



BOSTON CITY COUNCIL

Committee on Government Operations

Gabriela Coletta Zapata, Chair

One City Hall Square 5th Floor, Boston, MA 02201 ♦ Phone: (617) 635-3040 ♦ city.council@boston.gov

REPORT OF COMMITTEE CHAIR

October 08, 2025

Dear Councilors,

The Committee on Government Operations was referred the following docket for consideration:

Docket #1276, Ordinance to prioritize surplus municipal property as affordable housing.

This matter was sponsored by Councilors Ruthzee Louijeune, Enrique J. Pepén, and Brian J. Worrell and was referred to the Committee on June 25, 2025.

Summary of Legislation

Docket #1276 is an ordinance proposing amendments to the City of Boston Code to create priorities for the disposition of City-owned property deemed surplus. Specifically, the Ordinance requires the City to prioritize the creation of affordable housing on surplus sites by vesting the Mayor's Office of Housing (MOH) with the responsibility of evaluating surplus sites for affordable housing and the authority to, upon the Chief of Housing's determination, exempt certain surplus properties from being developed into affordable housing.

Section 1. *Purpose* declares that the Ordinance aims to address Boston's housing affordability crisis by ensuring that the City prioritizes the development of affordable housing on surplus municipal property, including buildings owned by the City, its departments, and subsidiaries that are no longer needed for public use. The language of this section establishes a preference for affordable housing while allowing flexibility when other municipal needs clearly apply.

Section 2. *Definitions* defines four operative terms that determine when and how the Ordinance applies, who conducts evaluations, and when exceptions may occur. The Ordinance defines the following:

“Affordable Housing” as housing for people earning up to 100% of area median income (AMI), with housing costs $\leq$ 30% of income, consistent with HUD, M.G.L. c. 44B, and Boston Code § 8-12, and may be mixed-use or mixed-income.

“Exception Determination” as a written decision by the Chief of Housing explaining why a surplus property will not be used for affordable housing, reasons including but not limited to financial infeasibility, zoning or environmental limits, or a superior public use. Must be issued within 90 days of the surplus designation and made public.

“Surplus Municipal Property” as any building no longer needed by its department and formally declared surplus by the Public Facilities Commission (PFC), including former BPDA, police, fire, EMS, and school buildings.



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“Feasibility Evaluation” as an assessment by the Mayor’s Office of Housing (MOH) of the property’s physical, legal, environmental, and financial suitability for affordable housing.

Section 3. *Procedure creates* a process that requires MOH to perform a feasibility evaluation of surplus municipal property for the development of affordable housing and to provide justification for any non-housing outcome. Under this section, before any surplus property is disposed of, MOH must conduct a Feasibility Evaluation, and if affordable housing is feasible, shall prioritize the property for that use. Thereafter, PFC is directed to issue an RFP M.G.L. c. 30B. If not feasible or needed for another municipal use, the Chief of Housing may issue an Exception Determination within 90 days, stating reasons and filing it publicly with any alternative-use RFP.

Section 4. *Reporting*, requires MOH to prepare and provide the Council with an annual report detailing all surplus properties evaluated that year, which ones were designated for affordable housing, every *Exception Determination* (with address and reason), as well as any alternative uses, RFPs issued, or development agreements executed.

Section 5. *Authority and Enforcement*, preserves the authority and oversight vested in the City Auditor and Boston Finance Commission to investigate, conduct compliance reviews, and report findings to the Mayor and City Council.

Section 6. *Severability*, preserves the ordinance’s remaining provisions if any part of the ordinance is found invalid.

Section 7. *Effective Date*, effectuates the Ordinance 90 days after passage.

Information Received at Hearing

The Committee held a hearing on August 15, 2025, and a working session on October 06, 2025, to discuss Docket #01276. The Committee heard testimony on behalf of the Administration from Jamie Smith, Sr. Environmental Compliance Manager, Mayor’s Office of Housing; Daniel Lesser, Chief of Staff, Mayor’s Office of Housing; and Rebecca Tomasovic, Director of Real Estate, Planning Department.

At the hearing on August 15, 2025, the Committee examined how the City identifies, transfers, and reuses municipal properties that are no longer needed for public purposes. The Administration described the existing surplus property process as a multi-step, community-driven process that includes environmental review and multiple approvals before redevelopment can occur, acknowledging that these steps often make the process complex and the timeline lengthy. Councilors discussed the need for earlier coordination among departments, clearer communication about when properties become surplus, and stronger alignment between housing priorities and redevelopment decisions. Community advocates expressed strong support for codifying the process through ordinance, emphasizing that a clear, consistent framework would make it easier to turn public land into a lasting community benefit.

At the working session on October 6, 2025, the Committee reviewed the ordinance line by line to refine definitions and ensure alignment with existing City procedures. There was consensus to strengthen the definition of affordable housing, extend and clarify timelines for exception determinations, and confirm that the ordinance applies only to City-owned property under municipal control. The Committee also



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discussed amendment suggestions aimed at improving transparency, accountability, and coordination across departments, including requiring annual reports on all surplus property activity—even in years when no new designations occur—and mandating that written exception determinations be included in all related RFPs for public visibility. Councilors agreed that these changes would create a clearer, more efficient, and transparent framework for managing surplus municipal property, ensuring that public assets are more effectively leveraged to advance Boston's affordable housing goals.

Summary of Amendments

The Ordinance as amended revises Section 1. *Purpose* to clarify the scope of the ordinance and to strengthen its intent by *striking* the words “and subsidiaries” and “while allowing flexibility when other municipal needs clearly apply” and *replacing* the latter with “once the City has determined the property is not needed for other municipal purposes.” As amended, Section 1. *Purpose* reads as:

“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. This includes buildings and land owned by the City and its departments that are no longer needed for public use, including Boston Public Schools properties no longer being used for an educational purpose, which represent a significant opportunity for equitable, community-driven redevelopment. This ordinance establishes affordable housing as a preferred use for such properties, once the City has determined the property is not needed for other municipal purposes.”

The Ordinance as amended revises Section 2. *Definitions* to align the definitions with City processes and to clarify the scope of the ordinance and the duties of City departments in implementation.

Under the definition of “Affordable Housing” the following words concerning individuals eligible for affordable housing were struck: “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 the following words regarding eligible developments were inserted “include at least forty percent of the units are considered affordable and the overall project.” As amended, this definition reads as:

“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 Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD), and whereby eligible developments include at least forty percent of the units are considered affordable and the overall project may be mixed-use and/or mixed-income in order to support deeper affordability.

Under the definition of “Exception Determination” the words “ninety days” were struck and replaced with “one hundred and eighty days” and the following language was inserted to explicitly include a description of “community feedback” and to allow for an extension to the 180 day deadline for an exception determination: “If additional time is required, the Chief of Housing shall issue a written notice that additional time is needed, at which time an automatic extension of one hundred and eighty days shall be granted. The written notice and the property’s surplus designation shall be made publicly available.” As amended, this definition reads as:



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"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 community feedback, financial infeasibility, zoning or environmental constraints, or a documented alternative superior municipal use. Exception Determinations shall be issued within one hundred and eighty days of the property's surplus designation. If additional time is required, the Chief of Housing shall issue a written notice that additional time is needed, at which time an automatic extension of one hundred and eighty days shall be granted. The written notice and the property's surplus designation shall be made publicly available.

Under the definition of "Surplus Municipal Property" language was reworded and the following words were struck: "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." As amended, this definition reads as:

"Surplus Municipal Property" shall mean any municipal building that is under the care, custody, and control of the City of Boston, and is no longer required for the current or foreseeable operations of the controlling department.

As amended, the definition for "Feasibility Evaluation" was struck in its entirety.

The Ordinance as amended revises Section 3. *Procedure* to maintain consistent language, enhance transparency and clarify the parties involved in the process and their duties. As amended, this section inserts the words "community input," strikes/replaces the words "Mayors Office of Housing" with "the City," and strikes/replaces the words "Public Facilities Commission" with "the pertinent City department." Language was also revised under this section to clarify that exception determinations shall be filed for future RFPs issued for the property. As amended, Section 3. *Procedure* reads as:

"Prior to the disposition of any Surplus Municipal Property, the City 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, its ability to meet local housing needs, and community input.

If the City determines that affordable housing is feasible, the property shall be prioritized for that purpose. The pertinent City department shall issue a Request for Proposals in accordance with Massachusetts General Laws and all other applicable laws and procedures for redevelopment of the property within one hundred and eighty days of a Surplus Designation.

If the City finds that affordable housing is not feasible due to financial, legal, environmental or other constraints, or if the property is needed for another municipal use, the Chief of Housing shall issue an Exception Determination. This written decision shall state the specific grounds for the exception and shall be included with any Request for Proposals for the redevelopment of any surplus property for a non-affordable housing use."



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The Ordinance as amended revises Section 4. *Reporting*, to ensure consistent procedures and strengthen transparent reporting by inserting the words “and the Planning Department”, allowing MOH to submit the report required under this section, jointly, and inserting the following language to ensure that a report is submitted even if no new surplus designations have occurred, and to require the report include a summary of housing units created through surplus designations since passage of the ordinance or within the previous five years, whichever is shorter: “and a summary of completed housing units as a result of surplus designations since passage of this ordinance and/or within the last five years. A report is required regardless of whether new information is available.” As amended, Section 4. *Reporting* reads as:

“On or before July 1 of each year, the Mayor’s Office of Housing and Planning Department 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, the status of any Requests for Proposals issued or development agreements executed, and a summary of completed housing units as a result of surplus designations since passage of this ordinance and/or within the last five years. A report is required regardless of whether new information is available.”

The Ordinance as amended revises Section 5. *Authority and Enforcement*, to ensure compliance and consistency with all applicable laws by inserting the following language: “and any other applicable laws or regulations regarding the disposition of property.” As amended, Section 5. *Authority and Enforcement*, reads as:

“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; and any other applicable laws or regulations regarding the disposition of property.”

Committee Chair Recommended Action

As Chair of the Committee on Government Operations I recommend moving the listed docket from the Committee to the full Council for discussion and formal action. At this time, my recommendation to the full Council will be that this matter **OUGHT TO PASS IN A NEW DRAFT**.

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