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# CITY OF CAMBRIDGE

Community Development Department

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To: Planning Board

From: CDD Staff

Date: March 4, 2020

Re: **Family Definition Zoning Petition (Schmidt, *et al.*)**

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A zoning petition by Christopher Schmidt, *et al.*, proposes to amend the definition of "Family" in Article 2.000 of the Zoning Ordinance by deleting most of the existing text, as shown below (with proposed deletions in strikethrough):

**Family.** One or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit; ~~provided that a group of four or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.~~

~~Notwithstanding the definition in the preceding paragraph, a family shall be deemed to include four or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the "Fair Housing Amendments Act of 1988." Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family in the first paragraph of this definition.~~

Although this proposal may appear to be a simple change to reflect changing trends in family and household composition in Cambridge, it affects a fundamental definition in the Zoning Ordinance in a way that could have far-reaching and unexpected consequences, in addition to potential conflicts with other laws and codes. Some key land use planning considerations are summarized below, but staff would suggest undertaking a more comprehensive legal review of this proposed amendment before considering adoption.

## Land Use Considerations

One of the functions of the "Family" definition is to classify different types of housing as separate land uses. Some housing types are considered "Family" housing, including "Detached [or 'single-family'] Dwellings," "Two-Family Dwellings," and "Multifamily Dwellings." Each of these "Family" housing types is comprised of "Dwelling Units," defined as follows:

**Dwelling unit.** A room or group of rooms occupied or capable of being occupied separate from any other such room or group of rooms by a family and equipped with cooking and sanitary faculties for the exclusive use of such family for living, sleeping, cooking and eating.

“Family” housing is the most common type of housing throughout the city, made up of rental or homeowner-occupied units each containing a kitchen, sleeping facilities that are most often one or more bedrooms, one or more bathrooms, and other living spaces. However, there are other types of residences, such as lodging houses or congregate housing (for example, some types of elderly housing), which are regulated as different land uses under the Zoning Ordinance. The proposed zoning change may lead to unclear distinctions among residences.

### **Other Considerations**

In addition to the Zoning Ordinance, there are other laws and codes that rely on similar definitions to determine what constitutes a Dwelling Unit, such as the State Building and Sanitary Codes. Changes to the Zoning Ordinance might create inconsistencies with those other laws and/or codes, leading to unexpected outcomes. For that reason, a more thorough legal review would be helpful to consider issues that extend beyond land use considerations.

If the goal of the proposal is to adapt land use regulations to keep up with changing trends in household composition, other approaches could be considered. Alternatives might include increasing the number of unrelated people who comprise a household for the purpose of defining a Dwelling Unit, while still maintaining some limitation, or adjusting land use regulations to allow for different types of “non-family” housing configurations in more parts of the city. In any case, an alternative approach would still benefit from legal review to determine its impact in relation to other laws and codes.