

THE  
NATIONAL LAW REVIEW

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## Supreme Court Refuses to Take Tree of Life RLUIPA Case

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Wednesday, May 22, 2019

Last week, the United States Supreme Court denied Tree of Life Christian Schools' petition for *certiorari* involving its longstanding religious dispute with Upper Arlington, Ohio (City). In 2009, Tree of Life purchased a commercially-zoned 254,000 square foot office building that it hoped to convert to a religious school. After the City denied a conditional use permit, Tree of Life sued under RLUIPA. The Sixth Circuit ruled that the City did not treat Tree of Life worse than secular uses in violation of RLUIPA's equal terms provision, since the City had a valid basis for denial: permitting the religious school in this large office building would be counter to the City's goal of enhancing revenue generation in this zoning district..

There was some speculation that the Court could take the case. Bloomberg Law previewed Tree of Life's petition in its story [Supreme Court Shortlister's Dissent Could Help Christian School](#) in which I am quoted. Tree of Life argued in its petition that the Court should take its case because lower courts across the country "are in disarray on the proper test for a RLUIPA equal-terms claim." In the end, clarification of the equal terms provision is left for another day.

Tree of Life's petition is available [here](#).

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