

Citizens' Oversight Projects (COPs)

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El Cajon, CA 92019
CitizensOversight.org
619-820-5321

July 22, 2016



To: City of El Cajon, c/o Belinda Hawley, City Clerk bhawley@cityofelcajon.us

Copy to: Department of Housing and Urban Development (HUD)

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Illumin, Robert G, Robert.G.Illumin@hud.gov

Copy to: County Supervisor Dianne Jacob dianne.jacob@sdcountry.ca.gov

Copy to: John Kitchin voguehip@hotmail.com (Homeless News),
CitizensOversight email lists.

Attorney Andrew Seidel, Freedom From Religion Foundation, aseidel@ffrf.org

Subject: Misuse of public money for religious purposes

BACKGROUND

The East County Transitional Living Center (ECTLC, also formerly known as “Set Free Ministries”) operates a facility at 1527 E Main St, El Cajon, CA 92021. The facility consists of a set of buildings formerly used as a motel (“Fabulous 7 Motel”) and a building formerly used as “Aunt Emma’s” restaurant. A varying portion of the motel facility (approximately 10% of the 100 rooms, subject to check) is used as an emergency shelter facility for homeless and displaced individuals and families. Residents who are accepted into this portion of the facility are limited to a 28-day stay.

The remainder of the motel facility is used for long-term housing (more than 28-days and typically in one-year programs) with a religious purpose. For example, on their website, they state that the “Men's Discipleship Program” is a “one year Christ-centered program that will guide homeless men to find new hope and a new life in Christ, free from homelessness and addiction.” A similar religious program is offered for women. There is no similar 1-year program offered which is non-religious. Once a participant in the emergency housing program reaches the 28-day limit, they must exit that program and return to the street or enroll in the religious program.

The building formerly used as a restaurant is now used as a church, the “Christian Fellowship of El Cajon.” This church serves residents of the facility only (except perhaps for rare exceptions) and members of the long-term program are required to attend this church, even if they may not agree with the specific Christian doctrine of that church. The minister of this church is also the CEO of the ECTLC and they share the same phone number.

In 2005, Set Free Ministries applied for public funds. This application was reviewed by the city of El

Cajon and City Attorney Morgan Foley stated in a March 3, 2005 letter that the program had a religious purpose and would not be acceptable for Community Block Grants (CBG) as these do not allow a religious purpose. He said "Clearly the activities at the Motel, operated by Set Free, can be interpreted as "inherently religious activities," in violation of the Final Rule and the Guidelines."¹ (This letter is included as attachment #8 to this letter).

With some consultation with City Attorney Morgan Foley, the program separated the emergency housing portion of the operation from the religious program and the City has henceforth been funding the emergency shelter portion of the operation.

In our review of this facility, we find that public monies were nevertheless used to support the religious program. We are also concerned that no non-religious program is offered for subsequent long-term housing. The participants in the emergency housing program must return to the street if they do not want to enroll in the associated religious program. This puts undue pressure on participants to enroll in the religious program as no other program is offered.

Essentially, the East County Transitional Living Center is primarily a church offering semi-permanent housing to church-goers and a very small non-religious emergency housing offering, and those residents have undue pressure to join the religious program.

In addition, we have interviewed a number of residents in the program and have heard multiple complaints that residents are captured in a cult-like institution, with no realistic route to become independent, while the ECTLC requires that the residents turn over their social security, food stamps, and other public assistance to their organization. This purely religious program should not be supported in the future by any HUD or other public monies, nor should any elected officials find themselves supporting the ECTLC with statements of support of this religious organization, and any plans for expansion should be given additional scrutiny.

ILLEGAL PUBLIC SUPPORT OF THE RELIGIOUS PROGRAM

Although only a portion of the facility is apparently used for non-religious emergency housing, we find that several projects used public money to enhance the entire facility. These uses of public funds to support this religious purpose is illegal and in violation of the guidelines for such support. The following sections describes these projects.

AIR CONDITIONER REPLACEMENT PROJECT

There are 100 rooms in the facility. All A/C units were replaced for a total cost of \$60,000. Public CBG monies were used for this project using requests in two separate budget years, for \$30,000 each. Since about 10% of the rooms are used for emergency housing (subject to check), the cost for this project should have been split 90/10 between non-public money (\$54,000) and public money (\$6,000). This support of a specific religion is contrary to the guidelines for the use of CBG monies. To determine the appropriate cost sharing fraction, public money should only cover the portion of the project according to the ratio of participants in the non-religious emergency shelter program to the total number of residents in both the non-religious program and the religious program. Thus, if 400 people are serviced in the entire facility on the average and if (on the average) 40 participants are in the emergency housing portion, this means only 10% of the project should be funded by public money, if at all.

The following documents are attached:

¹ <http://copswiki.com/Common/M1652> - CPRA Response of 3-16-2015. This document is included as Attachment 8.

1. Plan to replace 50 A/C units
2. Invoice for 30,000 in the 11/12 budget year.
3. Plan to replace another 50 A/C units
4. Invoice for 30,000 in the 12/13 budget year.

PARKING LOT REPAVING PROJECT

The entire parking lot was repaved for a cost of \$60,000. This parking lot is used by both religious and non-religious portions of the facility. The funding for this improvement should have been split between public and non-public sources according to the percentage of use of the facility. Thus, public money should pay for approximately \$6,000 and non-public money should pay the balance (\$54,000).

The following documents are attached:

5. Plan to completely repave the parking lot
6. Invoice for \$60,000 in the 13/14 budget year for repaving.

SOLAR PANEL INSTALLATION PROJECT

ECTLC has proposed installing solar panels on the facility for a total cost of \$120,000. Again, this is an illegal use of public money to support 90% of the facility which has an explicit religious purpose. Although we support the notion that solar panels are a good idea, for the government to supply the money to put these on church facilities is illegal and in violation of CBG guidelines. Again, to allow this to be funded, public money should fund up to \$12,000 and non-public money used to fund the remaining \$108,000 for the improvement, if it is funded at all.

We have been told that the check for the solar panel project has been returned. However, we don't know if this money is still allocated for this project and will be provided at a later date, so we are including this issue in this letter.

The following documents are attached:

7. Solar Panel Project Proposal.

NON-RELIGIOUS PROGRAM OFFERING

We find that it is improper for public monies to fund a temporary housing option associated with a religious long-term housing option unless there is one or more non-religious long-term housing options offered. Scientific research² has found that non-religious recovery programs are equally effective in obtaining results as religious programs. For example, the traditional “Alcoholic Anonymous” AA-style 12-step program is no more effective than non-religious programs such as Smart Recovery³. Those studies do show that either option is only effective if the person enrolls and continues to participate. Those studies find that people who are religious tend to do well with the religious-based programs while non-religious people tend to do better with a non-religious option. They also found that religious participants did equally well in non-religious programs. There is no reason that public monies should be allocated to a religious recovery program without at least equal money being allocated to non-religious recovery programs.

In this case, the recovery program includes not just a reference to a creator, but instead, the recovery program admits that its primary purpose is religious. The first line on its website is: “ECTLC is a 501-c-3 nonprofit corporation with the specific purpose of leading men, women, and families to a saving faith in

2 Religiosity and Participation in Mutual-Aid Support Groups for Addiction --
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2095128/>

3 <http://www.smartrecovery.org/>

Christ.”⁴ Thus, this is not primarily a recovery program which happens to be religious in nature, but this is a church that happens to offer a religious recovery program, with a primary agenda to proselytize.

CONCLUSION

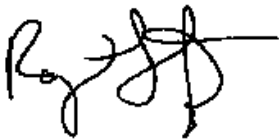
Transitional living and addiction recovery programs are a valid and important component of our community. These programs need not be religious in nature, and research shows that religious programs are not a requirement for success.

It is inappropriate for public agencies such as the City of El Cajon, HUD, the County of San Diego, and any other public agency to provide public money to ECTLC to fund their emergency shelter program without also providing an equal long-term housing option which is non-religious. Furthermore, we find that the funding of maintenance, repair, and improvement projects, such as the Air Conditioner Replacement Project, Parking Lot Repaving Project, and Solar Panel Project, inappropriately and illegally use public money to support a religious purpose in violation of the CBG Guidelines and the First Amendment of the Constitution.

ECTLC should reimburse the CBG fund \$108,000 for the A/C and Paving projects, and monies for the Solar Panel project should be withheld and if this is nevertheless approved, it must not go beyond the pro-rata share based on average occupancy levels for the non-religious portion. The City of El Cajon should work with other secular NGOs to provide non-religious recovery program options and fund these on an equal basis.

It is unfortunately our conclusion that the ECTLC has illustrated that they are a religious organization and have misused monies for religious purposes, and therefore, should not be qualified for future CBG funding.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ray Lutz', with a long horizontal line extending to the right.

Raymond Lutz
National Coordinator, Citizens' Oversight Projects