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## RELIGIOUS EXEMPTION FACT SHEET

### EXCERPTS FROM THE DOJ AND EEOC TECHNICAL ASSISTANCE MANUALS

**DEFINITION:** A religious entity is a religious organization or an entity controlled by a religious organization, including a place of worship.

*If an organization has a lay board, is it automatically ineligible for the religious exemption?* No. The exemption is intended to have broad application. For example, a parochial school that teaches religious doctrine and is sponsored by a religious order could be exempt, even if it has a lay board.

**SCOPE OF EXEMPTION:** The exemption covers all of the activities of a religious entity, whether religious or secular.

**ILLUSTRATION:** A religious congregation operates a day care center and a private elementary school for members and nonmembers alike. Even though the congregation is operating facilities that would otherwise be places of public accommodation, its operations are exempt from title III requirements.

*What if the congregation rents to a private day care center or elementary school? Is the tenant organization also exempt?* The private entity that rents the congregation's facilities to operate a place of public accommodation is not exempt, unless it is also a religious entity. If it is not a religious entity, then its activities would be covered by title III. The congregation, however, would remain exempt, even if its tenant is covered. That is, the obligations of a landlord for a place of public accommodation do not apply if the landlord is a religious entity.

*If a nonreligious entity operates a community theater or other place of public accommodation in donated space on the congregation's premises, is the nonreligious entity covered by title III?* No. A nonreligious entity running a place of public accommodation in space donated by a religious entity is exempt from title III's requirements. The nonreligious tenant entity is subject to title III only if a lease exists under which rent or other consideration is paid.

Religious organizations are covered by the ADA, but they may give employment preference to people of their own religion or religious organization.

For example: A church organization could require that its employees be members of its religion. However, it could not discriminate in employment on the basis of disability against members of its religion.