

On Sep 23, 2024, at 1:11 PM, Mary Foley

Dear MBTA Task Force Members,

In case you have not yet read this letter from the MMA to the SJC regarding 3A remedy for non-compliance.

<https://www.mma.org/advocacy/in-letter-to-sjc-mma-states-that-section-3a-clearly-articulates-remedy-for-non-compliance/>

This addresses the non-compliance penalties that are spelled out in the Law. And the legality of adding on to penalties outside of the Law.

"When a statute specifies a particular remedy for non-compliance, that remedy has been held to be exclusive. Here, the particular remedy to non-compliance is specified, and four specific funding sources are intentionally included in the statute as a clear expression by the Massachusetts General Court. In fact, the statute was recently amended by Chapter 7, Section 152 of the Acts of 2023 to include the fourth funding stream: the newly-codified HousingWorks infrastructure program. The General Court was clear about the penalties for non-compliance with 3A. Had they contemplated additional consequences or enforcement authority, they surely would have included it in the statute during its passage, or through its subsequent amendment. Since the remedy is explicitly stated in the statute, the pursuit of further penalties should not be recognized."

-Mary

*I apologize if you receive duplicate emails on this. There was an issue with how I originally sent out the email.