

OFFERED BY COUNCILORS GABRIELA COLETTA, ARROYO, BOK, LARA, BREADON, FERNANDES ANDERSON, FLAHERTY, LOUIJEUNE, MEJIA, MURPHY, WORRELL AND FLYNN



## CITY OF BOSTON IN CITY COUNCIL

### ORDER FOR A HEARING ON THE REVIEW OF THE ZONING BOARD OF APPEAL EXECUTIVE ORDER

**WHEREAS,** On February 24th 2020, former Mayor Martin J. Walsh issued “An Executive Order Relative to the Zoning Board of Appeal” in an effort to ensure that “the Board conduct itself in a manner that supports public confidence in proceedings by avoiding apparent or potential conflicts of interest”; and

**WHEREAS,** Terms of the Executive Order include Ethics and Transparency measures where “each member shall disclose all properties or project which they or their business associates have business dealings, ownership interests, or investments, and which are likely to be before the Board for any reason”; and

**WHEREAS,** Additional terms of the Executive Order include: Board members participating in any appeal that involves a project or property where they hold ownership interests or receive compensation, prohibited from having subsequent business dealings concerning any project on which they voted, submit annual statements of financial interests to the City Clerk’s office, and undergo extensive ethics, Board processes, the Boston Zoning Code, and principles of Zoning law trainings; *and*

**WHEREAS,** The Executive Order also outlines measures pertaining to modernization, function, and efficiency of the Board. Measures include the Inspectional Services Department (ISD) are instructed to petition the Boston Planning and Development Agency and the Boston Zoning Commission shall disclose those employed by a certain project who earn or are projected to earn \$10,000 or more; *and*

**WHEREAS,** Additionally the Executive Secretary of the Zoning Board of Appeal shall schedule a business meeting with the Board to consider the creation of any written policies or protocols that would facilitate the efficient, predictable conduct of its proceedings and decision-making; *and*

**WHEREAS,** The Executive Order also tasks the Department of Innovation and Technology (DoIT) and the Inspectional Services Department (ISD) with providing transparency and access to the public through enabling online application and payment for permits and petitions, post physical and electronic links to the Board, email notification of hearings, deferrals, and new hearing dates, electronic circulation of plans and petitions to be heard by Zoning Board of Appeal

members, and update and improve existing online subscription list for residents and other interested parties; *and*

**WHEREAS,** Inspectional Services Department shall also work with the Mayor's Office of Language and Communications Access to ensure effective translation services and designate an ombudsperson answer questions and inform the public Board procedures and the process by which they can provide testimony; *and*

**WHEREAS,** On September 26th, 2022, Mayor Michelle Wu appointed new members to the Zoning Board of Appeal in support of said reforms from this order and to address community mistrust with the process; *and*

**WHEREAS,** The Zoning Board of Appeals inspects and reviews new development which has major impacts on the diversity of Boston, renters in income-restricted housing, homeowners, building trades members, first generation immigrants, and multigenerational Bostonians; *and*

**WHEREAS,** In order to build a city that is affordable, environmentally resilient, and equitable, members of the Zoning Board of Appeal must regulate zoning rules that take into account transportation planning, community development, affordable housing creation, sustainable development and architectural design, and construction; *and*

**WHEREAS,** To that end, it is integral that the City of Boston ensure all reforms from the 2020 Executive Order are addressed and implemented when appointing new members and when making systemic changes to the Zoning Board of Appeal; ***NOW, THEREFORE BE IT***

**ORDERED:** That the appropriate Committee of the Boston City Council hold a hearing to discuss the implementation of Zoning Board of Appeal reforms from the 2020 Executive Order and that the relevant departments be invited to testify.

Filed on: October 26, 2022