

OFFERED BY COUNCILORS LYDIA EDWARDS AND KENZIE BOK, Breadon
Flynn, Arroyo, Baker, Campbell, Flaherty, Essaibi-George, Mejia, O'Malley and Wu



CITY OF BOSTON IN CITY COUNCIL

IN THE YEAR TWO THOUSAND TWENTY ONE

HOME RULE PETITION

- WHEREAS,** The maximum fine resulting from violations of ordinances, by-laws, rules or regulations in the City of Boston is three hundred dollars; *and*
- WHEREAS,** Many large property owners, developers, corporations, and individuals remain unfettered by fines if they are able to pay them and allow fines to accumulate for months or years without taking action to remedy the violation; *and*
- WHEREAS,** This dynamic often means that Boston residents have to continue to endure the impact of these violations, including in the case of problem properties and illegal short-term rentals; *and*
- WHEREAS,** The low dollar amount for fines also reduces the efficacy of important tenant protections laws and regulations, including in the case of a condo conversion where a building owner is fined for not informing current tenants of a conversion and their rights; *and*
- WHEREAS,** An amendment to Massachusetts General Laws Title VII, Chapter 40, Section 21D would not increase any current fines from three hundred to three thousand dollars and would not result in a changed fine schedule, but rather, would give the City of Boston the opportunity to propose specific fine increases which would then be reviewed by the Boston City Council and may result in a vote; *and*
- WHEREAS,** Authorized use of non criminal disposition of fines is specifically limited by statute that provides any ordinance, by-law, rule, or regulation by any municipal officer, board, or department shall delineate who the enforcement person is to be, and specify the individual penalty to be applied of each provision of the violation ; **NOW, THEREFORE BE IT**
- 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, to the end that legislation be adopted as follows, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

**PETITION FOR A SPECIAL LAW RE: AN ACT RELATIVE TO BOSTON AND
NON-CRIMINAL DISPOSITION OF FINES**

Section 1. Massachusetts General Laws Title VII, Chapter 40, Section 21D, Fifth Paragraph, First Sentence, reads as follows;

“Any person notified to appear before the clerk of a district court as hereinbefore provided may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the city or town clerk of the municipality within which the violation occurred together with the notice such specific sum of money not exceeding three hundred dollars as the town shall fix as penalty for violation of the ordinance, by-law, rule or regulation.”

shall be stricken and replaced as follows;

“Any person notified to appear before the clerk of a district court as hereinbefore provided may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the city or town clerk of the municipality within which the violation occurred together with the notice such specific sum of money not exceeding three thousand dollars as the town shall fix as penalty for violation of the ordinance, by-law, rule or regulation.”

Section 2. Notwithstanding any other law, rule, regulation, or provision to the contrary, these sections shall not conflict with M.G.L Chapter 40U

Section 3. This act shall take effect immediately.

Filed on: 22 September 2021