

Proposed Legislation to Strengthen Somerville's Inclusionary Zoning Requirements

2015 OCT -5 P 3: 33

THE SOMERVILLE ZONING ORDINANCE IS HEREBY AMENDED, AS FOLLOWS, TO ENHANCE THE INCLUSIONARY ZONING PROVISIONS:

CITY CLERK'S OFFICE
SOMERVILLE, MA

WHEREAS, development pressure in Somerville is jeopardizing the affordability of our City's housing stock; causing displacement; threatening the socioeconomic and demographic diversity that is so essential to our City's character; jeopardizing the ability of Somerville families to continue their children's educations in the Somerville Public School system; and making it increasingly unaffordable to live, work, play, and raise a family in the City we call home;

AND WHEREAS permits for new housing development continue to be approved and are subject only to the existing and outdated inclusionary zoning requirements, while the City develops a new zoning code which will likely include higher inclusionary requirements;

AND WHEREAS any such new zoning will not be enacted until sometime after mid-2016, causing Somerville to lose out on dozens and perhaps hundreds of new inclusionary units that would have been developed under the anticipated higher requirements;

AND WHEREAS we anticipate that certain other changes, such as expanded income tiers, will be made to the inclusionary housing provisions in the full zoning overhaul, and we will support such changes, but we believe that the following changes are urgent;

NOW THEREFORE, be it adopted by the Board of Aldermen, in session assembled, that the below listed sections of the Somerville Zoning Ordinance are hereby amended to provide for an immediately effective increase in the inclusionary zoning rate and implementation of the accompanying provisions.

1. Article 13: Inclusionary Housing is hereby amended in the **first paragraph of Section 13.2, *Applicability*** as follows (additions are **bolded and underlined** and deletions are ~~crossed out~~):

The provisions of this Article shall apply to all residential developments seeking special permits with site plan review to develop ~~eight (8)~~ **six (6)** or more dwelling units, whether new construction, substantial rehabilitation, Planned Unit Development, residential conversion, or adaptive reuse. Developments shall not be segmented or phased in a manner to avoid compliance with these provisions. No provisions of this Article shall substitute for any other provisions of this Ordinance.

2. Article 13: Inclusionary Housing is hereby amended in **Subsection 1 "Rental" of Section 13.3.3, *Affordability*** as follows (additions are **bolded and underlined** and deletions are ~~crossed out~~):

13.3.3. ***Affordability***. Housing affordability under this Article means:

I. ***Rental***: Payment of housing and related costs for rental units shall be set at the following levels:

- (a) in the case of low-income households, rental costs (including utility costs for heat, electricity, **water, and hot-water, and including access to all amenities that are typically offered to a tenant in the building, such as parking, access to an onsite gymnasium, and other such amenities.**) shall be set at a level not to exceed the then current "LOW HOME" RENTS published by HUD for its Home Investment Partnership Program at 24 CFR 92 as they may be amended from time to time. These rents are set by HUD to be affordable to households with incomes up to fifty (50) percent of area median income.
- (b) in the case of low moderate-income households, rental costs (including utility costs for heat, electricity, **water, and hot water, and including access to all amenities that are typically offered to a tenant in the building, such as parking, gymnasium, etc.**) shall be set at a level not to exceed the then current "HIGH HOME" RENTS published by HUD for its Home Investment Partnership Program at 24 CFR 92 as they may be amended from time to time. These rents are set by HUD to be affordable to households with up to eighty (80) percent of area median income.

3. Article 13: Inclusionary Housing is hereby amended in **Section 13.3 General Requirements** by adding a new **Subsection 13.3.7 Tenancy Preservation**, as follows:

13.3.7. *Tenancy Preservation.* Leases for the rental units created under the provisions of this Article 13 shall provide that tenants occupying such units shall not be evicted at any time except for good cause based on tenant fault and shall be comparable to the provisions of 12 USC § 1715z-1b(3) which governs leases and evictions for multi-family housing subsidized by the US Department of Housing and Urban Development.

4. Article 13: Inclusionary Housing is hereby amended in the first paragraph of **Section 13.3.4, Quantity and Distribution of Units** as follows (additions are **bolded and underlined** and deletions are ~~crossed out~~):

13.3.4. **Quantity and Distribution of Units.** Developers shall provide ~~twelve and a half percent (12.5%)~~ **a minimum of twenty percent (20%)** of the total units in the subject development as affordable housing units, ~~with the exception that Developers in TODs shall provide affordable housing as shown in Table 6.5.F in Article 6.~~ Not less than fifty percent (50%) of said affordable units shall serve the lower income range households and the balance of affordable housing units shall serve the higher income range households (as defined in this article at 13.3.2). Thus, not less than **ten percent (10%)** ~~six and a quarter percent (6.25%)~~ of the total units in the development shall serve **the lower-income range** households. Nothing in this Article shall preclude a developer from providing more affordable units than the minimum ~~twelve and a half percent (12.5%)~~ **twenty percent (20%)**.

5. Article 13: Inclusionary Housing is hereby amended in **Subsection 13.4.1 Establishment and Finding of Need** by striking the last sentence of paragraph (c) and replacing it with the following new sentence:

"As an example, a twenty-six (26) unit project would require 5.2 units (20% of 26) and the last 0.2 unit would require the appropriate cash payment described in Section 13.4.2."

6. Article 13: Inclusionary Housing is hereby amended in **Section 13.5, Incentives for Provision of Additional Affordable Housing Units** by striking the words "twelve and a half percent (12.5%)" and replacing them with the words "twenty percent (20%)"

7. Article 13: Inclusionary Housing is hereby amended in **Subsection 13.6.2 Fast-Tracking of Permit Process** as follows:

- (a) In paragraph (a) by striking the words "twelve and a half percent (12.5%)" and replacing them with the words "twenty percent (20%)"
- (b) In paragraph (b) by striking the words "twelve and a half percent (12.5%)" and replacing them with the words "twenty percent (20%)"
- (c) In paragraph (c) by striking the words "fourteen percent (14%)" and replacing them with the words "twenty-two percent (22%)" and by striking the words "seven percent (7%)" and replacing them with the words "eleven percent (11%)"
- (d) In paragraph (d) by striking the words "twenty-five percent (25%)" and replacing them with the words "forty percent (40%)"

8. Article 13: Inclusionary Housing is hereby amended in **Subsection 13.6.3 Fee Waiver** as follows (additions are **bolded and underlined** and deletions are ~~crossed out~~):

13.6.3. *Fee Waiver.* In cases where a project includes ~~fourteen percent (14%)~~ **twenty-two percent (22%)** or more affordable housing units and where a minimum of ~~seven percent (7%)~~ **eleven percent (11%)** of the total project units are provided for low-income households, various permit and hearing fees may be waived at twice the percentage of affordable housing provided (e.g. ~~fourteen (14)~~ **twenty-two (22)** percent affordable/~~twenty-eight (28)~~ **forty-four (44)** percent fees waived) for projects which include up to ~~twenty-four percent (24%)~~ **thirty-nine percent (39%)** affordable units. For projects which include ~~twenty-five percent (25%)~~ **forty percent (40%)** or more affordable units, one hundred percent (100%) of fees may be waived. The SPGA shall establish guidelines for administration and applicability to various fees in its adopted Rules and Regulations.

9. The Office of Strategic Planning and Community Development (OSPCD) is herein authorized and directed to develop a citywide application process and waiting list for all units of inclusionary housing. OSPCD is herein further authorized and directed to develop a preference system whereby priority points are assigned to households that:

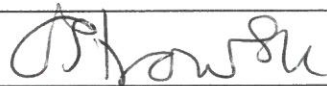
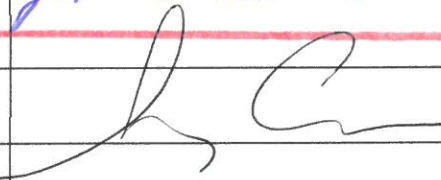
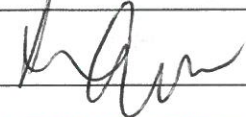

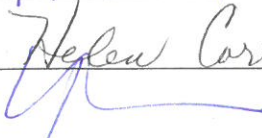
- Are Somerville residents; and
- Would be income eligible for inclusionary units of rental housing; and
- Have been displaced from Somerville within the twelve months prior to the date of application for an inclusionary unit, or have been displaced subsequent to their application for an inclusionary unit; or are at imminent risk of such displacement, and their actual displacement or risk of displacement is for reasons beyond their control, including, but not limited to, no fault evictions, and evictions for non-payment of rent where shelter expenses (i.e., rent plus utilities) exceed 50% of household income.

Development of these and other guidelines for assigning priority above and beyond date of application shall be accomplished with guidance from the Affordable Housing Trust, in consultation with the Housing and Community Development Committee of the Board of Aldermen, and pursuant to a public hearing.

The following citizens of Somerville hereby petition the Board of Aldermen to consider this proposed legislation:

2015 OCT -5 P 3:33

CITY CLERK'S OFFICE
SOMERVILLE, MA

Printed Name	Signature	Somerville Street Address
✓ Ammar		116 Croest
✓ Frederic Berman	Frederic Berman	25 Cherry St 02144
✓ John Cater	John Cater	82 Mount Vernon ST #1
✓ Mary Cresso		2 Bigelow St 02143
✓ David Gibbs	David Gibbs	9 Linden Place
✓ Daniel LeBlanc	Daniel LeBlanc	92 Glen Street
✓ Irene Lew		98 Hudson Street Somerville
✓ Ben Echevarria		7 Gilman Terr.
✓ Kristen Lucas	Kristen Lucas	17 B Everett St
✓ Helen Corrigan	Helen Corrigan	76 Irving St
✓ Laurie Goldman		24 Warren Ave #2

11/1



CITY OF SOMERVILLE, MASSACHUSETTS
EXECUTIVE OFFICE OF COMMUNICATIONS
JOSEPH A. CURTATONE
MAYOR

October 8, 2015

John J. Long
City Clerk
Somerville City Hall
93 Highland Avenue
Somerville, Ma 02143

Dear Mr. Long:

We hereby certify that from the one (1) page of the petition given to us by your office contains the names of eleven (11) registered Somerville voters designated as such by a red check mark to the left of the name. The breakdown is as follows:

Sheet #1: 11 (eleven) voters

Anthony Alibonick

[Signature]

Louise A. McCarthy
Nicholas P. Salerno

BOARD OF ELECTION COMMISSIONERS



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2600 • TTY: (617) 666-0001 • FAX: (617) 776-8061
EMAIL: communications@somervillema.gov • www.somervillema.gov