No. 25-1131

IN THE

Supreme Court of the United States

MISSIONARIES OF SAINT JOHN THE BAPTIST, INC.,

Petitioner,

v.

JOEL FREDERIC, *et ux.*,

Respondents.

On Writ of Certiorari to the Supreme Court of Kentucky

BRIEF OF *AMICI CURIAE* LOUIS D. BRANDEIS CENTER FOR HUMAN RIGHTS UNDER LAW AND THE HINDU AMERICAN FOUNDATION IN SUPPORT OF PETITIONER

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INTEREST OF *AMICI CURIAE*[1]

The Louis D. Brandeis Center for Human Rights Under Law (Brandeis Center) is an independent, non-partisan institution for public interest advocacy, research, and education that seeks to advance the civil and human rights of the Jewish people and promote justice for all. The Brandeis Center has an interest in this case because the decision of the Kentucky Supreme Court undermines the purposes of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA). If that decision is allowed to stand, it would undermine the efficacy of RLUIPA in protecting the right of Jews and other minority faiths to practice important features of their religions on their own property, and would shield from meaningful judicial scrutiny acts of invidious discrimination by local zoning authorities.

The Hindu American Foundation (HAF) is a nonprofit organization that advances the understanding of Hinduism and Hindu Dharma traditions to secure the rights and dignity of Hindu Americans for present and future generations. HAF provides accurate and engaging educational resources, impactful advocacy to protect and promote religious liberty, and programming that empowers

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[1] Pursuant to this Court's Rule 37.2 and 37.6, amici affirm that all counsel of record received timely notice of their intent to file this brief, this brief was not authored in whole or in part by counsel for any party, and no entity or person, aside from the amici and their counsel, made a monetary contribution intended to fund the brief's preparation or submission.

Hindu Americans to sustain their culture and identity.

HAF is committed to religious liberty for Hindus and members of all faiths throughout the United States. HAF is often consulted when Hindu Americans face obstacles in securing their civil rights. HAF works to secure these community members' religious liberties and freedom from discrimination using a broad array of protective statutes at the federal and local level, including those that prohibit unfair treatment in land use.

SUMMARY OF THE ARGUMENT

RLUIPA provides important protections for religious exercise in America, in part by prohibiting land-use regulations that place a substantial burden on religious groups in the exercise of their faith.

Properly interpreted and applied, RLUIPA has proven vital to defending the rights of religious minorities, including Jews, Hindus, Muslims, and members of other faiths. Land-use regulations that are invoked to block houses of worship, or ancillary structures that are essential to religious worship, place a substantial burden on the customs and traditions of these groups. As described below, the sad history of land-use regulation shows that, left to their own devices, local governments all too often treat requests from their religious constituents in ways that reflect either prejudice or indifference, invoking facially neutral policies that may conceal invidious motivations.

The legislative history of RLUIPA reveals that Congress was well aware of the particular challenges facing minority religions and sought to address the discrimination they frequently encounter when it comes to land use. Congress was confronted with "massive evidence" that "Churches in general, and new, small, or unfamiliar churches in particular, are frequently discriminated against on the face of zoning codes and also in the highly individualized and discretionary processes of land use regulation." 146 Cong. Rec. S7774-75 (daily ed. July 27, 2000) (joint statement of Sens. Hatch and Kennedy); *see also Protecting Religious Freedom After Boerne v. Flores*, Hearing Before the Subcomm. on the Constitution of the H. Comm. on the Judiciary, 105th Cong. 1 (July 14, 1997) ("[I]f you simply look at the record of cases involving churches, you would think that orthodox Jews and small, fundamentalist churches were the dominant churches in the United States, because they're the only ones who ever litigate zoning cases.") (hereinafter *Judiciary Comm. Hearing*).

Jews, Hindus, and Muslims are the subject of 36% of the U.S. Department of Justice's (DOJ's) RLUIPA land-use investigations, even though together they comprise only about 4% of the American population. U.S. Dep't of Justice, C.R. Div., *Report on the Twentieth Anniversary of the Religious Land Use and Institutionalized Persons Act* 12 (Sept. 22, 2020). Jews and Muslims are especially likely to encounter "discriminatory animus" and require court action to overcome "an unwillingness by local governments to take voluntary corrective action." *Id*. at 15.

RLUIPA aims to combat this history of discrimination by requiring that a substantial burden on free exercise may be justified only by a compelling governmental interest. Congress could not have intended to fashion a statutory regime that allows courts to second-guess what constitutes a substantial burden to religious practice. Such a regime would be ineffective in safeguarding minority religions, whose practices may be unfamiliar to the surrounding communities. *Amici* therefore urge the Court to apply the broad, and plain, meaning of "substantial burden" in order to effectuate Congress's intent.

ARGUMENT

RLUIPA'S SUBSTANTIAL BURDEN TEST MUST BE CONSTRUED IN A MANNER THAT FULFILLS CONGRESS'S INTENT TO PROTECT THE RIGHTS OF PERSONS OF ALL FAITHS TO PRACTICE THEIR RELIGION FREELY AND FULLY.

A. The Legislative History Reveals that Congress Had Particular Concern for Minority Religions, Whose Faiths Are Not Well Understood by the Majority.

Congress enacted RLUIPA in 2000 to advance religious liberty and the values recognized by the First Amendment. *See Statement on Signing the Religious Land Use and Institutionalized Persons Act of 2000*, 36 Weekly Comp. Pres. Doc. 2168 (Sept. 22, 2000). RLUIPA was enacted in response to this Court's decision in *City of Boerne v. Flores*, which struck down RLUIPA's predecessor, the Religious

Freedom Restoration Act (RFRA). 521 U.S. 507 (1997); *Judiciary Comm. Hearing* at 1.

In pertinent part, RLUIPA prohibits government actors from "impos[ing] or implement[ing] a land use regulation in a manner that imposes a substantial burden" on an individual's religious exercise, unless the government is able to show the regulation furthers a "compelling government interest' and is achieved through "the least restrictive means of furthering that interest." 42 U.S.C. § 2000cc(a)(1).

Congress recognized that zoning regulations can burden religious exercise through facially neutral requirements and discretionary administrative processes. The Congress that enacted RLUIPA was aware of this silent, subtle exclusion: "Many cities overtly exclude churches, others do so subtly. The motive is not always easily discernible, but the result is a consistent, widespread pattern of political and governmental resistance to a core feature of religious exercise: the ability to assemble for worship." H.R. Rep. No. 106-219, at 24 (1999).

Of particular concern to Congress was the potential for smaller churches and religious groups, with which broader communities are less familiar or even hostile, to be burdened, incidentally or intentionally, by facially neutral zoning codes. To be sure, not all substantial burdens on religious groups are attributable to religious animus. But land-use regulation provides a powerful, facially neutral tool through which pernicious actors may conceal their animus. A broad construction of "substantial burden" consistent with Congress's intent would allow courts

to protect against both good-faith ignorance as well as invidious religious discrimination.

Restricting the construction of religious buildings, including buildings ancillary to the central house of worship, will often constitute a substantial burden on religious exercise. RLUIPA therefore instructs courts to construe the statute "in favor of a broad protection of religious exercise, to the maximum extent permitted." 42 U.S.C. § 2000cc-3(g). To protect the free exercise of all religious groups regardless of their political influence, RLUIPA establishes its protections in very broad terms. The statute defines "religious exercise," for example, as "any exercise of religion, whether or not compelled by, or central to, a system of religious belief." 42 U.S.C. § 2000cc-5(7). And the construction of buildings for religious use is expressly listed as a religious exercise under RLUIPA. 42 U.S.C. § 2000cc-5(7) ("The use, building, or conversion of real property for the purpose of religious exercise shall be considered religious exercise.").

For many religious traditions, free exercise depends on the construction of buildings according to specific guidelines. Alternative suggestions by a municipality may conflict with or undermine a group's religious requirements. Especially for those minority religious groups whose practices are not well-understood by the wider population, a seemingly benign regulation on a structure's size, location, or design may violate the core elements of religious practice.

Religious minorities already confront daily hurdles to free exercise as they navigate a society that

does not understand them. Even in instances where conforming to a land-use regulation would not fully prohibit the religious exercise, allowing a municipality to dictate the terms and conditions of religious exercise, including by restricting the construction of ancillary structures, violates the core of religious liberty.

Courts are ill-positioned to assess the religious significance of a particular structure. *See Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014); *Hernandez v. Comm'r*, 490 U.S. 680 (1989); *Thomas v. Review Bd. Of Ind. Emp. Sec. Div.*, 450 U.S. 707 (1981). Yet, the Kentucky Supreme Court did just that. And in doing so, it undermined the text and purpose of RLUIPA.

B. Courts Have Recognized that Land-Use Regulations May Pose a Substantial Burden on Religious Minorities by Restricting Ancillary Structures.

1. Examples from the Jewish faith.

Under normative Jewish law, as traditionally practiced, several temporary and permanent buildings with specific and detailed construction features are required. Two Jewish traditions—the sukkah and the mikvah—and recent litigation related to those traditions illustrate the stakes.

During the seven-day holiday of Sukkot, Jewish practitioners leave their ordinary home and dwell in a "sukkah," which reminds the Jewish people of the 40 years spent wandering the desert following the exodus from Egypt and before their entry into Israel. *See Shulchan Aruch*, Orach Chaim 625:1 (citing *Lev.*

23:43). Sukkahs are usually temporary structures and must comply with several highly specific design requirements.

For instance, the roof of a sukkah, or "s'chach," must consist of raw, unfinished, organic vegetation that grew from the ground and is now detached from its source. *How to Build a Sukkah*, Chabad.org, https://www.chabad.org/library/article_cdo/aid/420823/jewish/How-to-Build-a-Sukkah.htm (last visited Nov. 15, 2026). The sukkah must be built directly under the open sky with no buildings or tree cover obstructing the view overhead. A sukkah must be at least 32 inches high, but no taller than 30 feet. *Id*.

Because practitioners use the sukkah for eating, dwelling, and, in some circumstances, sleeping, it must be located in a place easily accessible to the community, near a home or synagogue. Any synagogue meals during the Sukkot holiday require a functioning sukkah on synagogue property. *Id*. The requirement of both close proximity and clear overhead view combine to greatly narrow the viable locations for a sukkah on a practitioner's property.

The specific location, design, and building material requirements of a sukkah make it vulnerable to facially neutral zoning codes. For example, the New Jersey Attorney General leveraged state discrimination law to reach a settlement with Jackson Township over zoning and land use powers that "made it harder for Orthodox Jews to practice their religion."[2]

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[2] *Press Release*, N.J. Off. of the Att'y Gen., *AG Platkin and the Division on Civil Rights Announce a $575K Settlement Resolving Civil Rights Lawsuit Against Jackson Township*

Jackson Township had "engaged in discriminatory application of land use laws to inhibit the erection of sukkahs." *Id*. In response to resident complaints about the aesthetics of a sukkah, the Township broadened its zoning code's definitions of "front yard" and "structure" such that residents now needed prior approval to erect a sukkah, regardless of its temporary nature and religious purpose. Compl. ¶ 69-77, *Grewal v. Jackson Twp.*, No. OCN-C-000064-21 (N.J. Super. Ct. Ch. Div. Apr. 27, 2021).

The Township then issued violation notices to Orthodox Jews who erected sukkahs in their front yard. *Id*. As a result, Jackson Township effectively forbade sukkahs and thereby substantially burdened Jews from fully and visibly practicing their faith.

In *United States v. Village of Airmont*, town officials applied their zoning code to substantially burden the free exercise of Orthodox Jewish residents.[3] Among other things, town officials visited Jewish residents who had built temporary sukkahs outside of their homes and demanded they be dismantled. Compl. ¶ 171-78, *Congregation of Ridnik v. Village of Airmont*, No. 18-cv-11533 (S.D.N.Y. Dec. 10, 2018), ECF No. 1.

The officials invoked a multitude of zoning issues, at varying times alleging health and safety concerns,

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(Aug. 28, 2023), https://www.njoag.gov/ag-platkin-and-the-division-on-civil-rights-announces-a-575k-settlement-resolving-civil-rights-lawsuit-against-jackson-township/.

[3] *Press Release*, U.S. Dep't of Justice, C.R. Div., *United States v. Village of Airmont* (S.D.N.Y.) (Nov. 2, 2023), https://www.justice.gov/crt/case/united-states-v-village-airmont.

an array of fire hazard violations, and supposed structural integrity requirements. *Id*. The DOJ eventually obtained a consent order against the Village of Airmont after bringing a complaint alleging RLUIPA violations. *Consent Order*, *United States v. Village of Airmont*, No. 20-cv-10121 (NSR) (AEK) (S.D.N.Y. Oct. 19, 2023).

Jewish law also prescribes the construction and use of "mikvahs," or ritual baths, used to fulfill various Jewish obligations. Mikvahs are used in conversions to Judaism, in the washing of food utensils, in relation Jewish family-purity laws, and in preparation for holy occasions. [4] The mikvah is thus indispensable to Jewish life and faith.

Like the sukkah, under normative Jewish law as traditionally practiced, a mikvah must adhere to specific standards of design and construction. Mikvahs must be built into the ground or be an integral part of a structure, and they must hold 40 se'ah, approximately 191-200 gallons of water. Yehuda Shurpin, *Take a Deep Dive into Mikvah Construction*, Chabad.org, https://www.chabad.org/library/article_cdo/aid/6282910/jewish/Take-a-Deep-Dive-into-Mikvah-Construction.htm (last visited Nov. 15, 2026).

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[4] *See, e.g., Shulchan Aruch*, Yoreh Deah 268:1-2 (requiring immersion as part of the conversion process); *Id.* at 120:1 (determining the circumstances when utensils for foods must be immersed before their initial use); *Id.* at 197 (laws of when to immerse before engaging in intimacy); *Shulchan Aruch*, Orach Chaim 606:4 (describing the practice of immersion in a mikvah before the Day of Atonement, Yom Kippur).

While the sukkah is a temporary structure with particular location and material requirements, the mikvah is a permanent structure that implicates plumbing and water displacement, both common features of land-use regulation. *Id*.

Neighboring communities are often hostile to the construction of mikvahs. In *Chabad Lubavitch of Litchfield County, Inc. v. Litchfield Historic Dist. Comm'n*, for example, a Commission tried to prevent Chasidic Jews, who had purchased a historic property, from adding, *inter alia*, a mikvah and a tower with a Star of David on the grounds these were incompatible with the district. 768 F.3d 183 (2d Cir. 2014). The U.S. District Court for the District of Connecticut granted summary judgment to the Commission. *Id*. at 187. The Second Circuit reversed, holding that the Chabad group had sufficiently stated a claim for a substantial burden on free exercise under RLUIPA. *Id*. at 187-88.

In *United States v. Borough of Woodcliff Lake*, a township likewise sought to prevent the construction of a mikvah, citing its "[d]etrimental visual impact" and complaining that construction of the synagogue and mikvah would have an adverse impact on the "residential character of the neighborhood." Compl. ¶ 59, No. 2:18-cv-10511 (D. N.J. June 13, 2018). After the Department of Justice filed RLUIPA claims against the Borough of Woodcliff Lake, however, the U.S. District Court of New Jersey entered a consent order against the municipality and its zoning board. *Consent Order*, *United States v. Borough of Woodcliff*

Lake, No. 2:18-cv-10511 (KSH) (JAD) (D. N.J. Oct. 30, 2020).[5]

2. Examples from the Muslim faith.

Muslims have faced frequent challenges to the building of mosques on their own property. Mosques bring members of the Muslim faith together for worship, study, and a variety of other communal practices.

In *United States v. Troy*, the Adam Community Center (the Center), a Muslim non-profit organization, sought to build a mosque for worship, religious education, and other services and programs. 592 F. Supp. 3d 591, 598 (E.D. Mich. 2022). After finding a suitable property (which was previously used as a restaurant and banquet hall), the Center applied for a required variance; its zoning application proposed to use the property for several ancillary uses including a library, gymnasium, youth recreation center, conference center, and banquet hall. The application was denied. *Id.* at 600.

The Department of Justice argued that the city had placed a substantial burden on the Center's religious exercise by preventing the Center from using its property as a place where all of its members could engage in the full range of religious activities central to their faith. 592 F. Supp. 3d at 608. After careful consideration of several "substantial burden"

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[5] In *Airmont*, also discussed above, officials sought to restrict Jewish practice by reinterpreting the zoning code to effectively ban mikvahs as a form of "public bath." Compl. ¶ 87, *Congregation of Ridnik v. Village of Airmont*, No. 18-cv-11533 (S.D.N.Y. Dec. 10, 2018).

factors articulated by other federal courts, the district court agreed there was a substantial burden in violation of RLUIPA. It ruled that the city had not shown a compelling interest in prohibiting the Center from operating a mosque on the property. *Id.* at 608-11.

As the court observed, RLUIPA was enacted to protect assemblies like the Center from discrimination that "lurks behind such vague and universally applicable reasons as traffic, aesthetics, or not consistent with the city's land use plan." *Id.* at 611 (quoting 146 Cong. Rec. 16698 (2000) (joint statement of Sens. Hatch and Kennedy) (internal quotation marks omitted)).

In *United States v. Bensalem Twp., Pennsylvania,* 220 F. Supp. 3d 615 (E.D. Pa. 2016), a township zoning board denied a variance to build a mosque even though the Muslim non-profit organization had no other properties in Bensalem available to it. The court found that the DOJ plausibly alleged that the denial of a use variance substantially burdened religious exercise under RLUIPA. *Id.* at 621.

In *United States v. Cnty. of Culpeper, Virginia*, 245 F. Supp. 3d 758 (W.D. Va. 2017), a Muslim organization sought to build a mosque on property where religious uses were permitted as of right, but the County denied a pump-and-haul septic permit that was necessary for construction. The court found that the County had imposed a substantial burden on the organization's religious exercise under RLUIPA. *Id.* at 769.

3. Examples from the Hindu faith.

Hindu devotees, too, often find themselves jumping through additional regulatory hoops while non-Hindu neighbors disparage their faith and object to their expanding presence. *See Hindu Soc'y of Greater Cincinnati v. Union Twp. Bd. of Zoning Appeals*, 139 N.E.3d 457 (Ohio Ct. App. 2019); *Adhi Parasakthi Charitable, Med., Educ., & Cultural Soc'y of N. Am. v. Twp. of W. Pikeland*, 721 F. Supp. 2d 361 (E.D. Pa. 2010). *United States v. Bensalem Twp., Pennsylvania*, 220 F. Supp. 3d 615 (E.D. Pa. 2016); *see also* The Pluralism Project at Harvard University, Not in This Neighborhood! Zoning Battles (2020), https://perma.cc/LKA7-THS9.

In *Jagannath Org. for Glob. Awareness, Inc, Inc. v. Howard Cty., Maryland*, the Jagannath Organization for Global Awareness ("JOGA") alleged that the Howard County Board of Appeals placed a substantial burden on its religious free exercise in unconditionally denying its application to build a Hindu Temple on its property. Compl. ¶ 109-126, No. 1:17-cv-02436-ELH, ECF No. 1 (D. Md. Aug. 24, 2017). This denial came despite prior findings by the County's departments that JOGA had satisfied the essential requirements for its land use request, and that the County had the power to grant conditional approval. *Id.* After the Department of Justice entered a Statement of Interest, the district court entered a order for the County to reconsider JOGA's application consistent with RLUIPA. U.S. Dep't of Justice, *Statement of Interest of the United States of America*, *Jagannath Org. for Glob. Awareness, Inc. v. Howard Cnty.*, No. 1:17-cv-02436-ELH, ECF No. 42 (D. Md. July 23, 2018); *Consent Order*, *Jagannath Org. for*

Glob. Awareness, Inc. v. Howard Cnty., No. 1:17-cv-02436-ELH, ECF No. 49 (D. Md. July 1, 2019). As recently as last year, the city of Santa Clara, California, proposed new land-use regulations that are expected to restrict religious organizations' ability to expand their facilities, with a particular effect on Hindus in the area. Calvan Nuttall, *Santa Clara County Proposes Overhaul of Rural Zoning Ordinance*, Metro Newspaper (Sept. 10, 2025) https://www.metrosiliconvalley.com/santa-clara-county-proposes-overhaul-of-rural-zoning-ordinance/.

Like the Jewish faith, the Hindu faith relies on religious structures that are located outside a *mandir* (Hindu temple). For example, statues, shrines, and *murti* (iconic representations of Deities or the Divine) are often built outside a mandir for use in *puja* (ceremonial veneration), which is a cornerstone of Hindu faith traditions. *Murti*, Britannica, https://www.britannica.com/topic/murti (last visited Nov. 17, 2026). Certain Hindu rituals also require the use of *Homa Kund* (ceremonial fire pits) often built within a dedicated semi-outdoor covered shelter.[6]

As with the Jewish examples, each of these religious structures is accompanied by a host of construction and preservation guidelines—and could be subjected to unfriendly land-use restrictions.

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[6] *Homa-kunda*, Shastra Deep, https://www.shastradeep.com/glossary/homa-kunda (last visited Nov. 22, 2026); *Significance of Yajnashala*, Wisdom Library, https://www.wisdomlib.org/concept/yajnashala (last visited Nov. 22, 2026).

4. Examples from other minority faiths.

Buddhist faith. In *Thai Meditation Ass'n of Alabama, Inc. v. City of Mobile*, 980 F.3d 821 (11th Cir. 2020), a Buddhist group was denied the permits necessary to construct, *inter alia*, a meditation building and cottage for visiting monks after some members of the community claimed that Buddhists did not belong in the neighborhood.

The district court granted the city's motion for summary judgment on the association's RLUIPA claim. Although it did not purport to second-guess the significance of the proposed structures, it narrowly construed "substantial burden" as one that completely blocks a religious practice or would force a person of faith to forego a religious precept. *Id.* at 830. The Eleventh Circuit reversed, explaining that "it isn't necessary for a plaintiff to prove … that the government required her to completely surrender her religious beliefs; modified behavior, if the result of government coercion or pressure, can be enough." *Id.* at 831.[7]

Sikh faith. In *Guru Nanak Sikh Soc. of Yuba City v. Cnty. of Sutter*, a Sikh organization sought to build a "gurudwara," or temple, in Yuba City, California. 456 F.3d 978 (9th Cir. 2006). The County denied plaintiff's conditional use permit application and sent

[7] On remand, the district court once again entered summary judgment for the city on the association's RLUIPA claim. The Eleventh Circuit reversed and remanded yet again, holding that genuine disputes of material fact precluded summary judgment for either party. *Thai Meditation Ass'n of Alabama, Inc. v. City of Mobile, Alabama*, 83 F.4th 922, 926-28 (11th Cir. 2023).

a list of requested changes. After relocating to a different parcel of land, the plaintiff agreed to every mitigation condition the Planning Division required, including a 100-foot setback for pesticide spraying, limiting ceremonies to 75 people, and requiring all ceremonies to be held indoors. *Id*. at 982-83. The Board of Supervisors again denied the permit. *Id*. at 983-84.

The district court granted summary judgment for Guru Nanak, finding that the County had substantially burdened Guru Nanak's religious exercise. *Id.* at 984. The Ninth Circuit reversed, relying on this Court's free exercise jurisprudence, which it deemed "instructive" in defining a substantial burden under RLUIPA. The Ninth Circuit held that the County had indeed imposed a substantial burden on Guru Nanak, observing that the County's broad denials could easily apply to all future applications. *Id.* at 988-89.

* * *

Common to many of the foregoing examples is a thinly veiled animus toward people of minority faiths. But a substantial burden does not require explicit bigotry. Pernicious, unconstitutional exclusion often hides behind facially neutral regulations. *See*, *e.g.*, *Congregation Rabbinical Coll. of Tartikov, Inc. v. Vill. of Pomona*, 945 F.3d 83 (2d Cir. 2019) (holding that a New York town used its zoning laws as a pretext for discriminating against an Orthodox rabbinical college).

Even absent actual animus, there is still a significant risk that officials unfamiliar (or uncomfortable) with a religious minority's traditions

will apply zoning codes in a manner that impedes free exercise. Temporary wooden sukkahs may be left vulnerable to fire marshals who do not understand the Sukkot holiday. Mikvahs may be at risk of closure from officials who do not appreciate the distinction between public bath and ritual cleansing. Muslims may be denied the right to build a community center. Hindus may be ordered to reduce the size of their *mandirs* and obscure their *murtis*. Buddhists may be unable to grow their assembly. Sikhs may be pressured to relocate their *gurudwaras*. Persons of faith should not have to wonder, when moving to a new locale, whether their new community will permit them to freely exercise their religion.

The law cannot eliminate religious animus or ensure that local officials will understand and respect every religious tradition. But this Court can reduce the risk that invidious discrimination and insufficiently compelling government interests will inhibit the full and free exercise of religion in America. As the above examples illustrate, it is imperative that this Court give RLUIPA's safeguards real teeth by clarifying that a land-use regulation that thwarts or impedes the construction of a religious structure on private property poses a "substantial burden" within the meaning of the statute. This Court has long held that courts should not be in the business of questioning whether a particular practice or belief truly has religious significance. *See, e.g.*, *Hobby Lobby*, 573 U.S. at 725; *Hernandez v. Comm'r*, 490 U.S. 680, 699 (1989). There is no reason to conclude that Congress intended to depart from that principle in RLUIPA, particularly in light of Congress's

instruction that the statute be construed broadly to protect religious exercise. *See* 42 U.S.C. § 2000cc-3(g).

CONCLUSION

This Court should vacate the judgment of the Kentucky Supreme Court.

Respectfully submitted,

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