

Rothwell Figg Assists Pro Bono Client Holy Ghost Society of Plymouth Achieve Religious Exemption from Mandatory and Burdensome Town Requirement

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Up until the vote by the Plymouth Board of Selectman on the evening of April 28, 2020, The Holy Ghost Society of Plymouth, a religious non-profit organization founded over 100 years ago for the purpose of supporting the religious activities of Plymouth's Portuguese immigrant community, was under a Town mandate to connect to the Town sewer—a mandate that meant huge costs and the potential dissolution of The Holy Ghost Society itself. The Holy Ghost Society fought back by retaining Rothwell Figg as *pro bono* counsel and seeking an exemption under a federal law protecting religious organizations from overly burdensome local regulations-- the Religious Land Use and Institutionalized Persons Act ("RLUIPA").

"We are pleased that the Town made the determination to exempt the Society from the sewer connection requirement," said James Shores, President of the Holy Ghost Society of Plymouth. "The Holy Ghost Society, along with our members, have deep roots in this community. It is refreshing to see the Town stand with us to recognize our valuable, long-standing traditions in America's hometown. On behalf of the Holy Ghost Society, we feel this is a satisfying outcome."

Rothwell Figg's Dan Shores, on behalf of the Society, cited several reasons it should be exempt from the mandate, including the fact that it would face insolvency if it was forced to connect to the Town sewer. They also argued that federal law - the Religious Land Use and Institutionalized Persons Act ("RLUIPA") - prevents town laws from unfairly impacting a community's religious institutions. In its letter to Town officials, they cited previous legal decisions that found similar mandates to represent a "substantial burden" and irreparable financial loss for religious institutions. "

"The new Town sewer connection requirement imposed a substantial burden on the Holy Ghost Society which ran afoul of RLUIPA," said Dan. "Indeed, application of The Town Bylaw would have bankrupted the organization and caused it to cease its religious

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activities. We were pleased to see the Town—in the year of its 400th anniversary of the founding of the Plymouth Bay Colony—once again protect religious freedom.”

The document below is a copy of the letter sent to the Town from Rothwell Figg, who is representing The Holy Ghost Society on a *pro bono* basis. Dan Shores and Nicole DeAbrantes of Rothwell Figg, worked on this matter on behalf of the Holy Ghost Society of Plymouth.