

## SHADOW OF A BULLDOZER?: RLUIPA AND EMINENT DOMAIN AFTER KELO

*G. David Mathues*

### ABSTRACT

Some religious groups have expressed concern over the Supreme Court's decision in *Kelo v. City of New London*. They fear that the decision allows governments to seize church land through eminent domain and transfer the land to another private owner for economic development merely because the government to increase its tax revenues. This Note asks whether that fear is valid. First, this Note determines that condemnations of church property fall under the Religious Land Use and Institutionalized Persons Act (RLUIPA) and must satisfy its standards. Second, this Note observes that before *Kelo*, economic development was not a compelling governmental interest sufficient to satisfy RLUIPA. Third, this Note argues that *Kelo* did not change the law of eminent domain, and further only permitted economic development under the deferential Public Purpose test. *Kelo* never suggested that economic development was a compelling governmental interest. Therefore, this Note concludes that even after *Kelo*, RLUIPA still protects churches from condemnations motivated by economic development.