

# Policy: Leasing Worship Space

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## Presbytery of Baltimore

*The Property of the Presbyterian Church (U.S.A.), of its councils and entities, and of its congregations, is a tool for the accomplishment of the mission of Jesus Christ in the world.* (G-4.0201)

"The great ends of the church are the proclamation of the gospel for the salvation of humankind; the shelter, nurture, and spiritual fellowship of the children of God; the maintenance of divine worship; the preservation of the truth; the promotion of social righteousness; and the exhibition of the Kingdom of Heaven to the world." (F-1.0304)

The Book of Order in G-4.0206 b. states that "A congregation shall not lease its real property used for purposes of worship, or lease for more than five years any of its other real property, without the written permission of the presbytery transmitted through the session of the congregation." In an Advisory Opinion<sup>1</sup> from the Constitutional Services arm of the General Assembly, issued on April 2, 2004, "used for worship" is defined as "the sanctuary and nearby rooms that are closely related to the congregation's own needs."

The Presbytery of Baltimore has delegated the responsibility to the Property and Loan Commission, in consultation with the Committee on Ministry, for reviewing requests for leasing of the property of a particular church and the authority for granting permission to lease, within the following guidelines.

### On Leasing Worship Space

1. The Committee on Ministry, will ordinarily approve requests from congregations pertaining to the leasing of their worship space when the lessee is affiliated with a denomination in correspondence<sup>2</sup> with the Presbyterian Church (U.S.A.). (If in doubt, check with the Stated Clerk.)
2. The Committee will ordinarily deny requests for approval of leasing arrangements with Christian congregations that are affiliated with denominations that are not in correspondence with the PC (U.S.A.).
3. The Committee will ordinarily approve lease arrangements with Christian congregations that are not affiliated with any denomination, provided that they sign a covenant recognizing the PC (U.S.A.) as one branch of the true church of Jesus Christ.
4. The Committee will consider lease arrangements with other faith organizations that seek to use our space for worship. The congregation

should be in good standing with its parent organization and its parent organization should recognize the PC (USA) as a legitimate religious organization.

5. If a particular church wishing to enter into a lease arrangement is in a period of transition between pastors, the Committee on Ministry should consult the COM liaison and the Transitions Team before granting approval.
6. When a non-PCUSA new church development approaches a PCUSA church to rent its facilities for worship, the Presbytery encourages the PCUSA church to enter into discussions regarding the possibility of the new congregation affiliating itself with the PCUSA as a "fellowship" for a period of two years to enable a time of discernment regarding future affiliation with the PCUSA.
7. Because it is not appropriate to charge rent to other Presbytery entities (fellowships, new church developments, or congregations), the Committee encourages those congregations and fellowship to develop covenant relationships. Such partnership relationships pertaining to shared expenses for utilities and property upkeep are appropriate as long as they are directly related to the particular expense and are covenantal rather than contractual. If expense is a critical factor in a shared relationship, then we encourage the session to contact the Commission on Thriving Congregations.

### **Leasing Space for Weddings**

Since the Book of Order defines a wedding as a service of worship, the churches of this Presbytery are given permission to lease space for the celebration of a wedding or a service celebrating the renewal of marriage vows as approved by the respective session of a church. This paragraph constitutes the required written permission.

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#### **Note 1:**

<http://www.pcusa.org/constitutionalservices/ad-op/note11.pdf>

**Advisory Opinion Note #11 April 2, 2004**

#### **Church Property**

C. Leases, G-7.0304a, G-7.0401, G-8.0502, G-10.0102o

When a congregation wishes to rent or lease the use of its building or land, there are a variety of legal, tax, zoning and practical issues that should be considered. Time, space, purpose and other local circumstances will, of course, determine what kind of lease or written agreement is appropriate and which of the matters listed here will apply.

Church Polity:

Among the responsibilities and powers of a session is "to provide for the

management of the property of the church, including determination of the appropriate use of church buildings and facilities" (G-10.0102o). The business to be transacted at a congregational meeting includes "matters related to buying, mortgaging, or selling real property" (G-7.0304a).

If the real property being leased is that used for purposes of worship, or if any real property is to be leased for more than five years, the session must secure written permission of the presbytery, G-8.0502. "Used for worship" means the sanctuary and nearby rooms that are closely related to the congregation's own needs. It would not apply to a separate building or, in a large building, to space that has a separate entrance, which a tenant could use without interfering with the owner congregation's needs.

The session may permit others to use the facilities of the congregation without vote of the congregation, and without needing permission of the presbytery for uses and purposes that will not greatly interfere with the congregation's worship and programs. Somewhere on a range between weekly evening use of the church hall by an Alcoholics Anonymous group and exclusive use of half of the education wing for a daytime elder- care center is a "tipping point" beyond which the wise session will want to lay its plans before the congregation for information or approval. The session should consider whether the tenant's uses will require the congregation to "move over" - how far?

The point at which presbytery approval is required is also related to prudent judgment rather than precise definition. The rule was introduced in 1947, added to sections on selling and mortgaging real property adopted during the Depression. The idea was to ensure that the presbytery would have an opportunity to help sessions facing financial difficulties and changing neighborhoods.

The presbytery's approval should be sought when the use proposed might significantly curtail the congregation's normal uses and opportunity for ministry. The session and the presbytery ought to consider physical interference with the congregation's needs, whether theological doctrine and liturgical practices would be problems and whether the tenant's use poses any significant risk of liabilities for the safety and security of the church members or the tenant's clients. The lease should ordinarily be for a non-profit use consistent with the purposes of the church.

Where there is a board of trustees separate from the session, with responsibilities for determining use of property, the same procedures and practices should be observed, keeping in mind that trustees hold and manage property for the worship and mission purposes of the congregation as determined by the session (G-7.0401).

**Note 2:**

The definition of being 'in correspondence' is in the Book of Order, G-15.0200. The PCUSA is a member of the World Alliance of Reformed Churches (their list of member is at [http://www.warc.ch/list/church\\_list.html](http://www.warc.ch/list/church_list.html)), the World Council of Churches, and the National Council of Churches.

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Presbytery and COM organizational changes

**LEASING WORSHIP SPACE TO BE USED BY A NON-PCUSA  
RELIGIOUS GROUP OR DENOMINATION**

Name of Church \_\_\_\_\_

City \_\_\_\_\_

Date \_\_\_\_\_

Clerk of Session \_\_\_\_\_

Moderator of Session \_\_\_\_\_

Contact Information  
\_\_\_\_\_

Submit attachments needed:

1. Name and address of group wishing to use worship space
2. Contact person's name, address, phone number, (email and fax, if applicable)
3. Copy of session minutes authorizing the lease
4. Pertinent information regarding the building use arrangements, including insurance
5. Is the leasing church group "in correspondence" with the PCUSA)?  
\_\_\_\_ Yes                      \_\_\_\_ No (If in doubt, ask the presbytery stated clerk.)
6. For Christian congregations neither in nor out of correspondence with the PCUSA, submit a signed covenant indicating that the religious organization recognizes the PCUSA as one branch of the true church of Jesus Christ.