



CITY OF CAMBRIDGE

Community Development Department

IRAM FAROOQ

Assistant City Manager for
Community Development

SANDRA CLARKE

Deputy Director
Chief of Administration

Affordable Housing Trust

May 23, 2024, 4:00 p.m.

Ackermann Room, City Hall, 795 Massachusetts Avenue
Cambridge, Massachusetts

OR

[Webinar Registration - Zoom](#)

To participate in this meeting through the Zoom video meeting platform, please register using [this link](#) in advance of the meeting.

AGENDA

- Review of Meeting Minutes
- Update from the Community Development Department
- 35 Cherry Street: request from Just A Start for \$300,000 in pre-development funding to assist in creating new affordable homeownership units;
- Griffin-Shepherd, et al Zoning Petition: continued discussion of a zoning petition has been filed to amend provisions of the Zoning Ordinance which address the Affordable Housing Trust;
- Adjournment

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Members of the public can provide written comments to the Affordable Housing Trust by email sent to affordablehousingtrustcomment@cambridgema.gov, or by delivery to the CDD office, by 5:00 p.m. the day before the meeting.

CAMBRIDGE AFFORDABLE HOUSING TRUST
MEETING MINUTES
April 25, 2024 at 4:00 p.m.

Conducted via Zoom and in person (City Hall, Ackermann Room)

Trustees Present in Person: Yi-An Huang, Chair; Teresa Cardosi, Florrie Darwin, Elaine DeRosa, Alyson Stein, Jim Stockard

Trustees Present via Zoom: Bill Tibbs, Susan Schlesinger

Trustees Absent: Elaine Thorne

Staff Present: Chris Cotter, Housing Director; Iram Farooq, Assistant City Manager for Community Development; Cassie Arnaud, Senior Manager for Housing Development; Janet Haines, Housing Planner; Christine Yu, Associate Housing Development Planner; Anna Dolmatch, Senior Manager for Homeownership; David Guzman, Asset and Compliance Manager

Others Present: Lee Farris, Sue Reinert, Latoya Weaver, Raffi Freeman

The meeting was called to order at 4:07 p.m. Mr. Cotter explained that this meeting of the Affordable Housing Trust would be held in a hybrid fashion pursuant to applicable requirements, that all votes would be taken by roll call, and that there would be no public comment. He then confirmed via roll call that each remote participant could hear the meeting and was audible to others.

MEETING MINUTES

Upon a motion moved and seconded, by roll call of eight in favor and one absent (Ms. Thorne), it was voted to approve the minutes for the meeting of March 28, 2024.

CDD UPDATE

HomeBridge: There are 13 active buyers in this program looking for a home. One unit recently closed and one is under agreement.

Resale Program: There are more than 20 resale units in the process of being resold.

Jefferson Park Federal: Demolition is complete and initial site work is underway. Staff are working with the CHA on the full construction closing.

Rindge Commons Phase 1: Construction is complete, and tenants have begun moving into the property. JAS is planning a groundbreaking event in May.

Walden Square II: Staff are reviewing a Trust funding request which will be brought to an upcoming Trust meeting.

35 Cherry Street: JAS is hosting their first AHO community meeting regarding the development of 35 Cherry Street on May 15th at 6 p.m.

37 Brookline: JAS is hosting a community meeting regarding the development of 37 Brookline Street on April 25 at 6 p.m.

Parkview: Renovations are nearing completion.

OTHER BUSINESS:

Homeownership: The four units at Elmwood Street are closed and sold. The marketing for three affordable homeownership units at 1055 Cambridge began in March and the deadline to submit an application is April 29th.

Inclusionary Housing: The building permit for 121 Broadway was recently issued for 102 new affordable rental units.

Incentive Funding: The City received an Incentive Zoning Housing Contribution of \$3.6 million from MIT.

NEW BUSINESS

Homebuyer Buydown Assistance

Mr. Cotter presented a recommendation to make changes to the Buydown Assistance Program guidelines. The program provides permanent subsidies to potential first-time homebuyers whose incomes are slightly too low to meet the required affordability ratio, but who are otherwise well-qualified to purchase an affordable unit. The current limits, which were approved by the Trust in 2010, limit the funds to the lesser of \$50,000 or 25% of the purchase price for a unit with two or more bedrooms, and the lesser of \$25,000 or 25% for a one-bedroom.

Staff recommend making the following changes to the Buydown Assistance Program: first, to increase the buydown maximums to the lesser of \$100,000 or 25% of the purchase price for two or more bedrooms, and to the lesser of \$50,000 or 25% of the purchase price for a one-bedroom, and second, to update the guidelines to reflect specific objective guidelines.

Trustees asked for clarification on the proposed changes and how they were determined. Staff responded that due to increases in interest rates, and increased targets in the new homeownership units are more expensive than they were in 2010, which is when the Trust last approved of the current limits. The new changes would allow up to twice as much money, compared to the previous maximum, to be provided to families who are otherwise qualified well-qualified to purchase a unit. Ms. Dolmatch emphasized that this is a needs-based program, so assistance is calculated based on each individual case, and staff while have not seen the need for this in several years but want to have funds available if needed. In response to a question about how this would affect the price of the unit, Ms. Dolmatch answered it would create a permanent reduction in the price of the unit, allowing the next buyer to buy it at a reduced price.

In response to a question on how or if inclusionary impacts this program and if developers would raise their prices to potentially get more money, staff responded that because the assistance is buyer-based, it would not change the sales proceeds any developer would receive. The buyer would pay for the majority of the price while the program provides the rest of the financing.

Before voting on the matter, staff and Trustees discussed whether anything has been done to help middle-income home buyers.

Upon a motion moved, seconded, and approved by roll call of eight in favor and one absent (Ms. Thorne), it was:

VOTED: to approve the recommended changes to the Buydown Assistance Limits and Guidelines.

Griffin Shepard, et al. Zoning Petition

Mr. Cotter presented a zoning petition filed by several residents last month to amend the Zoning Ordinance provisions which address the Affordable Housing Trust and is known as the Griffin-Sheperd et al. Petition. The petition would increase the number of members on the Trust, expand the list of allowable uses of Trust funds to include new uses such as housing vouchers, provide a stipend to Trust members, among other changes.

The Planning Board and the City Council Ordinance Committee will be holding public meetings on the topic on May 7 and May 21, respectively. Each body may make recommendations to the City Council regarding the petition. Staff asked the Law Department to provide an opinion on how the proposed changes may impact or be limited by existing legislation which was shared with Trust members.

Ms. Cardosi asked why nine members were originally selected for the Trust. Ms. Schlesinger answered that nine members seemed like a good number to have in order to balance being able to have a quorum while also being able to be productive during meetings. Chair Huang suggested opening the meeting to public comment.

Upon a motion moved, seconded, and approved by roll call of eight in favor and one absent (Ms. Thorne), it was:

VOTED: for the meeting to go into Public Comment.

Lee Farris commented that she has been working with a group of people who are concerned with the waitlist for Section 8. She mentioned that Boston and Somerville have started a city-funded voucher program, so Cambridge should look into it, especially since the Cambridge City Council has brought up the topic before. She acknowledged that the current Trust language does not explicitly grant the Trust to fund vouchers or housing for unhoused people with supportive services.

Raffi Freeman commented that adding a stipend for Trust members makes sense, though it should be capped based on income. He expressed dissent for the expansion of the Trust to thirteen members as it may make the Trust less effective and more challenging to have productive discussions.

Upon a motion moved, seconded, and approved by roll call of eight in favor and one absent (Ms. Thorne), it was:

VOTED: for the meeting to close Public Comment.

Ms. DeRosa asked for clarification on which changes would require a Home Rule Petition (HRP). Mr. Cotter answered that some of the significant changes will require an HRP including expanding the number of Trust members and the use of funds to fund supportive services. It was noted that taking this petition to the State House for approval may take a long time to make these changes.

Trustees expressed concerns about the potential changes to the structure of the Trust but were open to having further discussions on the topic. Trustees also commented that the Trust already supports supportive services for unhoused people, though indirectly, by investing funds into the creation of supportive housing, such as the development at 116 Norfolk Street that is being sponsored by the Cambridge Housing Authority (CHA).

Trustees were also worried about the financial implications of these changes. They discussed how these proposed changes may decrease the amount of funding that they can allocate to new construction, which is very expensive as is. Additionally, they commented that the Community Development Department is already running a lot of programs that the Trust is involved in. Adding another program would require hiring more employees with sufficient expertise, thus adding more costs to the budget.

Trustees commented that there is a lot of alignment between the City and the Trust in terms of what work is being done to increase affordable housing production and stabilization. The Trust allocates a significant amount of money into developments that create permanently affordable housing including support for supportive housing and deeply affordable rental housing, which is one part in solving the affordable housing issue and is unique to the Trust.

Trustees and staff discussed the feasibility of funding vouchers. Trustees brought up the point that vouchers are typically associated with people, so if one day the City's budget cannot financially support vouchers due to increasing costs, people may lose their vouchers. Ms. Stein asked what the CHA's response was to city-funded vouchers, as they are the City's main voucher dispenser, to which Mr. Cotter replied that staff are looking at options with CHA as they prepare material for an upcoming Housing Committee meeting on options for City-funded vouchers. In response to a question regarding attaching vouchers to a unit rather than a person to ensure the funding remains in Cambridge, Chair Huang replied that there may be a legal issue with forward-committing funds in that way.

Mr. Stockard expressed the need to collect data and have more discussion on the logistics of having a City-funded voucher program. Ms. Cardosi offered to research Boston's and Somerville's voucher programs. She also expressed support for increasing the background diversity of Trust members.

Ms. Darwin expressed support for giving stipends to Trustees who need them, as opposed to giving it to everyone. Trustees discussed the increased interest in giving stipends to other City Boards. Chair Huang mentioned that some Board members including the Planning Board and BZA now receive stipends as members often spend more than ten hours a month working on their respective Boards. He also commented that there are some interesting ideas in the zoning petition, though he recognized the legal challenges that this petition could have.

Before bringing the Trust into executive session, Mr. Cotter mentioned that there a few upcoming public hearings on this zoning petition and City-funded vouchers. The Planning Board City Council's Ordinance Committee will be having meetings on the petition on May 7 at 6:30 p.m. and May 21 at 3:00 p.m., respectively. The City Council Housing Committee will hold a meeting about City-funded vouchers on April 30 at 3:00 p.m.

MOVE TO EXECUTIVE SESSION

Mr. Cotter indicated that the next item for discussion before the Trust pertained to details regarding the potential acquisition of real estate. Due to the sensitive information to be discussed, continuing in open session might have a detrimental effect on the negotiations. At 5:11 PM, Mr. Cotter entertained a motion to go into Executive Session to discuss this matter and indicated that the Trust would adjourn at the conclusion of the Executive Session.

Upon a motion moved, seconded, and approved by roll call of seven in favor and two absent (Mr. Stockard and Ms. Thorne), it was:

VOTED: for the meeting to go into Executive Session.

Mr. Cotter noted that the Trust would not reconvene in open session.

The next meeting is scheduled for May 23, 2024 at 4:00 p.m.

Meeting Materials:

- Agenda
- Minutes from the Trust's March 28, 2024 meeting
- Project Update
- Homebuyer Buydown Assistance Fund Changes memo
- Draft Proposed Updated Buydown Assistance Guidelines
- Memo re Griffin-Shepard Zoning Petition
- Griffen-Shepard et al. Zoning Petition
- Law Dept. Opinion – Griffin-Shepard et al. Zoning Petition – Ltr to Pl Bd and AHT

Cambridge Affordable Housing Trust

May 23, 2024

Status of Active Commitments

	Active Projects	Sponsor	Rental Units	Ownership Units	Status	Total Cost	Trust Commitment	Loan Amount Per Unit	Trust Approval Date
1.	HomeBridge program	CDD	<i>currently approved buyers:</i>	13	92 scattered site units purchased by first time buyers to-date. Trust approved expanded subsidy share in August 2023. Online application now available. One unit closed this month. One unit under agreement.	N/A	\$24,200,000	1-br: 50% sale 2-br: 60% sale 3-br: 65% sale	several, including most recent: February 2023
2.	Homeownership Resale Program	CDD	<i>currently active units:</i>	22	Re-purchase, rehab and re-sale of affordable homeownership units to new homebuyers. Two units under agreement.	N/A	\$10,000,000		December 2011
3.	Vail Court (139 Bishop Allen)	TBD	TBD	TBD	Trust and City hosted public meeting in 2017 to hear from the community on affordable housing needs and ideas for the redevelopment of Vail Court. Additional public meetings will be scheduled but are currently on hold pending the legal action taken by former owner.	TBD	TBD	TBD	N/A
4.	2072 Mass. Ave.	Capstone Hope	TBD	TBD	Capstone/Hope purchased site in April 2018 and sought a comprehensive permit to enable the construction of a new 48 unit affordable housing building but withdrew their request at the September 2021 BZA hearing; they remain committed to creating affordable housing at this site and are assessing next steps and options.	TBD	\$5,071,000	TBD	February 2018 and June 2021
5.	52 New Street	JAS	106		JAS purchased the site in early 2020 and is permitting the project through the Affordable Housing Overlay. After JAS held 3 AHO community meetings, the proposal was reviewed by the Planning Board at the two advisory design review meetings on 10/16/21 and 1/4/22 and a final Planning Board report has been issued. Construction closing completed in December 2023; construction underway. Groundbreaking event 5/28.	TBD	\$18,025,390	\$170,051	October 2019, June 2021, January 2022
6.	Park View Coop (24-26 Corporal McTernan Street)	Park View Coop		12	Funds committed May 2021; closing completed October 2022; renovations nearing completion.	\$4,986,321	\$4,199,215	\$349,935	March 2019 and May 2021
7.	Rindge Commons - Phase 1 (site of 402 Rindge Ave)	JAS	24		In June 2020, the Trust approved funding for the first phase of Rindge Commons. Project received a comprehensive permit in August 2020 and began construction in June 2022. The CAHT loan at closing was \$3,706,358 or \$154,444 per unit. This is a \$543,342 reduction from the original loan commitment. Construction complete; lease-up underway with first tenants already moved in.	\$17,307,771	\$4,250,000	\$177,083	June 2020
8.	Broadway Park (240 Broadway)	JAS		15	In March 2021, the Trust approved funding to create 15 affordable homeownership units. JAS has had several community meetings to review its proposal with the intention of seeking a comprehensive permit for this development. JAS also will be seeking to assemble remaining funding needed for this development.	TBD	\$3,600,000	\$240,000	March 2021
9.	Jefferson Park Federal (45-60; 61-75; 77-92; 93-108; Jackson Circle; 1; 2-19; 21-42; 109-124; 1000 Jackson Place)	CHA	278		In September 2021, the Trust approved funding to assist with the comprehensive modernization of Jefferson Park Federal. After the CHA held 3 AHO community meetings, the proposal was reviewed by the Planning Board at the two advisory design review meetings required by the AHO, first on 11/9/21, and again on 2/15/22. A final Planning Board report has since been issued. The CHA completed a 'dry closing' in late December 2023, in preparation of the full construction closing to occur in early 2024. Demolition complete; site work underway. Preparing for full construction closing.	TBD	\$43,611,615	\$156,876	September 2021
10.	35 Harvey Street	HRI / Cascap	12		In November 2021, the Trust approved funding to assist with the renovation and reconfiguration of Harvey Street from SROs to studio apartments. HRI has closed on funding November 2023 and work is now underway.	TBD	\$3,339,437	\$243,139	November 2021
11.	4 Mellen / 1627 Mass. Ave.	HRI	29		In January 2022, the Trust approved funding to assist with the purchase of this property from Lesley University to create affordable housing. The Trust approved additional predevelopment funding in August 2022. HRI acquired the site in August 2022 and held first AHO Community meeting on 9/15/22. Second community meeting held 3/15/22. First advisory design consultation with Planning Board held 7/18/23 and second advisory design consultation held 12/5/23. Planning Board final design report issued on 12/20/23. State funding application submitted.	TBD	\$10,425,000	TBD	January 2022 and August 2022
12.	116 Norfolk Street	CHA	62		In August 2022, the Trust approved funding to assist in the renovation and expansion of an existing 38-unit SRO to create 62 studio apartments for individuals moving beyond homelessness. CHA completed AHO advisory design review in late 2022 and closed on funding in December 2022; construction is underway.	TBD	\$10,161,150	\$163,890	August 2022
13.	35 Cherry Street	TBD	TBD	TBD	In March 2022, the City Council approved the disposition of this property to the Trust for creation of affordable homeownership housing. Transfer from MIT complete. After RFP, Just A Start selected as developer at its October Trust meeting. JAS held first AHO community meeting on 5/15/24.	TBD	TBD	TBD	March 2022
14.	49 Sixth Street	POAH	46		In October 2022, the Trust approved funding to assist in the conversion of a portion of the Sacred Heart church property to affordable housing. POAH has completed the AHO process. POAH is assembling remaining financing in advance of beginning construction in 2024. Increase of Trust funds request approved 3/6/24.	TBD	\$10,750,000	\$233,696	October 2022
15.	37 Brookline Street	JAS	TBD	TBD	JAS acquired the site in July 2023 and held an initial community meeting on 4/25/24 and will be scheduling additional community meetings to discuss design and development plans for the site.	TBD	\$2,064,000	TBD	March 2023
16.	650 Concord Ave	Neville Communities Inc (NCI)	71		In May 2023, the Trust approved funding to assist with capital repairs at Neville Place, the affordable assisted living portion of its campus. Staff are working with NCI on due diligence items in advance of closing, including the forming of a working committee to review tenant selection procedures. Increase of Trust funds request approved 3/28/24.	\$2,445,000	\$5,670,500	\$34,437	May 2023
17.	30 Wendell Street	HRI	TBD	TBD	HRI completed the acquisition of 30 Wendell Street from Lesley University on 11/30/23. First AHO meeting held 2/14/24 and hosted a Balden neighborhood walking tour with neighbors in April 2024, in advance of their next AHO community meeting.	TBD	\$6,357,000	TBD	August 2023

18.	87-101 Blanchard Rd	B'nai B'rith	110		In March 2024, the Trust approved \$18,169,120 in funding to BBH for the new construction of 110 affordable rental units for seniors. BBH plans to permit the site under the AHO. First AHO PB meeting held in January 2024; Second AHO PB advisory design meeting 6/4/24.	TBD	\$18,169,120	\$34,437	August 2023
19.	(site confidential)	HRI			Trust approved funding for the HRI to purchase a site for new affordable housing; closing expected to occur this summer.				March 2024
20.	(site confidential)	CHA			Trust approved funding for CHA to purchase a site for new affordable housing; closing expected to occur this summer.				April 2024

Total Units 800

**Cambridge Affordable Housing Trust
Status of Affordable Housing Overlay (AHO) Developments**

	AHO Development	Developer	AHO Status & Activity	Rental Units	Ownership Units	Development Status
1.	52 New Street	Just-A-Start Corporation	AHO Community meetings held on 2/25/21, 3/25/21, and 4/15/21. Planning Board design consultation held on 10/26/21 and 1/4/22. Design consultation completed January 2022; Final Planning Board report issued 1/20/22 and was transmitted to the Trust on 1/27/22. Construction closing occurred on 12/29/2023.	106		Design Consultation Complete; see above
2.	Jefferson Park Federal (45-60; 61-75; 77-92; 93-108; Jackson Circle; 1, 2-19, 21-42, 109-124, 1000 Jackson Place)	Cambridge Housing Authority	AHO Community meetings held on 3/2/21, 4/1/21, and 10/19/21. Planning Board design consultation held 11/9/21 and 2/15/22. Final Planning Board report issued 3/9/22 transmitted to the Trust on 3/24/22. Preparing for construction loan closing.	278		Design Consultation Complete; see above
3.	Walden Square II (102 Sherman Street)	WinnDevelopment Companies	AHO Community meetings held on 3/23/21, 4/13/21 and 5/27/21. Submission for first Planning Board advisory design consultation was withdrawn by developer on 11/16/21. Design revised based on community comments. Community meetings held 2/23/22, 8/29/23 (rescheduled from 8/1/23) and 9/14/23. First Planning Board advisory design meeting held 3/12/24.	95		Original submission withdrawn; AHO community meetings complete; preparing to begin Design Consultation process underway.
4.	49 6th Street	POAH & Urban Spaces	AHO Community meetings held on 7/27/21 and 11/3/21. First Planning Board advisory design consultation meeting held 4/5/22. Second design consultation meeting was held on 6/28/22; Planning Board report issued 7/14/22 and transmitted to the Trust on 8/4/2022. Assembling remaining funding needed to begin construction.	46		Design Consultation Complete; see above
5.	116 Norfolk Street	Cambridge Housing Authority	First AHO community meeting held 2/10/22. Second community meeting held 4/26/22. First Planning Board advisory design consultation meeting was held on 7/5/22. Second advisory design consultation held 9/13/22. Planning Board report issued on 10/28/22 and transmitted to the Trust on 11/17/2022. Closed 12/2022; under construction.	62		Design Consultation Complete; see above
6.	1627 Mass. Ave./4 Mellen	Homeowner's Rehab Inc	First AHO community meeting held 9/15/22. Second community held 3/15/23. First advisory design consultation with Planning Board held 7/18/23, second design consultation held 12/5/23. Final Planning Board report issued 12/20/23 and transmitted to the Trust on 1/25/2024. Assembling remaining funding needed to begin construction.	29		Design Consultation Complete; see above
7.	87-101 Blanchard Road	B'nai Brith Housing	AHO community meetings held 10/4/2023 and 11/10/2023. First Planning Board advisory design meeting held 1/23/2024. Second advisory design review meeting scheduled for 6/4/24.	110		AHO community meetings complete; Design Consultation process underway.
8.	30 Wendell Street	Homeowner's Rehab Inc	First AHO community meeting held 2/14/24.	TBD		AHO community meetings underway.

Status of Active Inclusionary Housing Developments

	Approved Active Projects	Developer	Status	Rental Units	Ownership Units	Applicable zoning
1.	55 Wheeler Street	Toll Brothers	Covenant recorded 3/12/21. Building Permit issued 3/16/21. Under Construction. First phase complete. Residents moving in; tenant selection continuing.	99		Revised ordinance at 20% sf requirement
2.	40 Thorndike Street, Court House	Leggat/McCall	Covenant recorded. Building Permit issued. Under construction	48		All units are affordable
3.	605 Concord Ave.	Abodez Acorn	Covenant recorded; Building Permit issued 12/9/21. Under Construction.	7		Revised ordinance at 15% sf requirement
4.	1043-1059 Cambridge St.	418 Real Estate	Covenant recorded. Building permit issued 7/11/22. Reviewing homebuyer applications.		3	Revised ordinance at 20% sf requirement
5.	121 Broadway	Boston Properties (BXP)	Covenant recorded 12/28/23. Building permit issued 3/21/24.	102		MXD zoning - 20% Inclusionary + 5% Middle-Income

Under Development:	256	3
Completed Units:	1125	215
All Units:	1381	218
	<hr/>	
	1599	

	Active Pipeline Projects	Developer	Status	Rental Units	Ownership Units	Applicable zoning
1.	8 Winter Street	8 Winter St LLC, DND Homes	Inclusionary Housing Plan approved; preparing Covenant	3		Revised ordinance at 20% sf requirement
Subsidy amount needed to create Affordable Dwelling Unit Net Floor Area for Inclusionary Housing not created pursuant to Section 11.203.3 (i):				\$450 / per square foot		



CITY OF CAMBRIDGE

Community Development Department

MEMORANDUM

IRAM FAROOQ
Assistant City Manager for
Community Development

SANDRA CLARKE
Deputy Director
Chief of Administration

To: Cambridge Affordable Housing Trust
From: Anna Dolmatch, Senior Manager for Homeownership
Christine Yu, Associate Housing Development Planner
Date: May 23, 2024
Re: 35 Cherry Street – Predevelopment Funding Request

Just A Start (JAS) is requesting \$300,000 in predevelopment funding to assist with their plans to develop 35 Cherry Street into affordable homeownership units.

35 Cherry Street is a 10,593 square foot vacant lot in The Port neighborhood. Previously owned by the Massachusetts Institute of Technology (MIT), the lot was acquired by the City as part of a community benefits agreement. The City conducted an extensive community process to determine how best to develop the property for affordable housing. The community process resulted in a set of guidelines, including the creation of affordable ownership housing at the site.

The City Council transferred the property to the Trust in March 2022. The Trust put out an RFP to select a developer in July 2023. In October 2023, the Trust voted to designate JAS as the developer. Since then, JAS has worked on developing initial project designs to incorporate the required 35 Cherry Street design guidelines as well as the Homeownership Livability Standards included in the RFP. JAS will use the Affordable Housing Overlay (AHO) and will incorporate those design guidelines as well.

The design will focus on creating family-sized units with private open space at a scale that fits with the surrounding neighborhood. JAS hopes to build to Passive House standards. The units will include a range of affordability levels.

JAS has begun outreach and held their first community meeting on May 15th. The meeting was a general introduction to JAS and an overview of the project timeline. JAS will hold additional meetings to share preliminary designs for community feedback.

FUNDING REQUEST:

JAS is requesting a commitment of \$300,000 in Trust funding to support ongoing predevelopment work. They are working with Davis Square Architects on preliminary design options. A survey has been completed to ensure the design

complies with the City's flood resiliency requirements, and soil testing has begun. The proposed predevelopment budget is:

Anticipated Predevelopment Budget	
Architectural & Engineering	\$205,000
Survey/Civil & Permits	\$ 20,000
Clerk of the Works	\$ 5,000
Environmental Engineer/Geotech	\$ 20,000
Legal (Borrower/Lender)	\$ 20,000
Title & Recording	\$ 5,000
Insurance	\$ 10,000
Appraisal/Market Study	\$ 5,000
Security	\$ 5,000
Other	\$ 5,000
Total Costs:	\$300,000

JAS plans to complete the community process and have final designs by the end of the summer. They will then begin the AHO process with the planning board.

RECOMMENDATION:

The 35 Cherry project will create high quality affordable homeownership units that incorporate community input. This long-vacant site will be transformed into a neighborhood asset, providing opportunities for families to own a home in the Port.

Staff recommend that the Trust approve JAS's request for \$300,000 in predevelopment funding for 35 Cherry Street. We have discussed this request with Susan Schlesinger, Alyson Stein, Jim Stockard, and Bill Tibbs who agreed with our recommendation to bring this to the Trust and recommend approval.

1. Staff approval of predevelopment budget and scope of work;
2. The predevelopment loan shall be secured by a first mortgage;
3. Loan term shall be 36 months or until construction loan closing, whichever occurs sooner;
4. Interest shall accrue at a rate of 3% annually;
5. Principal and accrued interest shall be due and payable at loan maturity; however, at construction closing, accrued interest shall either be waived, at staff discretion, or deferred; and,
6. Funds will be disbursed in accordance with the Loan Disbursement Agreement to be entered into at or prior to loan closing.

Prior to construction closing, the conversion of any predevelopment funds to permanent financing shall be subject to additional conditions including, but not limited, to the following:

7. Staff approval of final design and development plan;

8. Staff approval of final budgets;
9. Agreement to enter into the City's affordable housing covenant, restricting all units built to households earning at or below 80% of Area Median Income (or other standard approved in advance by CAHT); and,
10. Marketing and buyer selection plan acceptable to Staff.

In addition, upon request, Borrower shall provide written updates to the Cambridge Affordable Housing Trust on project status including proposed design and development scenarios, proposed budgets, and anticipated development timeline.



CITY OF CAMBRIDGE

Community Development Department

MEMORANDUM

To: Affordable Housing Trust
From: Christopher Cotter, Housing Director
Date: April 25, 2024
Re: Griffin-Sheperd et al. Petition regarding the Affordable Housing Trust

As noted at our last meeting, a petition to amend the Zoning Ordinance provisions which address the Affordable Housing Trust was filed with the City Council by several residents last month. This petition, known as the Griffin-Sheperd et al. Petition, is attached for your review.

The purposes of the petition as stated in the material submitted to the City Council include:

- Allowing the Trust to fund rental housing vouchers or other rental subsidies;
- Allowing the Trust to support unhoused residents by funding low-threshold shelter, transitional and permanent supportive housing and services to support residents housed there;
- Increasing membership on the Trust from 9 to 13 members and requiring that at least 6 members who have experienced housing instability or live in affordable housing;
- Paying a stipend to Trust members;
- Establishing a requirement for quarterly updates to the City Council on Trust activities.

Petitions to amend the Zoning Ordinance are referred to both the Ordinance Committee and Planning Board for public hearings. Each body may then make recommendations to the City Council regarding the changes proposed through the petition. Hearings for this petition have been scheduled and will be:

- Planning Board: Tuesday, May 7, 2024 at 7:00 p.m.
- Ordinance Committee: Tuesday, May 21, 2024 from 3:00 p.m.- 5:00 p.m.

The Affordable Housing Trust was established with provisions in the Zoning Ordinance as well as enabling legislation approved by the state in 1991. Many provisions in the Zoning Ordinance are mirrored in the enabling legislation. We asked the Law Department provide an opinion on how a change to the Zoning Ordinance might impact or be limited by the enabling legislation; that opinion is also attached for reference.

IRAM FAROOQ
Assistant City Manager for
Community Development

SANDRA CLARKE
Deputy Director
Chief of Administration



2024 MAR 20 AM 10:03

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

CITY OF CAMBRIDGE
CAMBRIDGE CITY HALL, 795 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139

TO THE CITY COUNCIL OF THE CITY OF CAMBRIDGE:

~~Lisa Griffin~~ Khalida Griffin-Shepherd hereby petitions the City Council of the City of Cambridge to amend the Zoning Ordinance of the City of Cambridge, as amended, as follows:

- Amend the Zoning Map in the area(s) set forth in the attached text description(s) and map(s) by
 - changing the base Zoning District(s) from _____ to a new zoning designation(s) of _____
 - creating a new Overlay Zoning District(s) entitled _____
 - deleting or amending the boundaries of the current Overlay Zoning District(s) entitled _____
- Amend the text of the Zoning Ordinance as set forth in the attached text by
 - inserting a new Article(s) and/or section(s) numbered and entitled _____
 - deleting the current Article(s) and/or section(s) numbered and entitled _____
 - amending the current Article(s) and/or section(s) numbered and entitled 11.206.1 and 11.206.2

with the intent of adding two explicit additional purposes for the Trust's funding, requiring the Trust to include members affected by housing instability, and expanding the Trust board ☒

Contact Person: Kavish Gandhi
Street Address: 376 Windsor St #1, Cambridge, MA, 02141
Telephone Number: 6176104726
E-mail Address: kmbra Gandhi@gmail.com

Attach the following materials:

- Signatures of 10 or more Cambridge residents registered to vote in Cambridge (if applicable – see attached page template)
- Map Amendments: a map and text description describing the exact boundaries of the area to be rezoned
- Text Amendments: a document providing the exact wording of all inserted, deleted, or amended sections (also provide in a word processing format to cityclerk@cambridgema.gov)

FOR CITY CLERK USE ONLY – Zoning Petition Number: ID # 22407
Submission Date: March 20, 2024

Affordable Housing Trust Zoning Petition

Summary

The Affordable Housing Trust (Trust) in Cambridge determines how city funds will be used to build and repair affordable housing. The Trust is run by a nine-person board appointed by the City Manager. This residents' petition aims to address the housing emergency by changing the Trust in three ways. First, it would allow the Trust to directly fund city rental vouchers for vulnerable residents and support for unhoused residents. Second, it would expand the Trust board to require some people affected by housing instability. Third, it would require the board to regularly report on its progress, establishing accountability. The specific voucher and other programmatic activities would be accomplished by separate Council ordinances.

Petition Purpose:

- **Fund City Rental Vouchers:** allow Trust funds to fund local rent subsidy programs. This allows the Trust to more directly prevent displacement of vulnerable Cambridge residents.
- **Fund Support for the Unhoused:** allow Trust funds to be allocated towards low-threshold non-congregate shelter, transitional housing, and permanent supportive housing for unhoused Cambridge residents. Trust funds could also be used for services to support residents after being housed.
- **Require Representation:** Increase the Trust board size from 9 to 13 members. At least six board members must have experienced housing instability or live in affordable housing.
- **Pay a Stipend:** all Trust members will be paid an annual stipend for their time. This allows for those affected by housing instability to more easily participate.
- **Establish Accountability Measures:** Require quarterly updates by the City Manager to the City Council about the Trust's activities.

Affordable Housing Trust Zoning Petition

AMEND 11.206.1 as follows:

11.206.1 Board of Trustees.

- (a) The City Manager shall appoint and chair a ~~nine (9)~~ thirteen (13) member Board of Trustees of the Affordable Housing Trust. The Board of Trustees shall be composed of the City Manager and representatives from different sectors of the community concerned with housing policy, including members of City boards and agencies, individuals affiliated with Cambridge non-profit housing organizations, and Cambridge community representatives. The Board of Trustees shall include at least six individuals who have lived experience with housing instability and/or Cambridge's housing assistance programs, from at least four of the following categories at the time of appointment or re-appointment:
- Individuals with experience being unhoused in Cambridge
 - Individuals who live in CHA buildings
 - Individuals who live in other 100% subsidized buildings in Cambridge
 - Individuals with housing vouchers who live in Cambridge, including (but not limited to) Section 8
 - Individuals who live in Inclusionary Housing in Cambridge
 - Individuals who live in affordable homeownership units in Cambridge.
 - Individuals who live in market rate housing in Cambridge and are on the CHA waitlist or the Inclusionary Housing waitlist.
- (b) The Trustees shall establish regulations for the operations of the Trust.
- (c) The Trustees shall administer the Affordable Housing Trust, whose activities shall include but not be limited to the following:
- i. Disburse funds and property pursuant to the provisions of Sections 11.200 to 11.206;
 - ii. Review and approve or disapprove proposals submitted for use of funds and property;
 - iii. Advise on the establishment of new programs designed to meet the City's affordable housing needs;
 - iv. Provide assistance and reports where appropriate to any special permit granting authority authorized to issue a special permit for any development making use of funds from the Affordable Housing Trust; and
 - v. Advise on policies, standards, and procedures for the implementation of the provisions of Sections 11.200 to 11.206.
- (d) The City Manager shall make quarterly presentations to the City Council that include information on the business of the Affordable Housing Trust, Trustee perspectives on issues relevant to council business, and CDD updates including (but not limited to)

information on HomeBridge, the Homeownership Resale Program, and Inclusionary Housing.

- (e) The City Manager shall make sufficient funding available to provide each member of the Affordable Housing Trust with an annual stipend intended to offset the out-of-pocket costs incurred by Trust members in connection with participation on the Trust, including (but not limited to) meeting time, advance preparation time, travel, and child care expenses.

AMEND 11.206.2 as follows:

11.206.2 Receipt and Use of Funds and Property.

- (a) The Affordable Housing Trust may receive funds and property generated by the provisions of Sections 11.200 to 11.206 as well as funds and property generated from other sources.
- (b) The funds and property of the Affordable Housing Trust may be used for, but shall not be limited to, the following:
- (i) Creation of rental or owner-occupied Affordable Dwelling Units through such mechanisms as favorable financing terms, capital grants to write down project costs, subsidies for land and acquisition, subsidies for acquisition of existing structures, and subsidies for acquisition of Affordable Dwelling Units within a larger development;
 - (ii) Substantial rehabilitation of distressed multifamily residential properties in a manner that preserves the affordability of units through favorable financing terms or capital grants to write down project costs, interest rate subsidies, and loan guarantees with priority funding consideration given to multifamily housing owned by non-profit housing entities that ensure maximum long-term affordability;
 - (iii) Acquisition and rehabilitation of potential limited equity housing cooperatives or condominium conversions using low interest loans, share loans, or capital grants to write down project costs;
 - (iv) Preservation of existing affordable housing by providing acquisition and/or financing assistance for Affordable Dwelling Units that are part of a larger development
 - (v) Financing of any local subsidy programs, including (but not limited to) City-funded voucher programs established by the City Manager or by City Ordinance for the purpose of expanding housing affordability, access, and opportunity for people at no-, low-, and moderate-income levels;

- (vi) Creation of low-threshold non-congregate shelter, transitional housing, or permanent supportive housing for individuals experiencing homelessness in Cambridge, including any related supportive services;
- vi(vii) **Reasonable administrative expenses necessary to support Affordable Housing Trust activities, including but not limited to payment for consulting services such as legal, appraising, or engineering services, and other project related expenses.**

Cambridge Affordable Housing Trust Zoning Amendment Petition



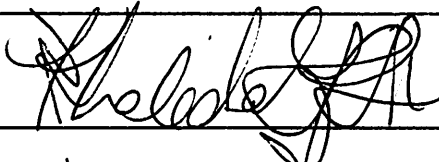
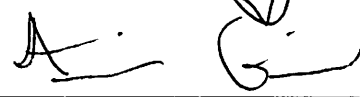

To view the full petition text and other information, visit <https://sites.google.com/view/ahtpetition/home>

The Affordable Housing Trust is a 9-member board of Cambridge residents that decides how city funds will be used to build and repair affordable housing. This residents' petition would enable the Trust to directly house and support low- and moderate-income residents.

If passed by the City Council, this petition would:

- 1) **Expand the affordable housing options** available to the Trust in two ways:
 - a) Fund city rental vouchers for low-income persons
 - b) Fund non-congregate shelter and other housing for unhoused Cambridge residents

- 2) **Expand the Trust board** by adding 6 members who live in affordable housing or who are experiencing housing instability

Signature	Printed Name	Street Address
	Khalida Griffin-Sheperd	565 Putnam Ave. Cambridge
✓ 	Karish Gandhi	376 Windsor St #1
	Dan ni Totten	54 Bishop Allen Dr #2

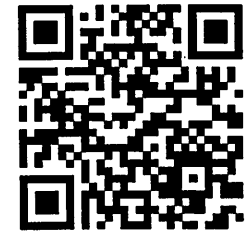
Cambridge Affordable Housing Trust Zoning Amendment Petition



To view the full petition text and other information, visit <https://sites.google.com/view/ahtpetition/home>

Signature	Printed Name	Street Address
✓ Nancy M. Ryan	Nancy M. Ryan	4 Ashburton Pt. #2
✓ Jonathan King	Jonathan King	40 Essex St
✓ Jacqueline King	Jacqueline King	40 Essex St.
✓ Phyllis Bretholz	Phyllis BRETHOLTZ	65 Aintree ST.
✓ Charles Franklin	Charles Franklin	162 Hampshire St 1R
✓ Lee Farris	Lee FARRIS	269 NORFOLK ST.

Cambridge Affordable Housing Trust Zoning Amendment Petition



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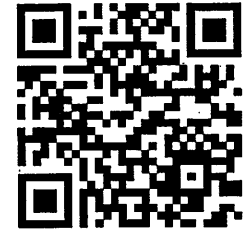
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 - b) Fund non-congregate shelter and other housing for unhoused Cambridge residents

- 2) **Expand the Trust board** by adding 6 members who live in affordable housing or who are experiencing housing instability

Signature	Printed Name	Street Address
✓ <i>Rochelle P. Wortis</i>	ROCHELLE P. WORTIS	106 Berkshire St, Cambridge 02141
✓ <i>Henry H. Wortis</i>	HENRY H. WORTIS	106 Berkshire St. 02141
✓ <i>Rena H. Leib</i>	RENA H. LEIB	10 ARNOLD CIRCLE Camb 02139

Cambridge Affordable Housing Trust Zoning Amendment Petition



To view the full petition text and other information, visit <https://sites.google.com/view/ahtpetition/home>

Signature	Printed Name	Street Address
✓ <i>Matthew Schreiner</i>	MATTHEW SCHREINER	26 Grozier Rd CAMB.
✓ <i>Cathy</i>	CATHERINE HOFFMAN	67 Pleasant St
✓ <i>Phyllis Ewen</i>	PHYLLIS EWEN	17 Kelly Rd
✓ <i>Mary Baine Campbell</i>	Mary Baine Campbell	36 Luncheon St #10
✓ <i>Richard Krushnic</i>	RICHARD KRUSHNIC	20 Oak St, Cambridge 02139

Cambridge Affordable Housing Trust Zoning Amendment Petition



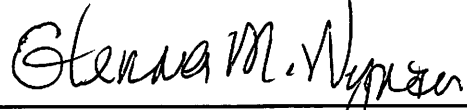


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- 2) **Expand the Trust board** by adding 6 members who live in affordable housing or who are experiencing housing instability

Signature	Printed Name	Street Address
	Glenna M. Wyman	25 8th St #66 Cambridge 02141
	Joseph Moriarty	25 5th St. Apt 26 Cambridge 02141
	Rubia PALMA	25 8TH ST APT 60 02141

Cambridge Affordable Housing Trust Zoning Amendment Petition



To view the full petition text and other information, visit <https://sites.google.com/view/ahtpetition/home>

Signature	Printed Name	Street Address
Lu Kun Hou	25 侯 鲁 路	25 8 th APT 61 02141
Arne Brattoya	Arne Brattoya	25 8 th Apt 67 02141
Jonathan Reed	Jonathan Reed	25 8 th St Apt 42
Node	Ashraf Master Asraf Master	25 8 th St, Apt 48 02141
Heather Hoffman	Heather Hoffman	213 Hurley Street 02141
Rhonda Massie	Rhonda Massie	211 Charles Street
Edwinto	EDWIN SANTIAGO	25 eighth St Apt 62
Lynida Brattoya	LYNIDA BRATTOYA	25 8 th ST Apt 67
Node	Aicha Belabbas	25 8 th St Apt 80

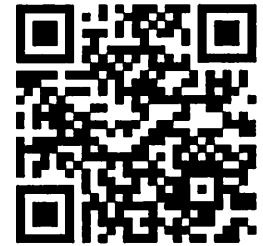
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Signature	Printed Name	Street Address
<i>Janet Tibbs</i>	Janet Tibbs	25 eighth St Apt 85
<i>Deborah Chaplin</i>	Deborah Chaplin	25 Eighth St. Apt 35
<i>Elaine Preston</i>	ELAINE PRESTON	25 Eighth St apt 37
<i>Almaza Asfaw</i>	ALMAZE ASFAW	25 eighth st Apt 36
<i>Bernadette Peronne</i>	Bernadette Peronne	25. 2th st. Apt 20
<i>Dorothy J. ONeal</i>	Dorothy J. ONeal	15 Lambert st. # 312
<i>Betty M. Paige</i>	Betty M. Paige	15 Lambert St #1502
<i>Patricia McCarty</i>	Patricia McCarty	15 Lambert St. #414
<i>Karen Penrose</i>	Karen Penrose	244 Western Ave, Cambridge, MA #1

Cambridge Affordable Housing Trust Zoning Amendment Petition



To view the full petition text and other information, visit <https://sites.google.com/view/ahtpetition/home>

Signature	Printed Name	Street Address
	Michael J Riley	15 Lambert St apt # 1118
	Carol Ann M ^{CD} Donald	15 Lambert St # 1110
Florence S. Williamson	Florence S. Williamson	15 Lambert Street, Apt. 1107
	Marc Anderson Strauchmeyer	15 Lambert St # 1415
	Amy Rippy	15 Lambert St # 1105
	JUANITA DANIELS	1 Whittamore Ave # 110
	SANDRA MIDDLETON	54 MARKET STREET APT 102
	John M. Rathiff	218 Thonklike St. # 106
	Elaine V. Harrington	7 Cameron Ave # 308

Cambridge Affordable Housing Trust Zoning Amendment Petition



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Name	PRINTED NAME Email Address	STREET ADDRESS Phone Number
Ann Marie Lupacchino	ANN MARIE LUPACCHINO	411 FRANKLIN ST #308
Linda Montgomery	LINDA MONTGOMERY	2 Corcovan Lane Cambs, Ma
Abdulmalik Jackson	ABDULMALIK JACKSON	808 MEM DR B10, CAMBRIDGE, MA
Sonia Andy	Sonia Andujan	217 Auburn St #2 Cambridge, MA 02139
Wasson Rashed	WASSON RASHED	20 MASS. AVE, #218
Casalyn Carleton	Casalyn Carleton	929 Mass Ave #10A
William B. Cunningham	William B. Cunningham	6 Newtowne Ct #166
Ralph D'Orlando	Ralph D'Orlando (Jr.) CAMB 3 HARWELL DR APTC 02141	APT C CAMB 3 HARWELL DR 02141
Ralph D'Orlando	CAMB MASS 25 8TH ST APT 4M 02141	Ralph D'Orlando

STREET ADDRESS

PRINTED NAME

Megan B. Bayer
Acting City Solicitor

Elliott J. Veloso
First Assistant City Solicitor



Assistant City Solicitors
Paul S. Kawai
Sean M. McKendry
Diane O. Pires
Kate M. Kleimola
Sydney M. Wright
Evan C. Bjorklund
Franziskus Lepionka
Andrea Carrillo-Rhoads

Public Records Access Officer
Seah Levy

CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

April 22, 2024

Planning Board
City Hall Annex
344 Broadway
Cambridge, MA 02139

Affordable Housing Trust
City Hall Annex
344 Broadway
Cambridge, MA 02139

Re: *Griffin-Sheperd, et al. Zoning Petition regarding the Affordable Housing Trust*

Dear Members of the Planning Board and Trustees of the Affordable Housing Trust,

I am writing in response to Assistant City Manager for Community Development Iram Farooq's request that the Law Department provide guidance to the Planning Board and Affordable Housing Trust concerning the Griffin-Sheperd, et al. Zoning Petition (the "Petition"), which is a citizen zoning petition that seeks to amend Section 11.206 of the Cambridge Zoning Ordinance as it relates to the composition, powers, and duties of the Affordable Housing Trust. The Petition seeks to amend or add five sub-sections of Section 11.206 of the Zoning Ordinance, and I will address those five changes below.

A. Background re: the Affordable Housing Trust

In Cambridge, the Affordable Housing Trust ("AHT") was established in 1989, and in 1991 the Legislature and Governor approved the City's Home Rule Petition and enacted Chapter 482 of the Acts of 1991 entitled "An Act Authorizing the Establishment of a Housing Trust Fund in the City of Cambridge" ("the Special Act"). Two other relevant pieces of legislation are the Community Preservation Act, enacted in 2000, and the statewide Municipal Affordable Housing Trust Fund Law, G.L. c.44, §55C, which was enacted in 2005 and is a local acceptance law that allows municipalities to establish an affordable housing trust without having to submit a Home Rule Petition.

The AHT is authorized by the Special Act, and its powers and duties are further defined by Section 11.206 of the Zoning Ordinance and the AHT's Declaration of Trust. The Zoning Ordinance and Declaration of Trust can further define and expand on the AHT's powers and

duties, but they cannot contradict or go beyond the purposes that are authorized in the Special Act.

B. Griffin-Sheperd, et al. Zoning Petition

1. Amendments concerning the composition of the Board of Trustees of the AHT

The Petition seeks to increase the number of Trustees of the Board of Trustees of the AHT from 9 Trustees to 13 Trustees and to require at least 6 of the Trustees to have “lived experience with housing instability and/or Cambridge’s housing assistance programs.” As explained below, increasing the number of Trustees conflicts with, and is preempted by, the Special Act. Changing the number of Trustees would require the Special Act to be amended.

The Special Act provides that the Board of Trustees consists of 9 Trustees. To increase the number of Trustees, the City Council must submit a Home Rule Petition seeking to amend the Special Act to increase the number of Trustees. An amendment to the Special Act must happen before the Zoning Ordinance can be amended.

If the City Council amends Section 11.206.1(a) to require that at least 6 of the Trustees have “lived experience with housing instability and/or Cambridge’s housing assistance programs,” I recommend that the AHT amend the Declaration of Trust to be consistent with that requirement. If the number of Trustees is increased, the Declaration of Trust should also be increased to reflect the new number of Trustees. Additionally, I recommend the below underlined and strikethrough changes to the Petition’s language to clarify the intent and enforceability:

The Board of Trustees shall include at least six individuals who have lived experience with housing instability and/or Cambridge housing assistance programs as demonstrated by qualifying as one of, from at least four of the following categories at the time of appointment or re-appointment, with at least four of the following categories represented on the Board at any one time:

- Individuals with experience being unhoused in Cambridge
- Individuals who live in CHA buildings
- Individuals who live in other 100% subsidized buildings in Cambridge
- Individuals with housing vouchers who live in Cambridge, including (but not limited to) Section 8
- Individuals who live in Inclusionary Housing in Cambridge
- Individuals who live in affordable homeownership units in Cambridge
- Individuals who live in market rate housing in Cambridge and are on the CHA waitlist or the Inclusionary Housing Waitlist.

2. Amendment adding AHT quarterly reporting to the City Council

The Petition includes a requirement that the City Manager shall make quarterly reporting to the City Council concerning the AHT. If the Zoning Ordinance is amended to include this

requirement, I recommend that the AHT amend the Declaration of Trust to be consistent with this requirement.

3. Amendment adding payment of stipends to Trustees of the AHT

The Petition includes a requirement that the City Manager make funding available to provide each Trustee with an annual stipend. Under the Conflict of Interest Law, G.L. c.268A, §20, a City employee generally may not be paid for two positions with the City. The AHT Board of Trustees includes the City Manager. Therefore, I recommend the below underlined changes to the Petition's language to ensure that City employees are not eligible for a stipend:

(e) The City Manager shall make sufficient funding available to provide each member of the Affordable Housing Trust with an annual stipend intended to offset the out-of-pocket costs incurred by the Trust members in connection with participation on the Trust, including (but not limited to) meeting time, advance preparation time, travel, and child care expenses, except as prohibited by the Conflict of Interest Law, G.L. c.268A.

Additionally, if the Zoning Ordinance is amended to include this requirement, the AHT must also amend the Declaration of Trust because the Declaration of Trust currently provides that each Trustee shall serve without compensation.

4. Amendment adding that AHT funds may be used to fund a local rent subsidy program

The Petition seeks to expand the purposes for which AHT funds may be used to include funding a local rent subsidy program, including but not limited to a voucher program. Pursuant to the Special Act “[t]he purpose of the Trust is to assist in the creation and preservation of affordable housing for the benefit of low and moderate income households.” As explained further below, creation and preservation of affordable housing does not include funding a local rent subsidy program. As such, this use of funds cannot be added to the Zoning Ordinance without first amending the Special Act to expand the purposes of the AHT.

While “creation” and “preservation” are not defined in the Special Act, we can determine, pursuant to the rules of statutory construction, their meaning from the “plain and ordinary meanings” of the words as well as by analogy from definitions in other statutes. The Miriam-Webster definition of “creation” is “the act of creating. Especially: the bringing of the world into existence out of nothing.” In G.L. c.40R, the Smart Growth Zoning and Housing Production statute, the definition of “new construction” is “construction of new housing units, the substantial rehabilitation of existing buildings or the conversion to residential use of existing buildings to **create** additional housing units” (emphasis added). These definitions support that the meaning in the Special Act of “creation of affordable housing” is bringing new affordable housing units into existence through new construction or rehabilitation of existing buildings.

The Miriam-Webster definition of “Preservation” is “the act, process, or result of preserving something.” The Community Preservation Act, G.L. c.44B, §2, defines “preservation” as “protection of personal or real property from injury, harm or destruction.” These definitions support that the meaning in the Special Act of “preservation of affordable housing” is protecting affordable housing from ceasing to exist as affordable housing.

The terms “creation” and “preservation” of affordable housing do not include funding a local rent subsidy program. This is further supported by comparing the Special Act to the Community Preservation Act, which authorizes the use of CPA funds for the creation, preservation, and support of affordable housing. The CPA defines “support of community housing [which is affordable housing]” as “programs that provide grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of assistance directly to individuals and families who are eligible for community housing or to an entity that owns, operates or manages such housing, for the purpose of making housing affordable.” *Id.* Therefore, a rental assistance program falls under support of affordable housing instead of “creation” or “preservation” of affordable housing, which is not a permissible purpose of the AHT.

By further comparison, municipal affordable housing trusts established pursuant to the statewide Municipal Affordable Housing Trust Fund Law, G.L. c.44, §55C, are authorized to use CPA funds that have been appropriated to the affordable housing trust to support affordable housing. This is because the stated purpose of an affordable housing trust pursuant to G.L. c.44, §55C is “the **creation and preservation of affordable housing** in municipalities for the benefit of low and moderate income households **and the funding of community housing [which is defined as low and moderate income housing for individuals and families], as defined and in accordance with the provisions of chapter 44B [the CPA].**” (emphasis added). That statute includes creation and preservation of affordable housing as authorized purposes, but also goes further and lists the purpose of funding community housing, which is affordable housing, in accordance with the CPA. The CPA specifically authorizes providing rental assistance programs and other forms of assistance to qualifying individuals and families as a way to fund/support community housing.

Therefore, the AHT may only use funds for the creation and preservation of affordable housing. CPA funds that have been appropriated to the AHT can only be used for creation and preservation of affordable housing because of the language in the Special Act. The Petition’s proposed amendment to authorize the local rent subsidy programs, such as a municipal voucher program, is not allowed because it is not permitted by the Special Act.

The following alternative options may allow the City to have a municipal voucher program:

- The City Council could submit a Home Rule Petition to seek to amend the Special Act to add funding rental assistance programs such as municipal voucher programs with CPA funds specifically, or all AHT funds generally, as an authorized purpose of the Special Act;
- The City Council could vote to adopt the statewide Municipal Affordable Housing Trust Fund Law, G.L. c.44, §55C, direct the City Manager to amend and reestablish the AHT

pursuant to that statute and make necessary amendments to the Zoning Ordinance, and request that the AHT adopt an Amended Declaration of Trust. That would allow the AHT to use CPA funds that have been appropriated to the AHT for the support of affordable housing, which includes rental assistance programs or other forms of assistance (of note, City staff would have to further review what effect having the AHT be authorized pursuant to G.L. c.44, §55C rather than the Special Act may have on the way the AHT presently operates);

- The City's Community Preservation Committee could recommend the City Council appropriate CPA funds for a municipal voucher program, which could include partnering with a non-profit or the Cambridge Housing Authority to administer the program;
- The City Council could appropriate general funds to the Cambridge Housing Authority, which the CHA could use to fund a municipal voucher program;
- The City may be able to use other federal or state funds to fund a municipal voucher program.

5. Amendment adding that AHT funds may be used to create housing for individuals experiencing homelessness

The final proposed amendment in the Petition would expand the purposes for which AHT funds may be used to include the "creation of low-threshold non-congregate shelter, transitional housing, or permanent supportive housing for individuals experiencing homelessness in Cambridge, including any related supportive services." The creation of transitional housing or permanent housing for individuals experiencing homelessness is already a permissible use of AHT funds as long as the transitional housing or permanent supportive housing is only available to individuals who qualify as low or moderate income. However, AHT funds cannot be used to fund shelter services or related support services. As a result, this proposed amendment to the Zoning Ordinance would conflict with the Special Act. Therefore, I recommend the below strikethrough changes:

~~Creation of low-threshold non-congregate shelter, transitional housing, or permanent supportive housing for individuals experiencing homelessness in Cambridge, including any related supportive services.~~

Please let me know if you have any questions and I can be available to discuss further.

Very truly yours,


Megan B. Bayer



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date: May 14, 2024

Subject: Khalida Griffin-Sheperd, et al., Zoning Petition

Recommendation: The Planning Board makes comments with no recommendation.

To the Honorable, the City Council,

On May 7, 2024, the Planning Board (the “Board”) held a public hearing to discuss a Zoning Petition by Khalida Griffin-Sheperd, et. al., (the “Petitioners”) to amend Section 11.206 “Affordable Housing Trust” of the Zoning Ordinance to add two explicit additional purposes for the Trust’s funding, require reporting of Trust business to the City Council, require payment of stipends for Trust members, require the Trust to include members affected by housing instability, and expand the Trust board from 9 to 13 members (the “Petition”).

The Board received written materials before the hearing from Megan B. Bayer, the Acting City Solicitor, heard a presentation from Kavish Gandhi, Lee Farris, and Khalida Griffin-Sheperd representing the Petitioners, heard public comment, and asked clarifying questions of the Petitioners, Housing staff, and the Acting City Solicitor. After discussion among Board members, the Board voted unanimously to send the following comments to the City Council with no positive or negative recommendation.

The consensus among Board members was that the substance of the Petition is meaningful, raises many important issues and contains ideas that should be considered by the City Council. However, the Board believes that an amendment to the Zoning Ordinance is not the appropriate first step in considering the proposed policies, which do not affect land use or development regulations. The Acting City Solicitor has explained that most of the proposed changes cannot be made without changes to state enabling legislation and other non-zoning policies. Therefore, the Board defers to the City Council, the Affordable Housing Trust Board, and the legislative process to resolve the policy issues raised by the Petition before considering amendments to the Zoning Ordinance.

The Planning Board voted 6-0 in favor of transmitting the above report.

Respectfully submitted for the Planning Board,

Tom Sieniewicz, Vice Chair.