

OFFERED BY COUNCILORS GABRIELA COLETTA, RUTHZEE LOUIJEUNE, BRIAN WORRELL, ARROYO, BREADON, LARA, MEJIA, MURPHY AND FLYNN



CITY OF BOSTON IN CITY COUNCIL

AN ORDINANCE ESTABLISHING AN AFFORDABLE HOUSING DEMOLITION PERMIT FEE BY AMENDING THE CITY OF BOSTON CODE, ORDINANCES, CHAPTER XVIII, SECTION 18-1.2, "B" FEES AND CHARGES, REGARDING BUILDING AND DEMOLITION PERMITS

WHEREAS, Development in growing communities across Boston has continued to move at a rapid pace, yet the abundance of development has not yielded opportunities for affordable living in these neighborhoods; *and*

WHEREAS, Historically neighborhoods like East Boston and Mattapan consist of single-family, two-family, and multi-family residential structures, and it is vital that the City of Boston is able to maintain buildings of historic significance that contribute to neighborhood character, while investing in various funnels of funding for the creation of affordable housing; *and*

WHEREAS, The rapid pace of new development in Boston has adversely impacted the aesthetic of the neighborhood as many family homes are being demolished and replaced by structures of multiple units that do not embody the history of each unique Boston neighborhood; *and*

WHEREAS, The current demolition permit fee structure only includes a small primary fee of fifty (\$50.00) dollars plus an additional ten (\$10.00) dollars for each thousand (\$1,000.00) dollars of the fair cost of the work authorized by such permit as determined by said Commissioner; *and*

WHEREAS, Furthermore, the fee structure does not address smaller residential buildings and does not take into account the significance that such buildings hold over the character of the neighborhood. It also does not contribute to any resources that supply investments in affordable housing opportunities; *and*

WHEREAS, Having a demolition permit fee structure that specifically relates to smaller residential buildings will encourage the preservation of such buildings and will contribute to the aesthetic quality and character of the neighborhood, while also providing resources to mend Boston's affordable housing crisis. **NOW, THEREFORE,**

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

Section 1.

The City of Boston Code, Ordinances, Chapter XVIII, Section 18-1.2, “B” Fees and Charges, Subsection 27, Building and Demolition Permit, is hereby amended by adding the following provisions after the first sentence:

Definitions

For the purposes of this section, the term:

- A. “Single-family residential structure” shall be defined as any structure constructed with the original intent of housing one family, regardless of current status of occupancy, current number of units, or modifications to original floor plans. This shall include, but is not limited to:
 - a. Single-family attached structures
 - b. Single-family detached structures
- B. “Two-family residential structure” shall be defined as any structure constructed with the original intent of housing two separate families within independent, joined units, regardless of current status of occupancy, current number of units, or modifications to original floor plans. This shall include, but is not limited to:
 - a. Duplexes
 - b. Condominiums
 - c. Townhouses
 - d. Two-family semi-detached structures
- C. “Affordable Housing, or Low Income Housing” shall mean housing for those persons and families whose annual income is less than 80 percent of the areawide median income.
- D. “Low or moderate income housing for seniors” shall mean housing for those persons having reached the age of 60 or over who would qualify for low or moderate income housing. Moderate income housing shall mean housing for those persons and families whose annual income is less than 100 percent of the areawide median income.
- E. “Areawide median income” shall be the areawide median income as determined by the United States Department of Housing and Urban Development. Affordable housing shall include low and moderate income housing for individuals and families, including low and moderate income senior housing as defined in section 8.12.2.

Any person or entity granted a permit under this code for demolition of a single-family residential structure, or two-family residential structure, shall pay a housing demolition fee of: 1) fifteen thousand dollars (\$15,000.00) for the demolition of any single-family detached residential structure, or 2) for the demolition of any multi-family, single-family attached, or two-family residential structure, either fifteen thousand dollars (\$15,000.00) or five thousand dollars (\$5,000.00) for each unit in the structure, whichever amount is more. The fee imposed pursuant

to this Subsection shall be in addition to the demolition permit fee established from time to time by the City Council and all other applicable fees and charges. The demolition fee funds received pursuant to the fee imposed by this Chapter shall be deposited directly into the Neighborhood Housing Trust (NHT).

(A) Specific Applicability Rules. Notwithstanding the general requirement set forth in Subsection (A) of this Section, the fee shall not apply under the following circumstances.

1. If the applicant and the City enter into an agreement for the provision of "affordable housing or low income housing" as defined in Section 18-1.2 of this Chapter in conjunction with the demolition that would otherwise be the subject of Subsection (A) of this Section. Any such agreement shall require prior City Council approval and shall specifically set forth the applicability of this Subsection.
2. If the Director determines, pursuant to regulations enacted by the City Council, that the building or structure replacing the building or structure that is the subject of the demolition permit constitutes "affordable housing or low income housing" as defined in Section 18-1.2 of this Chapter.
3. If the Director or any other City department head, or their respective designees, orders a demolition for any reason, including, but not limited to, nuisance, public safety, building collapse, flooding, or fire hazard, this fee shall not apply, regardless of whether the demolition work is performed by a public or private entity. (C) General Applicability. Imposition of the fee provided for by Subsection (A) of this Section shall not apply to any demolition for which a perfected application for the demolition permit was on file with the City on or before the effective date hereof.

Section 2.

The provisions of this ordinance are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions, which remain in full force and effect.

Section 3.

The provisions of this ordinance shall be effective immediately upon passage.

Filed on: July 19, 2023