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Church challenges forced landmarking

Chartie Butts - OneNewsNow - 9/23/2010 3:35:00 AM
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A lawsuit has been filed on behalf of an Indiana church that wants to break free from a historical landmark designation.



Cumberland's St. John United Church of Christ, which was constructed in 1914, has become dilapidated in recent years. Attorney Robert Greene of [Stortzer and Greene, P.L.L.C.](#) explains that church officials want to sell the facility and move elsewhere because "the cost of repairing the building is more than ten times the church's total annual revenues."

The Indianapolis Historical Preservation Commission has recommended landmarking the property, meaning it must be preserved. But the attorney explains that that suggestion has created an odd predicament.



"It also, as a result, virtually guarantees that the building itself will not even be preserved because there's simply no money to do it," Greene notes.

Meanwhile, the church is barred from doing anything to change the building, including selling it or demolishing it. But the attorney believes there are issues in the case that violate the Religious Land Use and Institutionalized Persons Act (RLUIPA).

"Certainly this is a serious RLUIPA issue -- that's the principle grounds that we filed under," he reports. "We also filed on constitutional grounds and under Indiana law as well."

Greene thinks the landmark commission is over-burdening the free exercise of religion, but to no useful purpose. So the lawsuit is asking the court to order all parties involved to cease and desist what they are doing to the church.

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