



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 BERNARD, BUFFALO AND ITS
ASSOCIATED PROPERTY TO PROFANE BUT NOT SORDID USE**

THE FACTS

With the new parish of St. Bernard being erected on 13 August 1906, one of the first orders of business was to locate acceptable property for the construction of a church building. A lot was located on the corner of Clinton, Ogden, and Willett Streets by a group of parishioners established for this purpose. On 20 August 1906 the land was deeded to the parish for a sum of \$6,100.00. The land was purchased from Mr. Arthur H. Williams. The Rev. William Bernet, the first Pastor of St. Bernard Parish, utilized St. Casimir's church while his own church was being built on the newly acquired land. On 25 December 1907, the first Mass was celebrated in the new building.

The original St. Bernard church served the parish community until a new church was needed in 1953. Ground was broken for the new building on 25 April of that year and was formally opened in December of 1954. The first Mass in the new church was celebrated by Rev. Louis Kiefer at midnight on 25 December 1954. The experience of being at that first Mass in the new church is described as "a dream come true."

After spending \$350,000.00 for the new church, major renovations would not be needed again until the conclusion of the Second Vatican Council. A new altar was added in 1968 with the intention of welcoming the liturgical reforms brought about by the same council.

For many years, St. Bernard church served its intended purpose of providing a sacred building dedicated to divine worship for the people of that part of Buffalo. The church has known many wonderful Pastors. In September of 2022, the then St. Bernard Parish was united to a cluster of neighboring parish communities to form Family #32 in the diocesan Road to Renewal.

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. Bernard an independent parish. Consequently, it was decreed to be merged into Our Lady of Czestochowa Parish, Buffalo on 10 October 2024 with an effective date of 9 November 2024.

Now that St. Bernard church is set to be under the pastoral administration of Our Lady of Czestochowa Parish, Buffalo, 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. Bernard 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 regulate 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. Bernard church, it is necessary to point out that, from the front door of St. Bernard church, Casimir church is only 0.4 mile away and Our Lady of Czestochowa church is also 0.4 mile away. These are not unreasonable distances for an urban environment. In fact, the vast majority of the individuals who worship at St. Bernard church arrive by automobile. The distance to either of the abovementioned churches will not add more than two minutes for those who have until now been worshipping at St. Bernard 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 from Mr. Arthur H. Williams in 1906 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. Bernard church to profane but not sordid use following the norm of canon 1222 §2.

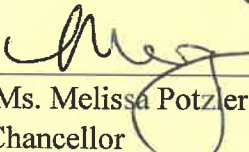
Thus, having done the requisite consultations and having gained the required consents, I, the undersigned Most Reverend Michael W. Fisher, Bishop of Buffalo, exercising my ordinary power in virtue of canons 1222 §2 do hereby decree that the church of St, Bernard, located at 1990 Clinton Street, Buffalo, New York 14206 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).

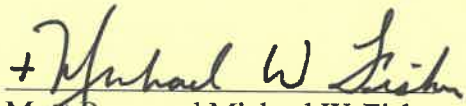
This decree is to be effective on Friday 15 November 2024.

This decree is to be communicated to the Rev. Michael Brown the Pastor of Our Lady of Czestochowa Parish, Buffalo (c. 532) and both the 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 30th day of October 2024.




Ms. Melissa Potzler
Chancellor


+ Michael W. Fisher
Most Reverend Michael W. Fisher
Bishop of Buffalo