



HIS EXCELLENCY
MOST REVEREND MICHAEL W. FISHER
By the Grace of God and the Authority of the Apostolic See
BISHOP OF BUFFALO

**DECREE REDUCING THE CHURCH OF ST. FRANCIS OF ASSISI, TONAWANDA
AND ITS ASSOCIATED PROPERTY TO PROFANE BUT NOT SORDID USE**

THE FACTS

The first church of St. Francis of Assisi Parish was constructed by the founding pastor and completed in 1852. This wooden framed structure was dedicated to the Sacred Heart of Jesus. The second Pastor, Rev. Francis S. Uhrich, purchased the property for the second church on Adam Street. The existing wooden framed structure was expanded and served as a combination school/church until 1862 when the present stone structure was built. This new church was named St. Francis of Assisi after the patron saint of the Pastor. Here the records are sparse on details. The date of dedication of the structure and the date of the first Mass in the new church seem to have been lost to history.

The Rev. Aloysius A. Bachmann was appointed care of St. Francis of Assisi Parish from 1874 to 1923. Most notable of the various building projects on the campus is the story of the 1862 church. After the construction of the present church in 1955, the old stone church was utilized as a gymnasium and storage until 1993 when it was rededicated by Bishop Edward Head as a columbarium and chapel.

In September of 2022 St. Francis of Assisi Parish was joined with neighboring parishes to form Family #18 as part of the Road to Renewal. For many years, St. Francis of Assisi church served its intended purpose of providing a sacred building dedicated to divine worship for the people of that part of the City of Tonawanda. The church has known many wonderful Administrators and Pastors.

A study conducted as part of the Road to Renewal determined that, given the changing demographics of the parish territory, there was a need to consolidate the territory and discontinue the existence of St. Francis of Assisi an independent parish. Consequently, it was decreed to be merged into Our Lady of Czestochowa Parish, North Tonawanda on 21 January 2025 with an effective date of 28 April 2025.

Now that St. Francis of Assisi church is set to be under the pastoral administration of Our Lady of Czestochowa Parish, North Tonawanda, the question of what to do with the church building and property has arisen. Our Lady of Czestochowa Parish already has a large parish church capable of accommodating the faithful from the entire future parochial territory. Due to the fact that Our Lady of Czestochowa Parish foresees itself laboring under financial strains, a future prediction of a lack of priests, the coming need to contribute toward the diocesan Chapter 11 Bankruptcy settlement, and the need to better equip itself for future ministerial opportunities, it was proposed to alienate the sacred edifice and relevant property of St. Francis of Assisi church.

THE LAW

Canon 1212 remarks, "Sacred places lose their dedication or blessing if they have been destroyed in large part, or have been turned over permanently to profane use by decree of the competent ordinary or in fact." A church can remain in relatively good structural condition and still be reduced to profane use if it is no longer needed or if it cannot be sustained by the means at the disposal of the parish who uses it.

Canon 1222 §2 states, "Where other grave causes suggest that a church no longer be used for divine worship, the diocesan bishop, after having heard the presbyteral council, can relegate it to profane but not sordid use, with the consent of those who legitimately claim rights for themselves in the church and provided that the good of souls suffers no detriment thereby." Here the necessity of a grave cause stands out as the essential motivating factor for such reduction of "a sacred building designated for divine worship to which the faithful have the right of entry" (c. 1214). Additionally, the bishop must have previously consulted both the presbyteral council and those who have a legal claim on some aspect of the church building. Following the general norm of canon 50, although not strictly speaking required by the present canon, it is also advisable to consult with those who will be affected by the closure. With this consultation in mind, as long as the good of the faithful is not seriously inconvenienced, a church building may be reduced for profane/secular use.

Regarding the grave cause required by this canon, the 2013 Instruction from the Congregation for Clergy helpfully points out that, "To assess the gravity of a cause, each must be considered individually, weighing the whole context of the situation. At times, the gravity of a cause will arise only from a combination of just causes, each insufficient in itself, but which together manifest the seriousness of the situation" ("Procedural Guidelines for the Modification of Parishes, the Closure or Relegation of Churches to Profane but not Sordid Use, and the Alienation of the Same" *Jurist* 73 [2013] 217). This Dicastery clearly establishes that a diocesan bishop is not bound to produce only one grave cause to be able to utilize canon 1222 §2, a constellation of just causes taken together are also sufficient.

Canon 1238 §2 makes clear that “Altars, whether fixed or movable, do not lose their dedication or blessing if the church or other sacred place is relegated to profane uses.” The first paragraph of this canon points the reader back to canon 1212 which discusses the loss of dedication or blessing begin dependent on destruction of the sacred place or object, or its being turned over to profane use “by decree of the competent ordinary.” Thus, applying this norm to the altar(s) of a church, they must be mentioned specifically if they are to be included in the reduction of the sacred building.

THE ARGUMENT

In assessing the ongoing pastoral care of those who have traditionally attended St. Francis of Assisi church, it is necessary to point out that, from the front door of St. Francis of Assisi church, Our Lady of Czestochowa church is 1.8 miles away and St. Amelia church is 2.6 miles away. These are not unreasonable distances for an urban/suburban environment typical of this part of the diocese. In fact, the vast majority of the individuals who worship at St. Francis of Assisi church arrive by automobile. The distance to either of the abovementioned churches will not add more than ten minutes for those who have until now been worshipping at St. Francis of Assisi church.

On 27 August 2024, I consulted the Presbyteral Council regarding the potential reduction of the church building to profane but not sordid use. Reasons for the reduction and alienation included the need to reduce financial strain on Our Lady of Czestochowa Parish, the shortage of priests available for ministry in the area, the assessment of those in charge of the Road to Renewal initiative, and a need to generate income to contribute to the diocesan Chapter 11 Bankruptcy settlement. The matter was discussed, and each member of the Council had the opportunity to vote. The Council decided unanimously to support the proposition.

I further consulted the archives of the Diocese of Buffalo to see if any individual could be identified as claiming legitimate rights regarding the church or its property. The land purchased by Rev. Francis S. Uhrich is owned by the parish corporation with no restrictions for future use. This search being completed, no individuals or heirs were identified who qualify for this consideration.

Considering the inability of Our Lady of Czestochowa Parish to maintain their current quantity of worship sites and buildings going forward, in addition to the reasons cited above, I have recognized a sufficiently grave cause and decided to reduce St. Francis of Assisi church to profane but not sordid use following the norm of canon 1222 §2.

Thus, having done the requisite consultations and having gained the required consents, I, the undersigned Most Reverend Michael W. Fisher, Bishop of Buffalo, exercising my ordinary power in virtue of canons 1222 §2 do hereby decree that the church of St. Francis of Assisi, located at 150 Broad Street, Tonawanda, New York 14150, be reduced to profane but not sordid

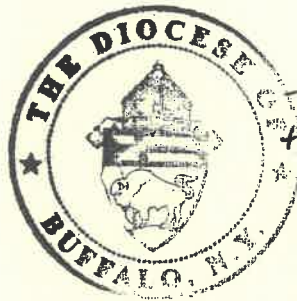
use. In addition to the church building itself, I decree that all altars within the church lose their consecration, dedication, or blessing by this same decree (c. 1238).


This decree has no effect on the sacred character of the 1862 church which now serves as a columbarium, chapel, and place of reservation for the Most Holy Eucharist. Previous permissions, consecrations, and dedications applied to this building in the past remain in force.

This decree is to be effective on Monday 30 June 2025.

This decree is to be communicated to the Rev. Michael P. LaMarca, the Pastor of Our Lady of Czestochowa and St. Francis of Assisi Parishes (c. 532) and both the relevant churches within that territory (cf. cc. 7, 54 §1). Anyone who feels his or her rights have been legitimately harmed by this decree, may present a challenge by requesting its revocation or emendation to its author within ten (10) useful days from its legitimate notification. Further recourse will follow the norms of canons 1734-1739.

Given at the Chancery of the Diocese of Buffalo on this 4th day of February 2025.




Most Reverend Michael W. Fisher
Bishop of Buffalo


Ms. Melissa Potzler
Chancellor