

## FOR IMMEDIATE RELEASE

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### Contact:

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### Statement from Denny Swenson: On Separation of Powers

Milton, MA – Denny Swenson has issued the following statement regarding the recent actions taken by the Healey administration in relation to housing-related grants and the violation of the separation of powers principle fundamental to our democratic government.

The Massachusetts legislature was clear and specific in the statute that they enacted. The statute lists 4 housing-related grants that a town would risk if non-compliant.

The Healey administration unilaterally, without any legislative amendment, increased the list to 13 grant areas spanning numerous agencies most of which have nothing to do with housing.

The Executive Branch doesn't get to write the legislation or re-write it after the fact. Doing so violates the separation of powers between the different branches of government. The executive branch doesn't legislate, even if it is for a well-meaning cause. We all want to solve the need for housing, but the Healey Administration cannot run over our basic form of democratic government. Our government is built on a system of checks and balances.

Three days before our Town Meeting vote Governor Healey went on WBUR radio and threatened additional penalties.

"I think I have been really clear about this. I take enforcement of that law very seriously. I am hoping all will come into compliance **and I have said that for those who don't, you will see withholding of state money.** In fact, **what we did under our administration is** we took the existing list of programs that communities were not going to get money for if they didn't comply and we actually added to that list. **We more than doubled that list.** Right now, for communities, if you don't comply with the Act then you are going to see us withholding as a state money for any number of programs that you are used to receiving money for. **That includes for schools, for roads and bridges, that includes for a host of things that are important to communities.** *(emphasis added)*  
<https://www.wbur.org/news/2023/12/08/maura-healey-mbta-communities-act-zoning-law>

The Healey administration got the vote they wanted at our Town Meeting. Town Meeting Members described the fear they felt from the statements coming from the Governor.

But the state got the opposite result during the town-wide vote. The tactic of bullying and fearmongering didn't work at the ballot box.

Refusing to address that this "one size fits all" zoning hurts our town is the big elephant in the room. There needs to be an avenue for the town to address these challenges with the state.

For further information please see section IV of this Amicus Brief:

[https://www.ma-appellatecourts.org/pdf/SJC-13580/SJC-13580\\_13\\_Amicus\\_Swenson\\_Et\\_Al\\_Brief.pdf](https://www.ma-appellatecourts.org/pdf/SJC-13580/SJC-13580_13_Amicus_Swenson_Et_Al_Brief.pdf)

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