

OFFERED BY COUNCILORS RUTHZEE LOUIJEUNE, ENRIQUE PEPÉN, BRIAN WORRELL,  
BREADON, COLETTA ZAPATA, DURKAN, FERNANDES ANDERSON, SANTANA AND WEBER



**CITY OF BOSTON**  

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**IN THE YEAR TWO THOUSAND TWENTY FIVE**  

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**ORDINANCE TO PRIORITIZE SURPLUS MUNICIPAL  
PROPERTY AS AFFORDABLE HOUSING**

**WHEREAS**, Municipal properties that are no longer needed for the operations of City departments—whether schools, public safety facilities, administrative offices, or other civic infrastructure—offer significant opportunities to create affordable housing and support equitable neighborhood development; *and*

**WHEREAS**, In the absence of a clear and codified policy, surplus municipal properties have often remained vacant for extended periods, reassigned without community input, or disposed of without maximizing their long-term public value; *and*

**WHEREAS**, The process for evaluating and reusing surplus municipal property should be guided by principles of transparency, public accountability, and fiscal responsibility; *and*

**WHEREAS**, While some former public buildings, including schools, have successfully been converted into affordable housing or other community assets, others remain empty, underutilized, or contribute to neighborhood blight and missed opportunities; *and*

**WHEREAS**, The City of Boston faces a severe and ongoing housing affordability crisis, with many residents, particularly low- and moderate-income households, struggling to secure stable and affordable housing; *and*

**WHEREAS**, Publicly owned buildings represent one of the City’s most valuable tools to address this crisis and to ensure that redevelopment benefits the public rather than speculative or extractive private interests; *and*

**WHEREAS**, Establishing affordable housing as the first-priority reuse of surplus municipal property, subject to feasibility, legal constraints, and documented public need, ensures that the City is aligning its land use decisions with its housing, fiscal, and climate goals; **Therefore**

***Be it ordained by the City Council of Boston as follows:***

The City of Boston Code, Ordinances, *Chapter X* is hereby amended by inserting a new section, *Section 12*, as follows:

## **AN ORDINANCE TO PRIORITIZE SURPLUS MUNICIPAL PROPERTY FOR AFFORDABLE HOUSING**

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### **Section 1. Purpose**

The purpose of this ordinance is to address Boston's housing affordability crisis by prioritizing the reuse of surplus municipal property for the development of affordable housing, including buildings owned by the City, its departments and subsidiaries that are no longer needed for public use. This ordinance shall establish affordable housing as the preferred use for such properties, while allowing flexibility when other municipal needs clearly apply.

### **Section 2. Definitions**

"Affordable Housing" shall mean housing for individuals and families, including seniors, whose annual income is at minimum equal to or less than one hundred percent of the area-wide median income as defined by the United States Department of Housing and Urban Development (HUD), with housing costs not exceeding thirty percent of gross annual income, as defined Massachusetts General Laws Chapter 44B and Chapter 8-12 of the City of Boston Code, and whereby eligible developments may be mixed-use and/or mixed-income in order to support deeper affordability.

"Exception Determination" shall mean a written decision issued by the Chief of Housing stating that a surplus municipal property shall not be designated for affordable housing development, based on specific findings in accordance with this ordinance. Such determination shall include the reason or reasons for the exception, including financial infeasibility, zoning or environmental constraints, or a documented alternative superior use. Exception Determinations shall be issued within ninety days of the property's surplus designation and shall be made publicly available.

"Surplus Municipal Property" shall mean any municipal building that is no longer required for the current or foreseeable operations of the controlling department and has been formally designated as surplus by the Public Facilities Commission. This includes but is not limited to former BRA/BPDA property, police, fire, EMS and public school buildings under the care, custody, and control of the City of Boston.

"Feasibility Evaluation" shall mean an assessment conducted by the Mayor's Office of Housing to determine the physical, legal, environmental, and financial suitability of a Surplus Municipal Property for the development of Affordable Housing.

### **Section 3. Procedure**

Prior to the disposition of any Surplus Municipal Property, the Mayor's Office of Housing shall conduct a Feasibility Evaluation to determine whether the property is suitable for affordable

housing. This evaluation shall consider the site's physical condition, redevelopment potential, zoning and environmental constraints, estimated costs, and its ability to meet local housing needs.

If the Mayor's Office of Housing determines that affordable housing is feasible, the property shall be prioritized for that purpose. The Public Facilities Commission shall issue a Request for Proposals in accordance with Massachusetts General Laws Chapter 30B and other applicable laws and procedures.

If the Mayor's Office of Housing finds that affordable housing is not feasible due to financial, legal, or environmental constraints, or if the property is needed for another municipal use, the Chief of Housing may issue an Exception Determination. This written decision shall state the specific grounds for the exception and shall be filed with the issuance of any Request for Proposals for an alternative use. Exception Determinations shall be issued within ninety days of the property's surplus designation and made publicly available.

#### **Section 4. Reporting**

On or before July 1 of each year, the Mayor's Office of Housing shall submit a report to the City Council describing all Surplus Municipal Properties evaluated in the prior calendar year. The report shall identify those properties designated for affordable housing, all Exception Determinations issued including the address of each property and the reason for the exception, any alternative uses proposed, and the status of any Requests for Proposals issued or development agreements executed.

#### **Section 5. Authority and Enforcement**

The City Auditor may conduct compliance reviews and report findings to the Mayor and City Council, and nothing in this ordinance shall be construed to limit the authority of the Boston Finance Commission to review compliance with this ordinance. This ordinance shall be implemented in accordance with the Boston City Charter Chapter 642 of the Acts of 1966 governing the Public Facilities Commission; Chapter 486 of the Acts of 1909 governing the Boston Finance Commission; and Massachusetts General Laws Chapter 30B.

#### **Section 6. Severability**

If any provision of this ordinance is found to be invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

#### **Section 7. Effective Date**

This ordinance shall take effect ninety days after passage.

*Filed on: June 23, 2025*