



BOSTON CITY COUNCIL

Committee on Government Operations

Ricardo Arroyo, Chair

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REPORT OF COMMITTEE CHAIR

March 6, 2023

Dear Councilors:

Docket #0323, Message and order for your approval a proposed Act to Improve and Modernize Planning and Community Development in the City of Boston was referred to the Committee on February 1, 2023, and sponsored by Mayor Michelle Wu. The Committee held a public hearing on February 27, 2023, and a working session on March 3, 2023.

Summary of Legislation As Filed:

Docket #0323 formally abolishes the Boston Redevelopment Authority (BRA) and the Economic Development Industrial Corporation (EDIC) of Boston. This Act transfers the powers and duties of those entities to an agency newly created by this Act and formally adopts this agency as the Boston Planning and Development Agency (BPDA). This Act also ends the period of Urban Renewal and narrows the scope of the newly formed BPDA to focus on three key planning principles: 1) resilience, including climate change mitigation and adaptation; 2) affordability, including the creation and retention of affordable housing and support of local businesses; and 3) equity, in the form of community development plans that ensure the equitable distribution of benefits derived from development in the city and redress the historical inequitable policies that may have led to inequities in the City's growth.

Information Gathered at Hearing and Working Session:

Chief of Planning and Director of the Boston Planning and Development Agency (BPDA) Arthur Jemison, BPDA General Counsel Lisa Herrington, and BPDA Deputy Chief for Development and Transportation Devin Quirk were present to testify on behalf of the Administration at both the hearing and the working session.

At the hearing, Councilors discussed challenges in ending urban renewal, most specifically the maintenance of enforcement of land disposition agreements (LDAs) and other tools that designate or protect affordable housing. It was explained that the Act authorizes the agency to continue to act as a public economic development agency, to fund worthy projects, to clear title issues, and to manage related property matters so long as they are in accordance with the new overarching principles. The Act also preserves the Chapter 30B real estate exemption and Chapter 121A tax tools, including the ability to do demonstration projects with Resilience, Affordability and Equity (RAE) purposes. This would allow the BPDA to engage in real estate transactions for creating seawalls, public private partnerships, small business incubators, affordable housing and more.

At the working session the Administration was asked to address concerns listed in written testimony submitted prior to the hearing. Several clarifications included that the new BPDA after passage of the home rule would be functionally the same with regards to concentration of power, applicability of the Charter, interaction with 121A and 30B, status as the City's planning board, and need for approval from the State Department of Housing and Community Development (DHCD). It was clarified that the Act will enable the BPDA to make findings based on RAE for 121A and demonstration projects. The Committee discussed mechanisms for continued enforcement of land disposition agreements (LDAs) and community use restrictions, since the Council had previously been extending these covenants through extensions of urban renewal. It was stressed that the overriding legislative intent of this Act is to preserve community value to the greatest extent possible. There was agreement that the BPDA's transition following this Act is intended to lean further into its authority to develop for public good. Other topics of discussion included the definition of equity within the home rule petition and how it relates to findings for community development.

At both the hearing and the working session, Councilors raised concerns about the implications of bringing BPDA's budget into the City's, impacts on current BPDA employees and their retirement accounts, impacts on BPDA assets and leases, and how a City department will function in relation to certain powers granted only by state law.

It was explained that the abolition and reformation of the BPDA involves three actions, only one of which is before the body in the current home rule petition. First are ongoing management efforts within the agency to improve the Zoning Code and Article 80; second are the series of proposals that will result in the transition of current BPDA staff to the City; and third is legislation to clean up residual legal items in state law that authorized the formation of the city's redevelopment authority and urban renewal to better reflect the operational realities of the current BPDA. The third item is the only one covered by Docket #0323. The Act abolishes the corporations known as the BRA and the EDIC that were established by special act in the 1960s, and reconstitutes those entities into one, to be formerly established by the Act as the BPDA. The BPDA will remain a quasi independent entity, and will retain its current powers with respect to mitigation payments and property management. Chief Jemison explained that the Act refocuses planning and development efforts through lenses of affordability, resiliency, equity, rather than blight and decadence, while allowing the agency to continue to grant tax relief for certain projects and support homeownership initiatives. Chief Jemison stressed that the HRP protects staff through the agency's rechartering and does not move any staff until further legislative action is taken in the future.

Summary of Amendments

Following deliberations at the hearing and working session, the following change is proposed to Docket #0323. The amendment addresses concerns about the enforcement of LDAs in perpetuity, but adding a specified end date, consistent with the ultimate end date of the majority of existing covenants. Section 12, subsection (c) is amended by adding the phrase "through December 31, 2060".

Section 12(c) now reads as follows:

Notwithstanding the provisions of any general or special law, contract or urban renewal plan to the contrary, prior to and upon the termination of any urban renewal plan, the agency shall be entitled to continue to enforce such conditions or to benefit from any

restrictions or other provisions, as such actions, conditions, restrictions, or other provisions are set forth in any contract or plan in effect as of the effective date through December 31, 2060, provided that the agency shall be authorized to terminate, extend, modify or amend any such condition, restriction or other provision by agreement.

Rationale and Recommended Action:

This legislation will simplify Boston's quasi-governmental redevelopment entity by abolishing the BRA and EDIC and transferring the powers and duties of those entities into a new, singular entity named the BPDA. The Act also formally ends the urban renewal mission of eradicating blight and urban decay, and rededicates planning efforts to further resiliency, affordability, and equity (RAE) as the City moves into the future, which will allow the City to retain its powers with regards to enforcing planning and development efforts under those themes for the public good.

The Chair of the Committee on Government Operations, to which the following was referred:

Docket #0323, Message and order for your approval a proposed Act to Improve and Modernize Planning and Community Development in the City of Boston,

submits a report recommending that this docket **ought to pass in an amended draft.**

For the Chair:

A handwritten signature in blue ink, appearing to read 'Ra', followed by a horizontal line.

Ricardo Arroyo, Chair
Committee on Government Operations