

ALIENATION OF TEMPORAL GOODS1. *Term definitions*

Alienation in the strict sense of the term means the transfer, conveyance, gift or sale of temporal goods belonging to the stable patrimony of a juridical person (diocese, parish) to another person.

In the broad sense of the term, alienation is any act by which the patrimonial situation of a juridical person can be jeopardized (see canon 1295).

Stable patrimony: goods which, through lawful assignment or decision, have been declared to be part of the basic endowment of a juridical person (such as lands, buildings, scholarship funds, endowment funds, etc.), as distinguished from those goods used for day-to-day administration (such as current accounts, cash on hand, etc.).

2. *Intent of the policy*

To provide clear guidelines to be observed when there is question of alienating stable patrimony of the Church and make certain that an accurate account of all the temporal goods of the Archdiocese of Ottawa is maintained.

3. *Policy*

- a. The inventory of goods belonging to each parish and to the diocese shall clearly distinguish those goods which have been designated part of the stable patrimony of the parish or diocese, from other goods used for ordinary administration (see Policy, "Inventory of Goods Belonging to the Diocese or a Parish").
- b. When it is foreseen that alienation of stable patrimony, taken either in the strict sense of the term or in the broad sense, will take place, the matter must first be brought to the attention of the Regional Consultor or the Episcopal Vicar for Administration.

c. For the purposes of this policy, the following acts shall be presumed to constitute alienation:

- when church property is to be sold to others who are not a direct part of the diocese (for instance, to lay persons, to the Governments, to School Boards, etc.); however, the transfer to the diocese or to another parish in the diocese of land owned by a parish is not considered to constitute the alienation of stable patrimony;

- when property is mortgaged;

- when long-term loans are taken out, even though no existing property is being mortgaged;

- when money is being used for a purpose other than that for which it was constituted into a fund;

- when a church work is entrusted to a corporate board other than the RCECO without the appropriate powers being reserved to ecclesiastical authority to direct its philosophy and mission and to intervene at other moments when important decisions are being made (establishing of subsidiaries, contracting of debts, closing the work, and so forth).

d. The Holy See has established fixed minimum and maximum sums governing the consents to be received before alienation can take place.

At the present time, the minimum is \$350,000, and the maximum is \$3,500,000, both figures indexed to January 1, 1993.

e. On the basis of the norms recognized by the Holy See for Canada, and to promote due accountability, the following scale of values has been established to apply in cases of alienation of stable ecclesiastical property in the Archdiocese of Ottawa:

- under \$175,000: the Archbishop may give approval on *his own*;

- between \$175,000 and \$350,000: the diocesan bishop must *consult* the diocesan finance council and the college of consultors beforehand; (this Archdiocese has determined that acts situated within these limits are acts of major importance);

- between \$350,000 and \$3,500,000: the diocesan bishop needs three prior consents: those of the diocesan finance council, of the college of consultors, and of the interested parties; among the latter we could mention the parish priest, if the goods of the parish are being alienated;

- over \$3,500,000: in addition to the three consents noted immediately above, the consent of the *Holy See* is also required.

Requests for such alienations should be submitted through the Regional Consultor to the office of the Episcopal Vicar for Administration, where they shall be coordinated.

- f. In addition to alienations based on a monetary value, the Holy See also reserves to itself permission for the alienation of all historical or artistic works, as well as those which were donated to the Church by a vow. For this reason, the Archdiocese has established the policy regarding inventories of goods that would fall into such categories, thus preventing their alienation by oversight or default (see Policy, "Inventory of Goods Belonging to the Diocese or a Parish").
- g. Requests for the alienation of ecclesiastical goods shall indicate that the prescriptions of canons 1293-1294 have been observed:
- there must be a just reason for the transaction, such as urgent necessity, evident advantage, or a religious, charitable or other grave pastoral reason;
 - there must be an evaluation in writing, by at least two experts, of the goods to be alienated;
 - normally, goods are not to be alienated for a price lower than that given in the evaluations;
 - the money obtained must be carefully invested for the benefit of the Church, or prudently expended according to the purposes of the alienation;
 - furthermore, any request made by a parish priest to alienate goods owned by the parish must be accompanied by an extract of the minutes of the parish finance council where such a transaction was discussed and approved;

- this process is conducted by the office of the Episcopal Vicar for Administration.

4. *Exceptions*

Any exception to this policy is reserved to the Archbishop of Ottawa or his delegate.

5. *Effective date*

This policy is effective immediately.

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