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CITY OF CAMBRIDGE  
COMMUNITY DEVELOPMENT DEPARTMENT

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IRAM FAROOQ  
Assistant City Manager for  
Community Development

SANDRA CLARKE  
Deputy Director  
Chief of Administration

To: Planning Board and Ordinance Committee  
From: CDD Staff  
Date: December 16, 2016  
Re: **Proposed Amendments to Inclusionary Housing Provisions**

The Planning Board and Ordinance Committee have received a petition from the City Council to amend Section 11.200 of the Zoning Ordinance. The main purpose of this petition is to change the requirements for Inclusionary Housing in accordance with the Inclusionary Housing Study completed by David Paul Rosen & Associates earlier this year, and the subsequent recommendations made by the City Council Housing Committee. The proposed zoning text was prepared collaboratively by CDD's Zoning and Development and Housing staff and the City's Law Department, in consultation with Professor Jerold Kayden, an expert in constitutional law and urban planning at the Harvard Graduate School of Design.

The memo attached to the petition summarizes the proposal and its intent. The following additional materials are meant to provide additional explanation of the proposal, and include:

- A chart summarizing the key changes between current and proposed zoning.
- An annotated version of the proposed text, containing notes explaining the changes and their relationship to provisions in current zoning.
- A copy of the current zoning text, for purposes of comparison.

While the proposed text continues to incorporate many elements of the current zoning, staff's approach included taking a "fresh look" at this section of the ordinance in its entirety in order to create a version that organizes, clarifies and simplifies the language as much as possible to improve readability. Because of the extent of organizational and minor wording edits, a single document showing all proposed edits inline would be too confusing to read; however, the attached materials are meant to help compare the current text to the proposed.

It is our hope that this fully updated version, in addition to enacting the City's recommendations related to inclusionary housing, will result in a clearer and more useful ordinance that will serve the city well over time. We look forward to discussing further with the Planning Board and Ordinance Committee.

## INCLUSIONARY HOUSING ZONING PETITION COMPARISON OF KEY PROVISIONS (SUMMARIZED)

<b>PROVISION</b>	<b>CURRENT ORDINANCE</b>	<b>ZONING PETITION</b>
Applicability	Applies throughout the city except for development regulated by Article 15.000 (University Park).	Applies throughout the city except as otherwise provided. Projects are subject to the inclusionary housing provisions applicable at the time of issuance of a building permit or special permit. For PUD special permits, amendments may be approved and inclusionary provisions in effect when the permit was originally issued will apply, except where residential development is decreased or non-residential development is increased.
Inclusionary project size threshold	At least 10 units or 10,000 square feet.	No change.
Set-aside ratio of affordable units	Net 11-12% of dwelling units (based on 15% requirement calculated before applying 30% bonus).	Net 20% of total dwelling unit net floor area (calculated after applying bonus); net 15% for projects permitted on or before June 30, 2017.
Ordinance review	Not specified.	Review conducted within no less than five years.
Standards for affordable units	Provided on site, comparable to market rate units in size and materials, and dispersed throughout the project.	No change. Proposal explains that affordable units must be similar to market-rate units in size, type, and quality, and have similar access to amenities.

Family-sized units (three bedrooms or more)	Affordable unit sizes are in the same proportion as market-rate unit sizes.	Affordable units must have the same or greater proportion of family-sized units as the project as a whole. Additionally, for projects of over 50,000 square feet, at least 20% of the required affordable floor area must be devoted to family-sized units. May result in fewer but larger affordable units.
Tenure of affordable units	Rental or ownership will mirror the project as a whole.	No change.
Fractional unit requirement	When formula requires a fraction of a unit to be affordable, a fraction of 0.5 or above is considered a whole unit and must be provided.	When formula requires additional affordable square footage that does not comprise a full unit, a per-square foot monetary contribution to the Affordable Housing Trust is required based on the amount of subsidy needed to create an equivalent amount of floor area.
Marketing and selection policies and procedures	Units rented or sold according to marketing and selection guidelines customarily employed by CDD. There is a preference for Cambridge residents.	No change. Policies, standards, and procedures established by CDD. Asset limits are specified as a component of the selection procedure.
Income eligibility (at time of household's initial occupancy)	Income limit for rental and homeownership is 80% AMI with a target income of 65% AMI.	For rental, income range is from 50% to 80% of AMI or lower than 50% AMI if household has a voucher. For homeownership, income limit is 100% AMI.
Rents and sale prices	Rents at 30% of household's income; ownership units priced so that housing costs are 30% of 65% of AMI.	Rents at 30% of household's income; ownership units priced so that housing costs are 30% of 90% of AMI. For studio units, affordability standard is reduced from 30% to 25% of respective income level.

Changes in tenant household income	Not specified in ordinance; procedures have been implemented by the City over time.	Existing tenants remain eligible unless income exceeds 100% AMI. If income falls below 40% AMI, a set minimum rent may be established (see below).
Minimum rent	No provision in current ordinance; policy and procedures have been implemented by the City over time.	If income of existing tenant household falls below 40% AMI, rent may be held at 30% of 40% of AMI (or 25% of 40% of AMI in case of studio units).
Recertification of tenant income	Not specified in ordinance; recertification procedures have been implemented by the City over time.	Required annual verification of tenant income.
Inclusionary bonus	Increase of 30% in allowable Floor Area Ratio and two additional dwelling units (total) allowed for every required affordable unit.	Increase of 30% in allowable Gross Floor Area and 30% increase in total allowed number of dwelling units.
Regulations, policies, standards and procedures for implementation of inclusionary housing and incentive zoning	Affordable Housing Trust develops policies and standards. CDD establishes marketing and selection guidelines, and monitors that requirements are met.	Affordable Housing Trust advises on policies, standards, and procedures. Assistant City Manager for Community Development may promulgate regulations. CDD may develop policies, standards and procedures for implementation, and monitors that requirements are met.
Alternate compliance	Planning Board may grant special permit, upon recommendation of Affordable Housing Trust, allowing alternate means of compliance if providing units on-site will cause a significant hardship. (This provision has never been used.)	No special permit for alternate compliance is allowed.

Voluntary compliance	Non-inclusionary projects of at least 5 units may provide affordable units meeting the inclusionary housing provisions, and in turn may receive the inclusionary housing bonus, by special permit from the Planning Board.	Any project that voluntarily complies with the inclusionary housing requirements may receive the inclusionary housing bonus (without a special permit).
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**1. Add the following definitions to Article 2.000 (in appropriate alphabetical locations):**

**Area Median Income (AMI).** The Housing Area Median Family Income set forth in or calculated from regulations promulgated by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, determined for the Boston-Cambridge-Quincy, MA-NH Metropolitan Statistical Area and adjusted for family size, or if such income standard no longer exists, such other equivalent income standard determined by the Community Development Department with the advice of the Affordable Housing Trust.

**Dwelling Unit, Affordable.** A dwelling unit for which occupancy is restricted to an Eligible Household and whose rent or initial sale price is established by (a) in the case of an Affordable Dwelling Unit in an Inclusionary Housing Project provided pursuant to Section 11.203.2, the provisions set forth in Sections 11.203.3 and 11.203.4, or (b) standards set forth in another applicable city, state, or federal housing program for Eligible Households.

**Dwelling Unit, Family-Sized.** A dwelling unit that contains three or more bedrooms and not less than one thousand one hundred (1,100) square feet of Dwelling Unit Net Floor Area.

**Dwelling Unit, Studio.** A dwelling unit in which there is no bedroom separated by a door or a change in story from the other living area, such as a living room and kitchen, within the dwelling unit.

**Eligible Household.** A household whose gross household income does not exceed (a) in the case of an Affordable Dwelling Unit in an Inclusionary Housing Project provided pursuant to Section 11.203.2, the amounts set forth in Section 11.203.4, or (b) amounts set forth in another applicable city, state, or federal housing program.

*Definitions are moved from the Inclusionary and Incentive Housing section (see Section 11.201 in current zoning) to the main "Definitions" article of the Zoning Ordinance.*

Definition of "AMI" (called "Median Income" in current zoning) is revised for consistency with current standards.

Current definition of "Affordable Unit" (see Section 11.201 of current zoning) simply provides that the rent is no more than 30% of the income of the renting household. Proposed definition clarifies that an Affordable Dwelling Unit, per zoning, has both occupancy restrictions and housing cost restrictions.

"Family-Sized Dwelling Unit" and "Studio Dwelling Unit" are new definitions that pertain to the proposed inclusionary housing provisions (see below).

Definition of "Eligible Household" is broadened from current definition (see Section 11.201 of current zoning) because the proposed inclusionary housing provisions include different eligibility standards for different unit types.

**Floor Area, Dwelling Unit Net.** Floor area contained within dwelling units or single rooms in a lodging house excluding common areas, such as lobbies, hallways, elevator cores, amenity spaces, common storage areas or parking facilities, exterior walls, walls dividing dwelling units from each other, or walls dividing dwelling units from common areas, or unenclosed spaces such as open-air porches, balconies, or decks.

**Incentive Project** Any new development that consists of at least thirty thousand (30,000) square feet of Gross Floor Area devoted to one or more of the following uses listed in Section 4.30 of the Zoning Ordinance: Sections 4.31 i-1 (Hotel or motel), 4.32 f (Radio and television studio), 4.33 b-5 (College or University not exempt by statute, specifically including those uses and facilities listed in Subsection 4.56 c-4, c-5, and c-6), 4.33 c (Noncommercial Research Facility), 4.33 d (Health Care Facilities), 4.33 e (Social Service Facilities), 4.34 (Office and Laboratory Use), 4.35 (Retail Business and Consumer Service Establishments), 4.36 (Open Air or Drive In Retail Service), 4.37 (Light Industry, Wholesale Business and Storage), and 4.38 (Heavy Industry). For the purpose of this definition, new development shall mean (1) construction of new buildings or additions to existing buildings to accommodate uses in the above list, (2) substantial rehabilitation of buildings to accommodate uses in the above list for which the buildings were not originally used, or (3) Gross Floor Area whose use is changed from a use not included in the above list to a use included in the above list. In no case shall Gross Floor Area devoted to a Municipal Service Facility or Other Government Facility be considered an Incentive Project.

**Inclusionary Housing Project.** Any development of detached single-family, two-family, multifamily, and townhouse housing, elderly oriented congregate housing, and lodging houses as set forth in Sections 4.31 a-h and i-3, or development which includes any such residential use and at least one non-residential use, that creates at least ten (10) dwelling units or at least ten thousand (10,000) square feet of residential Gross Floor Area on one (1) lot or Development Parcel or two (2) or more adjoining lots in common ownership or under common control at any time within five (5) years following the first date of application for any special or building permit for development on the lot or lots or at any time within the twelve (12) months immediately preceding the first date of application for any special or building permit. For the purpose of this definition, development shall include (1) construction of new buildings or additions; (2) increasing the

“Dwelling Unit Net Floor Area” is a new term that becomes the basis for calculating inclusionary housing requirements under the new provisions (see below).

Definition of “Incentive Project” is unchanged except for minor capitalization/format corrections. *See definition in Section 11.201 of current zoning.*

Definition of “Inclusionary Project” (*see Section 11.201 of current zoning*) maintains the same basic provisions, but for the purpose of simplification, the language is broadened so that separate definitions for “Residential Development,” “Mixed Use Development,” “Converted Dwelling Unit,” “Phased Project” and “Voluntary Inclusionary Project” would not be needed because those concepts are included in one definition.

number of dwelling units or amount of residential Gross Floor Area within an existing residential building; (3) occupancy of existing buildings which have not been used for any residential use for a period of at least two (2) years; or (4) conversion of Gross Floor Area in existing buildings from non-residential to residential use. Development of fewer than ten (10) dwelling units and fewer than ten thousand (10,000) square feet of residential Gross Floor Area may be an Inclusionary Housing Project where the owner chooses voluntarily to comply with the provisions of Section 11.203.

**2. Delete the existing Sections 11.200 to 11.206 and replace with new Sections 11.200 to 11.206 as set forth below:**

**11.200 INCENTIVE ZONING AND INCLUSIONARY HOUSING**

**11.201 Purposes.**

The purposes of Sections 11.200 to 11.206 are to promote the public health, safety, and welfare by accommodating the expansion of commercial and residential opportunities throughout the city; by providing for a full range of housing choices throughout the City for households of all incomes, ages, and sizes in order to meet the City’s goal of preserving diversity by mitigating the impacts of commercial and residential development on the availability and cost of housing and especially housing affordable to low and moderate income households; by increasing the production of affordable housing to meet anticipated housing and employment needs throughout the city; by providing a mechanism through which commercial and residential development can contribute in a direct way to increasing the supply of affordable housing in exchange for a greater density or intensity of development than that otherwise permitted as a matter of right; and by establishing standards for the use of such contributions from the application of incentive zoning and inclusionary housing provisions.

*Note also that current definitions for “Developer” and “Middle Income Household” are no longer necessary because they are not used in the proposed version of the zoning. “Affordable Housing Trust” is not included as a defined term but is described further below in proposed Section 11.206.*

*“Purposes” section has only minor wording changes from current zoning text. See Section 11.200 in current zoning.*



**11.202 Incentive Zoning.** The developer or owner of an Incentive Project shall make a Housing Contribution in accordance with this Section 11.202.

- (a) *Calculation of Housing Contribution.* The Housing Contribution shall be calculated by multiplying the Gross Floor Area devoted to the uses that qualify the new development as an Incentive Project by the Housing Contribution Rate effective at the time the Superintendent of Buildings issues the first building permit for the Incentive Project. If a building permit is not required, the Housing Contribution Rate shall be the rate effective at the time the Housing Contribution is provided.
- (b) *Housing Contribution Rate.* The Housing Contribution Rate effective on September 28, 2015 shall be twelve dollars (\$12.00) per square foot of Gross Floor Area devoted to the uses that qualify the new development as an Incentive Project. The effective rate shall be subject to annual escalation equal to annual percentage increases in the Consumer Price Index (CPI) Housing Index for Boston-Brockton-Nashua, MA-NH-ME-CT or similar index to reflect changes in dollar values over time; however, annual decreases in CPI shall not cause the contribution rate to be decreased. In addition, on September 28 each year from 2016 to 2018 inclusive, the Housing Contribution Rate shall increase by one dollar (\$1.00). The table below sets forth the Housing Contribution Rate over time.

Effective Date	Housing Contribution Rate
September 28, 2015	\$12.00 per square foot.
September 28, 2016 (Annual Adjustment)	\$13.00 per square foot.
November 16, 2016 (CPI Adjustment)	\$13.50 per square foot.

- (c) *Timing of Payment.* The developer or owner of an Incentive Project shall provide the Housing Contribution to the Managing Trustee of the Affordable Housing Trust or its designee, who shall certify to the Superintendent of Buildings that the requirements of this Section are met prior to issuance of a certificate of occupancy for the Incentive Project. If the Gross Floor Area of an Incentive Project is subsequently increased accommodating uses that qualify as Incentive Project uses, then notwithstanding the size of the increase, a Housing Contribution calculated in the manner set forth in this Section shall be provided for every square foot of that increase.

“Incentive Zoning” section has only minor wording changes from current zoning text (*see Section 11.203.1 in current zoning*). Numbering is also simplified so that all Incentive Zoning provisions are in Section 11.202 and all Inclusionary Housing provisions are in Section 11.203.

*Note also Annual Adjustment and CPI Adjustment were recently applied.*

- (d) *Reevaluation of Housing Contribution Rate.* The City shall initiate a reevaluation of the Housing Contribution Rate and any other aspect of these Incentive Zoning Provisions at an interval of no less than three (3) years from the time the rate was last amended by the City Council. Such reevaluation shall include a report provided to the City Council reviewing economic factors including but not limited to development activity, commercial rents per square foot, employment growth, housing trends measured in terms of, but not limited to, vacancy rates, production statistics, and prices for dwelling units, and the nexus between Incentive Projects and housing.

### **11.203 Inclusionary Housing.**

#### **11.203.1 Applicability.**

- (a) Except as otherwise provided, this Section 11.203 shall apply in all zoning districts throughout the city.
- (b) The requirements of this Section 11.203 shall apply to any Inclusionary Housing Project issued a special permit or, if no special permit has been issued, a building permit on or after \_\_\_\_\_ (the date of the first advertisement of the most recent amendment to this Section 11.203).
- (c) Any Inclusionary Housing Project issued a special permit or, if no special permit has been issued, a building permit prior to \_\_\_\_\_ (the date of the first advertisement of the most recent amendment to this Section 11.203) shall be subject to the Inclusionary Housing requirements then applicable on the date the special permit or building permit was issued, whichever is earlier.
- (d) Any Inclusionary Housing Project issued a Special Permit for a Planned Unit Development by the Planning Board prior to \_\_\_\_\_ (the date of the first advertisement of the most recent amendment to this Section 11.203) but which has not obtained certificates of occupancy for all phases of the project as permitted under the Final Development Plan may apply to the Planning Board for an amendment to the Final Development Plan and, if such amendment is granted, shall be subject to the

Applicability is explained in greater detail than current zoning (*see current Section 11.203.2*) to clarify that the provisions apply citywide except where a district provides otherwise (current zoning only mentions Article 15.000, which was more recently amended to include some provisions of Section 11.200), and to clarify that projects are subject to the inclusionary provisions in effect at the time the project is (or was) permitted. PUD special permits may be amended and remain subject to the inclusionary housing provisions in effect when they were permitted, but a change that decreases residential development or increases non-residential development would become subject to the newer provisions.

Inclusionary Housing provisions then in effect upon the date of issuance of the Planned Unit Development Special Permit, so long as there is no increase of Gross Floor Area except Gross Floor Area devoted exclusively to residential uses and there is no decrease of the total amount of approved residential Gross Floor Area.

**11.203.2 Inclusionary Housing Requirement.**

- (a) For Inclusionary Housing Projects issued a special permit or, if no special permit has been issued, a building permit on or after \_\_\_\_\_ (the date of the first advertisement of the most recent amendment to this Section 11.203) but on or before June 30, 2017, fifteen percent (15%) of the total Dwelling Unit Net Floor Area within the project shall be devoted to Affordable Dwelling Units.
- (b) For Inclusionary Housing Projects issued a special permit or, if no special permit has been issued, a building permit after June 30, 2017, twenty percent (20%) of the total Dwelling Unit Net Floor Area within the project shall be devoted to Affordable Dwelling Units.
- (c) The City shall initiate a reevaluation of the Inclusionary Housing Requirement at an interval of no less than five (5) years from the time the Inclusionary Housing Requirement was last amended. Such reevaluation shall include a report provided to the City Council reviewing factors such as changes in demographic characteristics and residential development activity, housing trends measured in terms of, but not limited to, vacancy rates, production statistics, prices for dwelling units, and affordability, and the relationship between Inclusionary Housing Projects and all housing in Cambridge.

**11.203.3 Standards for Providing Affordable Dwelling Units Created through Inclusionary Housing.**

- (a) Affordable Dwelling Units shall be provided on-site.
- (b) Affordable Dwelling Units shall be similar in size, layout, construction materials, fixtures, amenities, and interior and exterior finishes to comparable non-Affordable Dwelling Units in the project.

They key changes in the inclusionary housing requirement are that the calculation is based on Dwelling Unit Net Floor Area rather than units, and that the proposed affordable requirement is 15% of a total project (on or before June 30) or 20% of a total project (after June 30). The section on requirements is also separated from the section on relaxation of dimensional requirements (also referred to as the “inclusionary bonus,” see Section 11.203.5 below) to resolve the confusion that has resulted from the current ordinance, which bases the “bonus” on the requirement and thus results in a different total percentage of required affordable housing. *See Section 11.203.2 in current zoning. Note that current paragraphs (d) and (e) are removed; this proposal does omits provisions that require a special permit.*

- (c) Affordable Dwelling Units shall have similar access to common areas, facilities, and services as that enjoyed by comparable non-Affordable Dwelling Units in the project including but not limited to outdoor spaces, amenity spaces, storage, parking, bicycle parking facilities, and resident services.
- (d) Affordable Dwelling Units shall be dispersed throughout the project rather than concentrated on particular floors, within sections of a building, or within particular buildings in a project with multiple buildings.
- (e) Except as specified below for Family-Sized Dwelling Units, the proportionate amounts of Affordable Dwelling Units defined by size and number of bedrooms within the total amount of Affordable Dwelling Units shall be similar to the proportionate amounts of non-Affordable Dwelling Units defined by size and number of bedrooms within the total amount of non-Affordable Dwelling Units in the project.
- (f) The ratio of Family-Sized Affordable Dwelling Units to all Affordable Dwelling Units shall be greater than or equal to the ratio of non-Affordable Family-Sized Dwelling Units to all non-Affordable Dwelling Units in the project, notwithstanding that in some cases this may result in a smaller proportion of Affordable Dwelling Units that are not Family-Sized Dwelling Units in the project and a smaller proportion of total Affordable Dwelling Units in the project in order to meet the required percentage of Dwelling Unit Net Floor Area devoted to Affordable Dwelling Units in the project.
- (g) Townhouse or multifamily residential projects of at least fifty thousand (50,000) square feet of Gross Floor Area shall have at least twenty percent (20%) of their total Affordable Dwelling Unit Net Floor Area devoted to Family-Sized Affordable Dwelling Units regardless of the proportion of non-Affordable Family-Sized Dwelling Units within the non-Affordable Dwelling Units in the project.
- (h) The ratio of rental to owner-occupied Affordable Dwelling Units shall mirror the ratio of rental to owner-occupied non-Affordable Dwelling Units in the project except that no Affordable Dwelling Units shall be rental Affordable Dwelling Units where a majority of all dwelling units in the project are initially offered for sale.
- (i) In cases where the owner and the Community Development Department agree that the above standards, as applied, result in a total Dwelling Unit Net Floor Area of all

Standards proposed in 11.203 (a-e) and (h) are somewhat expanded versions of current standards applied to inclusionary projects. *See paragraphs 11.203.2 (e) and 11.204 (a) and (d) in current zoning.*

Standards proposed in (f-g) are new provisions meant to encourage a greater proportion of the required affordable unit floor area to be provided in units with three or more bedrooms. In the case of larger projects, a minimum amount of affordable floor area would be required to be provided within three or more bedroom units, even if the remainder of the project is primarily smaller-sized units.

Affordable Dwelling Units that is less than the Affordable Dwelling Unit Net Floor Area required to be provided pursuant to the Inclusionary Housing Requirement, the remainder of the Inclusionary Housing Requirement shall be met through a monetary contribution to the Affordable Housing Trust equal to the amount of subsidy necessary to create an equivalent amount of Affordable Dwelling Unit Net Floor Area in a project assisted by the Affordable Housing Trust. The Affordable Housing Trust shall periodically provide to the Community Development Department a report on projects it has assisted from which the Community Development Department shall calculate the amount of subsidy necessary to create a square foot of Dwelling Unit Net Floor Area in an affordable housing project assisted by the Affordable Housing Trust. Such calculation may be adjusted by the Community Development Department from time to time. Prior to issuance of a building permit for the project, the Community Development Department shall multiply the calculated per-square-foot amount by the outstanding Affordable Dwelling Unit Net Floor Area necessary to satisfy the Inclusionary Housing Requirement to determine the necessary monetary contribution, which shall be made prior to the issuance of any certificate of occupancy for the project.

The proposed new standard in (i) addresses “fractional unit” scenarios. Since the proposed requirement is based on floor area, there are likely to be instances where the sum of the floor area of all affordable units does not exactly equal the square footage requirement. In those cases, the remainder is provided through a per-square-foot contribution to the Affordable Housing Trust based on the cost to the Trust of providing affordable housing in Cambridge.

**11.203.4 Standards for Eligibility, Rent, Initial Sale Price, and Parking Fees for Affordable Dwelling Units Created through Inclusionary Housing.**

- (a) Affordable Dwelling Units shall be rented or sold only to Eligible Households, with preference given to Cambridge residents, in accordance with policies, standards, and procedures related to selection, asset limits, and marketing established by the Community Development Department.
- (b) Affordable Dwelling Units shall be created and conveyed subject to recorded covenants guaranteeing the permanent availability of the Affordable Dwelling Units for Eligible Households.
- (c) For rental Affordable Dwelling Units:
  - (i) The gross household income of an Eligible Household upon initial occupancy shall be at least fifty percent (50%) and no more than eighty percent (80%) of AMI. A gross household income less than fifty percent (50%) of AMI may be permitted in the case

Some standards in proposed Section 11.203.4 are revised and reorganized versions of standards in current zoning (*see paragraphs 11.204 (c), (e) and (g) in current zoning*). Other proposed standards codify policies that have been developed by the City over time as the inclusionary zoning provisions have been implemented. Some standards, particularly the increase in eligibility limit to 100% AMI for owner-occupied affordable units and the reduction in housing cost from 30% to 25% of gross income for studio units, were included in the recent Inclusionary Housing Study and recommended by the Housing Committee.

of an Eligible Household having a rental subsidy allowing it to pay a rent equivalent to that paid by an Eligible Household with a gross household income within the range set forth above.

- (ii) Rent, including utilities and any other fees routinely charged to tenants and approved by the Community Development Department, shall not exceed thirty percent (30%) of the gross household income of the Eligible Household occupying the Affordable Dwelling Unit, except that in the case of Affordable Studio Dwelling Units, rent shall not exceed twenty-five percent (25%) of the gross household income of the Eligible Household occupying the Affordable Dwelling Unit.
- (iii) After initial occupancy, the gross household income of an Eligible Household shall be verified annually to determine continued eligibility and rent, in accordance with policies, standards, and procedures established by the Community Development Department.
- (iv) An Eligible Household may continue to rent an Affordable Dwelling Unit after initial occupancy even if the Eligible Household's gross household income exceeds eighty percent (80%) of AMI, but if the Eligible Household's gross household income exceeds one hundred percent (100%) of AMI, or a percentage promulgated in a regulation by the Community Development Department from time to time, for more than one year after that Eligible Household's gross household income has been verified to exceed such percentage, the dwelling unit shall no longer qualify as an Affordable Dwelling Unit and either the dwelling unit must be rented to a new Eligible Household or a comparable non-Affordable Dwelling Unit in the project must become an Affordable Dwelling Unit.
- (v) An Eligible Household may continue to rent an Affordable Dwelling Unit after initial occupancy even if the Eligible Household's gross household income falls below fifty percent (50%) of AMI, but the Eligible Household shall pay a rent that is no less than thirty percent (30%) of forty percent (40%) of AMI or, in the case of an Affordable Studio Dwelling Unit, the Eligible Household shall pay a rent that is no less than twenty-five percent (25%) of forty percent (40%) of AMI.

- (vi) Where an optional parking fee exists, it shall not exceed the lesser of the following amounts for Affordable Dwelling Units:
  - (1) an amount calculated by applying to the rent of the Affordable Dwelling Unit the ratio of optional parking fee to rent for comparable non-Affordable Dwelling Units with the lowest non-affordable rent in the project, or
  - (2) an amount which, when added to the rent for an Affordable Dwelling Unit, shall not exceed thirty-three percent (33%) of the renting Eligible Household's gross household income or, in the case of an Affordable Studio Dwelling Unit, twenty-eight percent (28%) of the renting Eligible Household's gross household income.
- (vii) Notwithstanding the requirements set forth in (i) through (vi) above, an owner may voluntarily choose to charge a lower rent than as provided herein for Affordable Dwelling Units or to rent Affordable Dwelling Units to Eligible Households with lower gross household incomes than as provided herein.
- (d) For owner-occupied Affordable Dwelling Units:
  - (i) The gross household income of an Eligible Household upon initial occupancy shall be no more than one hundred percent (100%) of AMI.
  - (ii) The initial sale price of an Affordable Dwelling Unit shall be determined to ensure that the monthly housing payment (which shall include debt service at prevailing mortgage loan interest rates, utilities, condominium or related fees, insurance, real estate taxes, and parking fees, if any) shall not exceed thirty percent (30%) of ninety percent (90%) of monthly AMI, except that in the case of an Affordable Studio Dwelling Unit, the monthly housing payment shall not exceed twenty-five percent (25%) of ninety percent (90%) of monthly AMI.

**11.203.5 *Relaxation of Dimensional Requirements for Inclusionary Housing Projects.***

The following relaxations of the dimensional requirements in any zoning district, including base or overlay zoning districts, shall be permitted as-of-right for an Inclusionary Housing Project:

- (a) The Gross Floor Area permitted by the applicable zoning may be increased by thirty percent (30%), as long as such additional Gross Floor Area is used for residential uses not including hotel or motel use.
- (b) The number of dwelling units permitted by the applicable zoning through rules for minimum lot area per dwelling unit or other applicable rules may be increased by thirty percent (30%).
- (c) The additional Gross Floor Area or dwelling units permitted herein shall not be counted toward the determination of any applicable threshold triggering the requirement of a special permit, including but not limited to Section 19.20 Project Review Special Permit, Section 4.26 Multifamily Special Permit, and Section 11.10 Townhouse Development Special Permit.

Proposed zoning simplifies the description of the inclusionary housing “bonus” and separates it from the calculation of the requirement, which removes the complication of the current provision which results in less than 15% of a total housing project required to be affordable in most instances. Proposed zoning also codifies the current practice of not including the “bonus” when determining the threshold for special permit review. *See Section 11.203.2 in current zoning.*

**11.204 Implementation of Incentive Zoning and Inclusionary Housing.**

- (a) The Assistant City Manager for Community Development shall have the authority to promulgate regulations for the implementation of the provisions of Sections 11.200 to 11.206.
- (b) The Community Development Department may develop policies, standards, and procedures appropriate to and consistent with the provisions of Sections 11.200 to 11.206.

Proposed zoning specifies the role of CDD staff in administering the incentive zoning and inclusionary housing provisions with advice from the Board of Trustees of the Affordable Housing Trust (see proposed Section 11.206 below), and allows for the promulgation of regulations, which are not explicitly provided for in current zoning.

**11.205 Enforcement of Incentive Zoning and Inclusionary Housing.**

The Community Development Department shall certify in writing to the Superintendent of Buildings that all applicable provisions of Sections 11.200 to 11.206 have been met before issuance of any building permit for any Incentive Project or Inclusionary Housing Project, and shall further certify in writing to the Superintendent of Buildings that all documents have been filed and all actions taken necessary to fulfill the requirements of Sections 11.200 to 11.206 before the issuance of any certificate of occupancy for any such project.

Enforcement provisions are modified only for clarity and simplicity. *Compare to Section 11.206 in current zoning.*



**11.206 Affordable Housing Trust.**

The entity “Cambridge Affordable Housing Trust Fund” was established by Chapter 482 of the Acts of 1991, and has been thereafter identified and known as the Cambridge Affordable Housing Trust or the Affordable Housing Trust.

**11.206.1 Board of Trustees.**

- (a) The City Manager shall appoint and chair a nine (9) 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.
- (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.

Description of the Affordable Housing Trust is amended for organization, simplicity and consistency with current laws and practices, and to clarify the Trustees’ advisory role in implementing the incentive zoning and inclusionary housing provisions (see above).

*Compare to Section 11.205 in current zoning.*

**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 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; and
  - (v) 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.

**11.200 INCENTIVE ZONING PROVISIONS AND INCLUSIONARY HOUSING PROVISIONS**

*Purposes.* The purposes of this Section 11.200 are to promote the public health, safety and welfare by encouraging the expansion and upgrading of the City's housing stock while accommodating the expansion of housing and commercial opportunities in the City; to provide for a full range of housing choices throughout the city for households of all incomes, ages and sizes in order to meet the City's goal of preserving diversity; to mitigate the impacts of commercial and residential development on the availability and cost of housing and especially housing affordable to low and moderate income households; to increase the production of affordable housing units to meet existing and anticipated housing and employment needs within the City; to provide a mechanism by which commercial and residential development can contribute in a direct way to increasing the supply of affordable housing in exchange for a greater density or intensity of development than that otherwise permitted as a matter of right; and to establish standards and guidelines for the use of such contributions from the application of incentive zoning and inclusionary housing provisions.

**11.201** *Definitions.*

***Affordable Housing Trust*** shall mean the entity established by Chapter 482 of the Acts of 1991.

***Affordable Unit*** shall mean any dwelling unit for which the rent (including utilities) does not exceed thirty (30) percent of the income of the renting household or for which the mortgage payment (including insurance, utilities and real estate taxes) does not exceed thirty (30) percent of the income of the purchasing household or other standards as may be established pursuant to any city, state or federal housing program designed to assist low and moderate income households.

***Converted Dwelling Unit*** shall mean a dwelling unit that has been converted from a non-housing use to a housing use in connection with the construction of an Inclusionary Project.

***Developer*** shall mean any individual, corporation, business trust, estate trust, partnership or association, or any other entity or combination thereof.

***Eligible Household*** shall mean any household whose total income does not exceed eighty (80) percent of the median income of households in the Boston Standard Metropolitan Statistical Area adjusted for family size, or such other equivalent income standard as may be determined by the Board of Trustees of the Affordable Housing Trust Fund.

***Median Income*** shall mean the income set forth in or calculated from regulations promulgated by the United States Department of Housing and Urban Development, pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974 or such other equivalent income standard as determined by the Board of Trustees of the Affordable Housing Trust Fund.

***Middle Income Household*** shall mean any household whose total income exceeds that of an Eligible Household as defined in this Section 11.200 but does not exceed

one hundred twenty (120) percent of the median income of households in the Boston Standard Metropolitan Statistical Area adjusted for family size, or such other equivalent income standard as may be determined by the Board of Trustees of the Affordable Housing Trust.

**Mixed Use Development** shall mean a development that contains a combination of residential development and any other use.

**Incentive Project** shall mean any new development that consists of at least thirty thousand (30,000) square feet of Gross Floor Area devoted to one or more of the following uses as listed in Section 4.30 of the Zoning Ordinance: Sections 4.31 i-1 (Hotel or motel), 4.32 f (Radio and television studio), 4.33b(5) (College or University not exempt by statute, specifically including those uses and facilities listed in Subsection 4.56(c) 4, 5, and 6), 4.33c (Noncommercial Research Facility), 4.33d (Health Care Facilities), 4.33e (Social Service Facilities), 4.34 (Office and Laboratory Use), 4.35 (Retail and Consumer Service Establishments), 4.36 (Open Air or Drive In Retail Service), 4.37 (Light Industry, Wholesale Business and Storage), and 4.38 (Heavy Industry). For the purpose of this definition, new development shall mean (1) construction of new buildings or additions to existing buildings to accommodate uses in the above list, or (2) substantial rehabilitation of buildings to accommodate uses in the above list for which the buildings were not originally used or (3) Gross Floor Area whose use is changed from a use not included in the above list to a use included in the above list. In no case shall Gross Floor Area devoted to a Municipal Service Facility or Other Government Facility be considered an Incentive Project.

**Inclusionary Project** shall mean any residential or mixed use development containing or creating ten or more new or converted dwelling units, including phased projects; or where fewer than ten new or converted dwelling units are created including phased projects, a residential development containing 10,000 square feet or more of gross floor area, in which case each 1,000 square feet shall be considered a dwelling unit.

**Phased Project** shall mean any residential or mixed use development or developments at one site or two or more adjoining sites in common ownership or under common control within a period of five years from the first date of application for any special or building permit for construction on the lot or lots, or within the twelve months immediately preceding the date of application for any special or building permit, where a total of no less than ten new or converted units are built.

**Residential Development** shall mean single, two family and multi-family homes, townhouse development, elderly oriented congregate housing and lodging and rooming house dwellings as set forth in Section 4.31 a-h, and i(3).

**Voluntary Inclusionary Project** shall mean any residential or mixed use development containing less than ten new or converted dwelling units, including phased projects where the developer chooses to comply with the provisions of Section 11.203.2.

11.202 **[INTENTIONALLY DELETED]**

**Inclusionary Housing Provisions – Current Zoning Ordinance**

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**11.203.1** *Housing Contribution.* The developer or owner of an Incentive Project shall make a Housing Contribution in accordance with this Section 11.203.1.

1. *Calculation of Housing Contribution.* The Housing Contribution shall be calculated by multiplying the Gross Floor Area devoted to the uses that qualify the new development as an Incentive Project by the Housing Contribution Rate effective at the time the Superintendent of Buildings issues the first building permit for the Incentive Project. If a building permit is not required, the Housing Contribution Rate shall be the rate effective at the time the Housing Contribution is provided.
2. *Housing Contribution Rate.* The Housing Contribution Rate effective on September 28, 2015 shall be twelve dollars (\$12.00) per square foot of Gross Floor Area devoted to the uses that qualify the new development as an Incentive Project. The effective rate shall be subject to annual escalation equal to annual percentage increases in the Consumer Price Index (CPI) Housing Index for Boston-Brockton-Nashua, MA-NH-ME-CT or similar index to reflect changes in dollar values over time; however, annual decreases in CPI shall not cause the contribution rate to be decreased. In addition, on September 28 each year from 2016 to 2018, inclusive, the Housing Contribution Rate shall increase by one dollar (\$1.00). The table below sets forth the Housing Contribution Rate over time.

Effective Date	Housing Contribution Rate
September 28, 2015	\$12.00 per square foot.

3. *Timing of Payment.* The developer or owner of an Incentive Project shall provide the Housing Contribution to the Managing Trustee of the Affordable Housing Trust or its designee, who shall certify to the Superintendent of Buildings that the requirements of this Section are met prior to issuance of a certificate of occupancy for the Incentive Project. If the Gross Floor Area of an Incentive Project is subsequently increased accommodating uses that qualify as Incentive Project uses, then notwithstanding the size of the increase, a Housing Contribution calculated in the manner set forth in this Section shall be provided for every square foot of that increase.
4. *Reevaluation of Housing Contribution Rate.* The City shall initiate a reevaluation of the Housing Contribution Rate and any other aspect of these Incentive Zoning Provisions at an interval of no less than three (3) years from the time the rate was last amended by the City Council. Such reevaluation shall include a report provided to the City Council reviewing economic factors including but not limited to development activity, commercial rents per square foot, employment growth, housing trends measured in terms of, but not limited to, vacancy rates, production statistics, and prices for dwelling units, and the nexus between Incentive Projects and housing.

**11.203.2** *Requirements for Inclusionary Housing.* The provisions of this Section 11.200 shall apply to any Inclusionary Project and may be applied to any Voluntary Inclusionary Project. These provisions shall apply with respect to developments in all zoning districts of the city except those governed by the provisions of Article 15.000.

## Inclusionary Housing Provisions – Current Zoning Ordinance

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(a) Any Inclusionary Project shall provide 15% percent of the total number of dwelling units up to the maximum allowed as of right as Affordable Units. Where the application of that formula results in a fractional dwelling unit, a fraction of one half of a dwelling unit or more shall be considered as one Affordable Unit. Each Affordable Unit shall meet the standards established in Section 11.204.

(b) To facilitate the objectives of this Section 11.200, modifications to the dimensional requirements in any zoning district, as set forth in Section 5.30, shall be permitted as of right for an Inclusionary Project, as set forth below:

(i) The FAR normally permitted in the applicable zoning district for residential uses shall be increased by thirty (30) percent for Affordable Units as set forth in Section 11.203.2 (a) above, and at least fifty percent of the additional FAR should be allocated for the Affordable Units. In a Mixed Use Development, the increased FAR permitted in this paragraph ( i ) may be applied to the entire lot; however, any gross floor area arising from such increased FAR shall be occupied only by residential uses, exclusive of any hotel or motel use.

(ii) The minimum lot area per dwelling unit normally required in the applicable zoning district shall be reduced by that amount necessary to permit up to two additional units on the lot for each one Affordable Unit required in Section 11.203.2 (a) above. The additional units on a lot permitted by this paragraph ( ii ) shall not be considered in determining the threshold by which a special permit is required in Section 4.26 - Multifamily Special Permit Applicability and Section 11.10 - Townhouse Development of the Zoning Ordinance.

(c) For any Inclusionary Project that includes a total number of dwelling units that exceeds the maximum allowed as of right, the number of affordable units shall be no less than 15% percent of the total number of dwelling units in the project; however, the number of additional units permitted under Section 11.203.2 (b) ( ii ) above shall not be further increased.

(d) For any Voluntary Inclusionary Project that proposes to provide one Affordable Unit, the provisions of Section 11.203.2 (b) (i) and (ii) may be applied after the issuance of a special permit from the Planning Board. In issuing a special permit the Planning Board shall find that the additional dwelling units or gross floor area permitted will not create a development significantly different in scale, density, or placement on the lot than can be found on adjacent lots or in the surrounding neighborhood; or if the development is significantly more dense, larger in scale or closer to the lot lines than can be found on adjacent lots, the Board shall find that the size or shape of the lot, the characteristics of development on abutting lots, and the nature of the design proposed on the subject lot mitigate any negative impact that such additional development may impose. In making its findings the Planning Board shall consider the other kinds of dimensional relief that the development may require and the extent to which such relief varies from the requirements of the zoning district.

(e) Affordable Units required by this Section 11.203.2 shall be provided on-site. However, approval for alternate means of compliance may be granted by the Planning Board in certain exceptional circumstances. In granting such approval, the Planning

Board must find that the property owner has demonstrated that building the required affordable units on-site would create a significant hardship. A significant hardship shall be defined as being of such significance that the property can not physically accommodate the required affordable units and/or related requirements, such as height, setbacks, or parking. To have such a request considered, the burden of proof shall be on the property owner, who must make full disclosure to the Planning Board of all relevant information. Any request for alternate means of compliance shall be reviewed by the Affordable Housing Trust, which shall then forward its recommendation on the request to the Planning Board. The Affordable Housing Trust's recommendation shall be based upon whether the alternate means of compliance shall be of comparable value to the affordable unit that would have otherwise been provided in a comparable Inclusionary Project. The Planning Board's approval of the request shall be based upon the Affordable Housing Trust's recommendations, and the demonstration of hardship made by the property owner. The Planning Board may, in its sole discretion, use other information to determine the validity of the property owner's request. Approval of alternate means of compliance shall be only for payment of a sum equivalent to the value of the provision of an on-site Affordable Unit, which payment shall be made to the Affordable Housing Trust.

**11.204** *Standards for Construction and Occupancy of Affordable Units.*

The following standards are intended to provide guidance to the Board of Trustees of the Trust in making any report it may make to a special permit granting authority in connection with a special permit application and to the Developer of any Inclusionary Project or Voluntary Inclusionary Project. In granting any special permit the special permit granting authority may allow for deviations from, or further define, these standards consistent with the purpose of this Section 11.200.

- (a) To ensure livability, Affordable Units in an Inclusionary Project shall be generally comparable in size and materials to the other units in the overall project and consistent with local needs for affordable housing as approved by the Trust  
For Inclusionary Projects or Incentive Projects where appropriate exteriors of affordable units shall closely resemble the exteriors of other units in a project, and shall be reasonably distributed throughout the project.
- (b) The Affordable Units shall, to a reasonable extent, serve eligible households of diverse incomes, including very low income, and diverse sizes throughout the city.
- (c) The Affordable Units shall be subject to deed restrictions providing that they shall:
  - 1) be occupied by eligible households.
  - 2) be conveyed subject to restrictions, which to the extent legally possible shall guarantee the permanent availability of the Affordable Units to eligible households. Such restrictions shall include but not be limited to limited equity deed restrictions. In general, to meet this requirement, affordable rent levels shall be maintained for a minimum of 50 years from the date of initial occupancy in accordance with current practices of the City. With for-sale

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- units, the City's current system of deed restrictions controlling resale prices shall be observed.
- 3) to the extent possible, give preference to eligible households who are Cambridge residents.
  - 4) be rented or sold to Eligible Households, using marketing and selection guidelines customarily employed by the Community Development Department in selecting tenant and homeowner households under other City, state or federal housing assistance programs.
- (d) The rental or ownership of affordable units shall mirror the project as a whole. For example, affordable units should be sold, not rented, where a majority of units will be offered for sale.
- (e) The affordable units shall be affordable to households having a target income of 65% of the area median income, or if the household has access to a rent subsidy, a lower income. The Trust shall have the discretion to approve a mix of higher and lower rents or sale prices, the average of which approximates an affordable price for a household at the target income level.
- (f) The intent of the Inclusionary Housing provisions is that the Affordable Units required hereunder not use public funds to create; these provisions however, are not intended to discourage the use of public funds to generate a greater number of affordable units than are otherwise required.
- (g) One parking space for each Affordable Unit in an Inclusionary Project shall be provided. If there is fewer than one parking space provided for each unit in the development, then the number of parking spaces provided for the Affordable Units shall be in the same proportion as the number provided to the market rate units. If there is no parking fee for the market rate units in an Inclusionary Project, then there shall be no parking fee for the Affordable Units. If there is a parking fee for the market rate units in an Inclusionary Project subject to Section 11.200, then the maximum parking fee for the Affordable Units shall not exceed the lesser of the following:
- 1) That fee which is in the same proportion of parking fee to rent as for those market rate units of equivalent size to the Affordable Units and having the lowest rent in the Inclusionary Project, or
  - 2) That fee which, when combined with the maximum rent permitted of an Affordable Unit as defined in Section 11.201, does not exceed thirty three (33) percent of the Eligible Household's income.

### **11.205** *Affordable Housing Trust.*

Pursuant to the provisions of Chapter 482 of the Acts of 1991, an Affordable Housing Trust Fund was established. To facilitate the implementation of the provision of this Section 11.200, the Affordable Housing Trust Fund receives funds generated by this Section 11.200 and specifically Section 11.203.1(a), as well as other funds generated from other sources.



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**11.205.1** Uses of the Affordable Housing Trust. The Trust property may be made available for, but shall not be limited to, the following uses.

1. Creation of new rental or ownership Affordable Units for Eligible Households and Middle Income Households. To encourage the development of Affordable Units through a variety of means, including, but not limited to, the provision of favorable financing terms or direct write down of costs for either non-profit or for-profit developers or to subsidize the purchase of sites, existing structures, or affordable units within a larger development..
2. Multifamily Rehabilitation Programs. To finance the substantial rehabilitation of deteriorated properties in a manner that preserves the affordability of units through interest rate subsidies, loan guarantees or write down of project costs. Multifamily housing owned by nonprofit entities that ensure maximum long-term affordability shall receive priority-funding consideration.
3. Limited Equity Cooperative or Condominium Conversion. For acquisition and rehabilitation of potential cooperatives or condominiums through low interest blanket loans, share loans or direct cost write down.
4. Preservation of existing affordable housing. To provide acquisition and/or financing assistance to preserve affordability of existing housing at risk of losing its affordability.

**11.205.2** Administration of the Affordable Housing Trust and its Activities. The Trust property may be made available to fund reasonable administrative expenses necessary to support Trust activities, including but not limited to consulting services such as legal, appraising or engineering, as well as other project related expenses. The Community Development Department shall provide the Board of Trustees with technical and administrative assistance.

**11.205.3** Board of Trustees of Affordable Housing Trust. The City Manager shall appoint and chair a nine (9) member Board of Trustees of the Affordable Housing Trust. The Board of Trustees shall be composed of representatives from different sectors of the community with housing policy, and may include members of City Boards and agencies, nonprofit housing organizations and community representatives. The trustees, with concurrence of the City Manager, shall establish regulations for the operations of the Trust and Board of Trustees, and procedures for the implementation of this Subsection 11.205.

- 1) The Board of Trustees shall manage and administer the Affordable Housing Trust Fund including the disbursement of all funds, units and land conveyed to the City of Cambridge.
- 2) The Board of Trustees shall review and approve or disapprove proposals submitted for use of the Housing Trust Fund. The Board shall develop policies and standards appropriate to and consistent with the Incentive Zoning and Inclusionary Housing provisions, section 11.200.
- 3) The Board shall explore the feasibility of and assist in the establishment of new programs designed to meet Cambridge affordable housing needs. These programs may include a city wide Land Bank program and Home Mortgage Pool.

- 4) The Board of Trustees shall provide assistance and necessary 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 or subject to any provisions under this Section 11.200.

**11.206** *Enforcement*

The Community Development Department shall certify in writing to the Superintendent of Buildings that all conditions of this Section 11.200, including any conditions that may be established by the special permit granting authority in issuing a special permit under this Section 11.200, have been met before issuance of the first building permit for any Incentive Project, Inclusionary Project, or Voluntary Inclusionary Project. Before the issuance of the first Certificate of Occupancy for such development the Trust shall certify in writing to the Superintendent of Buildings that all documents have been filed and actions taken that are necessary to fulfill the conditions of this Section 11.200 and any special permit authorized herein.