

ROMAN CATHOLIC ARCHBISHOP OF BOSTON,
A CORPORATION SOLE'S
POLICY ON THE SALE OF CHURCH BUILDINGS

This policy is adopted so as to facilitate the sale by the Roman Catholic Archbishop of Boston, a Corporation Sole of church buildings that have been relegated to profane use and to assure that such sales conform to the requirements of the Code of Canon Law of the Roman Catholic Church.

MISSION STATEMENT

Church buildings shall be sold only when such sale is consistent with the teachings of the Roman Catholic Church as enunciated by the Holy Father and the Bishops in communion with him. In accordance with the Code of Canon Law of the Roman Catholic Church, it is the obligation of the local Ordinary to safeguard and ensure that church buildings that have been used for Catholic worship shall not be used for a purpose that the Ordinary and the Church would consider inappropriate, that would be offensive to the faithful and/or that could potentially be harmful to the Catholic faithful and their understanding and practice of their Faith. The future use of a former church building in a manner which is offensive to the Catholic faithful shall be avoided to the fullest extent possible in accordance with the Code of Canon Law. The Code of Canon Law provides that the Archbishop as the Ordinary in the Archdiocese of Boston has an affirmative duty to the Catholic faithful to: (i) determine whether the sale of a church building that was used for Catholic worship would likely be used by a prospective buyer for inappropriate purposes in the future; and (2) if such inappropriate use is likely, the Ordinary must take such measures as are necessary to safeguard said former church building from such inappropriate use. Consistent therewith, the Ordinary shall take such actions as he reasonably determines are necessary to ensure that any building that has been a church building used for Catholic worship shall not be used, either temporarily or permanently, for any "sordid" purpose. Canon 1222, paragraph 2.

Canon 1222, paragraph 2 provides that when a church building is no longer used for divine Catholic worship, in addition to assuring that it never be used for "sordid" purposes, the Ordinary is obligated to assure that "the good of souls suffers no detriment thereby". The denunciation of the Catholic Church and the Catholic Faith, the desecration of Catholic objects of devotion and worship or even any disrespectful or casual treatment of such objects, and/or the proselytizing of Catholics are all detrimental to the good of souls and such activities thereby constitute "sordid" purposes. As such the Ordinary, in accordance with Canon Law, shall assure that such activities not occur in connection with the relegation of a church building used for divine Catholic worship to some other use. In exercising his obligation to prevent future "sordid" purposes and detrimental consequences to souls of the faithful, the Ordinary has the right to determine that the building should be destroyed rather than alienated. The Ordinary, however, is not required in each instance to take such an extraordinary measure when less extreme measures are available, such as alienating the property with sufficient precautions taken to guard against the property being used for "sordid" purposes or for a use detrimental to the souls of the faithful. Thus, the Ordinary may, in his discretion, alienate a former church building utilizing civil law protections, to the extent available, if he determines such protections will provide reasonable assurance that the building will not be used for inappropriate or "sordid" purposes.

Furthermore, the Ordinary shall promote harmony and unity among all Christian churches without detriment to the Catholic faithful. See generally Canon 383.

Accordingly, the sale of former church buildings may be permitted to other churches, ecclesial communities and other Christian groups where the Ordinary, in his discretion, determines that such other churches, ecclesial communities and other Christian groups do not give offense to Catholic belief and practice and do not attempt to proselytize Catholics. See generally Canon 392.

POLICY & PROCEDURE

1. Where a church building that has been used for Catholic worship has been relegated to profane use, the Archbishop shall, after such consultation as he deems appropriate, make a determination, in his sole discretion, as to the future disposition of the building, including retention of the building, destruction of the building, or alienation of the building to acceptable groups with such protections as the Archbishop shall determine, in his discretion, are necessary to ensure that the building will not be used in a "sordid" manner, offensive to the Catholic

faithful or detrimental to the good of souls. 1983 Code of Canon Law, Canon 1222, paragraph 2. The essence of this Canon's requirement is the obligation of the Archbishop to prevent uses of Catholic church buildings that would give offense to members of the faithful or be detrimental to their understanding or practice of the Catholic Faith, or that would offend against Catholic belief or practice in any other way. In this regard, the Archbishop must take measures to prevent a Catholic Church building from being used in ways that might draw Catholics away from the Church or otherwise damage their faith or practice.

2. In determining whether a proposed or requested alienation of a church building is appropriate and acceptable, the Archbishop shall determine, in his sole discretion and in accord with Canon Law, whether the potential purchaser, in conjunction with the proposed use of the building, directly or indirectly, is or likely will be offensive to Catholic belief and practice, or openly contradicts the tenets and practices of the Catholic Faith, in which event the Archbishop shall refrain from conveying said church building to said purchaser.

3. Where a proposed purchaser of a church building is deemed to be appropriate by the Archbishop in accordance with his obligation to protect the faithful, any purchase and sale agreement, deed or other method of conveyance or transaction shall contain a use restriction(s) which the Archbishop shall determine, in his sole discretion, to be sufficient to safeguard against the use of the church building in a manner that is offensive to the teachings of the Catholic Church and the Catholic faithful.

4. **Worship sites sold for business/housing purposes:** All Churches/Chapels sold (except to "denominations deemed acceptable in the sole discretion of the Archbishop") will contain a use restriction precluding the property from being used as a house of worship. The Archbishop of Boston shall approve any exceptions.

5. **All properties sold:** All properties sold (except to denominations deemed acceptable in the sole discretion of the Archbishop") will contain negative use restrictions prohibiting the use of the property for an abortion clinic, any organization that advocates for abortion or euthanasia or the operation of an embryonic stem cell research facility or services implementing embryonic stem cell research, specifically, nor to any use that would directly violate the consistent ethical and moral teachings of the Magisterium of the Roman Catholic Church

These properties may not be sold for uses that are "incompatible with the principles of morality and good manners." Affirmative covenants will be inserted in conveyance documents detailing represented and agreed to by buyer, i.e., housing development.

6. **Protection from undue enrichment (anti-flip provision):** All properties sold, (excluding residential buildings of fewer than 4 units and undeveloped land), at less than 100% of appraised value, shall utilize an anti-flip clause that provides for RCAB to share the benefit of any sale within three (3) to five (5) years based on a schedule, e.g.:

1 year	50% of the difference between the sale price with RCAB and the subsequent sale less the cost of physical improvements by the original buyer as demonstrated by contract documents, invoices and building permits issued
2 years	40% - as above
3 years	30% - as above
4 years	20% - as above
5 years	10% - as above

7. Exceptions to the above policy may be noted and made within the required approval process.

Adopted: _____
His Eminence, Sean Cardinal O'Malley, O.F.M., Cap.

Date: _____