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BOSTON TO BECOME FIRST MAJOR CITY IN THE NATION TO INCLUDE FAIR HOUSING REQUIREMENTS IN ZONING CODE

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Zoning amendment represents one step in City's efforts to strengthen fair housing practices

Mayor Martin J. Walsh today announced that the City of Boston is expected to become the first major city in the nation to include Affirmatively Furthering Fair Housing requirements in its zoning code, following a vote by the Boston City Council. The zoning amendment, one part of the Walsh Administration's overall efforts to address discriminatory housing practices, will require developers in Boston to take substantial steps to stem displacement and provide further access to housing to those historically discriminated against.

"To reverse the exclusionary housing practices of the past that have kept families of color from accessing safe and secure housing and building generational wealth, we must support aggressive new housing policies that promote equity and fairness," said Mayor Walsh. "By adopting affirmative fair housing requirements into our zoning code, and asking our developers to do more to fight displacement and create housing for all, Boston will serve as the national leader on fair housing practices. I would like to thank Councilor Edwards for her steadfast leadership to see this amendment through and Councilor Bok for her partnership and her expertise on this effort, which was critical to helping shape this final proposal."

In 1968, President Johnson signed the Fair Housing Act making housing discrimination on the basis of race, color, national origin, religion, sex, family status, or disability illegal. In 2015, President Obama strengthened the Fair Housing Act by issuing the Affirmatively Furthering Fair Housing (AFFH) rule, which required cities to examine whether there are any barriers to fair housing, produce an Assessment of Fair Housing, and create a plan to rectify fair housing practices. Despite the Trump Administration repealing the 2015 AFFH rule and dismantling the federal requirement, City of Boston agencies have been engaged in a cross departmental effort to draft a plan for Affirmatively Furthering Fair Housing (AFFH), as required by President Obama's 2015 AFFH rule. Boston's draft AFFH identifies over 100 actions under 14 goals across city agencies, including amending the Boston Zoning Code to affirmatively further fair housing.



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3fNaiLzPueagtGhnU8GKfo2rUIAj43bs3LdtDjl8w==) (BPDA) will amend the Boston Zoning Code to require proposed development projects and/or Planned Development Areas (PDAs) undergoing Article 80 review to consider impacts on area residents historically discriminated against so that steps can be taken to reduce those impacts, provide new housing opportunities, and address past histories of exclusion.

Developers will be required to complete both the already-approved [Accessibility Checklist](#) (http://r20.rs6.net/tn.jsp?f=001_ykg302uf_LpeyVp6ck8ThJw_UWwF8wlUJ-uUpWfrzp76ugYXT1Yahz58WI-RvUP03FtudexiwLxiEaQBrE5bVt95GmeHhOn7SX-PJSfG12aIAKIEX6uWh0ecsEBwbDNm4h16aphudDhDLJMrz_phyD2U0ReesNRnLua_96SBhpyrYkAlr8xeZq61CnvKOaro_eYsiX0zkzHoocfQ==&ch=WSNTMEC9BOOM-3fNaiLzPueagtGhnU8GKfo2rUIAj43bs3LdtDjl8w==),

which considers impacts of people with disabilities, in addition to a new AFFH Assessment, guided by a displacement analysis and historical exclusion data that will be provided by the BPDA.

In order to achieve the goals of Affirmatively Furthering Fair Housing, projects in impacted areas will be required to take additional steps that could include providing an additional percentage of Inclusionary Development Policy (IDP) units than required, deepen the affordability of IDP units, provide additional accessible units, provide a higher proportion of family-sized (2+ bedroom) IDP units, provide all IDP units on-site, match the percentage of family-sized units in the surrounding neighborhood or any other option that meets the AFFH goals. Projects will also be required to market IDP units in accordance with an Affirmative Fair Housing Marketing plan to further access to housing.

In addition, the Boston Interagency Fair Housing Development Committee (BIFDC), comprised of representatives from the Boston Housing Authority, Office of Fair Housing and Equity, Department of Neighborhood Development, the Mayor's Commission for Persons with Disabilities, and the BPDA will be created and will meet regularly to review the submitted Assessments and develop a plan for ongoing monitoring of commitments and reporting requirements.

Mayor Walsh announced the City's commitment to amending Boston's Zoning Code to include affirmatively furthering fair housing requirements in June as part of the City's commitment to advancing equity and inclusion in the City of Boston.

"For too long, zoning has played a role in causing a lot of harm," said City Councilor Lydia Edwards. "With today's vote, we are taking a historic step toward zoning playing a role in healing. We have come a long way and the real test is not the signing or even passage of this amendment but its implementation. Ultimately I hope when we look back on this moment we will proudly say the City of Boston leaned in towards equity and finally said everyone is welcome to call Boston their home. I want to thank the members of the Affirmatively Furthering Fair Housing Community Advisory Committee, especially Dr. James Jennings, for the work that they've done on this over the past few years. It's largely because of their advocacy that Boston is making history today a year and a half after I

"Knowing that zoning originated across America a century ago as a legal basis for racial exclusion, it is so important that we are taking this step today to reverse that tide and use zoning as a proactive tool for inclusion," said City Councilor Kenzie Bok. "This amendment to the Boston Zoning Code would codify the City's moral and legal responsibility to affirmatively further fair housing. Through the analysis and intervention measures that the amendment requires, Boston can begin to more effectively guard against displacement while also creating affordable housing in areas that have historically excluded people of color, particularly Black Americans. I came to the Council from direct work to increase housing opportunities for Boston's lowest-income families. As a new Councilor, it has been an honor to work alongside my colleague Councilor Edwards, Mayor Walsh's team at BPDA and DND, and so many dedicated advocates to craft a policy that will really increase those fair housing opportunities citywide and commit to developing Boston as a city for all."

"This is a great victory for the City of Boston and all who have worked so long and hard to see this day come to fruition," said Lincoln Larmond of the Boston Tenant Coalition and the Affirmatively Furthering Fair Housing Community Advisory Committee (AFFH CAC). "Amending the zoning code to include fair housing and anti-displacement language is a central tenet of the Affirmatively Furthering Fair Housing Community Advisory Committee's working partnership with the City. The committee is very encouraged to see the BPDA support and advance legislation that seeks to address fair housing inequities in the City of Boston and looks forward to working with the agency, Councilor Lydia Edwards, and members of the City Council to fully realize the promise of this first in the nation amendment to the zoning code."

"In the face of unprecedented challenges caused by the 2020 pandemic, NAIOP is proud to have worked with the Mayor's Office, BPDA, and City Council to ensure a zoning amendment that addresses systemic housing issues and contributes to providing equitable, affordable and accessible housing across Boston," said Tamara Small, CEO of NAIOP Massachusetts. "NAIOP is committed to combating discrimination and increasing diversity, and we recognize the critical role that development plays in fostering thriving, vibrant communities. We look forward to continuing to work with the City on the implementation of this first in the nation program to ensure the furtherance of these important goals."

Affirmatively Furthering Fair Housing (AFFH) means "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant's activities and programs relating to housing and urban development."

The BPDA will now bring the proposal to the BPDA Board and the Boston Zoning Commission for approval.



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