

April 14, 2026

Via Email

Mayor Rodger Lingerfelt
City of Rainsville, Alabama

[REDACTED]
[REDACTED]

c/o Bradley W. Cornett, Esq.
Attorney for the City of Rainsville
Ford, Howard & Cornett, P.C.

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Re: Total Recovery Ministries

Dear Mr. Cornett:

Haynes and Boone, LLP; Wallace, Jordan, Ratliff & Brandt, LLC; and First Liberty Institute represent Total Recovery Ministries, the owner of the property located at 261 Sam Ellis Drive, Rainsville, AL 35986 (“the Property”). Total Recovery retained Haynes Boone, Wallace Jordan, and First Liberty after the Zoning Board of Adjustment of the City of Rainsville (the “Board”) denied a variance and/or special exception (collectively, a “variance”) on March 27, 2023. Please direct all future communications regarding this issue to me, my firm, or to First Liberty.

We write to respectfully request—and ultimately demand—that the City immediately withdraw its July 16, 2025 cease-and-desist letter and acknowledge in writing that Total Recovery is within its rights to operate a faith-based residential recovery and discipleship program for men on the Property based on its rights under both state and federal law and the U.S. Constitution.

In short, the City’s actions deprive Total Recovery of its right to religious exercise by preventing Total Recovery from operating its faith-based residential recovery and discipleship program for men overcoming addiction and other life-controlling problems. An essential component of the program is that students must stay at Total Recovery’s property as they are disciplined to grow in their Christian faith. The City’s application of its zoning ordinances—which denies Total Recovery the right to have anyone stay overnight or reside at the Property—prevents Total

Recovery from operating its discipleship program and thus deprives Total Recovery of its right to religious exercise.

As explained more fully below, Total Recovery’s right to operate a faith-based residential recovery and discipleship program for men on the Property is fully protected by the First and Fourteenth Amendments of the United States Constitution, the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. §§ 2000cc *et. seq.* (“RLUIPA”), and the Alabama Religious Freedom Amendment, Ala. Const. Art. I, § 3.01 (“ARFA”). Additionally, the City’s prohibition of Total Recovery’s ministry violates its obligations under both Title II of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12132, and the Fair Housing Act (“FHA”), 42 U.S.C. §§ 3601 *et. seq.* By denying Total Recovery’s variance request and issuing a cease-and-desist letter, the City has deprived Total Recovery of its fundamental rights protected by federal and state law.

While Total Recovery prefers to work with the City to find an amicable solution to this matter so that it may work to better the community, it will act to enforce its rights should the City fail to cooperate. It hereby demands that the City comply with federal and state law.

FACTUAL BACKGROUND

Total Recovery, a ministry run by Daniel Gregory, operates a discipleship program that serves men seeking to overcome life-controlling problems and helps them to lead productive lives centered on faith in Jesus Christ. Total Recovery purchased the Property—a residential structure with twelve bedrooms and bathrooms—in October 2022 for its discipleship program. The church that previously owned the Property built the residential structure to house mission participants and other church-related visitors.

Total Recovery seeks to use the existing residential structure to operate a faith-based residential recovery and discipleship program for men overcoming addiction and other life-controlling problems. Total Recovery’s discipleship program is deeply rooted in Christian religious values. The program’s purpose includes helping participants “live according to Christian principles.” Participants acknowledge that Total Recovery is an “evangelical Christian discipleship ministry” and agree that participants are expected to “attend Christian religious activities.” Total Recovery’s written materials outline the “biblical basis” for its work experience program. And “[t]he heart of” Total Recovery’s discipleship program is “building a relationship with Jesus Christ.”

Despite its historic residential use for the church, the Property is zoned B-3. To facilitate the use of the Property for its religious purpose, Total Recovery filed an application with the Board for a variance or special exception. The Board held an initial hearing in November 2022 and denied Total Recovery’s application. Total Recovery filed an appeal and asked the Board to reconsider its decision denying the variance or special exception needed for Total Recovery’s religious exercise. The Board denied the appeal in March 2023. Total Recovery then appealed to the DeKalb County Circuit Court, which denied Total Recovery’s appeal. After the conclusion of Total Recovery’s appeal, the City issued a cease-and-desist letter on July 16, 2025 ordering Total Recovery to end all residential use of the Property or face legal action from the City.

Because Total Recovery cannot operate its discipleship program unless students live at Total Recovery’s property, the City’s actions completely prevent Total Recovery from operating its discipleship program.

LEGAL ANALYSIS

The City’s prohibition on Total Recovery’s religious exercise violates Total Recovery’s protected right to religious exercise. The First and Fourteenth Amendments of the United States Constitution, RLUIPA, and ARFA all require the City’s denial to satisfy strict scrutiny. The City cannot satisfy strict scrutiny, so it violated Total Recovery’s protected religious liberty rights.

I. Strict Scrutiny Applies to the City’s Actions.

ARFA. ARFA provides that “Government shall not burden a person’s freedom of religion[,] even if the burden results from a rule of general applicability,” unless the Government can satisfy strict scrutiny. ALA. CONST. Art. I, § 3.01(V). ARFA thus applies to any law the City might apply to Total Recovery, even if that law is neutral and generally applicable. *Id.*; see also *Thai Meditation Ass’n of Ala., Inc. v. City of Mobile*, 83 F.4th 922, 930 (11th Cir. 2023) (holding that “ARFA broadly applies to ‘[a]ny government statute, regulation, ordinance, administrative provision, ruling guideline, requirement, or any statement of law whatever.’” (quoting Ala. Const. amend. 622, § IV(4))) (“*TMAA II*”). Further, ARFA requires that courts apply strict scrutiny to “any burden—even an incidental or insubstantial one—” that a law imposes on a religious exercise. *Thai Meditation Ass’n of Ala., Inc. v. City of Mobile*, 980 F.3d 821, 840 (11th Cir. 2020) (“*TMAA I*”).

Here, Total Recovery “seeks to engage in a sincerely motivated religious exercise” which the City is now prohibiting. *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 525 (2022). There is no question that Total Recovery’s discipleship program

is a sincerely motivated religious exercise. Moreover, there can be no doubt that the City's total prohibition on Total Recovery's ministry constitutes at a minimum a burden on its religious exercise. Thus, the City's actions are subject to strict scrutiny.

RLUIPA. Strict scrutiny also applies under the RLUIPA, which prohibits “impos[ing] or implement[ing] a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person” unless the government satisfies strict scrutiny. 42 U.S.C. § 2000cc(a)(1). RLUIPA's substantial burden provision applies when “a government makes ... individualized assessments of the proposed uses for the property involved.” *Id.* § 2000cc(a)(2)(C).

Here, the City has made multiple individualized assessments of the Property, both through the City's individualized consideration of Total Recovery's variance application and the City's subsequent assessment of the ministry's activities at the Property that led to the issuance of the cease-and-desist letter. The City's actions, including the City's denial, also impose a substantial burden: they completely prevent Total Recovery from operating its discipleship program. While an RLUIPA plaintiff need not demonstrate a total bar on its religious exercise to establish a substantial burden, such a showing is more than sufficient. *See TMAA I*, 980 F.3d at 830–31; *see also Midrash Sephardi, Inc. v. Town of Surfside*, 366 F.3d 1214, 1227 (11th Cir. 2004) (“We have held that an individual's exercise of religion is ‘substantially burdened’ if a regulation completely prevents the individual from engaging in religiously mandated activity...”). Significantly, Total Recovery is not seeking to build a new structure; it simply seeks to use the Property in the exact manner for which it was constructed decades ago. Because the City is prohibiting Total Recovery from operating its ministry in accordance with its religious beliefs, its actions are a substantial burden subject to strict scrutiny. *See City Walk - Urb. Mission Inc. v. Wakulla Cnty.*, 471 F. Supp. 3d 1268, 1286 (N.D. Fla. 2020) (holding a county's two-adult limitation on the number of unrelated adults that could live in a plaintiff's three-bedroom transitional home imposed a substantial burden).

The First Amendment. Additionally, strict scrutiny applies under the U.S. Constitution. The First Amendment's Free Exercise Clause prohibits government action that burdens a sincere religious practice with a policy that is not neutral or generally applicable. *Kennedy*, 597 U.S. at 525. The City's actions violated that prohibition, and Total Recovery reserves its rights to enforce the prohibition, including seeking declaratory, injunctive, and compensatory relief, as well as attorney fees. *See* 42 U.S.C. §§ 1983, 1988.

As discussed above, the City's actions burden Total Recovery's religious exercise. And the City's application of the Zoning Ordinance is neither generally applicable nor neutral. Laws that provide government officials discretion or are

imposed with a system of “individualized exemptions” are not generally applicable. *See Fulton v. City of Philadelphia*, 593 U.S. 522, 533–35 (2021). So it is here, as demonstrated by the multiple exemptions built into the City’s ordinances, including the availability of variances and the discretion to rezone a particular piece of property. Nor was the City’s application of the Zoning Ordinance neutral towards religious exercise. When analyzing whether a government action is neutral, courts “meticulously” scrutinize both the action itself and the circumstances surrounding the action to ensure the action does not unlawfully suppress religious exercise. *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 534 (1993). That the City might articulate a facially neutral reason for its decision “is not determinative.” *Id.* The record here shows governmental hostility towards Daniel Gregory and Total Recovery’s religious beliefs on how to minister to men suffering from life-controlling problems. Indeed, community opposition to Total Recovery’s ministry shows that the City’s denial and the City’s subsequent enforcement actions are predicated upon certain community members’ hostility to the ministry. This not only violates the principle of neutrality, but also improperly allowed a heckler’s veto to religious exercise. *See Kennedy*, 597 U.S. at 543 n.8 (stating that the First Amendment does not allow religious exercise to “readily give way to a ‘heckler’s veto’”). Thus, regardless of whether the City’s actions are evaluated under ARFA, RLUIPA, or the First Amendment, all roads lead to strict scrutiny.

II. The City cannot satisfy strict scrutiny.

The City cannot satisfy strict scrutiny *both* because (1) there is no compelling government interest at stake here *and*, (2) the City’s actions were not narrowly tailored. *See Kennedy*, 597 U.S. at 525; 42 U.S.C. § 2000cc. There is no compelling government interest in preventing using a property for its original purpose because of the City’s desire to maintain the character of a certain zone, especially when there are other nearby residential properties. *See TMAA II*, 83 F.4th at 931 (“The generalized invocations of neighborhood character and zoning fail as a matter of law....”). And, in any event, the City’s complete prohibition is not narrowly tailored because a complete denial overlooks other lesser options to achieve the City’s goals.

Because the City cannot survive strict scrutiny, its actions violated Total Recovery’s protected rights to religious exercise under federal and state law, which entitles Total Recovery to injunctive relief, compensatory and punitive damages, and attorney’s fees and costs.

III. The ADA and FHA Require Granting Reasonable Accommodations

The City’s actions also violate Title II of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12132, and the Fair Housing Act (“FHA”), 42 U.S.C. §§ 3601 *et*.

seq. The ADA and FHA prohibit discrimination that makes housing unavailable to people because of their disability. 42 U.S.C. §§ 3604, 12132. The ADA and FHA protect individuals with substance use disorders. *Cf. City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725, 729 (1995) (parties stipulating same); *see also Reg'l Econ. Cmty. Action Program, Inc. v. City of Middletown*, 294 F.3d 35, 46 (2d Cir. 2002) (collecting cases that hold alcoholism and drug addiction constitute a mental and physical impairment under the FHA and ADA). By denying Total Recovery's request, the City refused to make reasonable accommodations necessary to allow handicapped persons an equal opportunity to access housing in violation of the ADA and FHA. Indeed, Total Recovery is unaware of any other location within the City available to house the disabled individuals that Total Recovery seeks to reach through its ministry. It therefore formally requests that the City make a reasonable accommodation to allow Total Recovery to house disabled individuals at its property.

CONCLUSION

The City's enforcement of the Board's denial of residential use and its continuing efforts to block Total Recovery from functioning—and existing—is unjustified. This deliberate prohibition directly violates state and federal law and Total Recovery's constitutionally protected freedoms. Should the City persist in its denial of Total Recovery's right to free exercise, Total Recovery will pursue all available legal options, including but not limited to the principles articulated herein.

Nevertheless, Total Recovery prefers to resolve this matter amicably rather than litigate its claims if possible. So, as a request for reasonable accommodations as required by the ADA and FHA, Total Recovery requests that the City grant Total Recovery a zoning amendment and rezone Total Recovery's property as a R-3 Multi-Family Residential District. Total Recovery's understanding is that its property is on the border of a R-3 District, so allowing this minor change would be a simple and straightforward way to resolve this dispute.

Thank you for your attention to this matter. If we may be of further service, or if you wish to discuss further, please do not hesitate to call or email us. We respectfully request the City's response within 14 days of this letter.

Respectfully,

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Davis Price Shugrue
HAYNES AND BOONE, LLP

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FIRST LIBERTY INSTITUTE

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cc:

Noah Sacks, United States Department of Justice, Civil Rights Division,

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