

No. 25-965

In the Supreme Court of the United States

DANIEL GRAND,

Petitioner,

v.

CITY OF UNIVERSITY HEIGHTS, OHIO, ET AL.,

Respondents.

ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

**BRIEF OF AGUDATH ISRAEL OF AMERICA,
RATIO CHRISTI, AND THE BAPTIST JOINT
COMMITTEE FOR RELIGIOUS LIBERTY AS
AMICI CURIAE IN SUPPORT OF PETITIONER**

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INTEREST OF AMICI CURIAE¹

Agudath Israel of America, founded in 1922, is a national grassroots Orthodox Jewish organization. Among its other functions, Agudath Israel articulates the position of the Orthodox Jewish community on a broad range of legal issues affecting religious rights and religious liberty. Agudath Israel regularly engages all levels of government—including through the submission of amicus curiae briefs—to advocate for the interests of the Orthodox Jewish community throughout the United States. Agudath Israel was one of the organizations that advocated for passing the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc *et seq.*, and its constituents are often plaintiffs in actions brought under that statute as well as its sister statute, the Religious Freedom Restoration Act (RFRA), 42 U.S.C. § 2000bb *et seq.*

Ratio Christi is a campus ministry on 125 campuses nationwide that seeks to share the hope and explore the truth claims of Christianity within a welcoming, loving, and intellectually engaging environment. Ratio Christi examines vital questions about faith, reason, and life through panel discussions, lectures, discussion groups, and debates. Ratio Christi trains students who want to discuss their beliefs in a rational manner, hosts events, and fosters dialogue on campus. To fulfill this religious mission, Ratio Christi regularly meets in homes.

¹ No party's counsel authored this brief in whole or in part, no party or party's counsel contributed money intended to fund preparing or submitting this brief, and no person other than amici curiae or their counsel contributed money intended to fund preparing or submitting this brief.

The Baptist Joint Committee for Religious Liberty (BJC) has vigorously supported both the free exercise of religion and freedom from religious establishments for more than nine decades. BJC chaired the Coalition for the Free Exercise of Religion, which successfully urged Congress to pass RFRA and RLUIPA. BJC has continued to defend the constitutionality and applicability of the statutes in numerous cases in the courts.

Although *amici* come from different religious traditions, they submit this brief jointly because the question presented here is important to all faiths. Each *amicus* speaks only to the obligations and practices within its own tradition.

INTRODUCTION AND SUMMARY

The question presented here—whether *Williamson County* finality requirements apply to religious freedom claims brought under the First Amendment and RLUIPA—is one of exceptional importance to religious people and groups from many traditions across the country.

This Court has repeatedly instructed that the loss of First Amendment freedoms for any time at all is, by definition, irreparable harm. So, the question of *when* a party can sue to vindicate those freedoms is nearly as important as whether the party has a right to sue at all. Ripeness requirements must allow plaintiffs to seek prompt enforcement of their federal rights in federal court. Without that ability, their precious rights will be violated and chilled by state and local officials who are all too often insensitive—if not outright hostile—to people of faith.

The troubling facts here are a case in point. An Orthodox Jew in Ohio is required by his faith to pray in a group of ten men (a *minyan*) and, because adherents of his faith do not drive on the Sabbath, he wished to host this small group at his home. This practice is ancient, commonplace, and strikingly nondisruptive. After all, the inability to drive or use electricity on the Sabbath obviates any concerns about traffic or loud noise. Even so, the City issued a cease-and-desist order against holding this small gathering: because the gathering was religious, the City said, the home was operating as a “house of worship” and, so, needed a special use permit under local zoning ordinances. Worse still, it deployed police surveillance of the home and encouraged neighbors to report prayer gatherings. Mr. Grand sought protection from the federal courts.

Yet the Sixth Circuit, following its own precedent, held that the religious liberty claims were not ripe because the local zoning board had not yet finally determined whether the zoning ordinance applied. That application of the finality doctrine (transplanted from the takings context) is wrong and should be corrected.

Reversal is especially warranted here because of the crucial constitutional interests at issue. The City's order to cease and desist a small prayer gathering in a private home is not a mere land-use dispute; it is a direct intrusion on religious exercise at the place where the First Amendment's protection should be at its apex. For centuries, both the Jewish and Christian traditions have centered core forms of worship in the home, and American law has consistently refused to treat such ordinary religious practice as an activity that exists only at the sufferance of local officials. By allowing a discretionary permitting regime to burden that practice—and then delaying judicial review until the religious plaintiff submits to it—the decision below entrenches the very system of permission-based religious exercise that the First Amendment was designed to eliminate.

The judgment below should be reversed.

ARGUMENT

I. At-home prayer and worship are essential to the Jewish and Christian traditions.

The threshold question in both Free Exercise Clause and RLUIPA cases is whether the government has substantially burdened the plaintiff's religious exercise. Here, there is no question that the City's stunning act—ordering Orthodox Jews to cease and desist group prayer in a private home—constitutes such a

burden. In Judaism, as in Christianity, at-home religious observance is not a mere matter of convenience, but a core practice rooted in millennia of teaching and tradition and often required by practical necessity.

For the Jewish faith, foundational teachings instruct that religious experience is not confined to the Temple in Jerusalem. The Talmud teaches that the Temple's altar atones for a person when the Temple is standing, but "[n]ow that it is destroyed, a person's table atones for his transgressions." Babylonian Talmud, Berakhot 55a.

Jewish religious practice also often occurs in the home. The practice of sitting *shiva* is illustrative. When a Jewish person dies, the immediate family enters a seven-day period of mourning, during which they must stay in their home (or at the home of the deceased) and sit on low stools in a reflection of their grief. See Hayim Halevy Donin, *To Be a Jew* 397–402 (2d ed. 2019). The family is comforted by members of the community, and prayer services are held three times a day. See *ibid.* The concept of a *minyan*—at issue here—is related. For Orthodox Jews, a quorum of ten males over the age of 13 is required for the saying of certain prayers and for the reading from the Torah on the Sabbath. See *id.* at 220–22. Such small gatherings often occur at a home. They happen at home on religious holidays or the Sabbath because Orthodox Jews do not drive or use electronics on those days. See *id.* at 121–23. During a *shiva*, they happen at home because the *shiva* necessarily takes place at home, where the *minyan* says required prayers like the Mourner's *Kaddish*. See *id.* at 220.

The home is the center of Jewish observance in many other ways. Judaism's central prayer, the

Shema, is recited multiple times a day and enjoins believers to instruct their children in the faith “at home” and “when you sit in your house.” *Devarim* (*Deuteronomy*) 6:7, 11:19. The *Seder* feast during Passover (*Pesach*) and the Sabbath meals (*Se’udot Shabbat*) are most often gatherings of family and community members at a home, where prayers and songs are offered. See Donin, *supra*, at 17. These rituals and gatherings, all rooted in the home, serve as the vital roots of tradition, preserving Jewish continuity and strengthening families.

So too in Christian tradition and spirituality. Christianity itself grew out of intimate house gatherings of Jesus’ followers in the early years following His earthly ministry. See *Acts* 2:46 (English Standard Version) (describing the early disciples’ practice of “breaking bread in their homes”). In the Apostle Paul’s letters to burgeoning churches, he repeatedly greeted believers meeting in homes. See, *e.g.*, *Romans* 16:5; *1 Corinthians* 16:19; *Colossians* 4:15; *Philemon* 1:2.

These home gatherings were also practically necessary. During periods of state-sponsored persecution, private homes became indispensable refuges where Christians could faithfully observe their religious commands. Believers throughout the Roman Empire relied on private residences until the Edict of Milan granted legal toleration to Christian practice. *Western Architecture: Early Christian*, *Encyclopedia Britannica*, <https://perma.cc/J8UW-24AJ> (last visited Sept. 3, 2026).

Christians continue to rely on in-home gatherings to fulfill core religious obligations. Scripture expressly commands believers to gather regularly for mutual exhortation, confession, and prayer. *Hebrews* 3:13; *1*

Thessalonians 5:11; *James* 5:16. Many modern Christians take part in these activities through small group meetings held in private homes. Chris Eyte, *Survey Shows Majority of Evangelical Churches in U.S. Offer Small Groups, but It Doesn't Always Mean the Same*, Christian Daily (Sept. 17, 2024), <https://perma.cc/2YJ6-MMR5> (reporting that 31% of leaders said groups meet in homes). Worshiping in the home is not only conducive to personal confession and prayer but, to many Christians, theologically significant. It echoes the practice of the early Church, which met “in their homes.” *Acts* 2:46. And such gatherings provide essential opportunities for edification and pastoral care, reinforcing the understanding of the Church as a spiritual family.

II. At-home religious practice warrants robust First Amendment protection.

The Constitution’s protection for religious exercise is at its height when worship occurs in the home, and the decision below cannot be reconciled with that principle. History teaches that persecution of home-based worship was a hallmark of the English system rejected by our nation’s framers. And modern experience shows that religious groups are often the victims of discrimination and mistreatment at the hands of local officials wielding zoning rules for improper aims. Taken together, these considerations require vigilant judicial enforcement when government action intrudes on ordinary religious worship in a private residence.

A. The First Amendment was adopted against a backdrop of persecution and regulation of at-home religious exercise, and home-based worship was widespread in early American practice.

Religious worship in the home is not just important to many faith traditions; it was also an important feature in the history and tradition of American religious freedom. By prohibiting Mr. Grand from holding a small prayer gathering in his home until he reaches a final determination of a permit request, the City's conduct here resembles one of the key evils of the English system that was flatly rejected by our nation's framers.

Through licensing, supervision, and discretionary approval, England spent centuries subjecting religious minorities to the whims of the monarchy and political expediency, with periods of toleration followed by crackdowns. The 1552 Act of Uniformity, which criminalized religious meetings outside of the established church, 5 & 6 Edw. 6, c. 1, led to "widespread persecutions of people like John Bunyan who persisted in holding 'unlawful [religious] meetings.'" *Engel v. Vitale*, 370 U.S. 421, 432–33 & n.17 (1962) (detailing the history of these prohibitions). Bunyan's own persecution began in a private home: in 1660, he was arrested while preaching to a small gathering at a farmhouse and imprisoned for the next twelve years. See John Bunyan, *Grace Abounding to the Chief of Sinners* 181–84 (John Brown ed., 1888); E. Beatrice Batson, *John Bunyan: The Man, Preacher and Author*, *Christian History Mag.*, No. 11 (1986), <https://perma.cc/J8T7-3NCW>.

Other minority religions were likewise targeted for meeting and preaching in private homes. Under the Elizabethan settlement, the mere presence in England of some Catholic priests ordained abroad was high treason, and lay families who sheltered a priest were guilty of a felony. *Act Against Jesuits, Seminary Priests, and Such Other Like Disobedient Persons*, 27 Eliz. 1, c. 2. Driven underground, recusant families worshiped in homes and built hiding places for the priests themselves—known as “priest holes”—to survive searches by government priest-hunters. Michael Hodgetts, *Secret Hiding Places 1–6* (2d ed., Paul Hodgetts ed., Pear Branch 2024). The Jesuit lay brother Nicholas Owen built such hiding places in Catholic households across England from the late 1580s until his own arrest and death under torture in 1606. See John Gerard, *The Condition of Catholics Under James I: Father Gerard’s Narrative of the Gunpowder Plot 182–83* (John Morris ed., Longmans, Green & Co. 1871).

The Conventicle Act of 1664 escalated England’s campaign against private worship by imposing a more specific prohibition. Any gathering of five or more persons for unauthorized worship—even within a private home—was categorically illegal, and the Act authorized magistrates to break open houses where such a meeting was suspected. 16 Chas. 2, c. 4. A second Conventicle Act, passed in 1670, went further still, permitting conviction on the oath of two witnesses, who received a third of any resulting fine as a reward. 22 Chas. 2, c. 1.

When toleration was afforded, it came in the half-hearted form of a revocable permit. The Crown’s 1672 Declaration of Indulgence provided licenses to

dissenting preachers. The Declaration of Indulgence, 12 Chas. 2, reprinted in Frank Bate, *The Declaration of Indulgence 1672: A Study in the Rise of Organised Dissent* 78 (1908). But, predictably, the on–off switch of permission-based religious exercise led to the cyclical arrests of once-licensed preachers. For example, Bunyan himself was released from prison and licensed to preach in 1672, only to be re-imprisoned for six months in 1677 after the Declaration was revoked. Monica Furlong, *Puritan's Progress: A Study of John Bunyan* 88 (1975); Batson, *supra*. Even after the Toleration Act of 1689, religious minorities were required to register their meeting houses with the civil government. 1 W. & M., c. 18. Meetings in unregistered homes remained forbidden. See *ibid*.

Colonists in the South brought the Church of England with them, along with English-style regulation of home-based worship. In Virginia, it was “considered a heinous crime” for individuals to “permit preaching in their homes by clergymen who did not belong to the Established Church.” Lewis Peyton Little, *Imprisoned Preachers and Religious Liberty in Virginia* 24 (1938). Baptists in Virginia were especially persecuted, and Baptist laypeople were “arrested, fined, and imprisoned, not only for permitting an audience to assemble in their homes for preaching, but for even allowing one man to pray in a home.” *Ibid*.

James Madison—the future architect of the First Amendment—witnessed the persecution of his dissenting Baptist neighbors firsthand and was appalled, describing one jailing of ministers as a “diabolical Hell conceived principle of persecution” that “vexes me the most of any thing whatever.” Andy G. Olree, “*Pride Ignorance and Knavery*”: *James Madison's Formative*

Experiences with Religious Establishments, 36 Harv. J.L. & Pub. Pol’y 211, 248 (2013) (quoting Letter from James Madison to William Bradford (Jan. 24, 1774)).

To the founders, religious freedom conditioned on government permission was no freedom at all. And so they drafted the First Amendment’s Religion Clauses “in large part to get completely away from [England’s] sort of systematic religious persecution.” *Engel*, 370 U.S. at 433. The First Amendment thus “contend[s] for . . . more than toleration,” because toleration—administered through licensing or permitting—“supposes that some have a pre-eminence above the rest, to grant indulgence.” John Leland, *The Virginia Chronicle with Judicious and Critical Remarks, Under XXIV Heads* 40 (T. Green 1790).² By replacing a permission-based system with the right of free exercise, the founders intended religion to be “wholly exempt” from the cognizance of civil society. James Madison, *Memorial and Remonstrance Against Religious Assessments* ¶ 1 (1785).

Nowhere should this be clearer than in the home. See *Minnesota v. Carter*, 525 U.S. 83, 99 (1998) (Kennedy, J., concurring) (“[I]t is beyond dispute that the home is entitled to special protection as the center of the private lives of our people.”). The constitutional design corresponded to a uniquely American religious ecosystem in which in-home worship was common and

² Leland was a preeminent Baptist evangelist in Virginia who encouraged Madison to spell out the protections for religious liberty—both against establishments and supporting free exercise—in the Bill of Rights. See *John Leland*, *Dictionary of Baptists in America* 171-72 (Bill J. Leonard ed., 1994).

robustly protected. That attitude toward home worship bore out in early American practice.

During the 1730s, for instance, leaders of the First Great Awakening relied on small-group religious meetings in private homes to foster revival. See, *e.g.*, Thomas S. Kidd, *The Great Awakening: The Roots of Evangelical Christianity in Colonial America* 62, 162 (2007). Similarly, Methodist class meetings—small, regular gatherings of a dozen or so believers for prayer, Scripture reading, and mutual accountability—were typically held in private homes, even after the congregations acquired church properties. Elizabeth Sophia Fletcher, *The Methodist Class-Meeting: An Essay on Christian Fellowship* 43 (1873). And even beyond routine gatherings for prayer, study, and fellowship, much of the Second Great Awakening’s revival activity took place in homes. Shelby M. Balik, “*Dear Christian Friends*”: Charity Bryant, Sylvia Drake, and the Making of a Spiritual Network, 50 *J. Soc. Hist.* 630, 630 (2017). By the early nineteenth century, it was typical in “early republican New England for homes to function as a spiritual . . . gathering point for neighbors.” *Ibid.*

Indeed, even where the earliest colonial authorities withheld full religious liberty, they often accommodated private, in-home worship. When Jewish refugees arrived in New Amsterdam in 1654, Director-General Peter Stuyvesant sought to exclude them entirely, but the Dutch West India Company’s Amsterdam Chamber overruled him, insisting that the Jewish population “be at liberty to exercise their religious worship in all quietness within their houses.” Charles P. Daly, *The Settlement of the Jews in North America* 8–9, 22–23 (1893) (quoting Letter from the

Amsterdam Chamber of the Dutch West India Co. to Peter Stuyvesant (June 14, 1656)). Reliance on home-based worship defined Jewish religious life in the colony for decades. The congregation that would become Shearith Israel in New York first gathered in private houses in the mid-1690s and did not erect its first permanent synagogue building until 1730. See Shearith Israel's Mill Street Synagogue, N.Y. Hist. Soc'y, <https://perma.cc/FVQ6-B6EA> (last visited Sept. 3, 2026).

The same pattern recurred across the colonies. In Newport, Rhode Island, the Jewish community worshiped in private homes for decades before breaking ground on the Touro Synagogue in 1759. See Morris A. Gutstein, *The Story of the Jews of Newport: Two and a Half Centuries of Judaism, 1658–1908* 50, 82, 92, 98 (1936). And well into the nineteenth century, Jewish congregations from Atlanta to Savannah “met in homes or rented rooms for decades before building synagogues.” Steven H. Moffson, *Identity and Assimilation in Synagogue Architecture in Georgia, 1870–1920*, 9 *Perspectives in Vernacular Architecture: Constructing Image, Identity, and Place* 151, 154 (2003).

Other religious minorities relied on home-based worship as well. Colonial Maryland's Catholic community was permitted to engage in private worship, whereas public worship was forbidden and the public Catholic chapel was locked. See Robert E. Curran, *Papist Devils: Catholics in British America, 1574–1783* 146–47 (2014). In the midst of this persecution, the home played a critical role: Masses were conducted in chapels on Jesuit estates and priests rode circuit on horseback from home to home. See *id.* at 176–78.

In short, the American tradition reflects the historical importance of home worship. Unlike in the Old World, early American law and practice gave broad latitude for exactly the type of small prayerful gathering in the home that is at issue here. Instead of imposing burdensome procedural hurdles on those types of gatherings, the Founding generation embraced them as legally and culturally desirable.

B. Religious groups face routine mistreatment and discrimination in the zoning and land-use contexts.

Apart from the historical justification for protecting home-based worship, there is a strong practical need for protecting it too. As this case illustrates, local communities can deploy zoning and land-use regulations to prohibit small, home-based religious assemblies, even without any genuine land-use concern. And such discrimination often evades detection because zoning regimes vest sweeping discretion in local officials or turn on vague and malleable standards—features that “provide ample opportunity for any biases to operate.” Douglas Laycock, *State RFRA’s and Land Use Regulation*, 32 U.C. Davis L. Rev. 755, 776 (1999). Though statutes like RLUIPA were crafted as a bulwark against such dangers, vigilant judicial enforcement is required to actually prevent them.

This Court has long guarded against the dangers inherent in systems that condition constitutional freedoms on a government official’s discretion. It has recognized that a law that makes constitutional rights “contingent upon the uncontrolled will of an official—as by requiring a permit or license which may be granted or withheld in the discretion of such official—is an unconstitutional censorship or prior restraint

upon the enjoyment of those freedoms.” *Shuttlesworth v. City of Birmingham*, 394 U.S. 147, 151 (1969) (quoting *Staub v. City of Baxley*, 355 U.S. 313, 322 (1958)).

Experience confirms that the dangers of such broad discretion are not theoretical. Religious minorities, particularly Jewish communities, have historically faced exclusion from housing and other land uses. See Michael P. Seng, *The Fair Housing Act and Religious Freedom*, 11 Tex. J. C.L. & C.R. 1, 5 (2005). For example, in New York, some municipalities were incorporated for the express purpose of excluding Orthodox and Hasidic Jewish communities. See, e.g., *LeBlanc-Sternberg v. Fletcher*, 67 F.3d 412, 431 (2d Cir. 1995) (quoting community leader’s statement that “the reason [for] forming this village is to keep people like you [i.e., Orthodox Jews] out of this neighborhood”). To carry out that purpose, localities have sought to keep Orthodox and Hasidic Jews out of town by adopting zoning rules restricting religious “services in their clergy’s homes.” *Id.* at 430–31.

Another example is *Congregation Rabbinical College of Tartikov, Inc. v. Village of Pomona*, where local officials enacted zoning restrictions to block an Orthodox congregation from building a rabbinical college. 945 F.3d 83, 119–21 (2d Cir. 2019). The record included multiple statements from residents expressing hostility toward Orthodox Jews and their religious practices—illustrating the ease with which discretionary land-use processes can become vehicles for community opposition to minority faiths. See *id.* at 120–21 (citing residents’ statements that Orthodox Jews intended to “take over this [V]illage,” force villagers’ tax dollars to finance the Jewish “lifestyle,” and

“destroy everything that everybody here worked for all their life”).

But no faith is exempt from the dangers of discretionary zoning. In *Fortress Bible Church v. Feiner*, for example, local officials used a multi-year environmental review process to obstruct a Pentecostal congregation’s efforts to build a church, ultimately denying the project. 694 F.3d 208, 213–15 (2d Cir. 2012). The court affirmed the holding that the purported environmental concerns were pretextual and that the town had manipulated the land-use process to discriminate against religious exercise, in violation of both RLUIPA and the First Amendment. *Id.* at 220–21. Similar patterns have emerged elsewhere, including in cases where officials have denied applications that satisfied zoning requirements. See, e.g., *Guru Nanak Sikh Soc’y of Yuba City v. County of Sutter*, 456 F.3d 978, 991–92 (9th Cir. 2006) (Sikh group twice denied permit to build temple despite complying with local requirements).

Such examples demonstrate that discretionary land-use regimes can readily become vehicles for religious discrimination. Vigilant and prompt judicial enforcement of religious-liberty protections is therefore essential to guard against this persistent problem.

III. Importing a finality requirement from the takings context further harms the crucial religious liberty rights at issue here.

The City’s order here—that an Orthodox Jew cease and desist from having a small prayer group in his home—inflicted a constitutional harm of the highest order. But the Sixth Circuit made things worse by imposing a “finality” requirement from the Takings

Clause context. Such a requirement compounds the constitutional injury by insulating it from timely judicial review.

Williamson County's finality requirement should not be extended beyond the Takings Clause context from which it arose. As a leading treatise notes, the *Williamson County* rule reflects considerations specific to a takings claim, not a general theory of constitutional ripeness. 13B Charles A. Wright & Arthur R. Miller, Federal Practice and Procedure § 3532.1.1 (3d ed. Apr. 2026 update). By contrast, First Amendment challenges to land-use restrictions are governed by the “general—and somewhat relaxed—ripeness tests that apply to First Amendment claims in other contexts.” *Ibid.*

Nor is the *Williamson County* finality requirement compelled by the Constitution; it is instead “avowedly a matter of prudence, not Article III.” *Ibid.* Moreover, this Court has already recognized how unsound the *Williamson County* opinion is: In rejecting a related requirement from that same decision, the Court explained that *Williamson County* “was not just wrong” but “was exceptionally ill founded and conflicted with much of [the Court’s] takings jurisprudence.” *Knick v. Township of Scott*, 588 U.S. 180, 203 (2019). Given the acknowledged fragility of *Williamson County*’s foundations even within takings law, this Court should be especially reluctant to extend any part of that entirely prudential doctrine into the distinct context of religious liberty.

The finality requirement is also in stark conflict with ordinary rules for First Amendment cases. It would wrongly require believers to submit to a burdensome process before they may bring a challenge—even

after they have suffered a constitutional injury. Here, the City imposed a permitting process on in-home worship, conscripting Mr. Grand into a process of government approval that delayed and disrupted his religious free exercise. That delay and disruption of his religious exercise itself warrants immediate relief, because “the loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion).

By conditioning judicial review on completion of that process, the Sixth Circuit’s extension of the finality requirement to this context forces believers to endure substantial delay before exercising a core constitutional right that countless Americans routinely rely upon without any thought that they might need to first obtain a permit. Requiring a citizen to “first inform the government of her desire to speak to her neighbors”—or, as here, pray with them—“and then obtain a permit to do so” is offensive not only to First Amendment values, “but to the very notion of a free society.” *Watchtower Bible & Tract Soc’y of N.Y., Inc. v. Village of Stratton*, 536 U.S. 150, 166 (2002).

This Court has made clear that the “availability of a judicial remedy for abuses in the system of licensing” after the system has run its course “still leaves that system one of previous restraint.” *Cantwell v. Connecticut*, 310 U.S. 296, 306 (1940). And it has said that a person subjected to an unlawful regime need not “yield[] to its demands” before challenging it. *Shutlesworth*, 394 U.S. at 151 (quoting *Jones v. City of Opelika*, 316 U.S. 584, 602 (1942) (Stone, C.J., dissenting), dissent adopted per curiam on rehearing, 319 U.S. 103 (1943)).

The *Williamson County* finality requirement is not required by the Constitution and is poorly suited to the context of religious-freedom cases. The Court should reject its application here and allow immediate judicial review of the City's egregious interference with at-home prayer.

CONCLUSION

The judgment below should be reversed.

Respectfully submitted,

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