

What Happens When a Church Building Closes? Guidance and Guidelines

This note explains the process as to how a church building is closed and its future decided under the Policy On Sustainable & Strategically Missional Ministry 2017. It is important to remember that all interpretations of policy documents are subject to the canons of our diocese as laid out in the Diocesan Constitution. Our Constitution guides any diocesan reorganizations, by stating the law of the land, and legal rights and responsibilities, and due process that protects and enables all involved.

In Relation to the question “Who owns Church property? It is important to have a basic understanding of the process that was used to build Church buildings and acquire land. Historically when Anglican communities formed and saw potential for congregations to be established, they would apply to the Bishop and diocese for permission to build a Church. When people gave of their time, talent and finances, the gifts became property of the Larger Church Community, without conditions. Many of the Churches in our Diocese were founded when Newfoundland was still a British Colony. There was a common religious, cultural and legal understanding that land and all buildings built or procured by congregations were dedicated to the service of Christ under the authority and ownership of the Diocese. The Diocese owns all buildings and property in trust for operating congregations and parishes. Upon closure, all the property belongs to the Diocese.

The Diocese connects the fellowship, unity and function of the larger body for the good of all. If a Church closes, the resources of that fellowship are distributed as best discerned for the whole, beginning with the Local Parish, deanery and Diocese. That understanding is an intricate part of what it means to be a member of the Anglican Church.

This is an excerpt from our Diocesan Constitution:

CHAPTER 16 CHURCH PROPERTY

TITLE, OWNERSHIP AND CONTROL

1. Title to all Real Property and buildings located thereon in the Diocese shall be registered in the name of the Diocesan Synod of Central Newfoundland which Synod shall hold such Real Property in trust for the parishes, congregations, or organizations of the Diocese, as the case may be.

2.1 Ownership of other chattels, furnishings and personal property shall be held by a parish, congregation, or organization, as the case may be.

.2 Upon disestablishment of a parish, congregation, or organization, title to all property of the parish, congregation, or organization shall vest in the Synod and any trust in favour of the parish, congregation, or organization shall thereupon terminate.

1. What Determines the Closing of a Church

The journey to the closing of a congregation or parish is always complex. Generally, the stories will involve various demographic shifts, lack of committed subscribers, and the effects of our radically shifted local cultures. Most stories will also include heroic stories of people who have valiantly sacrificed and served to prevent the closure of a building, or what is perceived as the end of a ministry. Every story will include tales of sadness, confusion, maybe anger. The goal is to help find resolution and peace in partnership with the Holy Spirit for our time.

Our Diocese uses a policy known as the **Policy On Sustainable & Strategically Missional Ministry**. It contains both the process and guidelines for helping struggling communities of faith to either find a means of revival, or guidelines for closing. Generally, the outline is simple, even if the process must be complex.

1. There must be honest conversation which respects the voice of every person. This conversation must include the “tough questions”, present a realistic figure of demographics, finances and both the feelings and attitudes of those involved. **The Bishop will hold a special meeting to discuss a plan for the future, and enable a decision to be made.**
2. If we determine that our people are no longer able or no longer desire to support the local ministry or the community of faith, the bishop will provide guidelines and a time frame for the process of public announcements, transfer of resources, accounting and other legal responsibilities. Any arrears to the parish or Diocese, or any costs associated with Church or buildings closings, including insurance must be covered from the assets of the closing body. This time will also include an official termination date for church officers, including the incumbent (rector) if there is one in place. Under no circumstances is a warden, clergy or member of vestry entitled or expected to enter any legal agreement, or make promises on behalf of a congregation or Church. The decision to close a Church can only be made through a diocesan process led by the Bishop.
3. The Diocese may invite proposals for the repurposing and transfer of the property. It is a complicated process, and only the Diocese has the responsibility and authority to do so. The process and time period for seeking viable proposals for the repurposing of a Church is determined by the Bishop in consultation with local groups and the Archdeacon. Set time periods can be extended. In due time interested parties will be presented with a detailed document that will enable prospective parties to fully understand the complexities, implications and requirements of any agreement. If needed, a report on the historic interest and architectural quality of the building and its contents will be generated. If proposals are received, our Diocese will work closely with any interested party, and ensure that there is said clarity, understanding, and mutual agreement.
4. If no proposals are received, or we are unable to complete the process, the Bishop will serve public notice that every effort has been made to ensure responsible stewardship and transfer of the Church property, and the decision to have the building respectfully taken down by tender or contract, and the site remediated and closed for public use, will become final. This step is of great concern to us as a diocese. The diocese would be unable to bear the cost of dismantling all

of our buildings. It is expected that all congregational considerations would consider burdens of liability, mission and the well-being of the diocese as a whole. Any arrears to the parish or Diocese, or any costs associated with Church or buildings closings, including insurance must be covered from the assets of the closing body.

2. Marking closure

1. Once the date of formal closure is decided, the parish may hold a final service to mark the building's past and memories associated with it. The Bishop will determine the date and method of deconsecration.
2. When the building is vacated it should be left clean and tidy, with any flammable loose materials such as service sheets, hymn books, obsolete notices and cloths removed. All steps to deter vandalism and reduce fire risk must be taken. There will be a time when people will no longer be permitted public access.

3. Legal and practical impacts of closure:

Building and Contents

- Ownership of the building and contents transfers automatically to the Diocese of Central Newfoundland who become responsible for care and maintenance, insurance and safekeeping of contents until the building's future is settled. Any arrears to the parish or Diocese, or any costs associated with Church or buildings closings, including insurance must be covered from the assets of the closing body.
- The church wardens and current incumbent shall should provide the Synod Office with all details concerning finances insurance policies for the building and contents, and other administrative documents. The Archdeacon will work with you through this process. While they have no financial obligation, the incumbent and church wardens have a duty to help the diocese in all matters.
- The Diocese may allow the building to be used occasionally for worship, including by other Christian bodies, only with the Bishop's permission.

Contents

- The churchwardens and current incumbent should develop an inventory of contents noting any special concerns around any items, and list the location items of removed for safe-keeping.
- Except for Registers, all contents shall remain in place until the building's future is settled as this could affect future ministries or negotiations.
- All items, equipment and Church furnishings are the property of the Diocese, and may be disbursed, shared with other congregations, parishes or dioceses at the Bishop's discretion. Simply put, the Bishop directs what happens to the contents. Options include retaining them in the building, transferring them to another local church, or to the diocesan archives local museum or historic society, or sale.
- Returning items and Church furnishings to individuals or families who may have donated them may be possible, but only after a written request is made to the Bishop.

Registers and Documents

- In the Case of a Congregation, any current registers of a closed parish church will be sent as the Bishop or Archdeacon directs, to the Incumbent's office or to Synod Office.

Cemeteries

- Decisions around Cemeteries will involve administration, maintenance, ownership and liability.
- The closing vestry or parish incumbent shall not enter into any maintenance agreements for the cemetery without prior consultation with the diocese. To do so may jeopardize proposals for the building or property's future, and may incur a personal liability.
- The Bishop will also direct what is to happen to any headstones monuments or other memorials.
- The Diocese will engage a process with the closing community to clarify issues surrounding cemeteries, and policies regarding use.