



MICHAEL P. ROSS
BOSTON CITY COUNCIL

January 25, 2008

John Palmieri
Director
Boston Redevelopment Authority
One City Hall Plaza
Boston, MA 02201

Dear Director Palmieri:

I am writing today to request your support for the proposed change to the zoning code which would restrict the number of allowable students in an apartment to four (see attached). This legislation will shortly be coming before the BRA for its approval after unanimously passing through the City Council on December 12th, 2007, and will then head to the Zoning Commission for a vote.

As you know, the zoning code has been in legal limbo since the 2003 case *Sang Vo v. City of Boston* that held the city's existing codes in this area to be invalid due to the use of the language "second degree of kinship". Since then the current definition of family remains unresolved, causing an ambiguity in the law and its enforcement. As a result, unscrupulous landlords have taken advantage of this limbo by packing upwards of ten students into college apartments that once housed families. These actions have subsequently raised rents to a level where virtually no one can afford to live within certain neighborhoods of the city. The proposed change to the zoning code will require that landlords cap the number of students living within one dwelling to four, thereby restoring a semblance of control to what has become an escalating crisis.

Thank you for your consideration of this matter. If you would like to discuss this further, please do not hesitate to contact my office.

Best regards,

Michael P. Ross
Boston City Council

Cc: Mayor Thomas Menino
Enclosure

DISTRICT 8

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Offered by COUNCILLOR MICHAEL P. ROSS



CITY OF BOSTON IN CITY COUNCIL

ORDER REGARDING A TEXT AMENDMENT FOR BOSTON ZONING CODE ARTICLE 2 AND ARTICLE 2A REGARDING THE DEFINITION OF "FAMILY"

- WHEREAS,* The current definition of a family in the City of Boston Zoning Code is outdated and its enforcement by the Inspectional Services Department curtailed by the ruling and consent decree set out in the case of *Sang Vo v City of Boston* in 2005; *and,*
- WHEREAS,* Certain limitations on the definition of a family are necessary to protect residential quality of life. Further, the effects of institutional expansion of Universities and Colleges, combined with reduced enforcement have given way to the proliferation of unregulated and overcrowded student dwellings. The proposed definition restores the definition of family and limits the number of unrelated students enrolled at or attending a post-secondary educational institution that can live together to four; *and,*
- WHEREAS,* The purpose of this limitation is the protection of essential neighborhood characteristics that make the City of Boston an attractive and desirable place to live and work for all residents. This restriction will alleviate the environmental problems and economic consequences that an overcrowded student apartment can bring; *and,*
- WHEREAS,* Parts of the Boston Zoning Code which this petition does not seek to alter already assign specific spaces within the City of Boston for college dormitories and official fraternity and sorority houses; *and,*
- WHEREAS,* The City of Boston respects the autonomy of families, those related by any degree of kinship, consanguinity, marriage, or adoption, to choose their own living arrangements in accordance with Constitutional protections. Simultaneously, current regulations establishing a minimum per-person square footage requirement for dwelling units have proven to be insufficient to address the problems of overcrowded student apartments; *NOW, THEREFORE BE IT*
- ORDERED,* That the Boston City Council by and through Councillor Michael P. Ross submits a petition to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended, the amend the definition of "Family" in the Code.

Filed in Boston City Council: December 5, 2007

Text Amendment Application No. _____
Boston City Council
Article 2, Section 2-1
Article 2A, Section 2A-1
Clarifying Definitions related to
the number of persons living together

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

Boston City Council through and by ***Boston City Councillor Michael P. Ross*** petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended, as follows:

Amending Article 2, Section 2-1(19) by striking the current definition of "Family" and replacing it with the following: " 'Family' one person or two or more persons related by blood, marriage, adoption or other analogous family union occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of five (5) or more students enrolled at or attending a post-secondary educational institution shall not be deemed to constitute a family. A group residence, limited, as defined in clause (22B) of this Section 2-1 shall be deemed a family."

Amending Article 2A by striking the current definition of "Family" and replacing it with the following: " 'Family' one person or two or more persons related by blood, marriage, adoption or other analogous family union occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of five (5) or more students enrolled at or attending a post-secondary educational institution shall not be deemed to constitute a family. A group residence, limited, as defined in this Section 2A-1 shall be deemed a family."

This amendment shall not restrict the number of persons not related by blood, marriage, adoption, or other analogous family union from living in "Group Care Residence, general" as defined in Article 2, Section 2-1(22A) and in Article 2A, "Group Residence, limited" as defined in Article 2, Section (22B) and Article 2A, or "Nursing or Convalescent Home Use" as defined in Article 2A.

Petitioner: _____
Boston City Council
by: City Councillor Michael P. Ross

Address: One City Hall Square -- Fifth Floor
Boston, MA 02201

Telephone: 617-635-4225

Date: _____

Text Amendment Application No. _____

Text Amendment No. _____

Chairman

Vice Chairman

D R A F T

In Zoning Commission

Adopted: _____

Attest: _____

Secretary to the Zoning Commission

Text Amendment Application No. _____

Text Amendment No. _____

Approved: _____
Mayor

Date: _____

D R A F T

The foregoing amendment was presented to the Mayor on _____ and was signed by
the Mayor on _____ whereupon it became effective on _____ in
accordance with the provisions of Section 3 of Chapter 665 of the Acts of 1956.

Attest: _____
Secretary to the Zoning Commission