

PROPOSED CANON CHANGE
THE DIOCESE OF WESTERN MICHIGAN

Amendment to Title II Canon 7 retitled "Of Church Property"

Sponsor: Standing Committee

A parish or other entity of the Diocese of Western Michigan must obtain the approval of both the Bishop and the Standing Committee before acquiring real property, whether by purchase, gift, bequest, or otherwise. Title to real property shall be held *in trust* for the Diocese of Western Michigan, except as otherwise directed by the Bishop and the Standing Committee.

Rationale

1. The proposed change is consistent with the national church constitution and canons (2006), Title I, Canon 7, section 3, which stipulates that all property held in trust by the Diocese cannot be *sold* or alienated in any way without approval of both the Bishop and the Standing Committee. The proposed canon adds "acquisition" to incorporate all sides of property issues.
2. The proposed change makes explicit canonically the financial obligation both the parish and the Diocese incur whenever new property is acquired in any way by a parish or the Diocese. Beyond the possible cost or financing of the property, there may be concerns about its suitability, the additional charge of repair and maintenance, as well as whether the parish, for any number of reasons, may be able to bear these expenses. It occasionally happens that a parish is gifted with a piece of real estate it simply cannot afford or use, and the Standing Committee can assist as a resource by asking appropriate questions to ensure the parish and Diocese can meet the obligations.
3. Furthermore, the proposed canon is needed because acquiring property can have significant legal as well as financial consequences. The property could be burdened with legal or environmental issues. The new owner would become responsible for these issues as well. Since all property is held in trust for the Diocese, the Diocese would ultimately be responsible for any issues that arose because of the acquisition. The proposed canon allows the Bishop and the Standing Committee to insure that the long-term ramifications of this acquisition have been considered.