



Ruthanne Fuller
Mayor

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Office of the Mayor

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August 1, 2022

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Honorable City Councilors:

I am pleased to submit this docket item to this Honorable Council requesting updates to the Inclusionary Zoning ordinance, Chapter 30, 5.11.5 (E), following the creation of the Affordable Housing Trust.

These revisions specify that the Affordable Housing Trust will be the entity to receive and distribute one half of new Inclusionary Zoning funds, rather than having these funds go to a separate City account. Inclusionary Zoning funds are cash payments made to the City in lieu of providing Mandatory Inclusionary Units in a Development. Chapter 30, 5.11.5 (A) of the City Ordinances specifies the circumstances in which the City's Inclusionary Unit requirements may be made with a cash payment. These revisions shift the decision making on the use of the Inclusionary Zoning funds from the Planning and Development Board and City Council and then the Mayor to the newly created Affordable Housing trustees, which includes the Mayor and a City Councilor.

The other half of Inclusionary Zoning funds will continue to go to the Newton Housing Authority.

Please see the attached memo from Director Health and a red-line strike-out version of the proposed ordinance change.

Thank you for your consideration of this matter.

Sincerely,

Mayor Ruthanne Fuller



Ruthanne Fuller
Mayor

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Department of Planning and Development
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Barney S. Heath
Director

June 21, 2022

Mayor Ruthanne Fuller
Via email

Re: Docket request for proposed amendment to Section 5.11.5 (E) of the Inclusionary Zoning Ordinance

Dear Mayor Fuller,

Following the City Council’s authorization to create an Affordable Housing Trust, the Planning Department has identified the subsequent need to revise a section within the City’s current Inclusionary Zoning Ordinance. Section 5.11.5 (E) of the Ordinance outlines the process by which the City and the Newton Housing Authority receive and distribute any cash payments made by a developer in lieu of providing inclusionary housing units.

The Planning Department, in consultation with the Law Department, suggests minor revisions to this Section as outlined in the attached red-lined draft. These revisions specify that the Affordable Housing Trust will be the specified entity to receive and distribute any cash payments received on behalf of the City. The Newton Housing Authority will continue to receive an equal share of any cash made to the Trust via the inclusionary housing ordinance.

We respectfully request that you file a docket item with the City Council to review and approve these proposed revisions to Section 5.11.5 (E).

Please let me know of any questions regarding this request.

Sincerely,

Barney Heath
Barney Heath, Director

5.11.5. Cash Payment Option.

Section 5.11.5.E.

E. Cash Payment Recipient.

1. The cash payment ~~shall be~~ made to the City's ~~Inclusionary Zoning Fund~~ Municipal Housing Trust Fund, to be distributed equally to the Newton Housing Authority and ~~the City of Newton~~ the Affordable Housing Trust.

2. These funds are to be used for the restoration, creation, preservation, associated support services, and monitoring of deed-restricted units affordable to households with annual gross incomes at or below 80% of AMI, to the extent practical.

3. Notwithstanding Section 2 above, funds received from Inclusionary Housing Projects with 7-9 units, as described in Section 5.11.5.B.3, must be used for the creation of deed-restricted units affordable to households at or below 80% of AMI.

~~4. Appropriation of these funds for use by the City or the Newton Housing Authority must first be approved by the Planning & Development Board and then by the Mayor.~~

5. The Newton Housing Authority and the City Affordable Housing Trust must each maintain an ongoing record of payments to the fund on their behalf and the use of the proceeds for the purposes stated in this Sec.

5.11.