



**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. JOSEPH, LOCKPORT AND ITS  
ASSOCIATED PROPERTY TO PROFANE BUT NOT SORDID USE**

***THE FACTS***

In order to accommodate the vast number of recent Italian immigrants to the Lockport area, Bishop Charles H. Colton sent the Rev. Angelo Leva to organize pastoral care for this population in 1911. Rev. Leva organized a group of men who raised the funds to construct a church. This first church was dedicated on 29 December 1912 by Bishop Colton. St. Joseph Parish was established as a personal parish as opposed to a territorial one. Thus, St. Joseph never had parochial boundaries but existed to serve the Italian-American faithful of Lockport and the surrounding areas.

In 1946, land was purchased for a new church to be built on the corner of Adam and Market Streets. Ground was broken for this new construction on 27 February 1955. The church was finished the next year and dedicated on 17 June 1956 by Bishop Leo Smith. St. Joseph Parish was merged with St. Patrick Parish, St. Anthony Parish, and St. Mary Parish to form the new All Saints Parish on 3 February 2008. Since that time, it has been referred to as an oratory of All Saints Parish.

For many years, St. Joseph church served its intended purpose of providing a sacred building dedicated to divine worship for the people of that part of Niagara County. The church has known many wonderful Pastors, Administrators, and lay leaders. In March of 2023, All Saints Parish was united to a cluster of neighboring parish communities to form Family #10 in the diocesan Road to Renewal.

As part of the Road to Renewal, All Saints Parish was decreed to merge into St. John the Baptist Parish, Lockport on 25 November 2024 with an effective date of 6 January 2025. Individuals from All Saints Parish who felt personally aggrieved by this decision have written to me requesting that I revoke this decree. While recourse is pending, no action will be taken

related to the execution of my 25 November 2024 merger decree. As of today, I am aware that the case has been forwarded to the Dicastery for Clergy who will decide this recourse in due time. Since the creation of All Saints Parish in 2008, St. Patrick church has served as the duly designated parish church. As St. Joseph church (known as an oratory) is not the parish church, the current decree fully respects the suspensive effect that has been granted to the execution of the merger decree of 25 November.

All Saints Parish already has a large parish church capable of accommodating the faithful from the entire future parochial territory. Due to the fact that All Saints 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. Joseph 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. Joseph church, it is necessary to point out that, from the front door of St. Joseph church, St. John the Baptist church is 0.7 mile away and St. Patrick church is 1 mile away. These are not unreasonable distances for this part of the diocese. In fact, the vast majority of the individuals who worship at St. Joseph church arrive by automobile. The distance to either of the abovementioned churches will not add more than five minutes for those who have until now been worshipping at St. Joseph church.

On 30 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 All Saints Parish, the shortage of priests available for ministry in the area, the assessment of those in charge of the Road to Renewal initiative, the lack of need for this site, and a need to generate income to contribute to the diocesan Chapter 11 Bankruptcy settlement. It was also noted at this meeting that this plan was presented to the diocese as a whole and the faithful, in conjunction with their pastors, were given the opportunity to comment on the propositions. Family #10 resisted some elements of the proposal and accepted others. Among the proposed changes to the parishes and churches that make up Family #10, there was some appreciation for the reduction and potential alienation of St. Joseph church. The current state of the building was brought up which highlighted the cost of future repairs. The matter was discussed, and each member of the Council had the opportunity to vote. The Council decided nearly unanimously to support the proposed reduction.

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 this 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 All Saints 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. Joseph church to profane but not sordid use following the norm of canon 1222 §2.

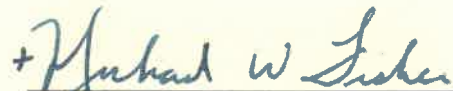
Thus, having done the requisite consultations and having gained the required consents, I, the undersigned Most Reverend Michael W. Fisher, Bishop of Buffalo, exercising my ordinary power in virtue of canons 1222 §2 do hereby decree that the church of St. Joseph, located at 391 Market Street, Lockport, New York 14094, 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).

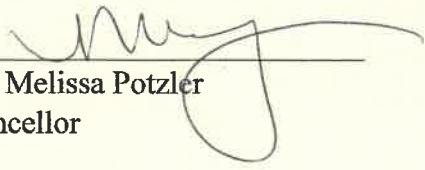
This decree is to be effective on Monday 2 June 2025.

This decree is to be communicated to the Rev. Matt M. Nycz, the Moderator of the priests *in solidum* assigned to care for All Saints Parish (c. 520 §1) and the churches affected by this extinctive merger (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 5<sup>th</sup> day of March 2025, Ash Wednesday.



  
Most Reverend Michael W. Fisher  
Bishop of Buffalo

  
Ms. Melissa Potzler  
Chancellor