

America's Affordable Communities Initiative	U.S. Department of Housing and Urban Development	OMB approval no. 2535-0120 (exp. 06/30/2010)
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Public reporting burden for this collection of information is estimated to average 3 hours. This includes the time for collecting, reviewing, and reporting the data. The information will be used to encourage applicants to pursue and promote efforts to remove regulatory barriers to affordable housing. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Questionnaire for HUD's Initiative on Removal of Regulatory Barriers

Part A. Local Jurisdictions. Counties Exercising Land Use and Building Regulatory Authority and Other Applicants Applying for Projects Located in such Jurisdictions or Counties

[City of Boston]

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<p>1. Does your jurisdiction's comprehensive plan (or in the case of a tribe or TDHE, a local Indian Housing Plan) include a "housing element? A local comprehensive plan means the adopted official statement of a legislative body of a local government that sets forth (in words, maps, illustrations, and/or tables) goals, policies, and guidelines intended to direct the present and future physical, social, and economic development that occurs within its planning jurisdiction and that includes a unified physical plan for the public development of land and water. If your jurisdiction does not have a local comprehensive plan with a "housing element," please enter no. If no, skip to question # 4.</p>	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<p>2. If your jurisdiction has a comprehensive plan with a housing element, does the plan provide estimates of current and anticipated housing needs, taking into account the anticipated growth of the region, for existing and future residents, including low, moderate and middle income families, for at least the next five years?</p>	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<p>3. Does your zoning ordinance and map, development and subdivision regulations or other land use controls conform to the jurisdiction's comprehensive plan regarding housing needs by providing: a) sufficient land use and density categories (multifamily housing, duplexes, small lot homes and other similar elements); and, b) sufficient land zoned or mapped "as of right" in these categories, that can permit the building of affordable housing addressing the needs identified in the plan? (For purposes of this notice, "as-of-right," as applied to zoning, means uses and development standards that are determined in advance and specifically authorized by the zoning ordinance. The ordinance is largely self-enforcing because little or no discretion occurs in its administration.). If the jurisdiction has chosen not to have either zoning, or other development controls that have varying standards based upon districts or zones, the applicant may also enter yes.</p>	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<p>4. Does your jurisdiction's zoning ordinance set minimum building size requirements that exceed the local housing or health code or is otherwise not based upon explicit health standards?</p>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

<p>5. If your jurisdiction has development impact fees, are the fees specified and calculated under local or state statutory criteria? If no, skip to question #7. Alternatively, if your jurisdiction does not have impact fees, you may enter yes.</p>	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<p>6. If yes to question #5, does the statute provide criteria that sets standards for the allowable type of capital investments that have a direct relationship between the fee and the development (nexus), and a method for fee calculation?</p>	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<p>7. If your jurisdiction has impact or other significant fees, does the jurisdiction provide waivers of these fees for affordable housing?</p>	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<p>8. Has your jurisdiction adopted specific building code language regarding housing rehabilitation that encourages such rehabilitation through graduated regulatory requirements applicable as different levels of work are performed in existing buildings? Such code language increases regulatory requirements (the additional improvements required as a matter of regulatory policy) in proportion to the extent of rehabilitation that an owner/developer chooses to do on a voluntary basis. For further information see HUD publication: “<i>Smart Codes in Your Community: A Guide to Building Rehabilitation Codes</i>” (www.huduser.org/publications/destech/smartcodes.html)</p>	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
<p>9. Does your jurisdiction use a recent version (i.e. published within the last 5 years or, if no recent version has been published, the last version published) of one of the nationally recognized model building codes (i.e. the International Code Council (ICC), the Building Officials and Code Administrators International (BOCA), the Southern Building Code Congress International (SBCI), the International Conference of Building Officials (ICBO), the National Fire Protection Association (NFPA)) without significant technical amendment or modification. In the case of a tribe or TDHE, has a recent version of one of the model building codes as described above been adopted or, alternatively, has the tribe or TDHE adopted a building code that is substantially equivalent to one or more of the recognized model building codes?</p> <p>Alternatively, if a significant technical amendment has been made to the above model codes, can the jurisdiction supply supporting data that the amendments do not negatively impact affordability.</p>	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<p>10. Does your jurisdiction’s zoning ordinance or land use regulations permit manufactured (HUD-Code) housing “as of right” in all residential districts and zoning classifications in which similar site-built housing is permitted, subject to design, density, building size, foundation requirements, and other similar requirements applicable to other housing that will be deemed realty, irrespective of the method of production?</p>	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes

<p>11. Within the past five years, has a jurisdiction official (i.e., chief executive, mayor, county chairman, city manager, administrator, or a tribally recognized official, etc.), the local legislative body, or planning commission, directly, or in partnership with major private or public stakeholders, convened or funded comprehensive studies, commissions, or hearings, or has the jurisdiction established a formal ongoing process, to review the rules, regulations, development standards, and processes of the jurisdiction to assess their impact on the supply of affordable housing?</p>	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<p>12. Within the past five years, has the jurisdiction initiated major regulatory reforms either as a result of the above study or as a result of information identified in the barrier component of the jurisdiction’s “HUD Consolidated Plan?” If yes, attach a brief list of these major regulatory reforms.</p>	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<p>13. Within the past five years has your jurisdiction modified infrastructure standards and/or authorized the use of new infrastructure technologies (e.g. water, sewer, street width) to significantly reduce the cost of housing?</p>	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<p>14. Does your jurisdiction give “as-of-right” density bonuses sufficient to offset the cost of building below market units as an incentive for any market rate residential development that includes a portion of affordable housing? (As applied to density bonuses, "as of right" means a density bonus granted for a fixed percentage or number of additional market rate dwelling units in exchange for the provision of a fixed number or percentage of affordable dwelling units and without the use of discretion in determining the number of additional market rate units.)</p>	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<p>15. Has your jurisdiction established a single, consolidated permit application process for housing development that includes building, zoning, engineering, environmental, and related permits? Alternatively, does your jurisdiction conduct concurrent, not sequential, reviews for all required permits and approvals?</p>	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
<p>16. Does your jurisdiction provide for expedited or “fast track” permitting and approvals for all affordable housing projects in your community?</p>	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<p>17. Has your jurisdiction established time limits for government review and approval or disapproval of development permits in which failure to act, after the application is deemed complete, by the government within the designated time period, results in automatic approval?</p>	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
<p>18. Does your jurisdiction allow “accessory apartments” either as: a) a special exception or conditional use in all single-family residential zones or, b) “as of right” in a majority of residential districts otherwise zoned for single-family housing?</p>	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<p>19. Does your jurisdiction have an explicit policy that adjusts or waives existing parking requirements for all affordable housing developments?</p>	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<p>20. Does your jurisdiction require affordable housing projects to undergo public review or special hearings when the project is otherwise in full compliance with the zoning ordinance and other development regulations?</p>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Total Points:</p>		

Footnotes: City of Boston Explanations and References for Responses to Questions on Removal of Regulatory Barriers. *The City of Boston has prepared a standard response for all Boston applicants (updated as of 6/9/2008).*

The contact person for information on these responses, unless noted otherwise, is Robert Gehret, Deputy Director, Policy Development and Research Division, City of Boston Department of Neighborhood Development. He may be reached by telephone at (617) 635-0242 or by e-mail at bgehret.dnd@cityofboston.gov

1. Boston does not have a single Comprehensive Plan, General Plan or Master Plan. Boston is a city of neighborhoods and its current Zoning Code reflects input from and the unique characteristics and diversity of its neighborhoods. A single comprehensive zoning plan for the City is neither feasible nor desirable. Many of Boston's neighborhoods are larger than many suburban communities. Additional information on Boston's Zoning is available on the Boston Redevelopment Authority's web site at: <http://www.cityofboston.gov/bra/zoning/downloadZone.asp>. Volume I of the Zoning Code contains the Enabling Act and General Code. Volume II contains the zoning code for the Downtown Districts, Central Artery, Special District and the Harbor Park District. Volume III contains the Zoning Code for the neighborhood districts.

However, the lack of a single Comprehensive Plan does not mean that Boston has not been supportive of housing development in general, and affordable housing development in particular. In 2001, the City adopted and successfully completed its three-year *Leading the Way* Housing Strategy for FY2000-FY2003, resulting in the creation of over 7500 new housing units in Boston. Following the successful completion of *Leading the Way*, in May of 2004 the City adopted a new four-year *Leading the Way II* Housing Strategy with a goal of spurring the development of 10,000 more new housing units in Boston during the FY2004-FY2007 period. *Leading the Way II* was completed successfully in June of 2007. The City is in the process of developing *Leading the Way III*. Documents for *Leading the Way I and II* are available on the City's website at: http://www.cityofboston.gov/dnd/U5_Leading_the_Way.asp

2. See *Leading the Way* and *Leading the Way II*. The *Leading the Way* documents are available on line at: http://www.cityofboston.gov/dnd/U5_Leading_the_Way.asp
3. The City of Boston's Zoning code provides for small lot homes, multifamily housing and other "affordable housing friendly" zoning designations throughout the City. For example, see the City's Zoning maps 11-A for the West Roxbury neighborhood at: http://www.cityofboston.gov/bra/pdf/ZoningCode/Maps/11A_WRoxND.pdf and Zoning maps 5A,B, C, D, E for the Dorchester neighborhood at: http://www.cityofboston.gov/bra/pdf/ZoningCode/Maps/5JK_DorchesterAve_N.pdf
4. The Boston Redevelopment Authority, the City of Boston's Zoning Authority, states that the zoning code does have dimensional requirements for all zoning districts within the City of Boston but they are not aware that any of them exceed any health code requirements.
5. Chapter 665 of the Acts of 1956, as amended, allows for the implementation of development impact fees (See Sections 15 to 20 of the Act.) New large-scale commercial real estate developments (over 100,000 sq. ft.) are assessed an affordable housing exaction payment and an employment exaction to mitigate the impact of such projects on affordable housing and employment. The fees (commonly called "Linkage payments") are paid to and administered by the Neighborhood Housing Trust and the Neighborhood Jobs Trust, respectively. The Boston Redevelopment Authority administers the Linkage program in Boston. Contact James Tierney, Acting Director for Economic Development, Boston Redevelopment Authority, (617) 918-4424. For information on the Neighborhood Housing Trust, contact Theresa Gallagher, Deputy Director for Neighborhood Housing Development, Department of Neighborhood Development at (617)-635-0325.
6. The formula for assessing the affordable housing exaction payment (currently \$7.87/s.f.) and the employment exaction payment (currently \$1.57/s.f.) are established in the enabling statute.

7. We have answered yes to this question because Linkage fees do not apply to residential development. Contact James Tierney, Acting Director for Economic Development, Boston Redevelopment Authority, (617) 918-4424
8. According to the City of Boston's Inspectional Services Department, the Massachusetts Code at 780 CMR Chapter 34 only allows for rehabilitation permits based on the scope of work.
9. The Seventh Edition (April 2007) of the Massachusetts Building Code (780 CMR), consists of both a basic building code (the Massachusetts Basic Building Code) and a stand-alone one-and two-family dwelling code (the Massachusetts One- and Two-Family Dwelling Code). The technical content of the Massachusetts Basic Building Code is based on the 2003 International Code Council® (ICC®) International Building Code. The technical content of the Massachusetts One-and Two-family Dwelling Code is based on the 2003 ICC International Residential Code. Extensive technical changes have been made as a result of reviews by the Massachusetts Department of Public Safety (the Department), Board of Building Regulations and Standards (BBRS) and technical advisory committees, and also as required by Massachusetts General Laws and specialized Codes and Regulations. For more information, see:
http://www.mass.gov/?pageID=eopsterminal&L=4&L0=Home&L1=Consumer+Protection+%26+Business+Licensing&L2=License+Type+by+Business+Area&L3=Home+Improvement+Contractor&sid=Eeops&b=terminalcontent&f=dps_bbrs_building_code&csid=Eeops
10. Yes, provided that the number of dwelling units does not exceed what is allowed under the zoning for the site. Jeff Hampton, Senior Zoning Planner, Boston Redevelopment Authority at (617) 918-4308.
11. In December 2002, the City hired a consultant to undertake a thorough review of the structure and organization of the City's Inspectional Services Department (ISD) in order to obtain recommendations for changes needed to improve the transparency of the City's permitting process. The report and recommendations resulting from that review are available on the City's web site at: <http://www.cityofboston.gov/isd/pdfs/ManagementStudy.pdf>
12. The City has already begun to implement some of the recommendations of the ISD management review, including making it possible to submit certain permit applications on-line. See for example, <http://www.cityofboston.gov/isd/building/bldgpermits.asp>
13. Yes. For example, the City is currently testing an alternative infrastructure technology for establishing water and sewer connections in areas such as the Grove in West Roxbury where there is a granite sub-stratum very close to the surface. As a result, the existing homes and building lots in this area do not meet current state standards under Title 5 of Environmental Code for septic systems and cesspools and the currently available technologies for water and sewer connections are cost-prohibitive. It is estimated that this new technology, if successful, could lower the cost from \$40,000 per lot to about \$23,000 per lot. The City is also exploring the possibility of expanding the use of panelized housing technology to create lower quality, lower cost housing (see *Leading the Way*, pg 37). Bob Gehret, Department of Neighborhood Development 617-635-0242.
14. Certain zoning areas, such as Harbor Park Zoning Areas and the Interim Overlay Planning Districts allow for specific density bonuses for the creation of affordable housing, or vice versa (affordable housing requirements for density bonuses).
15. No additional comments
16. As part of the City's Leading the Way Housing Strategy, permitting for all new housing production will be prioritized and expedited (See *Leading the Way II*, pages 32 and 35).
17. No additional comments

18. The Boston Redevelopment Authority, the City of Boston's Zoning Authority, states that accessory apartments, duplexes, three-families, multi-family housing and single-room occupancy housing types have all been allowed in appropriate zoning districts since the original Boston Zoning Code was adopted on 12/19/1964. Jeff Hampton, Senior Zoning Planner, Boston Redevelopment Authority at (617) 918-4308.
19. Adjustments to the required number of parking spaces are made for affordable housing developments. The specific adjustments vary in each neighborhood. In West Roxbury, for example, the number of parking spaces is reduced from 1 to 1.5 spaces per dwelling unit to .7 spaces per dwelling unit for affordable housing (see article 56 of the Zoning Code).
20. Affordable housing projects, simply because they are affordable housing projects, are not subject to any additional review that comparable market rate or unassisted housing would not also be subject to. Bob Gehret, Department of Neighborhood Development, (617) 635-0242.