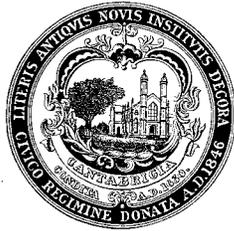


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CITY OF CAMBRIDGE

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

To: Housing Committee

From: Nancy E. Glowa

Re: Inclusionary Zoning – Application to Permitted Residential Projects

Date: August 30, 2016

As discussions of amendments to the inclusionary housing provisions of the Zoning Ordinance have continued, there have been questions about housing developments now underway, and the impact of such amendments on these developments. Our response to the questions that have been raised is provided below.

Subject to certain exceptions, a zoning ordinance or amendment will not apply to a building or special permit that is approved before the first publication of notice of the public hearing on such zoning ordinance or amendment, provided that a special permit must be acted upon within two years of its issuance, use or construction of the property must be commenced within a period of not more than six months after the issuance of a building permit, and construction must be continued through to completion “as continuously and expeditiously as is reasonable.” See, G.L. c. 40A, § 6 and Article 8, § 8.25 of the Zoning Ordinance. Certain special permits such as Planned Unit Development (“PUD”) special permits for the development of large parcels have different terms including start of construction and development phasing. Property owners are advised to obtain legal advice if they are uncertain whether their property is subject to amendments to the inclusionary housing provisions of the Zoning Ordinance once passed.

The effective date of a zoning ordinance or amendment is in most circumstances the date it is passed by the City Council unless otherwise provided by the ordinance or amendment. A zoning amendment may provide that the changes may be phased in over time.