

City of Boston Code, Ordinances *Chapter X* is hereby amended by inserting the following new section, Chapter 10-12 at the end thereof:

AN ORDINANCE TO PRIORITIZE SURPLUS MUNICIPAL PROPERTY FOR AFFORDABLE HOUSING

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. 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.

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 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.

"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.

"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.

Section 3. Procedure

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.

Section 4. Reporting

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.

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

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 its passage and approval in accordance with the Boston City Charter.