



# Fact Sheet on Boston Charter Reform

Key take-aways from the Boston Charter Reform Study Group,  
Co-convened by the Center for Economic Democracy (CED)

## What's a Charter and how does it relate to other laws?

1. Legally speaking, US cities are created by their state, i.e. Massachusetts determines the scope of the City of Boston's power and governing structures.
2. All forms of city law are **preempted** by state law (and also by federal law). This means that no city laws can contradict state or federal laws. The question of whether Boston laws are in conflict with Massachusetts laws is usually decided by the state's Attorney General and/or the Supreme Judicial Court of Massachusetts.
3. The **Boston city charter** is a combination of individual laws passed over more than a century by the state of Massachusetts and by the City of Boston. The city charter establishes the balance of power between the City Council and Mayor, the role and relationships between city agencies and commissions- such as school committees and planning and zoning boards- and the processes used to make decisions, such as elections, budgets and land use approvals.

## How does Boston's City Charter work?

1. Boston's city charter is not captured by a single, concise document. Instead, the current charter contains portions of a charter from 1909, major revisions from 1949, general state laws affecting all cities in MA, statutes passed by the state legislature specific to Boston, and other legislation.
2. The 1909 City Charter emerged from political battles over the structure of the city's government. The Yankee-Protestant elite of Boston succeeded in rewriting the charter to create a "strong mayor" city, thus limiting the political influence of the growing immigrant population- primarily Irish at the time. Responding to the same tensions, the Massachusetts state legislature introduced handicaps to Boston's government that severely limited the city's powers to raise revenue, borrow, and spend.
3. A report by the Harvard Kennedy School in 2007 argues that compared to peer cities, Boston is legally restrained by (1) the state government's broad powers to preempt local



laws, (2) unwieldy charter reform processes, (3) limitations on fiscal discretion that lead to an over-dependence on the property tax, and (4) legal structures that prohibit innovative planning and land use tactics.

4. There are several avenues for changing or updating Boston's city charter. These include via an elected Charter Commission that rewrites the charter; via the Massachusetts state legislature passing a Special Act; or via a Local Order or amendment proposed and approved by the City Council and then approved by Boston voters in the following municipal election cycle. **Councilor Lydia Edwards is currently advancing this third strategy.**

## Recent Efforts to Update the Boston City Charter

1. The most recent formal revision to the Boston city charter was in 1993 to update procedures replacing district city councilors. In 1991, the most substantive modern charter change abolished the elected school committee and replaced it with a Mayor-appointed committee.
2. In the **2009** mayoral contest, **Councilor Sam Yoon** challenged and lost to incumbent Mayor Thomas Menino on a platform that included municipal charter reform. Yoon's proposal focused on shifting budgetary powers from the mayor to the city council and creating term limits for Mayor and City Council seats.
3. More recently, after becoming Chair of the Education Committee in 2018, **Councilor Annissa Essaibi-George** called a public hearing to explore reinstating democratic representation on the school committee through charter reform.
4. Responding to Boston's housing crisis, **Councilor Michelle Wu** has called for the abolition of the Boston Planning and Development Agency and the absorption of its duties into the City, which would require charter changes to enact. Learn more in the Oct 2019 report, "[Fixing Boston's Broken Development Process -- Why and How to Abolish the BPDA.](#)"
5. In 2020, **Councilor Lydia Edwards** proposed an amendment to the Boston city charter that would improve transparency and increase public participation in the city's budgeting process. The amendment would allow residents to contribute and vote on budget ideas through Participatory Budgeting, and allow City Councilors a voice in creating the budget-- a process currently controlled by the mayor.



# Rewrite the Rules

## Boston Charter Reform for a People's Budget

Responding to the long history of institutional assaults on Black bodies in the United States, the #BlackLivesMatter racial justice uprisings of 2020 highlighted the need to defend Black communities, including by reforming city budgets, defunding the police and investing in community safety. As local elected officials across the country sought to respond to these popular demands, they encountered **limits imposed by their city charters**.

A **city charter** is the set of state and municipal laws that establishes the city government's structure and defines the power of city officials. Charters are periodically updated to ensure city government continues to serve the evolving social, cultural and political needs of present-day residents.

**Boston's city charter gives the mayor total power to create the city budget each year**, and to decide what portion goes to the Police Department vs. Health and Human Services, in addition to dozens of other city programs from street maintenance to public schools. Unlike many large cities across the U.S., Boston's strong-mayor charter limits City Councilors' influence over the budget—**Councilors have no power to increase, add or create budget items and can only vote to reduce or reject them**.

Even further removed from the budgeting process than the Councilors, Boston residents have no clear way to contribute knowledge and solutions for our own neighborhoods or to help the city design an annual budget that actually responds to the needs and priorities of our communities.

We need an updated city charter that enables Boston's city budget and budgeting process to include the many voices of this city. We support Councilor Lydia Edwards proposed Charter Amendment to create a Participatory budgeting process and expand the power of City Councilors to represent their constituents in annual budget decisions.

In Minneapolis, Baltimore, Boston and other major US cities, rewriting the rules by updating city charters has become a clear first step towards transforming policing, reinvesting in our communities, and building local structures for community safety, accountability and justice.

To realize the promises of democracy, voters must have a greater voice in governing our city. **Updating the City Charter is a key strategy to democratize and modernize our city's governance and to build a more just and equitable Boston.**