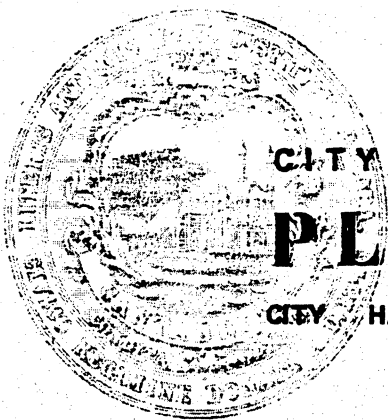




CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

TO: Persons Concerned about the Availability of
Housing in Cambridge

FROM: Cambridge Planning Board

DATE: March 5, 1982

SUBJECT: Public Meeting to Discuss a Possible
Inclusionary Housing Zoning Amendment

Date and Time: Tuesday, March 16, 1982; 7:30 P.M.

Place: Community Development Department
Conference Room - 57 Inman Street

For some time the Planning Board has been considering a possible amendment to the city's zoning ordinance which would require that ten (10) percent of all units in new housing developments of more than five units, be made available to low or moderate income families, or in lieu of those units, a payment made to the city for alternate housing assistance. The most recent draft of the proposal is enclosed for your review.

If officially filed and adopted by City Council such inclusionary zoning would certainly impose significant new requirements on most residential development in the city. Therefore, prior to taking any further official action the Planning Board would like to provide an opportunity for people likely to be impacted by such an amendment, or who have a strong interest in the city's housing issues, to comment on, react to, or make suggestions for changes to the proposal. Comments on the general content of the proposal as well as specific details would be appreciated.

The Board would like to encourage you to read the enclosed proposal and attend the public meeting on March 16th. If you cannot attend feel free to forward any written comments you may have. For further information please call Lester Barber at 498-9034.

enclosure

DRAFT V

Create a new Section 11.90

11.90 Low and Moderate Income Household Inclusionary Requirements for Residential Development.

11.91 Purpose

This Section 11.90 is intended to require the provision of low and/or moderate income family housing as a component of most new housing developments in the City of Cambridge; to assist in the provision of adequate housing for all citizens of Cambridge; and to encourage a reasonable mix of housing opportunities in all city neighborhoods.

11.92 Applicability

11.921 The provision of this Section 11.90 shall apply to any residential development containing any one or combination of the following residential uses:

- (a) Detached dwelling for one family (4.31 a)
- (b) Two family dwelling (4.31 b)
- (c) Townhouse development (4.31 d)
- (d) Multifamily dwellings (4.31 g)
- (e) Existing dwelling converted for more than two families (4.31 h)

11.922 The uses listed in the above Section 11.921 shall comply with the provisions of this Section 11.90 when they are created by (a) new construction, or (b) conversion of a non-residential structure to residential use, or (c) substantial rehabilitation of an existing residential structure where the cost of such rehabilitation exceeds fifty (50) percent of the market value of the structure before rehabilitation and where at least twenty (20) percent of the existing units are vacant at the time of the issuance of the necessary building permits.

11.93 Requirements

11.931 Any residential development subject to this Section 11.90 as determined by Section 11.92 above shall make provision for units suitable for, affordable by and available to low and moderate income households in an amount equal to at least ten (10) percent of the total number of units authorized according to the following schedule:

- (a) For residential developments containing five (5) or fewer units, no inclusionary units are required.
- (b) For residential developments containing at least six (6) but less than ten (10) units the following shall be provided:

- 1) One (1) low or moderate income unit, or
 - 2) A prorata cash payment made in accordance with the requirements detailed in Section 11.932(2) below which payment shall be equal to the product of the fraction produced with the application of the 10% requirement to the number of units to be constructed, times the cash payment required in lieu of a whole unit.
- (c) For residential developments containing ten (10) or more units, ten (10) percent of the authorized units shall be for low or moderate income households. Where the application of the ten percent requirement results in a fractional number, one additional inclusionary unit shall be provided where that fraction is greater than one half. However, in lieu of the provision of the one additional unit any one of the following may be provided.
- 1) A prorata cash payment made in accordance with the requirements detailed in Section 11.932(2) below which payment shall be equal to the product of the fraction of a required unit above one half, times the cash payment required in lieu of a whole unit.
 - 2) The provision of at least one low or moderate income unit having more than two bedrooms.
 - 3) The provision of at least one low or moderate income unit for a period of at least twenty-five (25) years in conformance with the requirements of Section 11.936.

11.932 To fulfill the requirements of this Section 11.90 any one or combination of the following mechanisms may be employed:

- (a) Provision of the unit(s) on site which may include participation in any federal, state or city program which will guarantee the provision of housing units for low and moderate income households.
- (b) Cash payment to the City of Cambridge, administered by the Community Development Department, to be used to make available housing units for low and moderate income households in a manner and at locations in conformance with policies adopted by the Cambridge City Council. The amount of such payment shall be \$25,000, which amount shall be adjusted annually by the Community Development Department using the Consumer Price Index for the Boston metropolitan area as published by the United States Department of Labor, and which shall be paid for each inclusionary unit required.

11.933 The required low and moderate income units shall be intended and designed for families and shall contain a minimum of two bedrooms.

Where a multifamily dwelling is to be devoted exclusively to elderly residents the above restrictions in this Section 11.933 as to unit size and type of household shall not apply.

11.934 The required units shall be dispersed throughout the development and not concentrated in any one location.

11.935 For the purposes of this section, low and moderate income households shall be as defined by guidelines established from time to time by the Federal Department of Housing and Urban Development or any successor agency, or as defined in any program used under Section 11.932 above. All households occupying the low and moderate income units shall be certified as eligible by the Cambridge Housing Authority where the units are to be rented, by the Community Development Department or any duly organized non-profit housing assistance corporation designated by it where the units are to be sold, or as required by any subsidy program employed. Units shall be offered so that eligible households shall pay no more than twenty-five (25) percent of their eligible maximum household income for the units provided.

11.936 The applicant shall establish such restrictions, conditions, and/or limitations as are necessary to ensure that the units intended for low and moderate income households, or equivalent units located in or out of the development, will continue to be available for low and moderate income households for a period of at least fifteen (15) years.

Where the units are proposed to be sold to eligible low or moderate income households such assurance shall be made through any of the following mechanisms:

- (a) a right to repurchase each such unit for its original cost plus reasonable adjustments for inflation and owner improvement, by the City or any non-profit housing assistance corporation designated by it,
- (b) a right to participate in the net cash profits realized from sale of the unit to a successor family not qualifying as a low or moderate income family, by the city or any non-profit housing assistance corporation designated by it,
- (c) sale to a qualifying low or moderate income family,
- (d) co-tenancy agreements,
- (e) limited equity cooperatives,
- (d) any other similar mechanism.

Except as to any such conditions the issuance of a building permit shall be conclusive determination of the compliance with the provisions of Sections 11.931, 11.932, 11.933 and 11.934.

No requirement in this Section 11.936 shall apply where it is in conflict with any rule, requirement or provision of a subsidy program employed under Section 11.932 provided the intent of this Section 11.936 is met.

11.937 Where the housing is to be constructed in stages the required low and moderate income units shall be provided in each stage in the same proportion as required for the total development.

11.938 Property Subject to this Section

The provisions of this Section 11.90 shall apply to all new, substantially rehabilitated, or converted dwelling units constructed on a lot subsequent to the effective date of this Section 11.90. For the purpose of this Section 11.90 a lot shall be a lot or series of adjacent lots in the same ownership at the time of the effective date of this Section 11.90 regardless of any subsequent change in ownership or subdivision of such lots. The provisions of Section 11.931 shall be applied to the cumulative number of units constructed after the effective date of Section 11.90 as determined by this Section 11.938.

11.94 Compliance

All deeds, agreements, site plans, and other documents necessary to comply with the provisions of this Section 11.90 shall be submitted to the Community Development Department for review prior to a formal application for a building permit. Within sixty-five (65) days of such submittal the Department shall make a report to the Superintendent of Buildings as to whether all requirements of this Section 11.90 have been met. Each application for a building permit for any residential development subject to this Section 11.90 shall be accompanied by such written report from the Community Development Department.

Where residential development requires a Special Permit from the Planning Board, that Board shall enforce the provisions of this Section 11.90 as a condition of the Special Permit.

POLICY FOR IMPLEMENTATION OF AN INCLUSIONARY HOUSING PROGRAM
CITY OF CAMBRIDGE

WHEREAS, there is a severe shortage of low and moderate income family housing in the City of Cambridge; and

WHEREAS, Cambridge is a densely developed community where sites suitable for new housing construction are extremely limited; and

WHEREAS, it is desirable to provide decent housing for low and moderate income families in all city neighborhoods;

THEREFORE the following housing policies are adopted as a guide to the administration of the Inclusionary Housing Program in the City of Cambridge:

PURPOSE OF THE PROGRAM

The Inclusionary Housing Program shall have the following purposes:

1. To include low and moderate income family units, whether rental or owner occupied, in new market rate housing developments in all neighborhoods of the City;
2. To encourage the construction of new housing and the acquisition and rehabilitation of existing housing for low and moderate income families in neighborhoods where such units are in inadequate supply;
3. To enable the rental or acquisition of suitable units as they become available in existing, privately owned multi-unit developments for low and moderate income families;
4. To maintain the rental housing stock and to expand home ownership opportunities for low and moderate income families.

ADMINISTRATION OF CASH PAYMENTS

Establishment of Fund. There shall be established a separate housing fund to be administered by the Community Development Department to receive payments made available in fulfillment of the requirements of Section 11.932(2) "Low and Moderate Income Household Inclusionary Requirements for Residential Development" of the Zoning Ordinance of the City of Cambridge. Such funds shall be expended exclusively for the provision of low and moderate income family residential units in conformance with policies outlined herein and with the requirements of Section 11.90 of the Zoning Ordinance.

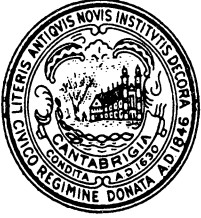
Organizations Eligible to Receive Inclusionary Housing Funds. These funds may be expended through the Cambridge Housing Authority or any existing or future duly organized non-profit housing assistance corporation.

Appropriate Activities. Such funds may be used in the following activities:

1. Acquisition of vacant sites suitable for housing development;
2. Construction of new dwelling units for low and moderate income families;
3. Acquisition and rehabilitation of suitable vacant existing structures or units;
4. Acquisition of market rate units undergoing a change of occupancy; and
5. Any reasonable costs directly related to achieving 1, 2, 3, 4 above.

Distribution of Activities. Within the limits imposed by the restricted potential for the development of any family housing in the City and therefore the obligation to take advantage of every reasonable opportunity to secure housing for low and moderate income families, the Inclusionary Housing Program shall to the maximum extent possible be employed in the following areas:

1. Expansion of low and moderate income family housing opportunities in all areas of the city not now having existing concentration of such units.
2. Expansion of low and moderate income family housing opportunities in neighborhoods undergoing or expected to undergo a rapid escalation in the cost of housing due to changing social characteristics, and
3. Acquisition of units in multi-unit buildings having predominantly market rate units unavailable to low and moderate income families.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

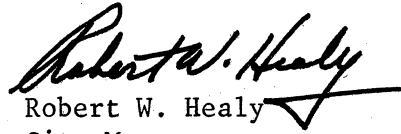
EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

March 15, 1982

To the Honorable, the City Council:

Enclosed for your information is a copy of a communication from the Cambridge Planning Board relative to a Public Meeting to discuss a possible inclusionary Housing Zoning Amendment. This meeting will be held on Tuesday, March 16, 1982 at 7:30 P. M. in the third floor Conference Room at 57 Inman Street.

Very truly yours,


Robert W. Healy
City Manager

RWH/mbf
Enc.

Agenda Item Number Four *5-305*

Re: Public meeting by the Planning Board to be held on March 16, 1982 at 7:30 p.m. RE: Possible inclusionary Housing Zoning Amendment.

In City Council,

March 15, 1982

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