

Office of the Town Clerk  
116 Main Street, Room M11  
South Hadley, MA 01075  
(413) 538-5030 ext.6115

Sarah B. Gmeiner, Town Clerk  
Zoe Ingram, Assistant Town Clerk

## Legal Notice

The following Zoning By-law(s) and or General By-law(s) were voted and approved by South Hadley Town Meeting Members at the May 14, 2025 Annual Town Meeting. These By-laws were approved by the Attorney General on **December 10, 2025** after a 60-day and 30-day extensions and posted by David J. Labrie on **December 11, 2025**.

### ARTICLE 20 – CITIZEN PETITION – SOUTH HADLEY WELCOMING COMMUNITY ORDINANCE

Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting requirements of that statute. Copies of such by-laws may be examined and obtained at the Town Clerk's Office.

The inhabitants of South Hadley were notified by posting of attested copies of the same at the following places, to wit:

Town Office Building 116 Main St.,  
Main Library 2 Canal St.,  
COA 45 Dayton St.,  
Fire Station District #2 20 Woodbridge St.,  
Water District #1 438 Granby Rd.

Signed:   
Sarah B. Gmeiner, Town Clerk



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
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December 10, 2025

Sarah B. Gmeiner, Town Clerk  
Town of South Hadley  
116 Main Street, Room M11  
South Hadley, MA 01075

**Re: South Hadley Annual Town Meeting of May 14, 2025 – Case # 11930**  
**Warrant Articles # 17, 18, and 19 (Zoning)**  
**Warrant Article # 16 (Historic)**  
**Warrant Articles # 15 and 20 (General)<sup>1</sup>**

Dear Ms. Gmeiner:

**Article 20** - Under Article 20, by citizen petition, the Town voted to amend its general by-laws to add a new unnumbered by-law, “South Hadley Welcoming Community Bylaw” that affirms that South Hadley is a “welcoming community” and assures that town officials “will treat all persons equally, enforce laws, and serve the public without consideration of immigration status.” See Introduction and Section 4. As part of this, the by-law restricts the information that can be provided by town officials to a federal immigration agency and prohibits a town official from initiating an investigation or taking law enforcement action on the basis of immigration status unless the request is accompanied by a judicial warrant. See Sections 3 and 7.

We approve Article 20 because it does not conflict with state law. See Lunn v. Commonwealth, 477 Mass. 517 (2017) (Supreme Judicial Court ruling that state and local law enforcement officers have no legal authority to arrest, detain, or hold an individual based solely on a federal civil immigration detainer); see also Amherst v. Attorney General, 398 Mass. 793, 795-96 (1986) (requiring inconsistency with state law or the Constitution for the Attorney General to disapprove a by-law).

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<sup>1</sup> In a decision issued September 11, 2025, we approved Articles 15 and 17 and by agreement with Town Counsel as authorized by G.L. c. 40, § 32, we extended our deadline for review of Articles 16, 18, 19, and 20 for 60 days until November 10, 2025. On November 7, 2025, we issued our second decision: (1) approving Articles 16 and 18; (2) partially approving Article 19; and (3) extending our deadline for review of Article 20 for an additional 30 days until December 10, 2025.

In this decision, we summarize the by-law amendments adopted under Article 20; discuss the Attorney General’s standard of review of town by-laws; and then explain why, based on our standard of review, we approve Article 20.

## **I. Attorney General’s Standard of Review of General By-laws**

Our review of Article 20 is governed by G.L. c. 40, § 32. Under G.L. c. 40, § 32 the Attorney General has a “limited power of disapproval,” and “[i]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws.” Amherst, 398 Mass. at 795-96 (1986) (establishing the scope of the Attorney General’s by-law review as determining conflicts with state law). The Attorney General does not review the policy arguments for or against the enactment. Id. at 798-99 (“Neither we nor the Attorney General may comment on the wisdom of the town’s by-law.”) To disapprove a by-law (or any portion thereof), the Attorney General must cite to an inconsistency between the by-law and the state Constitution or laws. Id. at 796. “This is because a municipality has no power to adopt a by-law that is “inconsistent with the constitution or laws enacted by the [Legislature].” Home Rule Amendment, Mass. Const. amend. art. 2, § 6.

## **II. Summary of Article 20**

Under Article 20, by citizen petition, the Town voted to add a new “South Hadley Welcoming Community Bylaw” to its general by-laws. The purpose of the new by-law “is to affirm that the town of South Hadley is a welcoming community, to promote trust between community members and employees of the town of South Hadley, and to facilitate effective law enforcement and public safety policies.” Introduction Section. We summarize the by-law adopted under Article 20 below.

The by-law includes a Section entitled “Definitions,” that defines the following terms: (1) “Town officials;” (2) “Civil immigration detainer request;” (3) “Eligible or release from custody;” and (4) “ICE [Immigration and Customs Enforcement] administrative warrant.” Section 1 prohibits a Town Official from questioning persons about their immigration status “unless such inquiry is required by state or federal law.” In addition, Section 1 provides that the by-law shall not be used to prohibit the South Hadley Police department “from using other investigatory tools to establish information about the suspect of a crime.” Section 2 prohibits a Town Official from taking legal action or discriminating against a medical, educational, or faith institution “in their mission of providing refuge to immigrants and their families.”

Section 3 provides that a Town Official “shall not initiate an investigation or take law enforcement action, including regulatory action, on the basis of actual or perceived immigration status.” Section 4 establishes the policy of the town to provide equal treatment without consideration for immigration status. Section 5 provides that a person’s immigration status “shall not prohibit or inhibit the Town or any Town Official’s participation in any government operation or program that confers an[] immigration benefit, or temporarily or permanently protects noncitizens from removal” ad provided in certain identified programs.<sup>2</sup>

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<sup>2</sup> We note that Section 5 references “[n]otwithstanding sections A and C above,” but the by-law does not include a Section A or Section C. The Town should discuss with Town Counsel whether this text should

Section 6 prohibits a Town Official from detaining or delaying the release of an individual who is eligible for release from custody, on the basis of a civil immigration detainer request or an ICE administrative warrant “unless ICE has a criminal warrant, issued by a judicial officer, for the individual.” Section 7 provides that a Town Official “shall honor judicial warrants, but shall not respond to an ICE request for notification” related to a person’s incarceration status or pending release from custody. In addition, Section 7 prohibits a Town Official from providing ICE with information regarding a person’s home address, work address, or phone number.

Section 8 authorizes “[t]o the extent permissible by law, a town official shall not perform the function of an immigration officer...” However, Section 9 provides that “[n]othing in this bylaw shall prohibit or restrain any town official sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.”

The last Section, “Implementation,” provides that the by-law will be effective upon satisfaction of the procedures in G.L. c. 40, § 32; authorizes the prompt development, promulgation and implementation of any policies, practices, procedures, directives or training needed to “effectively and faithfully implement this bylaw;” and contains a severability clause.

### **III. We Approve Article 20 Because it Does Not Conflict with State Law**

We approve Article 20 because it does not conflict with the Constitution or laws of the Commonwealth. Among other provisions, the by-law requires equal treatment of all individuals by Town Officials; restricts Town Officials from providing information to federal immigration agencies; and prohibits Town Officials from performing the function of an immigration officer. In addition, the by-law prohibits the delay or detainment of an individual related to immigration status (including at the request of an ICE detainer or administrative warrant) unless the request is accompanied by a judicial warrant. As discussed below, these provisions do not conflict with state law. Indeed, the Massachusetts Supreme Judicial Court has affirmed that law enforcement officials lack authority under Massachusetts law to arrest an individual pursuant to a request contained in a Federal civil immigration detainer. Lunn, 477 Mass. at 517.

One of the central mandates of South Hadley’s new by-law – that Town Officials will not delay or detain individuals solely on the basis of a detainer request from ICE that is non-criminal in nature and not subject to a judicially issued warrant – is in harmony with the Lunn court’s conclusion that “Massachusetts law provides no authority for Massachusetts [law enforcement officers] to arrest and hold an individual solely on the basis of a Federal civil immigration detainer, beyond the time that the individual would otherwise be entitled to be released from State custody.” Lunn, 477 Mass. at 537; see also the Attorney General’s Guidance, “Information for Massachusetts Municipalities Regarding Immigration Enforcement,” (“AGO Guidance”) (“Municipal employees, including members of local law enforcement agencies, cannot be compelled by the federal government to carry out federal civil immigration enforcement.”).<sup>3</sup> For this reason, we

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be amended at a future Town Meeting to address this issue.

<sup>3</sup> This AGO Guidance can be found here: <https://www.mass.gov/doc/information-for-massachusetts->

approve this provision of the new by-law.

We similarly approve the remaining portions of the new by-law that imposes additional requirements upon the Town Officials, including not taking law enforcement action on the basis of immigration status; providing equal treatment of all persons without consideration of immigration status; limiting the disclosure of certain contact information to ICE; and prohibiting a Town Official from functioning as an immigration officer, because these by-law provisions also do not conflict with the Constitution or laws of the Commonwealth. See *Amherst*, 398 Mass. at 796; see also AGO Guidance, *id.*, (“Municipalities should consider adopting comprehensive policies and procedures that apply to any law enforcement activity in municipal buildings, on municipal property or during municipal events, including immigration enforcement activity by ICE.”).

#### IV. Conclusion

Under the Supreme Judicial Court’s decision in *Lunn*, local law enforcement is not limited from acting in accordance with state law to protect public safety and federal civil detainees are not themselves legal grounds for detention. In addition, the Massachusetts Constitution guarantees equal protection of the laws to all people, regardless of nationality, citizenship or immigration status and the Massachusetts Civil Rights Act protects the rights of people to be free from consideration of race, ethnicity, or immigration status in police decision making. See AGO Guidance, pg. 5-6. For these reasons, we approve Article 20.<sup>4</sup> The Town should consult with Town Counsel with any questions regarding the proper application of the new by-law.<sup>5</sup>

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[municipalities-regarding-immigration-enforcement/download](https://www.mass.gov/doc/municipalities-regarding-immigration-enforcement/download); see also AGO Guidance entitled “Know your Rights: ICE Enforcement; A Guide for Immigrants, Families, and Communities” that can be found here: <https://www.mass.gov/doc/ago-ice-guidance-05292025/download>.

<sup>4</sup> The Attorney General’s Office has approved (or partially approved) other similar by-laws including to the Towns of: *Pelham* (decision issued on amended by-law on December 1, 2025 in Case # 11861 and on original by-law on April 14, 2022 in Case # 10424); *Sunderland* (decision issued September 13, 2021 in Case # 10195); *Conway* (decision issued December 3, 2018 in Case # 9030); *Ipswich* (decision issued December 1, 2017 in Case # 8474); and *Amherst* (decision issued November 3, 2017 in Case # 8478). These decisions can be accessed on our website at: [www.mass.gov/ago/munilaw](http://www.mass.gov/ago/munilaw) (decision lookup link). In addition, as noted in the AGO’s Guidance at pg. 6, the cities of Boston, Cambridge, Chelsea, Newton, Northampton, Somerville, and Medford have also passed local ordinances that limit their police departments involvement in civil immigration enforcement.

<sup>5</sup> We note that the City of Boston’s ordinance, “The Boston Trust Act,” ([https://codelibrary.amlegal.com/codes/boston/latest/boston\\_ma/0-0-0-7416](https://codelibrary.amlegal.com/codes/boston/latest/boston_ma/0-0-0-7416)) is currently being challenged by the Trump Administration in the case of *The United States of America vs. The City of Boston, et al.*, United States District Court, District of Massachusetts, 1:25-cv-12456 (filed September 4, 2025). On November 24, 2025, the Attorney General’s Office filed an amicus brief in support of the legality of Boston’s ordinance. A copy of this filing can be found here: <https://www.mass.gov/doc/trust-act-amicus-brief/download>. In addition, there is legislation pending on this topic that the Town may wish to monitor. See <https://malegislature.gov/Events/Hearings/Detail/5471> for a list of legislation recently heard by the Joint Committee of Public Safety and Homeland Security. The Town should consult with Town Counsel with any questions regarding these pending matters.

**Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute.**

Very truly yours,

ANDREA JOY CAMPBELL  
ATTORNEY GENERAL

*Nicole B. Caprioli*

By: Nicole B. Caprioli  
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cc: Town Counsel Lisa L. Mead

## **SOUTH HADLEY WELCOMING COMMUNITY BYLAW**

**Approved at the May 14, 2025 South Hadley Annual Meeting**

**Approved by the Attorney Generals Office December 10, 2025**

The purpose of this bylaw is to affirm that the town of South Hadley is a welcoming community, to promote trust between community members and employees of the town of South Hadley, and to facilitate effective law enforcement and public safety policies.

Definitions:

“Town officials” refers to any South Hadley town departments and their employees and any employee of the town authorized, or with the power, to enforce regulations, codes, local bylaws, or criminal statutes; or authorized to detain or maintain custody of individuals.

“Civil immigration detainer request” means a non-mandatory, written or verbal, request issued by Immigration and Customs Enforcement (“ICE”) or by any other federal immigration officer or agency to a local law enforcement official either (1) to maintain custody of an individual once that person is eligible for release from local custody, or (2) to notify the requesting federal immigration office or official prior to the release of that individual.

“Eligible for release from custody” means that there is no judicial warrant, judicial order, or law that prevents an individual from being released from the custody of a South Hadley official.

“ICE administrative warrant” means a warrant, notice to appear, removal order, or warrant of deportation issued by a federal immigration officer, not a judicial officer, that does not confer detention authority on a local jurisdiction.

1. A town official shall not question persons they encounter about their immigration status unless such inquiry is required by state or federal law or to provide a public benefit. Nothing in this subsection shall prohibit the South Hadley Police department from using other investigatory tools to establish information about the suspect of a crime.
2. A town official shall not target with legal action or discriminate against a medical, educational, or faith institution in their mission of providing refuge to immigrants and their families.
3. A town official shall not initiate an investigation or take law enforcement action, including regulatory action, on the basis of actual or perceived immigration status.
4. Equal Treatment: South Hadley town officials will treat all persons equally, enforce laws, and serve the public without consideration of immigration status. Citizenship, immigration status, national origin, race, and ethnicity shall have no bearing on an individual's treatment by employees or officers of South Hadley agencies or departments.
5. Notwithstanding sections 1 and 3 above, a person’s immigration status shall not prohibit or inhibit the Town or any town official’s participation in any government operation or program that confers and immigration benefit, or temporarily or permanently protects noncitizens from removal as provided through programs such as the U Visa, the T Visa, and the federal Violence Against Women Act.
6. When an individual is eligible for release from custody, a town official shall not detain nor delay the release of an individual on the basis of a civil immigration detainer request or an

ICE administrative warrant, including a request pursuant to federal form I-247D, unless ICE has a criminal warrant, issued by a judicial officer, for the individual.

7. A town official shall honor judicial warrants, but shall not respond to an ICE request for notification about the incarceration status or pending release of a person in custody, including a request pursuant to federal form I-247N, I-247A, or I-247X or provide ICE with information about the home address, work address, or phone number of a person in custody.
8. To the extent permissible by law, a town official shall not perform the function of an immigration officer, whether pursuant to 8 U.S.C. section 1357(G) or any other law, regulation, or policy, whether formal or informal.
9. Nothing in this bylaw shall prohibit or restrain any town official sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.

Implementation:

1. The provisions of this bylaw shall be effective upon the satisfaction of the procedures set forth in M.G.L. c. 40 section 32.
2. All policies, practices, procedures, directives, and training necessary to effectively and faithfully implement this bylaw shall be promptly developed, promulgated, and implemented by the town and its departments.
3. If any part of this bylaw is declared invalid for any reason, the remainder of the bylaw shall remain in full force and effect.