



Church Dissolution – 2019

G-4.0205 Property of a Dissolved or Extinct Congregation

Whenever a congregation is formally dissolved by the Presbytery, or has become extinct by reason of the dispersal of its members, the abandonment of its work, or other cause, such property as it may have shall be held, used, and applied for such uses, purposes, and trusts as the Presbytery may direct, limit, and appoint, or such property may be sold or disposed of as the presbytery may direct, in conformity with the Constitution of the Presbyterian Church (U.S.A.).

G-4.0206 Selling, Encumbering, or Leasing Church Property

a. **Selling or Encumbering Congregational Property:** A congregation shall not sell, mortgage, or otherwise encumber any of its real property and it shall not acquire real property subject to an encumbrance or condition without the written permission of the Presbytery transmitted through the session of the congregation.

b. **Leasing Congregational Property:** 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.

Background

In the Presbytery of Cincinnati, currently one Administrative Commission handles all aspects of congregational discernment, closing, dissolution and sale of the church property when a congregation votes to dissolve. In response to recent proposals, two additional entities are proposed to divide this work, thus enabling the AC to focus on the care of the congregation, while the Trustees execute their fiduciary responsibility regarding the physical property of the church building, and a third work team, accountable to Council, works closely with both the AC and the Trustees to engage in a period of networking and discernment in the evaluation of other missional uses for the church property prior to a final decision.

This document is to guide the Council, AC, Trustees and Property Work Team of the Presbytery of Cincinnati in their respective roles in the both the consultation with the membership of a particular church and the Presbytery's actions to dissolve that congregation and dispose of the church property. Nothing in this should be read to indicate that the responsibility and power to divide, dismiss, or dissolve churches rests other than with the Presbytery. Sections of this document relating to property are guided by and subject to all appropriate provisions of the Book of Order.

The Administrative Commission (AC) is appointed by the Presbytery of Cincinnati Committee on Ministry to attend to the Session and congregation seeking dissolution. The chair of the AC convenes the AC and the Session to discuss congregational care, relevant decisions, and timing. The AC reports back to the

Presbytery as the work progresses. The AC will report to the COM and Presbytery the date and ballot count of the congregational action that would constitute the membership's consultation with Presbytery in the decision to dissolve the congregation.

The Trustees, coincident with the initiation of the work of the AC, will evaluate the church property to see whether utilizing the services of a realtor is necessary. In some cases, the Session will already have a desired transfer/sale in mind. The Trustees will work with the Session and AC, as well as any outside vendors, to create a professional (realtor/appraiser) assessment of the church property and all assets, as well as all liabilities, and a full financial report.

The Property Work Team, coincident with the initiation of the work of the AC and Trustees and under the direction of Council, will work with both teams to evaluate whether assessment of alternative building uses is worth pursuing, and if it is the wish of the congregation. If yes, that team will have an agreed amount of time to network and compile a list of viable alternatives, including relative financial implications. This team addresses the question of best mission options to keep the PCUSA relevant in that community.

At no time may the work of any of these teams so extend the time of dissolution past that which the congregation and/or Presbytery is willing to entertain, or to create additional liability for the congregation or the Presbytery.

Options, dates, and information relevant to the final dispensation of the church property will be reported in a single unified report by the three teams to Presbytery for a final decision.