

Offered by City Councilor Lydia Edwards, Flaherty, Arroyo, Bok, Breadon, Fernandes Anderson, Lara, Louijeune, Murphy, Worrell and Flynn



CITY OF BOSTON IN CITY COUNCIL

Home Rule Petition

ORDERED: That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this order be, and hereby is, approved under Clause 1 of Section 8 of Article II, as amended, of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts, provided that the Legislature may reasonably vary the form and substance of the required scope of the general public objectives of the petition:

PETITION FOR A SPECIAL LAW RE: SECURING ENVIRONMENTAL JUSTICE IN THE CITY OF BOSTON

SECTION 1.

The General Court finds and declares that a serious state of emergency exists in the City of Boston regarding environmental injustice and climate change, whereby residents of the City suffer from air and water pollution and a lack of open space and tree canopy, and whereby environmental justice communities bear a disproportionate burden of industrial pollution, risk of extreme heat and flood, and displacement from natural and unnatural forces, and further finds that additional safeguards are needed to secure the environmental rights afforded to all residents pursuant to Article XCVII of the Massachusetts Constitution with regards to the siting and operation of energy and industrial projects.

SECTION 2.

Section 6 of Chapter 665 of the Acts of 1956, as amended, is hereby amended by striking out the section in its entirety and inserting in place thereof the following section:-

The Boston Zoning Commission shall in consultation with the state Environmental Advisory Council, Public Service Corporations, environmental justice advocates within one calendar year of enactment of this section, promulgate zoning rules and regulations to govern the review of filings, petitions or proposals by public service corporations and the standards for environmental justice enforcement within the City of Boston's building code

SECTION 3.

Section 7 of Chapter 665 of the Acts of 1956, as amended, is hereby amended by inserting at the conclusion of Section 7 the following paragraph:-

Upon a determination that a use or a proposed use of a building, structure, facility, or land in the City of Boston would impede the attainment of environmental rights afforded to residents of the Commonwealth pursuant to Article XCVII of the Massachusetts Constitution, or prevent the implementation of the Environmental Justice principles as defined in Chapter 8 of the Acts of 2021, or prevent the preservation and protection of the rights in tidelands of the inhabitants of the Commonwealth as defined in Chapter 91 of the General Laws, the Building Commissioner of the City of Boston may issue a stop work order. The Building Commissioner shall indicate the purpose, rationale, conditions and duration or permanency of such order, and provide instruction to public officers concerning the suspension or rescission of any permit, license or authorization associated with such use or proposed use. The Building Commissioner shall within one year of enforcement, submit a report that at the very minimum summarizes the enforcement process, number of complaints, any disparities, information about repeat offenders. This report shall be made public and presented to the City Council.

SECTION 4. The provisions of this ordinance are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions, which remain in full force and effect.