

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b>		JOB NUMBER NI-60-08-20	
To: NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001		Date received 5/15/08	
1 FROM (Agency or establishment) Department of Justice		NOTIFICATION TO AGENCY  In accordance with the provisions of 44 U.S.C. 3303a, the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10	
2 MAJOR SUBDIVISION Civil Rights Division			
3 MINOR SUBDIVISION			
4. NAME OF PERSON WITH WHOM TO CONFER Gary Wong	5 TELEPHONE NUMBER 202-514-4224	DATE 8/10/09	ARCHIVIST OF THE UNITED STATES Adrienne Thomas
6 AGENCY CERTIFICATION I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached <u>2</u> page(s) are not needed now for the business for this agency or will not be needed after the retention periods specified, and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies,  <input checked="" type="checkbox"/> is not required <input type="checkbox"/> is attached, or <input type="checkbox"/> has been requested			
DATE 2/23/2009	SIGNATURE OF AGENCY REPRESENTATIVE <i>Jeanette P. ...</i>		TITLE Director/OKMP
7 ITEM NO	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
	<p align="center"><b>Class 210</b>  <b>Religious Land Use and</b>  <b>Institutionalized Persons Act of 2000</b>    (SEE ATTACHED)</p>		

## **Class 210**

### **Religious Land Use and Institutionalized Persons Act of 2000**

The Housing and Civil Enforcement Section (HCE) enforces Religious Land Use and Institutionalized Persons Act (RLUIPA) religious land use provisions and the Special Litigation Section enforces the institutionalized persons provisions. 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 religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

This schedule provides disposition authority for all records described, regardless of format.

#### **1. Appellate Cases from the Civil Rights Division Appellate Section**

The Appellate Section has primary responsibility for handling civil rights cases in the courts of appeals and, in cooperation with the Solicitor General, in the Supreme Court. Most of the Section's appeals are from district court judgments in cases originally handled by trial sections within the Division. A significant portion of the Section's work involves participation as amicus curiae (friend of the court) in cases that have the potential for affecting Division enforcement responsibilities. These responsibilities include matters relating to the Religious Land Use and Institutionalized Persons Act (RLUIPA). The Appellate Section maintains files for all Division RLUIPA cases in the courts of appeals. These include RLUIPA cases which arise from the Division's trial sections and RLUIPA cases where the Division determines that amicus curiae participation is warranted.

**Disposition:** **Permanent.** Cut off at close of case. Transfer to the National Archives and Records Administration 15 years after cutoff, in accordance with 36 CFR 1228.270, or subsequent authority for electronic records transfer requirement.

#### **2. Land Use Cases from the Civil Rights Division Housing Section**

The Housing and Civil Enforcement Section enforces the Religious Land Use and Institutionalized Persons Act (RLUIPA) when it pertains to issues involving the imposition or implementation of a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person. These types of impositions would include the denial of any type of zoning permit, whether for construction of a new facility, remodeling of a current structure, or to increase the occupancy of a current housing facility.

a. Closed cases that did not go beyond the pre-investigative stage

**Disposition:** **Temporary.** Cut off at close of case. Destroy/delete 15 years after cutoff.

b Closed cases that moved beyond the pre-investigative stage

**Disposition:**            **Permanent.** Cut off at close of case. Transfer to the National Archives and Records Administration 15 years after cutoff, in accordance with 36 CFR 1228.270, or subsequent authority for electronic records transfer requirement.

**3. Special Investigative Cases from the Civil Rights Special Litigation Section**

The Special Litigation Section (SPL) maintains files for all matters related to its authority to enforce the Religious Land Use and Institutionalized Persons Act (RLUIPA). SPL protects the rights of institutionalized persons under the act. SPL's files include files related to active and closed investigations, active and closed preliminary inquiries, records of complaints received, and related documents.

PENDING FURTHER APPRAISAL