

Offered by Councilor Kenzie Bok, Louijeune, Arroyo, Baker, Murphy, Breadon, Worrell, Mejia, Lara, Fernandes-Anderson, Flaherty and Flynn



CITY OF BOSTON IN CITY COUNCIL

ORDER FOR A HEARING REGARDING USING PLANNING AND LAND-USE TOOLS FOR PUBLIC GOOD

WHEREAS: The City of Boston and the Boston Planning and Development Agency (BPDA) have a variety of urban planning and land-use tools that could be better leveraged and utilized to benefit the public; *and*

WHEREAS: The BPDA's existing M.G.L. Chapter 121B "urban renewal" zones must be voted upon by the Council before April 2022, a process which should include ending a number of these zones while maintaining some targeted extensions in order to avoid losing key planning and land-use tools and restrictions for the public good in those areas; *and*

WHEREAS: In the 1980s, the Boston Redevelopment Authority (now d/b/a BPDA) used its M.G.L. Chapter 121B "urban renewal" powers to enable the Dudley Street Neighborhood Initiative (DSNI) to assemble a land trust in a 60-acre area — the first time such governmental powers were used on behalf of a non-profit anywhere in the country; *and*

WHEREAS: Since then, community land trusts (CLTs) have blossomed across the United States, and new ones have sprung up in Boston — but with very limited access to land; *and*

WHEREAS: Boston should build on its past tradition and use BPDA tools to help secure more land for the community purposes and long-term affordability that CLTs can ensure; *and*

WHEREAS: Boston should also use BPDA tools to acquire more parcels for public purposes including for public, deeply affordable, and cooperative housing, and for preservation of historical and cultural treasures, and as an extension of the Parks Department's new Parcel Priority Plan to acquire more space for urban wilds, rain gardens, urban farms, urban forestry, and other sustainable uses; *and*

WHEREAS: Many of the older ground-leases that Boston granted in order to spur economic development in the 1960s and 1970s were negotiated to very much favor the private lessee and therefore regrettably generate little revenue for the public, such as the lease at Faneuil Hall; *and*

WHEREAS: Certain long-term ground-lease terms have, however, generated significant returns for the public as values have increased with redevelopment, such as the 2% transaction fee provision attached to transfers of condominiums on BPDA land in the Charlestown Navy Yard; *and*

WHEREAS: In some cases, the Land Disposition Agreements (LDAs) attached to BPDA parcels have resulted in major benefits to the public, such as long-term housing affordability or the creation of the Boston Public Market; *and*

WHEREAS: Both the BPDA Department of Real Estate and the Boston Housing Authority's (BHA) Department of Real Estate Development have in recent years worked to ensure that new long-term ground leases are structured much more favorably for the public interest, in closer imitation of models across Europe, the United Kingdom, and even within Boston at the Massachusetts Port Authority (Massport); *and*

WHEREAS: Today's City of Boston, BPDA, BHA, and Boston Public Health Commission (BPHC) ground-leases should be written to ensure that the long-term value of public land is captured by the public, meaning that in addition to base rent, the public should share in long-term escalating private profits from the site through regular "participation rent" and through "transaction rent" on every occasion of a sale; *and*

WHEREAS: Substantial portions of these long-term public profits should be reinvested in public goods of obvious utility to the public, in addition to supporting regular public agency budgets; *and*

WHEREAS: City deed restrictions and ground-leases should also be structured to provide preferential options for conversion to cooperative or community land trust structures whenever possible; *and*

WHEREAS: The public should also share in the benefits when the long-term financial value of private land is majorly enhanced through public "up-zoning"; *and*

WHEREAS: Such benefits should include increasing the ratio of required affordable housing for PDAs, PDA Master Plans, and major rezoning proposals in order to tether density and affordability; *NOW THEREFORE BE IT*

ORDERED: That the appropriate committee of the Boston City Council hold a hearing to discuss utilizing the full extent of our planning and land use tools for the public good, as well as both conclusion and extension of the BPDA's "urban renewal" zones, and that representatives from BPDA, BHA, BPHC, the Department of Neighborhood Development, the Public Facilities Department, community land trust groups, and the public be invited to testify.

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