



U.S. Department of Justice

Civil Rights Division
Housing and Civil Enforcement

CP:MSM:NDS:ASA.aa
DJ 210-20-2

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September 29, 2023

By FedEx and E-mail

Brian Corry
City Attorney
Brunswick City Hall
601 Gloucester Street
Brunswick, GA 31520
brian@msclawga.com

Dear Mr. Corry:

This is to inform you that the Department of Justice Civil Rights Division and the United States Attorney's Office for the Southern District of Georgia have initiated an investigation into zoning and land use practices of the City of Brunswick (the "City") pursuant to the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 U.S.C. § 2000cc, *et seq.*

RLUIPA prohibits application of a land use regulation that: (1) imposes a substantial burden on religious exercise absent a compelling justification pursued in the least restrictive means; (2) treats a religious assembly or institution on less than equal terms with nonreligious assemblies or institutions; (3) discriminates against religious entities on the basis of religion or religious denomination; and/or (4) totally excludes or unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.¹

Our investigation will focus on the City's response to the efforts of Southeastern Education Services ("SES") to operate a daytime resource center for those experiencing homelessness, known as The Well, located at 1101 Gloucester Street, including the City's attempts to close The Well. Our investigation is preliminary in nature, and we have not made any determination as to whether there has been a violation of RLUIPA by the City.

We believe that the public interest and the interests of the City will be best served by our having complete and accurate information. To that end, we are requesting that you send the information and documents identified in the attachment to this letter to the attorneys handling this investigation, Ameya Ananth, at the U.S. Department of Justice, Civil Rights Division, Housing & Civil Enforcement Section, 150 M Street NE, Suite 8000, Washington, DC 20530, as well as Bradford Patrick, at the U.S. Attorney's Office, Southern District of Georgia, P.O. Box 8970,

¹ The Department of Justice has issued a statement on the land use provisions of RLUIPA, which can be found at <https://www.justice.gov/media/956041/dl?inline>.

Savannah, GA 31412, electronically or by overnight delivery within 21 days of receipt of this letter.

We have attempted to limit the areas of inquiry to expedite the initial phase of this investigation, and we are willing to work with you to minimize any burdens that would be imposed on you or your staff in providing this information.

In addition to providing us with the requested information, we invite you to provide us with any other information that you believe is relevant to our inquiry. We may want to interview certain City employees, agents, or officials in the near future as well. We will inform you of any need to interview such persons.

We request that the City maintain in their current form any and all records, documents, files, or tapes that could be relevant to this investigation. To the extent that such records are contained in a computer system, computer files should not be altered or destroyed pending completion of our investigation. If there is a need to discard any information or documentation, we request that you notify us before taking such action.

Finally, we understand that the City's application for an *ex parte* TRO will be heard on October 13, 2023, which has the potential to close The Well. Because of our pending investigation, we respectfully request the City to cease enforcement of any ordinances impacting The Well's ability to remain operational, and to stay the TRO action while the United States conducts its investigation. Please let us know in writing via email, by October 6, 2023, if the City agrees with these requests.

If you have any questions or concerns, please contact Ameya Ananth at (202) 598-9888 or ameya.ananth@usdoj.gov, Bradford Patrick at (912) 201-2555 or bradford.patrick@usdoj.gov, or Jennifer Stanley at (912) 675-0993 or jstanley1@usa.doj.gov. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Carrie Pagnucco", with a long horizontal flourish extending to the right.

Carrie Pagnucco
Chief
Housing and Civil Enforcement Section

ATTACHMENT

INFORMATION AND DOCUMENTS REQUESTED BY THE UNITED STATES

Please provide the following information and documents.² In responding to the United States' requests, please indicate the numbered request to which your explanations or documents are responsive. To the extent that the information requested is available online, you may provide the web address for relevant information.

1. A current copy of the Brunswick Municipal Code ("BMC"), including the current zoning map, district use chart, and comprehensive plans. This request also covers copies of any other laws, codes, ordinances, future land use plans or regulations governing or relating to the provision of homelessness services, homeless shelters, and/or related services, and overnight camping.
2. All documents regarding or concerning the City's passage of Ordinance No. 1075 in October 2022, including but not limited to any transcripts of city council meetings, drafts of the Ordinance, data collection, documentation of community complaints leading to the Ordinance and in response to the Ordinance, and actions taken by the City and/or City Police Department in response to the Ordinance.
3. All documents regarding or concerning the City's passage of Ordinance No. 1078 in April 2023, including but not limited to any transcripts of city council meetings, drafts of the Ordinance, data collection, documentation of community complaints leading to the Ordinance and in response to the Ordinance, and actions taken by the City and/or City Police Department in response to the Ordinance.
4. Copies of the complete application file (including staff reports, memos, and all other documents generated by the Planning and Appeals Commission (or their staff) or the City Council for all conditional use permits, special use permits, nonconforming use applications, variances, reasonable use exceptions, or other applications relating to: homelessness services as defined by Ordinance No. 1078; and any other applications for the provision of temporary or permanent shelter or camping space for individuals experiencing homelessness. For each such application, provide a statement describing whether each such application was approved or denied, the zoning district concerned, and the date of such approval or denial.
5. All documents regarding or concerning The Well's activities or operations, including its cold weather shelter, at both 1101 Gloucester Street and any proposed future location, including, but not limited to—

² For all requests in this Attachment, "Documents" means documents, records, books, papers, contracts, memoranda, design plans, invoices, correspondence, notes, photographs, drawings, charts, graphs, e-mails, text messages, Slack messages, chat documents, other writings, nonidentical copies, recording tapes, recording discs, mechanical or electronic information storage or recording elements (including any information stored on a computer), and any other "documents" as defined in Rule 34 of the Federal Rules of Civil Procedure.

- all application materials, staff reports, memos, letters, emails, text messages, correspondence, citizen complaints, meeting minutes, notes, plans, photographs, videos, recordings, transcripts, or other documents reflecting any communication to, from, or between the City and any representative of SES or The Well;
 - all staff reports, memos, letters, emails, text messages, correspondence, citizen complaints, meeting minutes, notes, plans, photographs, videos, recordings, transcripts, or other documents reflecting any communication between City officials regarding SES or The Well;
 - all documents concerning SES or The Well’s compliance with City Ordinances, including a copy of citations or enforcement actions;
 - annualized police call data relating to requests for the service of the Brunswick Police Department to The Well from January 1, 2014, to December 31, 2021, noting date, time, and nature of the call(s); and
 - all police call data relating to requests for the service of the Brunswick Police Department to The Well from January 1, 2022, to present.
6. A statement explaining the reason(s) why the City is attempted to declare The Well a “public nuisance.”
7. Any City materials, trainings, policy statements, press releases, or other documents produced or relied on by the City concerning RLUIPA.