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September 6, 2017

Shawn Cooper
90 Medford Street #648
Boston, MA 02129

RE: Initiative Petition No. 17-15, Proposed Land Reform Law

Dear Mr. Cooper:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, we have reviewed the above-referenced initiative petition, which was submitted to the Attorney General on or before the first Wednesday of August of this year. I regret that we are unable to certify that the proposed law is in “proper form for submission to the people,” as required by Article 48, the Initiative, Part 2, Section 3. Our decision, as with all decisions on certification of initiative petitions, is based solely on art. 48’s legal standards; it does not reflect any policy views the Attorney General may have on the merits of the proposed law.

An initiative petition that does not propose either a law or a constitutional amendment is not in proper form for certification by the Attorney General. See Amend. Art. 48, The Initiative, Part II, Section 1 (“An initiative petition shall set forth the full text of the constitutional amendment or law . . . which is proposed by the petition.”); Paisner v. Attorney General, 390 Mass. 593, 598-599 (1983) (to be in proper form for submission to the voters, initiative under Article 48 must propose either a constitutional amendment or a law).¹ For purposes of Article 48, the Massachusetts Supreme Judicial Court has described a law “as including a measure with binding effect, or as importing ‘a general rule of conduct with appropriate means for its enforcement by some authority possessing sovereign power over the subject; it implies command and not entreaty.’” Mazzone v. Attorney General, 432 Mass. 515, 530 (2000) (citing Opinion of the Justices to the House of Representatives, 262 Mass. 604, 605 (1928)).

In this case, Petition 17-15 proposes a policy to allow individuals to buy “buildable (city owned) vacant land parcels for an affordable fair market value.” The petition does not include any mechanism for its enactment or enforcement. It is not possible to discern from the text whether an administering entity would be created, whether enforcement would be placed with an already existing entity, or what, if any, consequences or penalties would flow from a violation of

¹ Initiative Petition 17-15 does not suggest a constitutional amendment. Therefore, the only relevant inquiry is whether it proposes a law.



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the proposed law. With no means of implementation or enforcement, the petition does not state a law and cannot be certified.

In addition, pursuant to Article 48, the Attorney General must prepare a “fair and concise summary” of the proposed petition which aims to ensure that “the voters understand the law upon which they are voting.” Bowe v. Sec’y of the Commonwealth, 320 Mass. 230, 241 (1946). Many of the terms used in Petition 17-15 are ambiguous, making it impossible to draft a fair and concise summary as required by Article 48. For instance, the terms “small buildable” and “affordable fair market value” are not defined in the petition and are susceptible to multiple interpretations. These terms lack specificity that would allow the Attorney General to fairly and concisely inform the voter as to the meaning of the proposed law.

In light of the fact that Petition 17-15 contains no means of implementation or enforcement and uses ambiguous terms that impair our ability to prepare a fair and concise summary of the proposed law, Petition 17-15 is not in “proper form for submission to the people” and cannot be certified.

Very truly yours,



Juliana deHaan Rice
Deputy Chief
Government Bureau

cc: William Francis Galvin, Secretary of the Commonwealth