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Boston's Restricted Local Control

Boston Licensing Board is vestige of outdated state control

A bill now in the Senate to increase the salaries of the three members and the administrator of the Boston Licensing Board seems innocuous enough but actually it is a symbol of a much larger issue. The bill reflects the City of Boston's lack of flexibility under Massachusetts home rule to control its own operations and shape its own future, especially when contrasted to other comparable American cities.

A comprehensive report on the scope and implications of Massachusetts home rule on Boston, titled *Boston Bound*, was undertaken by Harvard Law School professors Gerald Frug and David Barron with the support of The Boston Foundation and released this past February. The report compared the legal powers of Boston and six other comparable cities in the United States (Atlanta, Chicago, Denver, New York City, San Francisco and Seattle). The report found that "Boston's power is constrained by the state to an extent that is unique among the places studied."

[Boston Bound](#)

The comparison of Boston with the six cities makes clear how the existing legal structure restricts Boston's ability to make changes regarding its economic future, placing the City in a competitive disadvantage. For example, Boston was found to depend on the property tax for more than twice as much as any of the other six cities, which overly influenced its economic development and planning decisions.

This report comes at a time when Boston and other cities in the United States are facing challenges in an increasingly competitive global environment. Governor Patrick has submitted legislation (H3749, section 35) now in the House that would establish a special commission to consider steps to increase local authority in areas currently requiring state approval through home rule petitions. Also, The Boston Foundation has formed a Home Rule Advisory Committee to explore ways to strengthen home rule in the Commonwealth.

The Boston Licensing Board is relevant to this issue because it is a dated vestige of undue state oversight of Boston. The three members of the Boston Board are still appointed by the Governor. The Licensing Board is responsible for granting and regulating liquor licenses in the City. That duty includes holding hearings concerning any violations and the removal of licenses if warranted. The Board also regulates food licenses in Boston as well.

The Mayor's Office of Consumer Affairs and Licensing has similar responsibilities in Boston related to entertainment licenses. Over the years, the Mayors of Boston periodically have proposed combining the two offices to create greater efficiencies. However, the Mayors have not been successful in convincing the Governors to forego the three coveted appointments to the Licensing Board.