

## Notes for testimony before Zoning and Neighborhood Development

Introduce self – Bishop, etc, etc. Role in Interfaith Coalition

# of churches in Milwaukee (Episcopal and other, if you know)

We value our beautiful old churches and respect the aims of historic preservationists. Many of our buildings have been designated as historic w/in the meaning of the local ordinance, or are in districts designated as historic. However, there are times when the fulfilling the religious mission of churches may conflict with some of the strictures of preservation, particularly where money is in short supply and congregations are small.

We are aware that the main purpose of the ordinance amendments before the committee today is to tighten and clarify procedures regarding to the designation of properties as historic and to clarify and streamline procedures to get permission to alter or demolish properties already designated as historic. More clarity is certainly welcome.

We are also aware that there is an important federal law, called the “Religious Land use and Institutionalized Persons Act” which does mandate some express considerations when state and local governments deal with both zoning and historic preservation issues. Most church officials, particularly in small churches, and many public officials are unaware of the law. The result is that the law may be overlooked. This is not fair to the small churches without ready access to legal advice. Nor is it fair to the city if its officials make an erroneous decision that ends in a lawsuit in federal court. There is such a case in Wisconsin, involving a zoning issue, and the municipality ended up losing and paying attorney fees. (*St. Constantine and Helen Orthodox Church v. City of New Berlin* 396 F. 2<sup>nd</sup> 897 (7th Cir. 2005).

We ask that the new ordinance specifically reference the federal law. This does not change the law but clearly notifies both HPC commission members and other city officials of the existence of this additional set of criteria affecting religious institutions. And it also notifies citizen applicants who lack the ability to employ attorneys of a law that may well affect their rights in proceedings concerning the use or designation of their property.