



# CITY OF BOSTON IN CITY COUNCIL

IN THE YEAR TWO THOUSAND TWENTY ONE

## HOME RULE PETITION

*WHEREAS:* In the lead-up to the 1976 Bicentennial fifty years ago, Boston led the way as one of the first cities to begin landmarking buildings for the purpose of historical preservation, with the Boston Landmarks Commission created by state legislation in 1975 largely in response to widespread demolitions of historical buildings; *and*

*WHEREAS:* Since then, there has been no update to the Landmark Commission's enabling legislation to allow for preservation of a more diverse set of buildings, despite recognition by the historic preservation community of a greater regard for local community history; *and*

*WHEREAS:* Due to state law, only individual buildings with significance above the local level may be landmarked, which makes it very difficult to protect many buildings important to the history of Boston's historically Black or immigrant neighborhoods, leaving only the usually futile option of demolition delay for communities seeking to preserve the structures that are important to them; *and*

*WHEREAS:* A minor change in the definition of landmarks in the Boston Landmark Commission's enabling legislation would give the Commission a greater ability to designate sites particularly important to Boston's history as landmarks and to more fully preserve and honor a history that includes all Bostonians, not only white, affluent, and well-known historical figures; *NOW THEREFORE BE IT*

*ORDERED:* That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this Order be, and hereby is, approved under Clause One (1) of Section Eight (8) of Article Two (2), as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only.

**PETITION FOR A SPECIAL LAW RE: AN ACT RELATIVE TO THE BOSTON  
LANDMARKS COMMISSION**

SECTION 1. Section 2 of chapter 772 of the Acts of 1975, as most recently amended by Section 11 of Chapter 373 of the Acts of 2018, is hereby amended by striking the following language:

“‘Landmark’, any physical feature or improvement designated by the commission in accordance with section four as a physical feature or improvement which in whole or part has historical, social, cultural, architectural or aesthetic significance to the city and the commonwealth, the New England region or the nation.”

And replacing it with the following:

“‘Landmark’, any physical feature or improvement designated by the commission in accordance with section four as a physical feature or improvement which in whole or part has historical, social, cultural, architectural or aesthetic significance to the city, the commonwealth, the New England region or the nation.”

SECTION 2. Notwithstanding any other law, rule, regulation, or provision to the contrary, these sections shall apply to the Boston Landmarks Commission only. However, the substitution of language enacted by Section 1 to allow for the designation of a Landmark based on significance solely to the City of Boston shall not apply to any property where, upon the effective date of this Act, building permits approved by the City of Boston or zoning variances granted by the Boston Zoning Board of Appeals are in effect and unexpired, for so long as said building permits or zoning variances remain in effect and unexpired. Furthermore, in the case of any property with a Planned Development Area zoning overlay district approved by the Boston Zoning Commission by the effective date of this Act, the substitution of language enacted by Section 1 shall not apply until two years after the effective date of this Act, and thereafter shall continue not to apply to any portion of the property within a Planned Development Area where a building permit has been approved by the City of Boston during the two years following the effective date of this Act, for so long as said building permit remains in effect and unexpired.

SECTION 3. This act shall take effect upon the next July 1st following its passage.

Filed on: November 17, 2021