



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. ALBERT THE GREAT, NORTH
TONAWANDA AND ITS ASSOCIATED PROPERTY TO PROFANE BUT NOT SORDID
USE**

THE FACTS

After the official founding of St. Albert the Great Parish in 1960, it would be some months before the community had a church of their own. The parish church was finally dedicated on 24 December 1961. This first church was soon outgrown by the congregation and a second church was completed in 1965.

The Journey in Faith and Grace initiative resulted in changes to St. Albert the Great Parish. After consultation with the Presbyteral Council, the Most Rev. Edward U. Kmiec decided to merge St. Albert the Great Parish with Ascension Parish on 2 November 2007. In the same decree, he also made the decision to discontinue the use of Ascension church, thus establishing St. Albert the Great church as the parish church for the new juridic person.

After consultation with the parishioners of the newly expanded St. Albert the Great Parish, Bishop Kmiec decided to rename the parish in accord with the results of a popular vote submitted by the Rev. Theodore Jost. The parish was renamed St. Jude the Apostle Parish on 22 May 2008. In September of 2022, St. Jude the Apostle Parish was joined with neighboring parishes to form Family #18 as part of the Road to Renewal. For many years, St. Albert the Great church served its intended purpose of providing a sacred building dedicated to divine worship for the people of that part of North 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. Jude the Apostle an independent parish. Consequently, it was decreed to be merged into St. Christopher Parish, North Tonawanda on 21 January 2025 with an effective date of 28 April 2025.

Now that St. Albert the Great church is set to be under the pastoral administration of St. Christopher Parish, North Tonawanda, the question of what to do with the church building and property has arisen. St. Christopher Parish already has a large parish church capable of accommodating the faithful from the entire future parochial territory. Due to the fact that St. Christopher 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. Albert the Great 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. Albert the Great church, it is necessary to point out that, from the front door of St. Albert the Great church, St. Christopher church is 2.7 miles away and Our Lady of Czestochowa church is 3 miles away. These are not unreasonable distances for an urban/suburban environment found in this part of the diocese. In fact, the vast majority of the individuals who worship at St. Albert the Great 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. Albert the Great 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 St. Christopher 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. During the discussion, the Council noted the vitality of the community at St. Jude the Apostle Parish. They pointed out that St. Albert the Great church was in a good location, that it was the proposed site of religious education for the Family of Parishes, and that it had been attracting members of the faithful from other nearby churches that were slated for closure. When the discussion finished, each member of the Council had the opportunity to vote on the church’s reduction. Only three members of the Council offered their support to the proposed reduction to profane but not sordid use with nineteen opposing it.

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 for the construction of the church 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 St. Christopher 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. Albert the Great 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. Albert the Great, located at 800 Niagara Falls Boulevard, North Tonawanda, New York 14120, 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 Monday 30 June 2025.

This decree is to be communicated to the Rev. Michael LaMarca, the Pastor of St. Christopher and St. Jude the Apostle 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