

Offered by City Councilors Julia Mejia and Kenzie Bok, Edwards, Flaherty, Breadon, Flynn, Arroyo, Wu, Campbell, Essaibi-George, Flaherty and O'Malley



**CITY OF BOSTON
IN CITY COUNCIL**

**AN ORDINANCE TO ESTABLISH SYSTEMS FOR TRACKING
VACANT COMMERCIAL PROPERTIES IN THE CITY OF BOSTON**

- WHEREAS,** Throughout Boston, residents walking down commercial streets can find vacant storefronts which have gone unoccupied for years at a time; *and*
- WHEREAS,** Before the COVID-19 pandemic, the average percentage of commercial vacancies in Boston was around 2.2% and the average percentage of office space vacancies was around 7%, a near-historic low; *and*
- WHEREAS,** As a result of COVID-19 pandemic, commercial vacancies in Boston are higher than they have been in recent years, with office space vacancies alone nearing 13% across the metro region, according to Newmark Knight Frank; *and*
- WHEREAS,** Although these figures represent broad economic changes in the Boston metro area, the City of Boston does not currently track or monitor individual vacant commercial properties; *and*
- WHEREAS,** More precise data regarding which commercial properties are vacant is required in order to enact meaningful change to fill these vacancies and to support local entrepreneurs who have historically lacked access to physical spaces; **NOW THEREFORE**

Be it ordained by the City Council of Boston as follows:

SECTION 1. The City of Boston Code, Ordinances, Chapter 16, Section 52, shall be amended by striking all instances of the word “residential” throughout the section.

SECTION 2. The City of Boston Code, Ordinances, Chapter 16, shall be amended by adding at the end thereof, the following new section and subsections:

16-62 *GATHERING OF COMMERCIAL VACANCY DATA*

16-62.1. Purpose

- a. The purpose of this ordinance is to create a mechanism for the City of Boston to

keep track of prolongedly vacant commercial properties in Boston. By keeping track of vacant commercial properties, the City of Boston will have the opportunity to better support local economic development and create avenues for small business development in neighborhoods that have seen enduringly vacant properties over the years.

16-62.2. Definitions

- a. “*Vacant Commercial Property*” shall refer to any commercial property in the City of Boston that is not currently occupied by a tenant or being used by the owner for the purpose of conducting business.
- b. “*Continuously Vacant*” shall refer to any commercial property that is vacant, with no tenant occupying the space for business purposes, for more than six months at a time during a calendar year.
- c. “*Point of Sale/POS*” shall refer to any system where a customer or client makes a payment for goods or services which, for the purpose of this ordinance, shall be an indicator of commercial activity taking place in a commercial property.

16-62.3. Establishment of a Commercial Vacancy Data Tracking System

- a. The City of Boston, through the Office of Small Business Development, will create a system of data collection and analysis to track commercial properties that have been continuously vacant. The Office of Small Business Development shall create an online dashboard which shall publish the data recorded within this system.
- b. The Office of Small Business Development shall publish and oversee a form entitled “*Details of Commercial Vacancy*”, completion of which shall be required of any owner of a continuously vacant property in order to be eligible for any type of municipal economic assistance in relation to that property. Required information shall include, but not be limited to,
 - i. The length of the current vacancy;
 - ii. The dates of any additional periods of vacancy for the same property over the past ten years;
 - iii. The prior tenant, the nature of their business, and the period of their lease;
 - iv. Legal restrictions on the permissible commercial uses of the property;
 - v. Any defaults in the most recent inspection of the property;
 - vi. Estimates for any deferred maintenance or repairs believed to be necessary prior to next occupancy;
 - vii. Perceived impediments to leasing the property;
- c. In order to track which commercial properties are continuously vacant, the Department of Small Business Development shall additionally work with other city agencies and quasi-city agencies to collect the following data:
 - i. Registrations of vacant properties with ISD in compliance with section 16-52 of this code.
 - ii. Point of Sale/POS records;
 - iii. Constituent reports through 311;
 - iv. Other data points as deemed feasible and necessary.

16-62.4. Reporting

- a. No later than December 31 of each year, the Office of Small Business

Development shall submit a report to the Clerk of the City of Boston, and the Clerk shall forward the report to the Mayor of the City of Boston and shall docket the report and include the docket on the agenda of the next-occurring meeting of the Boston City Council. This report shall contain the following:

- i. A total number of commercial properties in the City of Boston which have been continuously vacant over the prior year;
- ii. A complete listing by address, and;
- iii. A breakdown of the number of vacant commercial properties in each City neighborhood.

SECTION 3. Effective Date.

This ordinance shall be effective 60 days after passage, except for Section 1, which shall be effective as of January 1, 2022.

Filed in City Council: April 26, 2021