

GOALS OF THE CITY OF BOSTON TO AFFIRMATIVELY FURTHER FAIR HOUSING

1. HOUSING FOR PEOPLE WITH DISABILITIES AND AGING POPULATION

1.1 Goal: Increase in the supply of affordable and accessible housing and city funded affordable and accessible units for persons with disabilities.¹ Expand and support the use of Accessory Dwelling Unit zoning as a tool to allow elder homeowners to remain in place, and in their communities. And, periodically review *2018 Massachusetts Olmstead Plan* to assess impacts and/or changing needs.

1.2 Goal: Consistent with Housing 2030 and the city's Disability Housing Task Force, ensure that the City and other providers reasonably accommodate the disabilities of disabled Bostonians even in shelter or other temporary settings, e.g., ensure placements that allow for ongoing medical treatment, support.

1.3 Goal: The City should fund affirmative trainings on reasonable accommodation to landlords, management agents, real estate brokers, judges, housing agency personnel or others who may interact with the elderly/disabled. Signs could be posted on transit or other public places promoting fair housing and in particular including information on the reasonable accommodation requirement.

1.4 Goal: Explore access to behavioral health treatment for elders and others with disabilities to maximize the possibility of retaining affordable housing.

1.5 Goal: BHA to consider establishing priority for public housing placement for nursing home residents seeking to return to housing.

1.6 Goal: Encourage age-friendly development and alternative housing options which serve to connect seniors and those with disabilities with their communities.²

1.7 Goal: Promote access to homeownership opportunities for persons with disabilities.

1.8 Goal: Develop a summary of services available to assist elders with tax arrears and refrain from tax foreclosures so that elders can remain in their homes.

1.9 Goal: Support legislation reducing the amount of down payment owners must make on tax arrears payment plans.

1.10 Goal: Make resources accessible and translated to different languages to meet the needs of those with disabilities and also target immigrant and undocumented population. As indicated in Chart 1 and in other places discrimination against people with disabilities and based on national origin was reported as significant by the Massachusetts Commission Against Discrimination.

1.11 Goal: Increase the supply of affordable housing units for Seniors.³

2 REDUCING AND PREVENTING HOMELESSNESS

2.1 Goal: Continue and further expand collaborative initiatives to end homelessness and seek to increase the impacts of ongoing programs such as Boston's Way Home and Boston Youth.

2.2 Goal: Continue to build data and collect information about homelessness and how it is connected to other facets in the lives of individuals, children and families and where racial and ethnic differences are significant.

2.3 Goal: Expand local and state housing, employment and education opportunities for veterans.

¹ See also Department of Neighborhood Development (DND) Goal 1.1

² See also DND goal 2.2

³ See DND Goal 2.1; see also DND goals 5.2, 5.3

2.4 Goal: Review need for additional shelters, including specific shelter needs for youth, the disabled, couples and families, and also rapid rehousing and report findings to the state regarding this issue.

2.5 Work with Housing Court and District Courts to develop strategies to avoid unnecessary homelessness, and support the right to counsel.

3 BUILDING AND STRENGTHENING REGIONAL STRATEGIES

3.1 Goal: Continue to support the strengthening of regional partnerships aimed at growing a diverse housing stock and municipal timelines to achieve such.⁴

4 EXPANDING HOUSING CHOICE

4.1 Goal: Design and implement a mobility program to educate and assist families and BHA housing choice voucher holders in identifying and relocating to housing in areas with increased opportunity, including opportunity areas in Boston.⁵

4.2 Goal: Establish a BHA working group to explore revisions to admissions and continued occupancy policy and/or examine effectiveness of marketing outreach under existing policy.⁶

4.3 Goal: Create a comprehensive centralized list and digital portal of all available affordable housing, affordable housing programs and related information necessary for interested families and individuals to apply, participate and be informed of the availability of newly constructed or redevelopment affordable housing.⁷

4.4 Goal: Expand outreach to incentivize willingness of landlords to take voucher holders by increasing the ability of landlords to obtain funding for housing accessibility modifications and de-leading. Consider establishing a set-aside for voucher holders seeking help with upfront security deposit costs, application fees, and similar charges that may be a barrier to voucher holders obtaining housing, sometimes with a conscious effort by the landlord or the landlord's agent to discourage subsidy recipients.

4.5 Goal: Boston Fair Housing Commission should consider pursuing enforcement powers to bring legal suits germane to Section 8 discrimination, such as landlords refusing to take voucher holders and other illegal actions against voucher holders, including more subtle discriminatory actions, such as charging a high up-front application fee that operates to discourage voucher holders from applying, or improperly failing to consider the benefit of the tenant subsidy in the tenant screening.

4.6 Goal: Develop a protocol for joint reporting and investigation regarding incidents of discrimination against participants in the Housing Choice Voucher Program.

4.7 Goal: Conduct a survey of BHA resident concerns every two years to assess the concerns and needs of tenants in publicly-supported housing.

4.8 Goal: Opt In to HUD's Small Area Fair Market Rent Initiative.⁸

4.9 Goal: Substantially expand the number of de-ledged two or more bedroom units in the City available to families with children under the age of 6.⁹

⁴ See also DND Goal 3.1

⁵ DND Goal 4.2

⁶ DND Goal 4.3

⁷ DND Goal 4.4

⁸ DND Goal 4.1

⁹ DND Goal 5.1

5. REDEVELOPMENT AND PRESERVATION OF EXISTING PUBLIC HOUSING, AND PRIVATELY-OWNED SUBSIDIZED HOUSING, AND IMPROVING THE QUALITY OF HOUSING

5.1 Goal: Continue the redevelopment and preservation of existing public housing through mixed finance development strategies to attract private investment in public housing communities, with careful attention to avoiding displacement or other negative impact on existing residents in the development and surrounding community.¹⁰

5.2 Goal: Design a multi-lingual reference directory (and web page) of city and state programs and initiatives devoted to providing information and resources aimed at assisting homeowners to make improvements on their homes. Ensure that it is available in multiple languages.¹¹

5.3 Goal: Continue to support organizing among residents in expiring use properties and provide information and training, technical assistance about tenant opportunities for preserving and cooperatively owning housing.¹²

5.4 Goal: Prioritize the use of City resources for the preservation of expiring use housing and provide additional funding where necessary by drawing on increased property taxes as a result of the development boom, especially in 13A developments.¹³

5.5 Goal: Ensure that residents are aware of public programs designed to assist with purchasing a home or maintaining one's property (e.g., repair and weatherization loans and grants) including "Tenant Protections in Foreclosed Properties," and that they are aware of existing protections for tenants under the City of Boston's Condo Ordinance.

5.6 Goal: The Community Preservation Act Commission should review and assess the first year of applications and implementation of Community Preservation Plan goals, especially regarding the Plan's own first priority, "Construction of more deeply affordable rental housing 50% of AMI or below."

5.7 Goal: Work with DHCD to establish a preference for residents displaced from 13A developments for housing units in new state-assisted developments.¹⁴

6 ENHANCING FAIR HOUSING AND ECONOMIC OPPORTUNITY

6.1 Goal: Use housing redevelopment and preservation as an economic tool to increase employment for residents and for sub-contracts to local and minority-owned businesses. (Also see Goal below, on Section 3).¹⁵

6.2 Goal: Explore HUD's Section 3 for Increasing Access to Construction Jobs and Expanding Opportunities for Minority-Owned Businesses (MBEs) and Women-Owned Businesses (WBEs); for example, HUD calls for expanding use of Section 3 for these purposes (see, https://www.hud.gov/program_offices/fair_housing_equal_opp/section3/section3).¹⁶

6.3 Goal: Enhance the Boston Resident Jobs Ordinance to expand monitoring and reporting efforts.

¹⁰ DND Goal 7.1

¹¹ DND Goal 8.1

¹² See DND Goal 9.1

¹³ See DND Goal 9.2

¹⁴ DND Goal 9.3

¹⁵ DND Goal 10.1

¹⁶ Also see, Denise Fairchild and Kalima Rose, *Inclusive Procurement and Contracting: Building a Field of Policy and Practice*, published by Emerald Cities Collaborative and Policy Link (February 2018): "US HUD's Section 3 requires that 30 percent of all development investments must use disadvantaged businesses and local residents. This regulatory requirement provides powerful levers for inclusive procurement, but the Section 3 ruling is poorly enforced and implemented..." p.25

6.4 Goal: Work to limit the impacts of Criminal Offender Record Information (CORI), poor or non-existent credit histories and eviction records on Boston residents. Design a public information campaign focusing on the problems CORI causes for Boston, and how it prevents fair housing for hundreds of individuals.¹⁷ Ensure that the DND Fair Chance Tenant Selection Policy is highly publicized.

6.5 Goal: The Boston Fair Housing Commission should design a public information campaign focused on housing providers and banks about their obligations under the fair housing laws. Also see Goal 8.5 regarding this issue.

7 ZONING AS A FAIR HOUSING TOOL

7.1 Goal: Amend the Boston Zoning Code to include comprehensive text setting out the City's fair housing obligations in zoning, as set forth in Boston City Council Docket #2032, "Order Regarding A Text Amendment For Boston Zoning Code Relative To Fair Housing And Integrated Communities.". Seek an amendment of Boston's zoning enabling statute, Section 655 of the Acts of 1956, as amended, to increase the membership of Boston's Zoning Commission at least by two additional Boston residents, one nominated by designated fair housing organizations or the Fair Housing Commission or Office of Resiliency, and one nominated by organizations representing those displaced or at risk of displacement in the City of Boston. [NOTE: *Since this edit to the AFH was proposed in June 2019, a measure that would reform Boston's Zoning Board of Appeal so as to ensure representation of fair housing concerns in the deliberations of the ZBA was filed in the Boston City Council Docket #0233, A Home Rule Petition for a Special Law re: An Act Relative to the Zoning Board of Appeal. The AFFH Community Advisory Committee supports such measures and recommends similar action with regard to the Zoning Commission to ensure that the composition of both the Board and Commission includes members with knowledge of fair housing, civil rights, affordable housing, and environmental concerns.*] BPDA should hire a staff person or consultant who is an expert in fair housing to do a comprehensive review of its policies and procedures to identify areas in which change is needed to meet the City's obligations under federal, state and local law. Establish a working group to work with and oversee this review of policies and procedures including staff from BPDA, BFHC, Office of Resiliency, BHA and representatives from community, fair housing, affordable housing and other groups.

7.2 Goal: Utilize zoning for creative approaches to maintain affordable housing for low-income groups, seniors and persons with disabilities, or to more generally expand the availability of income restricted and naturally occurring affordable housing.

7.3 Goal: Explore and encourage the MBTA to design and require "transit equity impacts" to identify and mitigate impacts from transit improvements that could contribute to displacement of residents. As noted by *Action 4 Equity*, this is a "response to the displacement in our neighborhoods. Our demand recognizes that improving transit in our neighborhoods has had the unintended consequence of speeding gentrification and exacerbating inequality."¹⁸ This could also include assessing potential health impacts.

7.4 Goal: BPDA should further enhance community planning and re-zoning processes to assure that these processes are inclusive of the residents and groups that the zoning changes will affect, that there are opportunities for meaningful community input, and that steps are taken to affirmatively further fair housing.

7.5 Goal: The City will seek legislative authority to incorporate the Inclusionary Development Policy into the City's Zoning Code and provide the City with the ability to adjust Linkage fees, Inclusionary Development set-asides and payment and covered projects to increase the resources raised by these programs.¹⁹

¹⁷ DND goal 15.3

¹⁸ See, Marvin Martin, "A Pilot Project – Special Protections for Transit Corridors: A multi-issue response to today's gentrification and inequality and unintended consequences of transit improvements in Boston and region" (June 11, 2015).

¹⁹ DND Goal 13.1

8 EXPANDING HOMEOWNERSHIP WITHIN A FAIR HOUSING LENS

8.1 Goal: Reduce the disparity in homeownership rates by race and ethnicity; design strategies to keep older homeowners in place as their neighborhoods become gentrified, including by tax relief. Monitor and enforce, and publicize, the December 2018 City Council measure to assist older persons not meeting property taxes by extending payment terms from one year, to five years; forgive up to 50% interest charges. Develop a strategy to consider extending this arrangement for other homeowners, as well, as committed to by the City.

8.2 Goal: Support the establishment and growth of cooperatives and community land trusts, in part through the use of city-owned parcels.

8.3 Goal: Expand the BHA family-self-sufficiency program with a specific emphasis on homeownership.²⁰

8.4 Goal: Get commitments from banks to meet their Community Reinvestment Act (CRA) obligations to meet the needs of their communities by making mortgage loans to low-income people and not foreclosing before efforts are made to resolve issues with an affordable loan modification.

8.5 Goal: Enforce City of Boston Responsible Banking Ordinance to ensure the City is investing money only in banks that engage in non-discriminatory lending and banking practices. This Ordinance requires yearly reports on the part of banking institutions about activities and actions taken by census tracts that may be contributing to housing discrimination. A Commission within the City's Collector-Treasurer Office is to be appointed to collect this information and report its findings annually to ensure that residents are not being unfairly displaced or burdened with housing costs.²¹

8.6 Goal: Increase the number of lower-income households who are not able to afford to buy a home.²²

8.7 Goal: Increase the number of lenders participating in the City's homebuyer assistance programs.²³

8.8 Goal: Increase the supply of subsidized homeownership properties.²⁴

8.9 Goal: Implement a Financial Assistance Program to assist Whittier tenants and residents of the Whittier Choice Neighborhoods target area to become homeowners.²⁵

9 CHALLENGING RACIAL INEQUALITIES, INEQUITIES AND BUILDING NEIGHBORHOOD CONNECTIONS

9.1 Goal: Consistent with the recent mayoral *Executive Order To Promote Racial Equality and Resilience* (January 31, 2019), organize training sessions for public officials, planners, developers and community groups to understand better how to utilize a racial equity and social justice lens in a) adopting policies and strategies; b) communication and outreach; and c) evaluation of policies, strategies or actions. Require all City departments to conduct a searching analysis of racial equity, social justice and issues facing members of classes protected under for housing and other civil rights laws, leading to a proactive plan for equity and social justice.

9.2 Goal: Ensure that City departments are collecting data necessary to evaluate their work through a racial equity and social justice lens. Departments should ensure there is an opportunity for public input on data to be collected and proposed uses of data. Data analyses should be publicly shared and available. Departments should use the data collected to make decisions on changing policies to ensure equity.

²⁰ DND Goal 6.4

²¹ See, *An Ordinance Amending The Municipal Banking Commission And Providing For Responsible Banking Practices In The City Of Boston*, 2013

²² DND Goal 6.1

²³ DND Goal 6.2

²⁴ DND Goal 6.3

²⁵ DND Goal 6.4

9.3 Goal: Enhance collaborative decision-making in City government by bringing together residents and government to share knowledge and skills to develop more effective and equitable policies, practices, and processes.

9.4 Goal: Strategies should be considered for making the leadership of various city agencies continually aware of fair housing issues (and changes); these agencies can include the Boston Public Schools (BPS), the Boston Police Department (BPD), the Boston Public Health Commission (BPHC), the Office of Workforce and Jobs (OWD), Boston Center for Youth and Families (BCYF), Boston Planning & Development Agency, and others.

9.5 Goal: Encourage BHA and property managers of subsidized housing to pursue greater communication and collaboration with the Boston Public Schools and local community health centers (and nonprofits) to assist in understanding the health and housing-education needs of children.

9.6 Goal: Ensure that education, cultural and health institutions pay the agreed upon Payment In Lieu of Taxes (PILOT) in a timely manner.

10 REDUCING AND ELIMINATING DISCRIMINATION, INTENTIONAL OR NON-INTENTIONAL

10.1 Goal: Include affirmatively furthering fair housing clauses with signing of city contracts with developers.

10.2 Goal: The Boston Fair Housing (BFHC) should continue to seek to reduce housing segregation and discrimination by aggressively conducting fair housing education, investigations, and enforcement activities, in coordination and with fair housing and civil rights organizations.²⁶ Special emphasis should be placed on obtaining higher damages for housing discrimination. Given the presence and growth of the foreign-born population and limited English-speaking groups, there should be special emphasis on ensuring that individuals and households in these categories understand their rights.

10.3 Goal: Emphasize the importance of providing translated materials regarding public notices or announcements, and in-person interpretation, and enforce compliance among city departments, authorities and the BPDA with the Boston Language and Communications Access Ordinance. Increase staff and resources for the BFHC and Office of Fair Housing to ensure investigation, enforcement, and adequate monitoring, reporting and responding to instances of discrimination against protected groups, and others; penalties collected should be utilized aggressively to pursue this goal.

10.4 Goal: Coordinate with BHA, Metro Housing and other providers on how to deal with landlords who refuse to take Sec. 8 vouchers.

10.5 Create tools to recognize and encourage landlords, management companies, and lenders to consistently engage in best practices to promote fair housing.

10.6 Goal: The City should support legislative efforts to protect tenants from the inappropriate, harmful use of tenant summary process records.

10.7 Improve compliance with the Boston Language and Communications Access Ordinance by providing translated materials and interpretation.

10.8 Goal: The City will continue to advocate for H.162 – An Act Relative to Promoting Fair Housing Practices.²⁷

²⁶ DND Goal 15; 10.2

²⁷ DND Goal 15.2

10.9 Goal: The City will expand its efforts to provide translated materials and in-person interpretation regarding important public notices or announcements, and key housing application and program materials to address the language needs of new immigrants and undocumented persons with Limited English Proficiency.²⁸

11 PUBLIC & COMMUNITY SAFETY AND PUBLIC HEALTH

11.1 Goal: Target resources to neighborhoods with the gravest public health challenges, including higher rates of Cardiovascular Disease (CVD), reduce infestations, Elevated Blood Lead (ELB) per thousand and higher rates of asthma emergency room visits and hospitalizations.²⁹ To the greatest extent feasible, require recipients of City financial assistance who own rental units with more than one bedroom to make such rental units lead-safe whether or not occupied by a child under six, to increase the stock of lead-safe housing and to decrease the incentive to discriminate against families with young children in housing rentals.

11.2 Goal: Explore a community health impact analysis that includes an assessment of potential displacement impacts for all development projects above a certain size threshold. Local researchers have started to examine and measure how displacement affects public health, especially among some elderly groups.

11.3 Goal: Support stronger linkages between housing and health care organizations.

11.4 Goal: Target resources to neighborhoods with highest levels of violence and justice involved residents (whether incarcerated, recently returned or subject to ongoing oversight).

12 ENSURING EQUITABLE DISTRIBUTION OF CITY RESOURCES BASED ON NEED, AND PROVIDING SUPPORTS FOR RENT-BURDENED RESIDENTS AND THOSE FACING POTENTIAL AND ACTUAL DISPLACEMENT

12.1 Goal: Develop and obtain approvals to implement a preference policy in affordable housing units for low-income rent burdened households, especially those determined to be at risk of displacement in gentrifying areas.³⁰

12.2 Goal: Conduct assessments to assure that City resources are distributed in an equitable manner based on need in order to avoid a disparate impact on protected classes.

12.3 Goal: Redirect BPDA focus to providing affordable housing for Boston residents in need of affordable housing, especially those most in need, rather than focusing on the middle-class. BPDA must explicitly embrace a mission to provide housing for Boston's neediest households.

12.4 Goal: Broaden public understanding regarding the recent decision to include "Development without Displacement" requirements in requests for proposals (RFPs). Also encourage the use of the Neighborhood Diversity Preservation Preference.

12.5 Further develop tools for understanding neighborhood changes associated with gentrification and displacement, so as to enhance policies and planning that address displacement.³¹

12.6 Assess how the income targets of the various programs can be improved to better meet the needs of protected classes, in particular those who are also low-income.

12.7 Monitor the Inclusionary Development Policy ("IDP") "zone" structure for unintended consequences related to impact on members of protected classes and the goal of affirmatively furthering fair housing. Gather and monitor

²⁸ DND Goal 16.1

²⁹ See DND Goals 11.1, 5.1

³⁰ See DND Goal 12.3

³¹ See DND Goal 14.3

data on those who apply to and/or access Inclusionary Development Policy (IDP) Units so as to assess how the program does or does not promote racial equity and further fair housing goals.³²

12.8 Monitor real estate patterns and trends such as evictions, foreclosures, rents and sales prices, and condo conversions so as to 1) Understand how protected classes are disparately impacted by forces in the housing market, and 2) Identify tools to intervene in these processes.³³

12.9 Goal: Establish fund to help rent-burdened tenants in conjunction with local banks and financial, and medical institutions, tied to the anti-displacement planning prong of current and future RFPs.

12.10 Goal: Support funding for attorneys to represent low-income tenants in evictions, tied to the anti-displacement planning prong of current and future RFPs. This should be part of a broader strategy aimed at increased resources for the City's Rental Acquisition Program, pursuit of state legislation for Right to Counsel, Tenants Right of First refusal to purchase their homes, increased funding for MRVP, RAFT and re-establish Rent Arrearage Program, Eviction protections, etc.

12.11 Goal: The city should use increases in property tax revenue to help fund anti-displacement efforts for existing residents, including those at risk of displacement from 13A development.

12.12 Goal: Increase the local hotel room tax from 6% to the maximum allowable rate of 6.5% and dedicate the increase to affordable housing and homelessness programs.³⁴

12.13 Goal: Substantially increase the creation of new units affordable to low-income non-elderly households, especially households with children and extremely low-income households (those with incomes under 30% of AMI or who are homeless) to prevent displacement and homelessness, and unmanageable rent burdens.³⁵

12.14 Goal: To ensure that new City-assisted affordable housing units are prioritized for low-income rent burdened households, especially those determined to be at risk of displacement in gentrifying areas, DND and the BPDA have adopted a Diversity Preservation Policy on a pilot basis.³⁶

12.15 Goal: To further ensure that new City-assisted affordable housing units are more efficiently targeted to households with the greatest need, DND will seek approval to implement a city-wide preference for severely rent-burdened households.³⁷

12.16 Goal: DND will provide incentives to developers to increase the number of units affordable to households under 30% and 50% of the Area Median Income.³⁸

12.17 Goal: Obtain legislative approval to increase the State match for the Community Preservation Act by increasing the Registry of Deeds recording fees.³⁹

12.18 Goal: The City's housing agencies will collect data and monitor program accomplishments to ensure that the City's housing occupant selection policies, including program income guidelines, do not result in discrimination against protected classes.

³² See DND Goal 14.1

³³ See DND Goal 14.2

³⁴ DND Goal 13.3

³⁵ See DND Goals 5.2, 5.3, 5.4

³⁶ DND Goal 12.2

³⁷ DND Goal 12.3

³⁸ DND Goal 12.1

³⁹ DND Goal 13.2