



Boston City Council

Committee on Government Operations

Maureen Feeney, *Chair*

September 29, 2009

Dear Councillors:

The Committee on Government Operations held a hearing to discuss An ordinance increasing university accountability (Docket #0283). This matter was sponsored by Councillor Ross, referred to this Committee on Wednesday, February 11, 2009, and heard at a public hearing on Tuesday, March 10, 2009 at which public comment was taken. The proposed ordinance would require colleges and universities to monitor their student directories for zoning code compliance.

Several individuals testified at the hearing, including representatives from Inspectional Services Department, Emerson, Northeastern, Sociedad Latina, the Association of Independent Colleges and Universities in Massachusetts, students and City residents. Many community members testified about the continuous sprawl of off-campus students. Residents passionately described their desire to preserve the nature of the neighborhood, but their growing frustration with loud, overcrowded homes and decreased quality of life.

After much collaboration between the sponsor, the institutions and community members, the revised proposed draft would eliminate the requirement that the school report violations to ISD, but would require them to monitor their directories and send a notice to students if possible violations are discovered. In their annual reports, schools would have to report the number of possible violations discovered by zip code.

This is only one component in a multipronged approach towards eliminating overcrowding, zoning code violations and addressing issues related to off-campus student housing. The sponsor and the committee will continue to explore additional remedies in addressing these important quality of life issues.

By the Chair of the Committee on Government Operations, to which the following was referred:

Docket #0283 An ordinance increasing university accountability

based on information presented at the hearing and public comment gathered by the Committee and having considered the same, respectfully recommends that this matter **ought to pass in a new draft.**

For the Chair:

Maureen Feeney, *Chair*
Committee on Government Operations

Offered by Councillor MICHAEL ROSS, Murphy, Connolly, Ciommo, Flaherty, Turner, Yancey, Yoon LaMattina, Feeney

CITY OF BOSTON

IN THE YEAR TWO THOUSAND NINE

AN ORDINANCE INCREASING UNIVERSITY ACCOUNTABILITY



WHEREAS, In 2007 the Boston City Council took a stand against the deterioration of our neighborhoods and quality of life by petitioning the Boston Zoning Code to adopt an amendment to the Zoning Code regarding the definition of a family; and,

WHEREAS, By changing the definition to exclude five or more undergraduate students, Boston took a substantial step in combating unregulated and overcrowded student dwellings; and,

WHEREAS, Protecting Bostonian's quality of life is necessary to ensuring the continued status of Boston as a world class city, but enforcing this Code requires cooperation among students, city departments, neighbors and the institutions responsible for these students; and,

WHEREAS, Universities are already required to compile student directory information and relay reports to the City concerning the impact of off-campus student housing. Requiring universities to internally monitor their student's off-campus housing status as it pertains to the Zoning Code will dramatically impact the success of the Code amendment; and,

WHEREAS, Universities already have the tools in place to combat violations of the Boston Zoning Code and owe a duty to the City's residents to use their resources to ensure compliance with local zoning regulations; NOW, THEREFORE

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

Section 1.

CBC Chapter X is hereby amended by appending the following subsection to section 10-3:-

"(a) All schools shall be responsible for monitoring this Directory for compliance with the Boston Zoning Code's applicable use regulations with regards to the Code's definition of the term "family", which provides that a group of five or more persons who are enrolled as full-time, undergraduate students at a postsecondary educational institution shall not constitute a family. Upon determining that any student(s) may be in violation of the Code, the school shall notify the

student(s) of the Code regulation and report any such violation to the Commissioner of the Inspectional Services Department.”

Section 2.

CBC Chapter X is hereby amended by appending the following to the first sentence of the second paragraph of section 10-4 immediately after the word “section”:- “and an affidavit certifying compliance with subsection (a) of section 10-3 of this chapter”.

Section 3.

The provisions of these sections shall become effective immediately upon passage.

ACCEPTED

CITY CLERK

CHIEF

NEW DEPT. I
MILWAUQUA TO PASS IN THE ACCOMPANYING
CERTIFICATE REPORTS THAT THE MATTER
THE COMMISSIONER CHAIR

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CITY OF BOSTON

BOSTON, MA

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RECORDS OFFICE
CITY OF BOSTON

In City Council REFERRED TO
COMMITTEE ON

FEB 11 2009

Government Operations

CITY OF BOSTON
IN CITY COUNCIL

September 29 2009

THE COMMITTEE CHAIR AT GOVERNMENT OPERATIONS
RESPECTFULLY REPORTS THAT THE MATTER
WITHIN OUGHT TO PASS IN THE ACCOMPANYING
NEW DRAFT.

CHAIR

Warren Lewis

CITY CLERK

ACCEPTED,

RECEIVED
CITY CLERK'S OFFICE
2009 FEB 10 A 11:19
BOSTON, MA

Offered by Councillor MICHAEL ROSS, Murphy, Connolly, Ciommo, Flaherty, Turner, Yancey, Yoon, LaMattina, Feeney

CITY OF BOSTON

IN THE YEAR TWO THOUSAND NINE

AN ORDINANCE INCREASING UNIVERSITY ACCOUNTABILITY



- WHEREAS*, In 2007 the Boston City Council took a stand against the deterioration of our neighborhoods and quality of life by petitioning the Boston Zoning Code to adopt an amendment to the Zoning Code regarding the definition of a family; and,
- WHEREAS*, By changing the definition to exclude five or more undergraduate students, Boston took a substantial step in combating unregulated and overcrowded student dwellings; and,
- WHEREAS*, Protecting Bostonian's quality of life is necessary to ensuring the continued status of Boston as a world class city, but enforcing this Code requires cooperation among students, city departments, neighbors and the institutions responsible for these students; and,
- WHEREAS*, Universities are already required to compile student directory information and relay reports to the City concerning the impact of off-campus student housing. Requiring universities to internally monitor their student's off-campus housing status as it pertains to the Zoning Code will dramatically impact the success of the Code amendment; and,
- WHEREAS*, Universities already have the tools in place to combat violations of the Boston Zoning Code and owe a duty to the City's residents to use their resources to assist with local zoning code monitoring; *NOW, THEREFORE*

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

Section 1.

CBC Chapter X is hereby amended by appending the following subsection to section 10-10.3:-

“(a) All schools shall be responsible for monitoring this Directory for compliance with the Boston Zoning Code's applicable use regulations with regards to the Code's definition of the term “family”, which provides that a group of five or more persons who are enrolled as full-time, undergraduate students at a postsecondary educational institution shall not constitute a family.

Upon determining that any student's residence may be in violation of the Code, the school shall notify the student(s) of the Code regulation."

Section 2.

CBC Chapter X is hereby amended by striking, in the last sentence of the first paragraph of section 10-10.4, the following " and (e) a complete list of the addresses of all properties currently owned, leased, rented, or operated by the School at which Students are housed." and inserting in place thereof the following:- "(e) a complete list of the addresses of all properties currently owned, leased, rented, or operated by the School at which Students are housed, and (f) the number of possible violations discovered pursuant to 10-10.3(a), listed by zip code."

Section 3.

The City Clerk shall mail a copy of this ordinance to all schools subject to this ordinance upon passage.

Section 4.

The provisions of these sections shall become effective immediately upon passage.