

October 17, 2022

Julie Mejia
Boston City Councilor, At-Large
Boston City Hall, 5th Floor
One City Hall Plaza
Boston, MA 02201

Re: Docket 1192 - 17F Request Related to Small Business Relief Fund

Dear Councilor Mejia:

We have received your [demand for records](#) under the Massachusetts Public Records Law, filed with the City Council pursuant to Section 17F of Chapter 452 of the Acts of 1948. Specifically, you seek

1. *The list of all applicants, awardees, and amount of the disbursements for the City of Boston's Small Business Relief Fund and Small Business Relief Fund 2.0*
 - a. *Without name or any other personal identifying information, a total number of applicants and awardees:*
 - i. *home address and zip code.
(street is not enough, we request the number as well)*
 - ii. *race and ethnicity*
 - iii. *business address and zip code*
 - iv. *primary spoken language at home*
 - v. *gender identity*
 - vi. *Type of Business*
 - vii. *Type of Grant received: relief or growth*
 - viii. *Amount distributed and date distributed*
 - ix. *Use of funds*
 - x. *Reason for approval / decline*
 - xi. *any additional information requested via the application process that is not personally identifying.*

Section 17F of [Chapter 452 of the Acts of 1948](#) is found in Chapter 190 of the Acts of 1982. Section 17F was introduced in [Chapter 376 of the Acts of 1951](#) as an amendment to Chapter 452 of the Acts of 1948 and stated:

The city council at any time may request from the mayor specific information on any municipal matter within its jurisdiction, and may request his presence to answer written questions relating thereto at a meeting to be held not earlier than one week from the date of the receipt of said questions, in which case the mayor shall personally, or through a head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter. The mayor at any time may attend and address the city council in person or through the head of a department, or a member of a board, upon such subject as he may desire.

Section 17F was amended by [Section 16 of Chapter 190 of the Acts of 1982](#). This section adds to Section 17F of the Acts of 1951 as follows:

SECTION 16. Section 17F of chapter 452 of the acts of 1948, inserted by chapter 376 of the acts of 1951, is hereby amended by inserting after the second sentence the following sentence:- Specific information, as used in this section, shall include any and all records, other than those exempt from disclosure under clause Twenty-six of section seventy-seven [sic] of chapter four of the General Laws, within the control of any executive department or agency of the city, including the Boston water and sewer commission and the Boston Redevelopment Authority, whether the information is in printed or electronic form. For the purposes of enforcing this section, the city council shall have standing to request a justice of the superior court department of the trial court of the commonwealth to issue appropriate orders to compel compliance with this section.

As indicated in Section 16, “clause Twenty-six of section seventy-seven [sic] of chapter four of the General Laws.” This part of the General Laws is also known as the Massachusetts public records law. G. L. c. 4, § 7 (26). It is presumed this reference is to section seven as there is no “section seventy-seven” of chapter four, nor has there ever been such a section. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleI/Chapter4>. Massachusetts courts have consistently held that: “[w]here, as here, a statute contains an obvious clerical error, a court may depart from the statute’s literal meaning in order to effectuate legislative intent.” Com. v. Maloney, 447 Mass. 577 (2006) citing Cohen v. Commissioner of Div. of Med. Assistance, 423 Mass. 399, 409 (1996). Further, “[i]n criminal cases no less than in civil, ‘where the draftsmanship of a statute is faulty or lacks precision, it is [the court’s] duty to give the statute a reasonable construction.’” Com. v. Maloney, 447 Mass. 577 (2006) citing Com. v. Pagan, 445 Mass. 315, 319 (2005) quoting Capone v. Zoning Bd. of Appeals of Fitchburg, 389 Mass. 617 (1983).

As indicated in the Acts of 1982, any record provided under Section 17F is subject to the exemptions provided by the Massachusetts public records law. Thus, departments may withhold portions of responsive records so long as a specific exemption to the law is cited.

[Attached](#) is a spreadsheet that is responsive to the 17F Docket 1192 for data on Boston's Small Business Relief Fund.

Please note the following regarding this record

- Because some of the businesses we served are home-based, including full business addresses would disclose private information. To resolve this issue, we only included street name, zip code, and neighborhood rather than full addresses. This identifying information is removed in order to address applicant confidentiality. Such citizens have an expectation of privacy with respect to identifying information associated with recipients of a governmental benefit. The public interest does not outweigh the privacy interest, and the information is not readily available from another government agency. G. L. c. 4., § 7 (26) (c).
- We didn't include any questions about primary languages spoken in homes in the application so we were not able to include that information
- We've only included a list of current recipients to-date as we are still in the processes of awarding funds
- We've included an approximate date of award disbursement as we are still working on reconciling our records to match the general ledger.

Thank you, Councilor Mejia, for providing this department of the Mayor's Office the opportunity to describe its work. We encourage you to contact us at any time if you have additional questions about this matter or any matter associated with this office.