

Facility Use Policy

Recent changes in Federal and State laws, as well as changes in the attitudes of various courts, has raised the issue of whether a church may be exposed to a lawsuit or other challenges regarding the basis on which it decides and controls the use of the church facility by outsiders. (Can you discriminate in who you allow to use the facility?)

Laws and courts have repeatedly affirmed the rights of religious organizations regarding ecclesiastical and religious matters but are increasingly diminishing those rights and intervening when civil rights and equal protection matters are at play.

For example, if the church raises significant revenue by renting the fellowship hall to private individuals for receptions and parties, the church could be classified as a “place of public accommodation” and may have reduced its right to decline usage to other individuals and activities.

While it is not yet clear how far the public and the courts will go toward intruding on the rights of churches to control their facilities, churches would be wise to review their policies to ensure that they are not exposed.

Things to consider:

1. Public Accommodation laws differ greatly in various cities and counties. What might be acceptable in one locale may not be acceptable in another.
2. Rental of the facility as a means of raising revenue will diminish legal protections. This is a gray-area, but the higher the income and the more the church relies on this income for operations, the more likely it will be classified as a place of public accommodation. This is especially true if the rate is above market rates.
3. Routine rental of the facility for some non-religious activities might diminish the church’s right to decline other non-religious activities.
4. The more you emphasize and strengthen the religious purpose of facility usage, the better.

We have written a suggested facility use policy below. This policy has been reviewed by legal counsel and endorsed by the Executive Presbytery.

Dr. Jay Herndon
District Secretary-Treasurer

Suggested Facility Use Policy

Church facilities have been provided by the sacrificial giving of the church members and adherents of this church for religious worship and religious activities. (Mk. 11:7, Ps. 26:8, 132:7) All use of the church facility shall be supervised by appointed church leaders and in accordance with all other church policies.

Church facilities may be utilized or rented by other non-profit ministries of compatible doctrine and mission. We do so to advance the Kingdom and to demonstrate our unity in Christ Jesus.

The Church facilities may be used by public institutions when such activities are considered to be in the benefit of the community and are consistent with the church's mission to the community. (Dt. 17:8-9, Nu 35:11, Le 14:2, Je 7:11) For example, the following uses might be acceptable: use by a public school for graduation or recital, use by police and fire department for a safety seminar or emergency center, use by a civic government as a polling place. We do so to serve our community and to demonstrate the love of Jesus for our world.

Rental of the facilities to public institutions who publicly advocate beliefs or practices that contradict the church's doctrine or mission and/or for activities that contradict the church's doctrine and mission is prohibited. Such would be a grave violation of the church's faith and religious practice. (Je 7:11, 2 Co 6:14, 1 Th 5:22) This prohibition includes use of any portion of the church's facility or property.

Rental of the facilities for commercial purposes or private individuals is prohibited.

Church facilities may not be utilized or rented to private individuals for activities that are not sponsored or conducted by this church. This includes weddings, funerals, baby dedications, etc. when such services are not officiated by clergy of this church.

All approved usage of the facility by outside entities shall be approved by the church board, and such entities must provide evidence of insurance coverage naming the church as additionally insured. Remuneration for such usage shall be established by the church board, to reimburse the church for costs incurred to provide the facility, and should in no case exceed market rates.