



# OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9017

JOSEPH E. CONNARTON  
CITY CLERK

JOHN E. FLYNN  
DEPUTY CITY CLERK

June 27, 1990

Mr. Robert MacQueen  
House Clerk  
Massachusetts House of Representatives  
Room 145  
The State House  
Boston, MA 02133

Dear Mr. MacQueen:

Pursuant to the request of the City Council, I am forwarding to you for filing with the Massachusetts House of Representatives, the enclosed two orders adopted by the City Council on Monday, June 25, 1990 approving the filing of the following attached legislation entitled:

1. AN ACT AUTHORIZING THE ESTABLISHMENT IN THE CITY OF CAMBRIDGE OF A HOUSING TRUST FUND.
2. AN ACT AUTHORIZING THE ESTABLISHMENT IN THE CITY OF CAMBRIDGE OF A HOUSING MITIGATION FEES.

Your kind attention in this matter will be greatly appreciated by the City Council.

Sincerely yours,

*Joseph E. Connarton*  
Joseph E. Connarton  
City Clerk

JEC/dl

Encs.

Rules Committee  
Aug 2  
House Dockets 6287  
6288



# City of Cambridge

Agenda # 39A.

IN CITY COUNCIL

June 25, 1990

ORDERED:

That the City Council of the City of Cambridge goes on record favoring the filing of Home Rule Legislation entitled **"AN ACT AUTHORIZING THE ESTABLISHMENT IN THE CITY OF CAMBRIDGE OF A HOUSING TRUST FUND.**

In City Council June 25, 1990.

Adopted by a yeas and nays vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

Joseph E. Connarton, City Clerk.

To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts  
in General Court assembled.

The undersigned, citizens of Cambridge, respectfully  
petition for the passage of the accompanying bill or resolve, and/or for legislation authorizing the  
establishment in the city of Cambridge of a Housing Trust Fund

Petitioners are requested to sign names and addresses legibly.

Hattu J. Sullivan

Jennifer J. Reeves

Eric A. Dooling

Wm H Walsh

Samuel J. ...

Jonathan S. Myers

Shirley K. Russell

28 Putnam Ave. Cambridge

11 Everett St. Cambridge

26 Lowell St Cambridge

26 Herlbut St Camb

28 ... Cambridge

106 Dudley St Cambridge

5 Hollis St Cambridge

5 Spawthorne Pl Cambridge  
48 ...



# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY

## AN ACT

AUTHORIZING THE ESTABLISHMENT IN THE CITY  
OF CAMBRIDGE OF A HOUSING TRUST FUND

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. There is established a trust to be known as the Cambridge Affordable Housing Trust Fund ("Trust"). The purpose of the Trust is to assist in the creation and preservation of affordable housing in the City of Cambridge for the benefit of low and moderate income households.

Section 2. There is established a Board of Trustees ("Board"), which shall include nine trustees, including ex officio the city manager. Those Trustees that are not serving in an ex officio capacity shall be appointed by the city manager and are designated as public agents for purposes of Massachusetts Constitution Art. 46, Section 2 as amended by Art. 103.

Section 3. The powers of the Board, all of which shall be carried on in furtherance of the purposes set forth in this Act, shall include but not be limited to the following:

NOTE. — Use ONE side of paper ONLY. DOUBLE SPACE. Insert additional leaves, if necessary.

(a) To accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation grants of funds or other property tendered to the Trust in connection with provisions of the Cambridge Zoning Code or any other City ordinance;

(b) To purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

(c) To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration on and such terms as to credit or otherwise, and to make such contracts and enter into such undertakings relative to Trust property as the Board deems advisable notwithstanding the length of any such lease or contract;

(d) To execute, acknowledge and deliver deeds, assignments, transfers, mortgages, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;

(e) To employ advisors and agents, such as accountants, appraisers, and lawyers, and to delegate to such persons or firms ministerial or discretionary powers as the Board deems necessary;

(f) To pay reasonable compensation (and expenses) to all advisors and agents and to apportion such compensation between

income and principle as the Board deems advisable;

(g) To apportion receipts and charges between income and principle as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

(h) To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney (with or without power of substitution) to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

(i) To deposit any security with any protective reorganization committee, and to delegate to such committee such power and authority with relation thereto as the Board may deem proper; and to pay, out of Trust property, such portion of the expenses and compensation of such committee as the Board may deem necessary and appropriate;

(j) To carry property for accounting purposes other than acquisition date values;

(k) To exercise all powers and rights of subscription or otherwise which in any manner arise out of ownership of securities held as part of Trust property;

(l) To borrow money on such terms and conditions and from such sources as the Board deems advisable; to mortgage and pledge Trust assets as collateral;

(m) To hold Trust property without indication of fiduciary

capacity but only in the name of a registered nominee, provided the Trust property is at all times identified as such in the books of the Trust, and to hold any securities in registered or in bearer form;

(n) To make distributions or divisions of principal in kind;

(o) To compromise, arbitrate, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this Act, to continue to hold the same for such period of time as the Board may deem appropriate;

(p) To manage or improve real property; and to abandon any property which the Board determines not to be worth retaining;

(q) To hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate;

(r) To extend the time for payment of any obligation to the Trust; and

(s) To exercise all other powers authorized by common law, statute, the constitution, or other provisions of this Act.

Section 4. Notwithstanding any provisions of the general or special laws to the contrary, all moneys paid to the Trust in accordance with the Zoning Ordinance of the City, Housing Mitigation Fee ordinances, or private contributions shall be paid directly into the Trust and do not have to be appropriated or accepted and approved into the Trust. General revenues

appropriated into the Trust become Trust property; to be expended these funds do not need to be further appropriated. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Board within one year of the date they were appropriated into the Trust, remain Trust property.

Section 5. The Trust is a public employer and the members of the Board are public employees for purposes of M.G.L. c. 258.

Section 6. The Trust shall be deemed a municipal agency and the Trustees, special municipal employees, for purposes of M.G.L. c. 268A.

Section 7. The Trust is exempt from the provisions of Chapters 59 and 62 of the General Laws, or from any other provisions concerning the payment of taxes based upon or measured by property or income imposed by the Commonwealth or by any political subdivision thereof.

Section 8. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.

Section 9. The Declaration of Trust, which establishes and controls the Trust Fund, shall be filed in the Office of the Cambridge City Clerk and in the Division of Public Charities of the Office of the Attorney General of the Commonwealth (or such other office of the Commonwealth as shall be authorized to receive accounts from public charities.)

Section 10. The Trust is a governmental body for purposes of Section 23A, 23B, and 23C of Chapter 39 of the General Laws.

Section 11. The Trust is a board of the City for purposes of Chapter 30B and Section 15A of Chapter 40 of the General Laws. Agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the City are exempt from Chapter 30B of the General Laws.

Section 12. Notwithstanding any provision of general or special laws to the contrary, any actions which caused moneys or property to be placed in the Trust established pursuant to the Zoning Ordinance of the City ("Ordinance") and any actions taken by the Board pursuant to the Declaration of Trust, are ratified, validated and confirmed insofar as any of these actions may have been invalid by reason of the prior invalidity of the Ordinance, Declaration of Trust or procedures followed by the Board.

Section 13. This Act shall take effect upon its passage.



# City of Cambridge

Agenda # 39B.

IN CITY COUNCIL

June 25, 1990

ORDERED:

That the City Council of the City of Cambridge goes on record favoring the filing of Home Rule Legislation entitled "AN ACT AUTHORIZING THE ESTABLISHMENT IN THE CITY OF CAMBRIDGE OF A HOUSING MITIGATION FEES."

In City Council June 25, 1990.

Adopted by a yea and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- Joseph E. Connarton, City Clerk.

A true copy;

*Joseph E. Connarton*

ATTEST:-

Joseph E. Connarton, City Clerk.

To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts  
in General Court assembled.

The undersigned, citizens of Cambridge, respectfully  
petition for the passage of the accompanying bill or resolve, and/or for legislation authorizing the  
establishment in the city of Cambridge of Housing Mitigation Fees

Petitioners are requested to sign names and addresses legibly.

Mattie J. Sullivan  
Jeanne E. Pines  
Wm H. Dooling  
Wm H. Walsh  
Joseph J. Rooney Jr  
Shirley T. Russell  
Edward W. Ryan  
Joseph J. Ryan  
1100.00 K West

28 Putnam Ave. Cambridge  
11 Everett St. Cambridge  
26 Lowell St. Cambridge  
26 Hurlbut St Camb  
88 Sixth St. Cambridge  
5 Hawthorne Park, Camb  
106 Dudley St. Camb.  
5 Hollis St. Camb  
48 Heron Ave Camb



# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY

## AN ACT

AUTHORIZING THE ESTABLISHMENT IN THE CITY  
OF CAMBRIDGE OF HOUSING MITIGATION FEES

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. The general court finds and declares that a serious emergency exists with respect to the shortage of housing available in the commonwealth, especially for low and moderate income families. The general court further finds that it is improbable that factors inhibiting the supply of housing will be mitigated by the marketplace without governmental intervention.

It is declared that the lack of housing is a serious and growing problem, injurious and inimical to the safety, health and welfare of the residents of the city of Cambridge and that the construction of commercial real estate developments in the city of Cambridge, without obligation to mitigate the adverse impacts caused thereby, is contrary to the public health, safety and welfare.

Section 2. The following words shall have the following

meanings when used in this chapter, unless the context clearly requires otherwise:

"Affordable housing", dwelling units whose rent (including utilities) does not exceed thirty percent of the income of the renting household or whose mortgage payment (including insurance, utilities and real estate taxes) does not exceed thirty percent of the income of the purchasing household or other standards as may be established pursuant to any city, state or federal standards established pursuant to any governmental program designed to assist low and moderate income households.

"City", the city of Cambridge.

"Commercial", includes nonresidential uses excluding hotel, industrial, and institutional uses.

"Developer", any individual, corporation, business trust, estate trust, partnership or association, or any other entity or combination thereof.

"Development", any new construction of a commercial building or any addition, extension, enlargement or combination thereof made to an existing commercial building; any conversion to a commercial use in a building; or any substantial rehabilitation within any twelve month period costing more than fifty percent of the assessed value of the building as it appears on the assessment rolls of the city as of the first day of January preceding the date of application for a special permit, building permit or change of use permit.

"Low and moderate income household", any household whose total

income does not exceed eighty percent of the median income of households in the Boston Standard Metropolitan Statistical Area adjusted for family size, or such other equivalent income standard as may be determined by the city.

"Median income", the income set forth in or calculated from regulations promulgated by the United States Department of Housing and Urban Development, pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Redevelopment Act of 1974.

Section 3. The City is authorized to enact zoning or general ordinances requiring Developers of Commercial Developments that are seeking special permits, building permits, or change of use permits to create Affordable Housing or to contribute money or land to be used to create Affordable Housing to mitigate the impacts of Commercial Development on the supply and cost of Affordable Housing in the City. The City may exempt from these requirements Commercial Developments that do not exceed a size threshold.

Section 4. The amount of the monetary contribution (Housing Mitigation Fee) shall be based on a fixed dollar amount per square foot of floor area of Commercial Development as determined by the City Council which amount shall be based on a study of current economic trends including but not limited to development activity, commercial rents per square foot, employment growth and inflation rates and housing trends measured in terms of, including but not limited to, vacancy rates, production statistics, and prices for new dwelling units. The developer, in lieu of making a monetary

contribution, may create or cause to be created Affordable Housing for Low and Moderate Income Households or may contribute land to be used for Affordable Housing. This housing or land contribution shall be of equivalent benefit to the monetary contribution.

Section 5. The monetary contribution shall be paid when the building permit or certificate of occupancy is granted or in annual installments over a period not to exceed five years from the date the building permit was granted.

Section 6. Any and all fees charged pursuant to these ordinances shall be placed in the Cambridge Affordable Housing Trust established by a declaration of trust. These fees shall be kept in a fund that is segregated from any and all other moneys held by the Trust, shall be expended within ten years of the date the fees were paid into the Trust, and shall be used for the benefit of Low and Moderate Income Households.

Section 7. Affordable Housing created pursuant to ordinances enacted under this Act may be subject to restrictions, easements, covenants or conditions in any deed, will or other instrument executed by or on behalf of the owner of the land or in any order of taking. Such restrictions, whether held by a governmental body or a charitable corporation or trust, are not subject to the provisions of Section 27 of Chapter 184 of the General Laws, Section 5(a) of Chapter 184A of the General Laws, or Section 4 of Chapter 93 of the General Laws and shall not be unenforceable due to the lack of privity of estate or contract or lack of benefit to particular land or on account of the benefit being assignable or

being assigned to another governmental body or to any charitable corporation or trust.

Such restrictions are interests in land and may be acquired by any governmental body or other charitable corporations or trusts which have the power to acquire interest in the land, in the same manner as it may acquire other interests in land. Such a restriction may be enforced by injunction or other proceeding, and shall entitle representatives of the holder to enter the land in a reasonable manner and at reasonable times to assure compliance.

Section 8. This Act is not intended to limit the authority of the City to impose fees under any other statute or constitutional provision.

Section 9. This Act shall take effect upon its passage.



# OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

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JOSEPH E. CONNARTON  
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Your kind attention in this matter will be greatly appreciated by the City Council.

Sincerely yours

*Joseph E. Connarton*

Joseph E. Connarton  
City Clerk

JEC/dl

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# City of Cambridge

Agenda # 39A.

IN CITY COUNCIL

June 25, 1990

ORDERED:

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Petitioners are requested to sign names and addresses legibly.

Hatta J. Sullivan

Jacqueline P. Reenan

42 to Dudley

Wm H Walsh

100 of 100

Ed G

Jonathan S. Myers

Shirley K. Russell

28 Putnam Ave. Cambridge

11 Everett St. Cambridge

26 Lowell St Cambridge

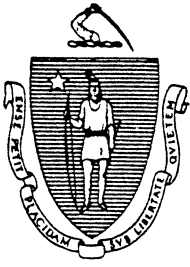
26 Herlbat St Camb

28 South St Cambridge

106 Dudley St Cambridge

5 Hollis St Cambridge

5 Hawthorne Pl Cambridge  
48 Hill St Cambridge



# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY

## AN ACT

AUTHORIZING THE ESTABLISHMENT IN THE CITY  
OF CAMBRIDGE OF A HOUSING TRUST FUND

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. There is established a trust to be known as the Cambridge Affordable Housing Trust Fund ("Trust"). The purpose of the Trust is to assist in the creation and preservation of affordable housing in the City of Cambridge for the benefit of low and moderate income households.

Section 2. There is established a Board of Trustees ("Board"), which shall include nine trustees, including ex officio the city manager. Those Trustees that are not serving in an ex officio capacity shall be appointed by the city manager and are designated as public agents for purposes of Massachusetts Constitution Art. 46, Section 2 as amended by Art. 103.

Section 3. The powers of the Board, all of which shall be carried on in furtherance of the purposes set forth in this Act, shall include but not be limited to the following:

NOTE. — Use ONE side of paper ONLY. DOUBLE SPACE. Insert additional leaves, if necessary.

(a) To accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation grants of funds or other property tendered to the Trust in connection with provisions of the Cambridge Zoning Code or any other City ordinance;

(b) To purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

(c) To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration on and such terms as to credit or otherwise, and to make such contracts and enter into such undertakings relative to Trust property as the Board deems advisable notwithstanding the length of any such lease or contract;

(d) To execute, acknowledge and deliver deeds, assignments, transfers, mortgages, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;

(e) To employ advisors and agents, such as accountants, appraisers, and lawyers, and to delegate to such persons or firms ministerial or discretionary powers as the Board deems necessary;

(f) To pay reasonable compensation (and expenses) to all advisors and agents and to apportion such compensation between

income and principle as the Board deems advisable;

(g) To apportion receipts and charges between income and principle as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

(h) To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney (with or without power of substitution) to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

(i) To deposit any security with any protective reorganization committee, and to delegate to such committee such power and authority with relation thereto as the Board may deem proper; and to pay, out of Trust property, such portion of the expenses and compensation of such committee as the Board may deem necessary and appropriate;

(j) To carry property for accounting purposes other than acquisition date values;

(k) To exercise all powers and rights of subscription or otherwise which in any manner arise out of ownership of securities held as part of Trust property;

(l) To borrow money on such terms and conditions and from such sources as the Board deems advisable; to mortgage and pledge Trust assets as collateral;

(m) To hold Trust property without indication of fiduciary

capacity but only in the name of a registered nominee, provided the Trust property is at all times identified as such in the books of the Trust, and to hold any securities in registered or in bearer form;

(n) To make distributions or divisions of principal in kind;

(o) To compromise, arbitrate, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this Act, to continue to hold the same for such period of time as the Board may deem appropriate;

(p) To manage or improve real property; and to abandon any property which the Board determines not to be worth retaining;

(q) To hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate;

(r) To extend the time for payment of any obligation to the Trust; and

(s) To exercise all other powers authorized by common law, statute, the constitution, or other provisions of this Act.

Section 4. Notwithstanding any provisions of the general or special laws to the contrary, all moneys paid to the Trust in accordance with the Zoning Ordinance of the City, Housing Mitigation Fee ordinances, or private contributions shall be paid directly into the Trust and do not have to be appropriated or accepted and approved into the Trust. General revenues

appropriated into the Trust become Trust property; to be expended these funds do not need to be further appropriated. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Board within one year of the date they were appropriated into the Trust, remain Trust property.

Section 5. The Trust is a public employer and the members of the Board are public employees for purposes of M.G.L. c. 258.

Section 6. The Trust shall be deemed a municipal agency and the Trustees, special municipal employees, for purposes of M.G.L. c. 268A.

Section 7. The Trust is exempt from the provisions of Chapters 59 and 62 of the General Laws, or from any other provisions concerning the payment of taxes based upon or measured by property or income imposed by the Commonwealth or by any political subdivision thereof.

Section 8. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.

Section 9. The Declaration of Trust, which establishes and controls the Trust Fund, shall be filed in the Office of the Cambridge City Clerk and in the Division of Public Charities of the Office of the Attorney General of the Commonwealth (or such other office of the Commonwealth as shall be authorized to receive accounts from public charities.)

Section 10. The Trust is a governmental body for purposes of Section 23A, 23B, and 23C of Chapter 39 of the General Laws.

Section 11. The Trust is a board of the City for purposes of Chapter 30B and Section 15A of Chapter 40 of the General Laws. Agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the City are exempt from Chapter 30B of the General Laws.

Section 12. Notwithstanding any provision of general or special laws to the contrary, any actions which caused moneys or property to be placed in the Trust established pursuant to the Zoning Ordinance of the City ("Ordinance") and any actions taken by the Board pursuant to the Declaration of Trust, are ratified, validated and confirmed insofar as any of these actions may have been invalid by reason of the prior invalidity of the Ordinance, Declaration of Trust or procedures followed by the Board.

Section 13. This Act shall take effect upon its passage.



# City of Cambridge

Agenda # 39B.

IN CITY COUNCIL

June 25, 1990

ORDERED:

That the City Council of the City of Cambridge goes on record favoring the filing of Home Rule Legislation entitled "AN ACT AUTHORIZING THE ESTABLISHMENT IN THE CITY OF CAMBRIDGE OF A HOUSING MITIGATION FEES."

In City Council June 25, 1990.

Adopted by a yea and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

Joseph E. Connarton, City Clerk.

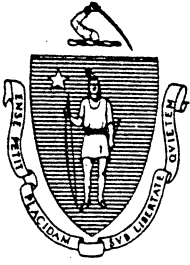
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Petitioners are requested to sign names and addresses legibly.

William J. Sullivan  
Francis E. Reines  
Wm. H. Aubrey  
Wm H Walsh  
Joseph J. Cooney Jr  
Sheila T. Russell  
Edward W. Ryan  
Joseph J. Ryan  
K. Wolf

28 Putnam Ave. Cambridge  
11 Everett St. Cambridge  
26 Lowell St. Cambridge  
26 Hurlbut St Camb  
88 Sixth St. Cambridge  
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106 Dudley St Camb.  
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48 Heron Ave Camb



# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY

## AN ACT

AUTHORIZING THE ESTABLISHMENT IN THE CITY  
OF CAMBRIDGE OF HOUSING MITIGATION FEES

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. The general court finds and declares that a serious emergency exists with respect to the shortage of housing available in the commonwealth, especially for low and moderate income families. The general court further finds that it is improbable that factors inhibiting the supply of housing will be mitigated by the marketplace without governmental intervention.

It is declared that the lack of housing is a serious and growing problem, injurious and inimical to the safety, health and welfare of the residents of the city of Cambridge and that the construction of commercial real estate developments in the city of Cambridge, without obligation to mitigate the adverse impacts caused thereby, is contrary to the public health, safety and welfare.

Section 2. The following words shall have the following

meanings when used in this chapter, unless the context clearly requires otherwise:

"Affordable housing", dwelling units whose rent (including utilities) does not exceed thirty percent of the income of the renting household or whose mortgage payment (including insurance, utilities and real estate taxes) does not exceed thirty percent of the income of the purchasing household or other standards as may be established pursuant to any city, state or federal standards established pursuant to any governmental program designed to assist low and moderate income households.

"City", the city of Cambridge.

"Commercial", includes nonresidential uses excluding hotel, industrial, and institutional uses.

"Developer", any individual, corporation, business trust, estate trust, partnership or association, or any other entity or combination thereof.

"Development", any new construction of a commercial building or any addition, extension, enlargement or combination thereof made to an existing commercial building; any conversion to a commercial use in a building; or any substantial rehabilitation within any twelve month period costing more than fifty percent of the assessed value of the building as it appears on the assessment rolls of the city as of the first day of January preceding the date of application for a special permit, building permit or change of use permit.

"Low and moderate income household", any household whose total

income does not exceed eighty percent of the median income of households in the Boston Standard Metropolitan Statistical Area adjusted for family size, or such other equivalent income standard as may be determined by the city.

"Median income", the income set forth in or calculated from regulations promulgated by the United States Department of Housing and Urban Development, pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Redevelopment Act of 1974.

Section 3. The City is authorized to enact zoning or general ordinances requiring Developers of Commercial Developments that are seeking special permits, building permits, or change of use permits to create Affordable Housing or to contribute money or land to be used to create Affordable Housing to mitigate the impacts of Commercial Development on the supply and cost of Affordable Housing in the City. The City may exempt from these requirements Commercial Developments that do not exceed a size threshold.

Section 4. The amount of the monetary contribution (Housing Mitigation Fee) shall be based on a fixed dollar amount per square foot of floor area of Commercial Development as determined by the City Council which amount shall be based on a study of current economic trends including but not limited to development activity, commercial rents per square foot, employment growth and inflation rates and housing trends measured in terms of, including but not limited to, vacancy rates, production statistics, and prices for new dwelling units. The developer, in lieu of making a monetary

contribution, may create or cause to be created Affordable Housing for Low and Moderate Income Households or may contribute land to be used for Affordable Housing. This housing or land contribution shall be of equivalent benefit to the monetary contribution.

Section 5. The monetary contribution shall be paid when the building permit or certificate of occupancy is granted or in annual installments over a period not to exceed five years from the date the building permit was granted.

Section 6. Any and all fees charged pursuant to these ordinances shall be placed in the Cambridge Affordable Housing Trust established by a declaration of trust. These fees shall be kept in a fund that is segregated from any and all other moneys held by the Trust, shall be expended within ten years of the date the fees were paid into the Trust, and shall be used for the benefit of Low and Moderate Income Households.

Section 7. Affordable Housing created pursuant to ordinances enacted under this Act may be subject to restrictions, easements, covenants or conditions in any deed, will or other instrument executed by or on behalf of the owner of the land or in any order of taking. Such restrictions, whether held by a governmental body or a charitable corporation or trust, are not subject to the provisions of Section 27 of Chapter 184 of the General Laws, Section 5(a) of Chapter 184A of the General Laws, or Section 4 of Chapter 93 of the General Laws and shall not be unenforceable due to the lack of privity of estate or contract or lack of benefit to particular land or on account of the benefit being assignable or

being assigned to another governmental body or to any charitable corporation or trust.

Such restrictions are interests in land and may be acquired by any governmental body or other charitable corporations or trusts which have the power to acquire interest in the land, in the same manner as it may acquire other interests in land. Such a restriction may be enforced by injunction or other proceeding, and shall entitle representatives of the holder to enter the land in a reasonable manner and at reasonable times to assure compliance.

Section 8. This Act is not intended to limit the authority of the City to impose fees under any other statute or constitutional provision.

Section 9. This Act shall take effect upon its passage.

# City of Cambridge

MASSACHUSETTS

Agenda # 39 AN ACT AUTHORIZING THE  
ESTABLISHMENT IN THE CITY OF CAMBRIDGE  
OF A HOUSING TRUST FUND

In City Council June 25

199 0

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr	✓				
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers	✓				
Mr. Kenneth E. Reeves	✓				
Mrs. Sheila T. Russell	✓				
Mr. Walter J. Sullivan	✓				40
Mr. Timothy J. Toomey, Jr.	✓				
Mr. William H. Walsh	✓				
Mayor Alice K. Wolf	✓				

8  
9



# City of Cambridge

Agenda # 39A.

IN CITY COUNCIL

June 25, 1990

ORDERED:

That the City Council of the City of Cambridge goes on record favoring the filing of Home Rule Legislation entitled **"AN ACT AUTHORIZING THE ESTABLISHMENT IN THE CITY OF CAMBRIDGE OF A HOUSING TRUST FUND.**

In City Council June 25, 1990.

Adopted by a yea and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in black ink that reads "Joseph E. Connarton".

Joseph E. Connarton, City Clerk.

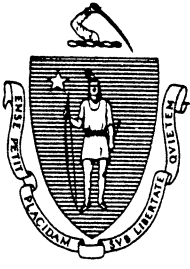
To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts  
in General Court assembled.

The undersigned, citizens of Cambridge, respectfully  
petition for the passage of the accompanying bill or resolve, and/or for legislation authorizing the  
establishment in the city of Cambridge of a Housing Trust Fund

Petitioners are requested to sign names and addresses legibly.

Walter J. Sullivan  
Jennifer J. Reeves  
Eric A. Doherty  
Wm H Walsh  
Joseph J. Lomenzo  
Ed G  
Jonathan S. Myers  
Shirley K. Russell  
Alice K. West

28 Putnam Ave. Cambridge  
11 Everett St. Cambridge  
26 Lowell St Cambridge  
26 Herlbat St Comb  
22 South St. Cambridge  
106 Dudley St Cambridge  
5 Hollis St Cambridge  
5 Newchance Pl Cambridge  
48 Heron Ave Cambridge



# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY

## AN ACT

AUTHORIZING THE ESTABLISHMENT IN THE CITY  
OF CAMBRIDGE OF A HOUSING TRUST FUND

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. There is established a trust to be known as the Cambridge Affordable Housing Trust Fund ("Trust"). The purpose of the Trust is to assist in the creation and preservation of affordable housing in the City of Cambridge for the benefit of low and moderate income households.

Section 2. There is established a Board of Trustees ("Board"), which shall include nine trustees, including ex officio the city manager. Those Trustees that are not serving in an ex officio capacity shall be appointed by the city manager and are designated as public agents for purposes of Massachusetts Constitution Art. 46, Section 2 as amended by Art. 103.

Section 3. The powers of the Board, all of which shall be carried on in furtherance of the purposes set forth in this Act, shall include but not be limited to the following:

NOTE. — Use ONE side of paper ONLY. DOUBLE SPACE. Insert additional leaves, if necessary.

(a) To accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation grants of funds or other property tendered to the Trust in connection with provisions of the Cambridge Zoning Code or any other City ordinance;

(b) To purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

(c) To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration on and such terms as to credit or otherwise, and to make such contracts and enter into such undertakings relative to Trust property as the Board deems advisable notwithstanding the length of any such lease or contract;

(d) To execute, acknowledge and deliver deeds, assignments, transfers, mortgages, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;

(e) To employ advisors and agents, such as accountants, appraisers, and lawyers, and to delegate to such persons or firms ministerial or discretionary powers as the Board deems necessary;

(f) To pay reasonable compensation (and expenses) to all advisors and agents and to apportion such compensation between

income and principle as the Board deems advisable;

(g) To apportion receipts and charges between income and principle as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

(h) To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney (with or without power of substitution) to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

(i) To deposit any security with any protective reorganization committee, and to delegate to such committee such power and authority with relation thereto as the Board may deem proper; and to pay, out of Trust property, such portion of the expenses and compensation of such committee as the Board may deem necessary and appropriate;

(j) To carry property for accounting purposes other than acquisition date values;

(k) To exercise all powers and rights of subscription or otherwise which in any manner arise out of ownership of securities held as part of Trust property;

(l) To borrow money on such terms and conditions and from such sources as the Board deems advisable; to mortgage and pledge Trust assets as collateral;

(m) To hold Trust property without indication of fiduciary

capacity but only in the name of a registered nominee, provided the Trust property is at all times identified as such in the books of the Trust, and to hold any securities in registered or in bearer form;

(n) To make distributions or divisions of principal in kind;

(o) To compromise, arbitrate, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this Act, to continue to hold the same for such period of time as the Board may deem appropriate;

(p) To manage or improve real property; and to abandon any property which the Board determines not to be worth retaining;

(q) To hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate;

(r) To extend the time for payment of any obligation to the Trust; and

(s) To exercise all other powers authorized by common law, statute, the constitution, or other provisions of this Act.

Section 4. Notwithstanding any provisions of the general or special laws to the contrary, all moneys paid to the Trust in accordance with the Zoning Ordinance of the City, Housing Mitigation Fee ordinances, or private contributions shall be paid directly into the Trust and do not have to be appropriated or accepted and approved into the Trust. General revenues

appropriated into the Trust become Trust property; to be expended these funds do not need to be further appropriated. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Board within one year of the date they were appropriated into the Trust, remain Trust property.

Section 5. The Trust is a public employer and the members of the Board are public employees for purposes of M.G.L. c. 258.

Section 6. The Trust shall be deemed a municipal agency and the Trustees, special municipal employees, for purposes of M.G.L. c. 268A.

Section 7. The Trust is exempt from the provisions of Chapters 59 and 62 of the General Laws, or from any other provisions concerning the payment of taxes based upon or measured by property or income imposed by the Commonwealth or by any political subdivision thereof.

Section 8. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.

Section 9. The Declaration of Trust, which establishes and controls the Trust Fund, shall be filed in the Office of the Cambridge City Clerk and in the Division of Public Charities of the Office of the Attorney General of the Commonwealth (or such other office of the Commonwealth as shall be authorized to receive accounts from public charities.)

Section 10. The Trust is a governmental body for purposes of Section 23A, 23B, and 23C of Chapter 39 of the General Laws.

Section 11. The Trust is a board of the City for purposes of Chapter 30B and Section 15A of Chapter 40 of the General Laws. Agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the City are exempt from Chapter 30B of the General Laws.

Section 12. Notwithstanding any provision of general or special laws to the contrary, any actions which caused moneys or property to be placed in the Trust established pursuant to the Zoning Ordinance of the City ("Ordinance") and any actions taken by the Board pursuant to the Declaration of Trust, are ratified, validated and confirmed insofar as any of these actions may have been invalid by reason of the prior invalidity of the Ordinance, Declaration of Trust or procedures followed by the Board.

Section 13. This Act shall take effect upon its passage.

# City of Cambridge

Agenda # 39 AN ACT AUTHORIZING THE  
ESTABLISHMENT IN THE CITY OF  
CAMBRIDGE OF HOUSING MITIGATION FEES

MASSACHUSETTS

In City Council June 25 199 0

	YEA	NAY	ABSENT	PRESENT
Mr. Ed Cyr	✓			
Mr. Francis H. Duehay	✓			
Mr. Jonathan S. Myers	✓			
Mr. Kenneth E. Reeves	✓			
Mrs. Sheila T. Russell	✓			
Mr. Walter J. Sullivan	✓			
Mr. Timothy J. Toomey, Jr.	✓			
Mr. William H. Walsh	✓			
Mayor Alice K. Wolf	✓			

9 0 0



# City of Cambridge

Agenda # 39B.

IN CITY COUNCIL

June 25, 1990

ORDERED:

That the City Council of the City of Cambridge goes on record favoring the filing of Home Rule Legislation entitled **"AN ACT AUTHORIZING THE ESTABLISHMENT IN THE CITY OF CAMBRIDGE OF A HOUSING MITIGATION FEES."**

In City Council June 25, 1990.

Adopted by a yea and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in black ink that reads "Joseph E. Connarton".

Joseph E. Connarton, City Clerk.

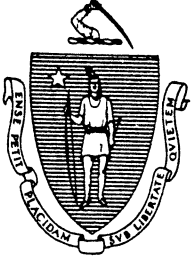
To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts  
in General Court assembled.

The undersigned, citizens of Cambridge, respectfully  
petition for the passage of the accompanying bill or resolve, and/or for legislation authorizing the  
establishment in the city of Cambridge of Housing Mitigation Fees

Petitioners are requested to sign names and addresses legibly.

Melba J. Sullivan  
Jenneth E. Peenes  
Wm H. Walsh  
Joseph J. Rooney Jr.  
Sheila T. Russell  
Edward W. Ryan  
Alex K. Wolf

28 Putnam Ave. Cambridge  
11 Everett St., Cambridge  
26 Lowell St. Cambridge  
26 Hurlbut St Camb  
88 Sixth St., Cambridge  
5 Hawthorne Park, Camb  
106 Dudley St Camb.  
5 Hollis St. Camb  
48 Heron Ave Camb



# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY

## AN ACT

AUTHORIZING THE ESTABLISHMENT IN THE CITY  
OF CAMBRIDGE OF HOUSING MITIGATION FEES

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. The general court finds and declares that a serious emergency exists with respect to the shortage of housing available in the commonwealth, especially for low and moderate income families. The general court further finds that it is improbable that factors inhibiting the supply of housing will be mitigated by the marketplace without governmental intervention.

It is declared that the lack of housing is a serious and growing problem, injurious and inimical to the safety, health and welfare of the residents of the city of Cambridge and that the construction of commercial real estate developments in the city of Cambridge, without obligation to mitigate the adverse impacts caused thereby, is contrary to the public health, safety and welfare.

Section 2. The following words shall have the following

NOTE. — Use ONE side of paper ONLY. DOUBLE SPACE. Insert additional leaves, if necessary.

meanings when used in this chapter, unless the context clearly requires otherwise:

"Affordable housing", dwelling units whose rent (including utilities) does not exceed thirty percent of the income of the renting household or whose mortgage payment (including insurance, utilities and real estate taxes) does not exceed thirty percent of the income of the purchasing household or other standards as may be established pursuant to any city, state or federal standards established pursuant to any governmental program designed to assist low and moderate income households.

"City", the city of Cambridge.

"Commercial", includes nonresidential uses excluding hotel, industrial, and institutional uses.

"Developer", any individual, corporation, business trust, estate trust, partnership or association, or any other entity or combination thereof.

"Development", any new construction of a commercial building or any addition, extension, enlargement or combination thereof made to an existing commercial building; any conversion to a commercial use in a building; or any substantial rehabilitation within any twelve month period costing more than fifty percent of the assessed value of the building as it appears on the assessment rolls of the city as of the first day of January preceding the date of application for a special permit, building permit or change of use permit.

"Low and moderate income household", any household whose total

income does not exceed eighty percent of the median income of households in the Boston Standard Metropolitan Statistical Area adjusted for family size, or such other equivalent income standard as may be determined by the city.

"Median income", the income set forth in or calculated from regulations promulgated by the United States Department of Housing and Urban Development, pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Redevelopment Act of 1974.

Section 3. The City is authorized to enact zoning or general ordinances requiring Developers of Commercial Developments that are seeking special permits, building permits, or change of use permits to create Affordable Housing or to contribute money or land to be used to create Affordable Housing to mitigate the impacts of Commercial Development on the supply and cost of Affordable Housing in the City. The City may exempt from these requirements Commercial Developments that do not exceed a size threshold.

Section 4. The amount of the monetary contribution (Housing Mitigation Fee) shall be based on a fixed dollar amount per square foot of floor area of Commercial Development as determined by the City Council which amount shall be based on a study of current economic trends including but not limited to development activity, commercial rents per square foot, employment growth and inflation rates and housing trends measured in terms of, including but not limited to, vacancy rates, production statistics, and prices for new dwelling units. The developer, in lieu of making a monetary

contribution, may create or cause to be created Affordable Housing for Low and Moderate Income Households or may contribute land to be used for Affordable Housing. This housing or land contribution shall be of equivalent benefit to the monetary contribution.

Section 5. The monetary contribution shall be paid when the building permit or certificate of occupancy is granted or in annual installments over a period not to exceed five years from the date the building permit was granted.

Section 6. Any and all fees charged pursuant to these ordinances shall be placed in the Cambridge Affordable Housing Trust established by a declaration of trust. These fees shall be kept in a fund that is segregated from any and all other moneys held by the Trust, shall be expended within ten years of the date the fees were paid into the Trust, and shall be used for the benefit of Low and Moderate Income Households.

Section 7. Affordable Housing created pursuant to ordinances enacted under this Act may be subject to restrictions, easements, covenants or conditions in any deed, will or other instrument executed by or on behalf of the owner of the land or in any order of taking. Such restrictions, whether held by a governmental body or a charitable corporation or trust, are not subject to the provisions of Section 27 of Chapter 184 of the General Laws, Section 5(a) of Chapter 184A of the General Laws, or Section 4 of Chapter 93 of the General Laws and shall not be unenforceable due to the lack of privity of estate or contract or lack of benefit to particular land or on account of the benefit being assignable or

being assigned to another governmental body or to any charitable corporation or trust.

Such restrictions are interests in land and may be acquired by any governmental body or other charitable corporations or trusts which have the power to acquire interest in the land, in the same manner as it may acquire other interests in land. Such a restriction may be enforced by injunction or other proceeding, and shall entitle representatives of the holder to enter the land in a reasonable manner and at reasonable times to assure compliance.

Section 8. This Act is not intended to limit the authority of the City to impose fees under any other statute or constitutional provision.

Section 9. This Act shall take effect upon its passage.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139  
TEL. 498-9011

EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

June 22, 1990

RICHARD C. ROSSI  
Deputy City Manager

To The Honorable City Council  
City Hall  
Cambridge, MA 02139

Dear Councillors:

I am submitting two Home Rule petitions dealing with Housing Mitigation Fees and a Housing Trust Fund. An earlier version of the Housing Mitigation Fees petition was voted by this Council to be sent to the State Legislature during its last session. No action was taken by the Legislature on that earlier petition. It is therefore necessary to resubmit the petition. I have determined that it is also advisable to submit a second related petition seeking express authority for the creation of a Housing Trust Fund. I believe that these petitions should be submitted to the Legislature together since they relate closely to each other.

While it is unfortunate that the earlier Housing Mitigation Fees petition was not acted upon, having to redraft the petition has enabled us to improve the petition. Several concerns raised by legal counsel for the House of Representatives have been addressed to his satisfaction. In addition, the enactment of the Uniform Procurement Act occurred after the submission to the Legislature of the earlier draft. We have been able in this new draft to deal expressly with the provisions of the Uniform Procurement Act as they will apply to these two petitions.

I recommend to the Council that both petitions be transmitted to the State Legislature for approval.

The Law Department and outside counsel specializing in this area will be available to answer questions regarding these petitions.

Very truly yours,

Robert W. Healy

RWH/jml  
Enclosures

CORR#3

Agenda # 39

S-658

AN ACT AUTHORIZING THE ESTABLISHMENT  
IN THE CITY OF CAMBRIDGE OF A HOUSING  
TRUST FUND and

AN ACT AUTHORIZING THE ESTABLISHMENT IN  
THE CITY OF CAMBRIDGE OF HOUSING MITIGA-  
TION FEES.

In City Council,

June 25, 1990

*Two orders  
Adopted  
9-0-0*