



Dear Pastor Dave and members of the Church of the Open Door,

We are writing to offer our heartfelt support and partnership in your efforts to develop the “Sacred Settlement” tiny home community for individuals experiencing homelessness.

We deeply appreciate your commitment to providing compassionate, sustainable housing and support to those in need. Your initiative is not only a tremendous act of kindness but also a powerful example of how communities can come together to foster hope and dignity for our neighbors. We believe this project will have a profound impact in the lives of those you serve, and we would like to express our admiration and let you know that we support you.

Our school community recognizes the importance of helping those who may be facing difficult circumstances, and as you know well, our unique missions to support those in need are very much aligned. You have always supported our school community, and we once again thank you for all the generous contributions you have given us throughout the years. Because we have experienced firsthand the power of your inspiring work, we are eager to explore ways we can contribute to your efforts. We don't know exactly how we can support you, but it is important for us that you know that we want to stand alongside you as partners.

Thank you again for your leadership and dedication to this cause.

Best regards,

Traci Moore, Paula Criego, and the MELA School Board



March 4, 2025

Meredith Campbell
Settled
1740 Van Dyke St.
St. Paul, MN 55109

Re: Negative Impact Upon Religious Liberty from H.F. 1051

Ms. Campbell:

First Liberty Institute is the nation's largest law firm dedicated exclusively to defending and restoring religious liberty for all Americans. In recent years, First Liberty has achieved positive results for our clients in cases at the U.S. Supreme Court, including *Kennedy v. Bremerton*, *Carson v. Makin*, *Groff v. DeJoy*, and *American Legion v. AHA*.

First Liberty routinely represents religious institutions seeking to use their property as part of the free exercise of religion guaranteed them under the U.S. Constitution and federal law. It is through that depth of experience litigating against state and local officials across the country that use zoning laws and other ordinances to inhibit that constitutional guarantee that compels our analysis below.

Minnesota's past legislative actions to streamline the effort of sacred communities to care for those pushed to the margins of society is commendable and a model of maximizing religious liberty as contemplated by the First Amendment to the U.S. Constitution. Its proposed actions in H.F. 1051 would reduce core protections for the state's houses of worship and needlessly interfere with their religious liberty. Further, if changed as proposed, H.F. 1051 would needlessly subject the state's municipalities to lengthy and expensive litigation under the U.S. Constitution and the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. §2000cc, *et seq.*

Zoning Against Religious Land Use

Within the last few years, we have litigated numerous cases under RLUIPA on behalf of a diverse cross-section of religious organizations attempting to use their properties to exercise their religious beliefs by caring for their neighbors. As but a few examples, consider the following:

- Dad's Place is a church compelled by God to remain open 24/7 to care for those in need of temporary shelter. The City of Bryan, Ohio leveraged both its zoning and fire codes as a means to compel the church to end its care for the marginalized in its community—going so far as to criminally prosecute its pastor for refusing to yield the church's religious liberty to the burdensome ordinances of the city.

- Chabad of the Beaches purchased a long-vacant property in the Village of Atlantic Beach. Within a few weeks, the Village attempted to seize the property through eminent domain. After First Liberty obtained a preliminary injunction against the village's actions, city leaders agreed to a six-figure settlement to end the suit and allow the Chabad to move into its building. Unfortunately, the zoning board for Atlantic Beach refused nearly ever permit requested—including the essential permit to allow the building to be used for religious purposes, forcing the village and its zoning board back into litigation.
- The Rock operates a church on the edge of Castle Rock, Colorado on over 50-acres of property. On the back of its property, it utilizes camping trailers to house those suddenly forced into homelessness. Much like what is contemplated by Settled, The Rock also provides its community, including those staying in their trailers, access to their food pantry, a clothing closet, and provides other wrap-around services to help them find permanent housing and, if needed, job assistance. As explained below, First Liberty obtained a preliminary injunction against the Town of Castle Rock when it attempted, following complaints from the community, to force The Rock to end its religious exercise.
- Mercy Culture Church attempted to use its property to build housing for victims of human trafficking, but faced a two-year battle with the City of Ft. Worth, Texas when neighbors objected to Mercy Culture's use of their property for religious purposes. Following years of expensive demands placed upon Mercy Culture, city officials finally approved the church's plans after First Liberty outlined the significant legal protections available to the church.
- Anchor Stone Church purchased property in Santa Ana, California to use as its worship space, church campus, and headquarters after receiving assurances from city officials that the City would grant Anchor Stone the conditional use permit required by the city's ordinances. However, the city then reneged on its previous representations and denied Anchor Stone its conditional use permit based largely on the argument that the church's mere existence was inconsistent with the city's General Plan.

None of these cases should be necessary in a country with America's storied tradition of maximizing religious liberty. Regardless, when local officials utilize what the Attorney General of Ohio Dave Yost recently dubbed, "all the petty tools [they] have to express displeasure with unfavored members of the community,"¹ the country's promise of freedom suffers. Similarly, amending Minnesota's law as proposed by H.F. 1051 would inhibit religious freedom for Minnesota's religious institutions and subject its municipalities to increased litigation.

¹ <https://americanmind.org/salvo/protecting-church-from-state/>

Legal Analysis

By opening the door for local municipalities who are hostile to the existence of sacred communities in their jurisdiction, H.F. 1051 substantially increases the risk that religious institutions will be deprived of their rights under both the Free Exercise Clause of the First Amendment as well as the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”). Under Supreme Court precedent, a plaintiff can prove a free exercise violation “by showing that a government entity has burdened his sincere religious practice pursuant to a policy that is not ‘neutral’ or ‘generally applicable.’” *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 525 (2022). If a plaintiff makes such a showing a court must “find a First Amendment violation unless the government can satisfy ‘strict scrutiny’ by demonstrating its course was justified by a compelling state interest and was narrowly tailored in pursuit of that interest.” *Id.*

Here, religious organizations across the state either have or wish to create sacred communities pursuant to sincere religious beliefs. Courts across the country, including here in Minnesota, have found these kinds of efforts to care for the homeless, the needy, and the poor in myriad ways to be protected religious exercise. *See First Lutheran Church v. City of St. Paul*, 326 F. Supp. 3d 745, 761 (D. Minn. 2018); *see also Fifth Ave. Presbyterian Church v. City of New York*, 293 F.3d 570, 575 (2d Cir. 2002) (holding, in preliminary-injunction posture, that a church’s “provision of outdoor sleeping space for the homeless effectuates a sincerely held religious belief”); *St. Timothy’s Episcopal Church v. City of Brookings*, 726 F. Supp. 3d 1231, 1244 (D. Or. 2024) (“Courts across the country have recognized that ministering to the poor is an exercise of a sincerely held ‘religious duty to feed the hungry and clothe the naked.’”).

Courts have further held that any efforts to restrict a ministry’s ability to shelter or serve individuals experiencing homelessness on its property constitutes a cognizable burden. For example, in *First Lutheran Church*, 326 F. Supp. 3d 745, a federal Minnesota district court held that a zoning resolution that required a church to post a “No Trespassing” sign on its property impermissibly burdened religious exercise because it undermined the church’s stated mission of being “welcoming and inviting to the homeless, lonely, and needy” by “limiting the use of [church] property after hours [and] preventing [the church] from being welcoming for two-thirds of the day.” *Id.* at 761. Other courts have reached similar conclusions when municipalities have restricted the ability of religious adherents to care for the poor. *See, e.g., Harbor Missionary Church Corp. v. City of San Buenaventura*, 642 Fed. App’x 726 (9th Cir. 2016) (holding a municipality’s denial of a church’s conditional-use permit to operate “its homeless ministry” on its property burdened the church’s religious exercise); *City Walk - Urb. Mission Inc. v. Wakulla Cnty. Fla.*, 471 F. Supp. 3d 1268, 1282, 1284 (N.D. Fla. 2020) (holding that the application of a county zoning code to limit a church’s “use of [its] Property to house and rehabilitate as many unrelated adults as it can” burdened the church’s religious exercise); *see also Church of the Rock, Inc. v. Town of Castle Rock*, No. 1:24-cv-01340-DDD-KAS, Dkt. 46 at 10–13 (D. Colo. July 19, 2024) (holding that a town’s

efforts to shut down a church's on-site temporary shelter ministry burdened the church's religious calling to allow the poor to live among the church on the church's property).²

Moreover, any efforts by municipalities to restrict or prohibit sacred communities would not be generally applicable. Government action is not generally applicable if it "incorporates a system of individual exemptions" based on "individualized" assessments by a government official who retains "sole discretion" over the enforcement of a law. *Fulton v. City of Philadelphia*, 593 U.S. at 533, 535 (2021). H.F. 1051 opens the door for municipalities to engage in exactly this kind of individualized assessment of sacred communities. See *Cottonwood Christian Ctr. v. Cypress Redevelopment Agency*, 218 F. Supp. 2d 1203, 1223 (C.D. Cal. 2002) (finding that a city's conditional use permit application review process involved individualized assessments of a church's proposed use for its property). Because any attempt by municipalities to restrict or prohibit sacred communities would not be generally applicable, they would have to satisfy strict scrutiny to be lawful.

"[S]trict scrutiny requires the State to further 'interests of the highest order' by means 'narrowly tailored in pursuit of those interests.'" *Tandon v. Newsom*, 593 U.S. 61, 64–65 (2021). "That standard is not watered down; it really means what it says." *Id.* at 65. Accordingly, when strict scrutiny applies, the government's action "rare[ly]" survives. *Carson v. Makin*, 142 S. Ct. 1987, 1997 (2022). Here, there is no compelling interest for imposing additional regulations or administrative approval processes upon sacred communities beyond those currently in existence under Minnesota law. And any attempt by municipalities to appeal to generalized interests in the health and welfare of their communities would be insufficient to establish a compelling interest. See *Fulton*, 593 U.S. at 541. Even assuming such a compelling interest might exist, the current Minnesota law regulating sacred communities demonstrates that imposing any additional regulatory hurdles subject to the whims of municipalities who are potentially opposed to the existence of such sacred communities is not the least restrictive means of achieving such interests. If "the government can achieve its interests in a manner that does not burden religion, it *must* do so." *Id.* at 541.

Additionally, H.F. 1051 unnecessarily creates the risk that municipalities across Minnesota will violate the protections given to sacred communities by RLUIPA. Under RLUIPA, the government may not impose a land use regulation in a manner that substantially burden a religious practice unless that burden is (1) in furtherance of a compelling governmental interest; and (2) the least restrictive means of furthering that compelling governmental interest. *Id.* § 2000cc(a)(1). For the same reasons that any attempt by municipalities to restrict or prohibit the operation of sacred homes would violate the First Amendment, they would also violate RLUIPA's prohibitions on substantially burdening religious practices.

² Available at <https://s3.documentcloud.org/documents/24918191/church-of-the-rock-v-castle-rock-preliminary-injunction.pdf>.

Conclusion

H.F. 1051 poses a significant threat to religious ministries across that state. Minnesota's previous efforts to enable sacred communities to care for the most vulnerable and hurting in the state serve as a model for how other states should approach solving the complex problem of homelessness that exists across our nation. Passing H.F. 1051 would directly undermine the progress this state has made and will inevitably lead to the suppression of protected religious exercise and the expenditure of resources across the state by both ministries and municipalities on litigation to vindicate the ministries' rights under the First Amendment and federal law. Those resources would be better used to protect religious exercise and to serve the needy and hurting.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me.

Sincerely,



Jeremy Dys
Senior Counsel
Chair, Education and
Religious Institutions
Practice Groups

March 4, 2025

HF1051

House Elections Finance and Government Operations Committee

Chair Quam and Members of the Committee:

On behalf of Settled, a nonprofit that guides local churches in addressing chronic homelessness through intentional tiny home communities called “Sacred Settlements,” I urge you to vote no on HF1051.

History

In 2023, the Minnesota Legislature created Minn. Stat. Section 327.30, allowing churches, synagogues, mosques, and other places of worship to create sacred communities of tiny homes on their property for persons experiencing chronic homelessness. Legally, “chronically homeless” requires that a person has been homeless for a year or been homeless four or more times in the past three years, and that they have a diagnosable physical or mental condition.

These are small homes, under 400 square feet and built to residential standards. The communities have 24-hour shared common space with a full kitchen, bathrooms, showers, meeting area and space to gather informally.

Under prior law, these tiny homes were considered recreational vehicles (RVs) and legally could not be used for permanent housing. In order to allow these communities, the law recognized this new form of housing. But it is allowed in only limited circumstances and must meet numerous requirements around construction standards, safety and more. These requirements were developed in consultation with the Minnesota League of Cities and these communities require no government funding.

There are currently two sacred communities in Minnesota: in St. Paul and Roseville. Together, they have successfully allowed seven people to move from homelessness into stable housing in a supportive and loving environment where they live alongside “designated volunteers,” or people who haven’t experienced homelessness and desire to live intentionally.

Many of these individuals coming out of homelessness have experienced significant trauma and need healing. Residents may keep this housing so long as they pay nominal rent and follow policies set out in their lease.

There are very few housing solutions specifically for individuals experiencing chronic homelessness, a challenging and costly population. This model does, while creating a place where they can be accepted, nourished and valued as individuals.

The Proposed Amendments

The bedrock of the law is the ability of a faith community to discern what they are called to do, and to create a sacred community if they choose, subject to the many requirements in the law. The amendments effectively remove that pivotal foundation, transferring the decision on whether to create a sacred community from the faith community to the city.

Lines 2.29 – 2.31 provide “A municipality may approve or deny a written plan provided under paragraph (b), clause (3). An approval process established under this paragraph is subject to the governmental approval requirements under section 15.99” (emphasis added). The amendment is intended to prevent a church, synagogue or other faith community from creating a sacred community unless the city wants it to proceed. This violates the most basic tenets of religious freedom.

The United States Constitution protects against government interference in the exercise of one’s religion. Numerous faith traditions call on us to care for the poor and vulnerable – to see and protect those living on the margins. The law recognizes the right of each faith community to decide how it will answer this call. There is no compelling state interest in stopping these communities. In fact, the opposite is true; the statewide need for additional housing and support is clear.

In addition, lines 2.27 – 2.28 present an additional problem. They would require that someone “with compliance authority under this paragraph be on the sacred community premises at all times,” effectively requiring that a collection of staff members be present 24 hours a day, seven days a week. As you likely know, it is rare for any business, government office, or non-profit to have someone with “compliance authority” always available. This is far more problematic for faith communities with limited staff who are often out of the office serving the needs of parishioners and the community. This part of the bill is a poison pill in disguise and must be rejected.

The other proposed amendments cover issues already addressed in current law. For purposes of brevity, I will not address them here.

The amendments must be rejected. We ask you to vote no on HF 1051.

Ricky Campbell

Partner for Cultivated Place
Settled
ricky@settled.org



March 14, 2025

Attn: Pat Kaluza

Re: 3/17 Agenda: Written Testimony on HF1051

I write to you as a pastor from Forest Lake who fully embraces and celebrates the mission of the Sacred Settlement model of ministry.

In 2019, my congregation worked with Settled. to explore a Sacred Settlement at our congregation. Through our process, we discerned that our location was not the ideal fit for a Settlement at the time, however, the process opened our hearts for ministry with some of our most vulnerable neighbors. This was a life-changing experience in my ministry and my life.

Throughout Covid, I dedicated significant time with JRLC meeting with legislators on Zoom and eventually in person to advocate for the passage of bi-partisan legislation to recognize the rights of congregations and synagogues to host Sacred Settlements on their sacred lands. These conversations were not difficult to prove our case. This work is about loving our neighbor. After much time and effort, the state of Minnesota agreed. This was a glorious moment. But we knew the work was just beginning and we are fully aware that the voices of NIMBYism (Not in my backyard) are loud and they fear what they don't know.

In my experiences, the two Sacred Settlements have proven that our neighbors do not need to fear. This ministry model enhances the life and vibrancy of the congregations and communities that surround them. In my opinion, HF1051 creates additional barriers for a church's to carry out its mission of a Sacred Settlement by putting undue burden through government interference. A church-run shelter model does not build the type of community that the individuals that I have met have craved and subsequently thrived in. Please listen to the voices of those of us who have seen this model work. We don't have to be afraid.

God bless,

Senior Pastor John Klawiter

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March 3, 2025

Members of the Minnesota Legislature
Minnesota State Capitol,
75 Rev Dr Martin Luther King Jr Boulevard.,
St Paul, MN 55155

Re: *HF 1051: Proposed amendment to Minnesota Statutes 2024, section 327.30, subdivision 3 (e) and (f) and subdivision 7*

Dear Members of the Minnesota Legislature,

I am writing on behalf of Settled,¹ a national nonprofit based out of Minnesota dedicated to facilitating the placement and establishment of intentional tiny home villages for the homeless on church-owned properties throughout Minnesota.

The Minnesota legislature passed the Sacred Communities law, effective January 1, 2024, allowing churches, synagogues, mosques, and other places of worship to create sacred communities of tiny homes on their properties for individuals coming out of chronic homelessness. This law enables faith communities to adopt a model developed by Settled based on research from the University of Minnesota. The model promotes small sacred communities for individuals, and intentional designated volunteers to augment the role of family and community that has been lost.

Since the law took effect on January 1, 2024, Settled has successfully formed two Sacred Settlement communities, resulting in numerous transformed lives, impacting residents and the many volunteers supporting them. In this process, we have discovered the following to be true:

- Many of the counties in Minnesota cannot provide shelter for the unhoused. The existing shelter spaces are not permanent and provide little or no support beyond a short-term place to stay. The tiny home communities address the homeless population and offer shelter at no cost to the government while providing support and a loving community to residents.
- We are not aware of any issues related to trespassing, crime, or vagrancy in the local communities that host Sacred Spaces on religious properties involving the residents of the Sacred Spaces communities.

¹ For further information regarding Sacred Settlements, visit: <https://www.settled.org/>.

Sacred Communities provide a non-governmental solution to housing and enable religious communities to express their faith by caring for the marginalized: the poor, the widows, the sick, the orphans, and migrant communities. Places of worship are religiously mandated to accept and care for the marginalized, and this program allows them to do just that.²

We are concerned about the proposed amendments to the Sacred Communities legislation, which are now pending in Committee. The proposed amendments undermine the basic grounding of the current law allowing faith communities to live out their religious mission without government interference, so long as they meet the many requirements set forth in the law to protect residents and communities. In contrast, the amendments would allow cities to determine whether faith communities could proceed under the statute by approving or denying the community's right to exist. This approval/denial framework is clearly designed to take this decision out of the hands of the faith community and place it instead before the city council.

The bill would result in a de facto ban on all Sacred Spaces. More specifically, the problematic amendments raise several significant constitutional and statutory issues, one of which I will address in this letter. That is, violations of the Religious Land Use and Institutionalized Persons Act, commonly known as "RLUIPA," found at 42 U.S.C. § 2000cc.

The problematic language of the proposed amendment to Minnesota Statutes 2024, section 327.30, subdivision three (e) and (f), and subdivision seven as follows:

(e) The governing board of the religious institution that sites the sacred community must authorize one or more designated volunteers, religious institution governing board members, or a combination thereof, to take necessary actions to comply with the requirements of this section. At least one individual with compliance authority under this paragraph must be on the sacred community premises at all times.

(f) A municipality may approve or deny a written plan provided under paragraph (b), clause 3. An approval process established under this paragraph is subject to the governmental approval requirements under section 15.99.

Subdivision 7. Administrative approval process authorized.

(a) A municipality may adopt an administrative approval process for sacred communities that must be completed before a sacred community may be sited within the boundaries of the municipality. The administrative approval process is limited to a written application verifying:

² See, for example, Deuteronomy 10:18, Isaiah 1:17, Zechariah 7:10, Matthew 25:35, James 1:27

- a. Compliance with requirements of this section; and
 - b. Compliance with local rental housing licensing requirements and other applicable state and federal laws and rules.
- (b) A municipality may require a religious institution to submit information to the municipality for verification of continued compliance with paragraphs (a), clause (1) and (2), no more than once annually.
- (c) A municipal approval process adopted under this subdivision is subject to the governmental approval requirements under section 15.99

Analysis

In September 2000, Congress unanimously adopted the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc, acknowledging that state and local governments were implementing land use and zoning restrictions, as well as inappropriate historic designations, to prevent religious institutions from purchasing, constructing, and developing land for religious purposes.³ In summary, Congress mandated that state and local governments cannot eliminate or impose restrictions on religious assemblies that effectively prevent or severely limit them within communities across the United States. The “substantial burden” provision of the statute, found in 42 U.S.C. § 2000cc(a), specifies the following:

(1) General rule

No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

(2) Scope of application. This subsection applies in any case in which—

(A) the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability;

³ 146 Cong. Rec. S7774–01, Exhibit 1 (daily ed. July 27, 2000) (joint statement of Senator Hatch and Senator Kennedy on RLUIPA of 2000)).

- (B) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden results from a rule of general applicability; or
- (C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

To succeed in a “substantial burden” claim, a plaintiff must demonstrate that the denial of its proposed use imposes a substantial burden on its religious exercise.⁴ If the Church shows that it has suffered a substantial burden, the responsibility shifts to the County to prove that its denial of the Church's use is narrowly tailored to further a compelling governmental interest.⁵

Congress explicitly provided for a broad interpretation “in favor of extensive protection of religious exercise, to the maximum extent permitted by the provisions of this chapter.” Under RLUIPA, “[t]he term ‘religious exercise’ encompasses any practice of religion, whether or not compelled by, or central to, a system of religious belief,” and “[t]he use... of real property for the purpose of religious exercise shall be deemed religious exercise by the person or entity that uses or intends to use the property for that purpose.”⁶

RLUIPA employs a modified burden-shifting framework. “If a plaintiff produces prima facie evidence to support a claim alleging a violation of ... the government shall bear the burden of persuasion on any element of the claim, except that the plaintiff shall bear the burden of persuasion on whether the ... government practice that is challenged by the claim substantially burdens the plaintiff’s exercise of religion.”⁷ A government regulation substantially burdens an exercise of religion when the regulation’s effects go beyond being an inconvenience to a religious institution and instead put substantial pressure on the institution to change that exercise.⁸

The Federal District Court of Minnesota has found a substantial burden on religious exercise exists where a government places “pressure” or “substantial pressure” to change its behavior in a similar case called *First Lutheran Church v. City of St. Paul, Minnesota*.⁹ In the *Faith Lutheran* case, a federal

⁴ *First Lutheran Church v. City of St. Paul, Minnesota*, 362 F. Supp. 3d 745, 760-761 (U.S. D. Ct., MN, 2018)

⁵ *Id.*

⁶ 42 U.S.C. § 2000cc-5(7)

⁷ *First Lutheran Church*, supra, 362 F. Supp. 3d at 760

⁸ *First Lutheran Church*, supra, 362 F. Supp. 3d at 761

⁹ *First Lutheran Church*, supra, 362 F. Supp. 3d at 761 (D. Minn. 2018) (“...the Court concludes that a government regulation substantially burdens an exercise of religion when the regulation's effects go

Court found that zoning regulations which required a church to post a “no-trespassing sign” including hours of operation, as well as limitations on the number of homeless it could serve were both restrictions that did pressure a church to change its existing behavior.¹⁰ The *First Lutheran Church* as the Court held that the city’s imposition of sign requirements on the church undermined the church’s welcoming message to the homeless population it served—thus placing a substantial burden on their religious exercise.¹¹ Furthermore, the court determined that limitations on guest size the church could service “severely undermines *First Lutheran’s* mission, preferred practices, and message” by 1) preventing them from meeting the demand for services, 2) inhibiting ability to recruit volunteers, and 3) projecting an unwelcoming message with is contrary to *First Lutheran’s* mission.¹²

The same conclusion must be drawn here. The proposed amendment in section 3 (e) provides that “[a]t least one individual with compliance authority under this paragraph must be on the sacred community premises at all times. “The two existing communities have eight and five residents. None of them have authority over all aspects of compliance, ranging from lighting to working bathrooms to required insurance. The proposed requirement appears to serve no purpose other than to serve as a de facto prohibition disguised as a safety precaution. The same is true with respect to section 3 (f) and subdivision 7, which effectively provides an unqualified opt-out provision for local communities. The communities that oppose sacred communities would be free to approve or deny any faith community’s plan. These “amendments” are not drafted to clarify or supplement the existing law. They would eliminate the right of many faith communities to proceed at all, subject to the will of their local government.

Recognizing that, “. . . the city’s interest in attempting to preserve the quality of urban life is one that must be accorded high respect,”¹³ the imposition of a condition requiring a church to have staff member present at all times turns Sacred Communities from a tiny home community into a shelter model. As in *First Lutheran*, the requirement to staff “. . . reduces the ability to effectively recruit volunteers, especially professional volunteers such as licensed social workers, because volunteers may feel that their time could be better used at facilities that serve more people. This restriction is likely to reduce both the number and types of services that *First Lutheran* and Listening House can provide.”¹⁴ Moreover, it forces the Church to significantly change its behavior from simply offering a space for the unhoused community to use its land for tiny homes, to becoming a full fledged homeless

beyond being an inconvenience to a religious institution and instead put substantial pressure on the institution to change that exercise.”) (emphasis added).

¹⁰ *First Lutheran Church*, 326 F. Supp. 3d at 761–62.

¹¹ *Id.* at 761 (“First Lutheran’s purpose in allowing visitors to enjoy its property is to be welcoming and inviting to the homeless, lonely, and needy. By limiting the use of First Lutheran’s property after hours, the City is preventing First Lutheran from being welcoming for two-thirds of the day.”).

¹² *Id.* at 762.

¹³ *Peterson v. City of Florence, Minnesota*, 727 F.3d 839, 843 (8th Cir., 2013)

¹⁴ *First Lutheran Church*, 326 F. Supp. 3d at 762.

shelter. This requirement will limit the ability of many religious communities to offer Sacred Communities as their members cannot be present at all times due to the size of the community and the specialized expertise required for some of the requirements..

As in *First Lutheran*, if the government's compelling interest is to enforce trespassing laws, entry onto the Sacred Communities property is not trespassing because the local churches consent to people being on church property 24 hours a day. after hours. Again, the Court's decision in *First Lutheran*, is instructive here:

Second, the limit is unlikely to reduce petty offenses. To begin with, these offenses are not caused by First Lutheran or Listening House; rather, they are the understandable effects of homelessness and poverty, not the organizations that serve people who are homeless or poor. If Listening House closed its doors tomorrow, its guests who are homeless or poor would still be homeless or poor, and the City would continue to experience the effects of homelessness and poverty. Moreover, assuming that all of the petty offenses are committed by Listening House and First Lutheran guests – an assumption First Lutheran vigorously disputes – the twenty-person limit means that prospective guests will either be turned away and head into the nearby neighborhood (thereby possibly increasing the incidence of such petty offenses in the neighborhood) or remain in other areas of the City because they chose not to visit Listening House or First Lutheran in the first instance (thereby increasing the incidence of such petty offenses elsewhere in St. Paul). Thus, the twenty-person limit does not further a compelling governmental interest.¹⁵

Thus, the amendment does not serve a City's interest in punishing or reducing trespassing because no trespassing occurs on a local church's property. Thus, a requirement to have the local church have a person on the property every moment of every day does not further a compelling governmental interest.

Additionally, there are alternative ways to address any perceived issues within a Sacred Community besides requiring local churches to have a staff member on the property 24/7. For example, Sacred Community locations can be monitored using closed-circuit cameras. Numerous other options exist for monitoring perceived issues instead of effectively banning them by mandating in-person supervision.

The same analysis applies to a First Amendment, Free Exercise analysis of the proposed amendment. That is, imposing a requirement for local churches hosting a tiny home community to have someone monitoring it 24 hours a day, 7 days a week places a significant burden on the religious community.

¹⁵ *First Lutheran Church*, 326 F. Supp. 3d at 763-764.

The state cannot demonstrate a compelling interest for this requirement, and the de facto ban on a community is not the least restrictive means available to the community.¹⁶

Finally, significant issues arise from the proposed amendment related to the United States Supreme Court's First Amendment and Establishment Clause jurisprudence. The Court has recently rejected the "endorsement" standard and adopted a "coercion" standard for evaluating governmental actions concerning Establishment Clause claims.¹⁷ Just as the government cannot "coerce anyone to attend church" or force "its citizens to engage in a formal religious exercise,"¹⁸ it cannot compel a church to modify its religious practices to address the perceived issues of the state for a local government in this proposed amendment.

In summary, the proposed Bill HF 1051 is significantly flawed. It violates federal law, specifically the Religious Land Use and Institutionalized Persons Act, as well as the Free Exercise and Establishment Clauses of the First Amendment, among others. We respectfully urge this Committee to consider this analysis when voting on the amendment and to reject it.

I remain,

Very truly yours,

DALTON & TOMICH, PLC



DPD/omo

¹⁶ See, *Tandon v. Newson*, 593 U.S. 61 (2021); *Fulton v. City of Philadelphia, PA.*, 593 U.S. 522 (2021)

¹⁷ See, *Town of Greece v. Galloway*, 572 U.S. 565, 589 (2014), *Kennedy v. Bremerton School District*, 597 U.S. 507, 532-537 (2022).

¹⁸ *Kennedy*, supra, 597 U.S. at 537

MARCH 4, 2025

Chair Quam and Committee Members,

As the lead pastor of Church of the Open Door in Maple Grove, I am deeply honored to serve alongside people who are truly seeking a genuine faith in God by finding ways to live it out in everyday life.

One of those ways we're living out our faith is by addressing homelessness through establishing a Sacred Settlement, which is a tiny home community on religious land that uses the church building as an extension of the home. This model is another way we can live out our call to love the marginalized and poor in our community.

We also believe this will give people a chance to live safe and meaningful lives in community, while also benefiting our congregation, other supporting churches and the City of Maple Grove.

Since lawmakers established the Sacred Communities law two years ago, we have watched with joy as the two operating Sacred Settlements have flourished. In fact, one of our associate pastors stands as a daily witness to that flourishing because she has lived at Sacred Settlement Mosaic in St. Paul for more than two years.

In joining with other churches to help establish the first two Sacred Settlements and seeing them thrive for over two years, we began to dream about hosting a Sacred Settlement at Church of the Open Door, which is at the end of a dead-end road abutting woods and I-94. The mission of our church holds our property, resources and time to be used as a force for good in our city and world. We believe that life in God is found in giving our life away for the sake of others...especially those in need.

For the past seven months, we have been in contact with city officials and neighbors to work together. Additionally, two schools in our building are in full support – and they're excited to have Open Door host a Sacred Settlement. We are also partnering with local food shelves and outreach organizations in our efforts to design the Sacred Settlement.

We have held many neighborhood meetings of various sizes to help educate on the model and invite collaboration and input into our policy design process. That said, we are continuing the work of reaching out to our surrounding community to foster a collaborative approach.

We love our Maple Grove home, and we are always working toward the benefit of our city. We believe a Sacred Settlement makes life in Maple Grove accessible to more people, especially those who are seeking safety, stability and peace. Ultimately, we believe a Sacred Settlement will be a neighborhood asset, which is what we've already seen at two other Sacred Settlements.

All that said, the bill before you, HF1051, could put an unnecessary end to our ability to host a Sacred Settlement and, in effect, deny our right to live out our mission. The law as it stands has created a proven pathway of success, as seen in the first two Sacred Settlements. Because of that, I request that you oppose HF1051 and any changes that could hinder this beautiful work.

Thank you for serving our state.

Sincerely,

Dave Brickey
Lead Pastor, Church of the Open Door
Maple Grove, MN

MARCH 4, 2025

Chair Quam and Committee Members,

As one of the pastors at Church of the Open Door in Maple Grove, and as someone who lives in the Sacred Settlement in St. Paul at Mosaic Christian Community, I am enthusiastically writing to you about the life-change and effectiveness of the Sacred Settlement model.

I am a single woman and have lived in my own tiny home at Sacred Settlement Mosaic for the past two and a half years. I feel safe and cared for, and get to live out my faith and call to love our neighbors who are experiencing extreme poverty. I have seen first-hand the amazing life changes and benefits of this Full Community Model. The neighbors I live in community with are incredible people who have changed my life for the better, make for a safe and loving community, and are walking out life-change for themselves as they have a home, a community that loves and supports them, purposeful work and the ability to contribute to others in a dignified home and within a supportive network.

Here at Church of the Open Door in Maple Grove, we have been through a long discernment process before working toward designing a Sacred Settlement on our land. We believe this will be an asset to our Maple Grove neighborhood, as well as a beautiful light in the city of Maple Grove. This is an effective and sustainable model of affordable housing, and more than that, it's a way of life that benefits all who are involved and near the sacred communities.

We have seen the two operating Sacred Settlements in St. Paul (where I live) and Roseville to be beacons of light to their neighborhoods, places where people can find and build community and trusted relationships. I've witnessed my neighbors in the Sacred Settlement help the surrounding neighbors in the pre-existing neighborhood by helping to build retaining walls, being loving and watchful protectors of the

neighborhood, and building friendships with the parents and kids in our neighborhood.

Our Open Door staff and lay teams have been having many meetings with Maple Grove neighbors, connecting with the city, partnering with local services and organizations, as well as working closely with the schools in our building as we seek to collaborate with our community in the design of Sacred Settlement Open Door. We have high values for safety, peace, and beauty, and are designing the community to hold to these high values and help change people's lives. We believe Sacred Settlement Open Door will overflow with blessings into the surrounding neighborhoods.

The HF1051 bill before you would hinder our church's ability to live out our mission and call to love and care for the poor in our community. Please do not support HF1051 or any changes.

Thank you for how you care for and serve our state and communities.

Sincerely,

Rose Larson
Church of the Open Door
Prayer Pastor and Associate Pastor of Missional Life