosnian Muslim religious organization, to use a vacant building as a mosque.

The agreement resolves a lawsuit the Department filed in September 2015, after conducting an investigation into the City's zoning and land use practices. A separate agreement resolving a similar lawsuit brought by SABAH has also been reached.

The United States' complaint alleged that the City discriminated against SABAH on the basis of religion or religious denomination by treating land use applications by non-Muslim religious groups better than it treated SABAH's on the basis of parking requirements and tax-exempt status, and that the City departed from its normal practices and procedures in the treatment and denial SAHAB's request. The United States also alleged that the City's denial imposed a substantial burden on SABAH's religious exercise without serving a compelling governmental interest using the least restrictive means and that the City treated SAHAH on less than equal terms with similarly situated nonreligious groups, including a school and cultural center.

On February 26, 2017, the United States District Court for the Northern District of Illinois ruled that the United States' claims should proceed to trial, and found that the City misapplied its zoning laws by imposing higher parking standards on SABAH than on non-Muslim religious groups, and that the City did not use the least restrictive means to address purported concerns it had with SABAH's request.

As part of the agreement, the City of Des Plaines will abide by RLUIPA in its determinations involving religious land use requests, and has agreed to provide training on the requirements of RLUIPA to its officials and employees, and to publicize its non-discrimination policies, among other remedial measures.

"Religious freedom is a fundamental right that belongs to all persons and religious groups in the United States," said Acting Assistant Attorney General Tom Wheeler of the Justice Department's Civil Rights Division. "The Department of Justice's Civil Rights Division will remain vigilant in its enforcement of federal law protecting the rights of religious communities to build and use property for religious worship."

"Religious freedom is a fundamental right, and we will not tolerate the unlawful use of zoning or land use restrictions to infringe on that right," said Joel R. Levin, Acting U.S. Attorney of the Northern District of Illinois. "The U.S. Attorney's Office will continue to safeguard the rights of religious groups to establish houses of worship without fear of discriminatory zoning or land use practices."

RLUIPA prohibits discrimination on the basis of religion in land use and zoning decisions. Persons who believe they have been subjected to such discrimination in land use or zoning decisions may contact the U.S. Department of Justice Civil Rights Division at (800) 896-7743 and, in the Northern District of Illinois, they may also call the United States Attorney's Office of Civil Rights Hotline at (855) 281-3339.

Attachment(s):

[Download City of Des Plaines Joint Motion for Dismissal](#)

Topic(s):

Civil Rights

Component(s):

[Civil Rights Division](#)

[Civil Rights - Housing and Civil Enforcement Section](#)

Press Release Number:

17-611

Updated October 3, 2017