

BOSTON REDEVELOPMENT AUTHORITY
RULES AND REGULATIONS
GOVERNING CHAPTER 121A PROJECTS
IN THE CITY OF BOSTON

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Adopted: June 22, 1978
Amended: January 6, 1983
Amended: January 16, 1985
Amended: January 11, 1990

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RULE 1 – GENERAL REQUIREMENTS

A. Preliminary Review

(1) Letter of Interest

Potential 121A applicants are advised that they should submit a Letter of Interest to the Boston Redevelopment Authority as the City's Planning Agency at the earliest possible stage in the planning process. The Letter of Interest describing the nature and extent of the Project should be sent to the Director of the Authority prior to initiating contact with other State or Federal agencies. This requirement is intended to expedite the formal review by the Authority by insuring that the proposed project meets the planning and development objectives of the City and Chapter 121A.

(2) Staff Review

After the Director finds that the project merits 121A consideration, the Applicant shall provide material and information reasonably required for staff review, including all data outlined in Subsection II(A) of the "BRA Handbook - Staff Review of Chapter 121A Proposals." The Director's Office will specify any additional information required at this stage.

The Director's Office of the BRA shall maintain an up-to-date record of all proposals that have been submitted for preliminary 121A review. This record will be available for public inspection during normal working hours.

B. The Application Conformity with Authority Rules and Regulations

Every application submitted to the Authority under Chapter 121A as amended, whether by persons intending to associate themselves by written agreement of association with intent to form a corporation under Chapter 121A of the General Laws for the purpose of undertaking and carrying out under said Chapter a project in Boston; or by an insurance company, savings bank or group of savings banks intending to carry out under said Chapter a project in Boston; or by individuals, or an association of individuals in the form of a joint venture, partnership, limited partnership or trust, or charitable corporation organized under Chapter 180, intending to undertake under said Chapter a project in Boston; and every amendment of such application, shall be submitted in conformity with these rules and

regulations; provided, however, that if the Authority finds that the application of any rule or regulation contained herein is burdensome, immaterial, or unduly costly, then the Authority reserves the right to waive any such rule or regulation in the public interest. However, upon approval or consent to an application, by the Authority, such application shall be deemed to have been submitted in conformity with these rules and regulations.

C. Signed Under Oath

Every application submitted to the Authority under said Chapter as amended and every amendment of any such application, shall be in writing and signed under oath by all of the persons intending to associate themselves as aforesaid, or by a duly authorized officer of the insurance company or of each savings bank, or by all such individuals whether or not so associated, as the case may be, and, if signed by such an officer, shall have attached to it evidence of such corporate action authorizing its submission. Minor amendments to such application, when submitted to the Authority during the period between initial filing and final approval of said application, may be signed under oath by the duly authorized attorney for the applicant(s).

D. Filing Fee

- (1) Every application submitted to the Authority shall be accompanied by a filing fee of Five Thousand (\$5,000.00*) Dollars; that any amendment to such application which requires a public hearing shall be accompanied by a filing fee of Thirty-Five Hundred (\$3,500.00) Dollars; that any other amendment of any kind to the application which requires a vote of the Authority Board shall be accompanied by a filing fee of Twenty-Five Hundred (\$2,500.00) Dollars. All of the above noted filing fees are non-refundable and shall be retained by the Authority for its own use whether or not the Authority takes any action on the application, or grants its approval or consent. *Please see attached amendments Price Increases in Filing Fees for Chapter 121A Applications and Amendments.
- (2) This fee may be waivable in part by a showing by the Applicant and a recommendation by the Director to the Authority that the fee presents an undue hardship on the Applicant.

RULE 2 THE APPLICATION

A. Copies

- (1) There shall be submitted two (2) original, conformed copies and 13 photocopies of the Application and Appendices.

- (2) These 15 Applications shall be submitted in loose-leaf notebooks or other comparable binders with tabs marking each appendix.

B. Text of the Application

Every application submitted to the Authority shall contain the information listed below in the order given.

(1) Applicant and Proposed 121A Entity information

- (a) The name, residential and business address and occupation of each applicant and, except in the case of an insurance company or savings bank, bank references. One of the applicants shall be designated as the person to whom all notices and requests shall be sent by the Authority.
- (b) The name, address and phone number of the attorney representing the applicant, if any.
- (c) The name, address and phone number of any project consultant working for the Applicant.
- (d) A description of the proposed 121A entity for which the consent of the Authority is sought.
- (e) The application should set forth whether the applicant or its principals (a principal being defined as any person owning more than 10% of the development entity and in the case of a partnership any general partner), own any property in the City of Boston on which real estate taxes are in arrears. If the applicant, or its principals, are delinquent in the payment of real estate taxes, the location of these properties and the amount owed should be set forth.
- (f) The application should set forth and discuss any and all legal judgments, or actions pending, that are known to the applicant concerning the proposed project. If, in the opinion of the Authority, such legal action might reasonably impair the ability of the applicant to immediately go forward with the project, the Authority may defer further consideration of the application and may choose not to schedule a public hearing until the issues under question have been resolved.
- (g) If the applicant, or its principals, have other 121A Agreements with the Authority, the applicant shall furnish to the Authority financial statements on the operation of the project for the previous year which shall include audited reports by a Certified Public Accountant detailing all rental and other income, operating cost, construction and replacement cost, a statement of profit and loss for the 121A

corporation, a balance sheet, a statement of disposition of funds for that year, and a certified copy of the urban redevelopment excise return as submitted to the State department of Corporations and Taxes.

(2) Project Area

- (a) A description by metes and bounds of the Project Area.
- (b) The Application shall state facts sufficient to enable the Authority to determine that the Project Area is a blighted, open area, a decadent area or a substandard area as defined in Chapter 121A of the General Laws, as amended by Chapter 652 of the Acts of 1960, including a statement as to whether or not the project area by itself or as a part of a larger area has been declared under Chapter 121B of the General Laws to be a blighted, open, decadent or substandard area. Evidence supporting this should be included in the Appendix Section of the Application.
- (c) A statement whether or not the project area includes land within any location approved by the Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.
- (d) A list of the names and addresses obtained from the most recent City of Boston tax list maintained by the Assessing Department of the following:
 - i. Owners of land within the Project Area.
 - ii. Owners of land that abuts the Project Area.
 - iii. Any others which in the opinion of the Applicant will be substantially affected by the proposed 121A project.
- (e) If the Applicant is not the owner of the Project Area, the Applicant shall submit the name(s) of the present owner(s).

(3) The Project

- (a) A general description of the project for which the Authority's approval is sought including, but not limited to, the following:
 - i. A description in general terms of the buildings and structures to be rehabilitated or constructed including the height of buildings, numbers and kind of units.
 - ii. A description of the facilities and amenities to be furnished.

- iii. A description of the uses to which the project is to be put.
- iv. A description of the expected types of occupants.
- (b) A statement of facts which indicate whether the project conflicts with the Master Plan for the City of Boston.
- (c) A statement as to whether or not the project involves the construction of units which constitute a single building under the State Building Code and zoning law, and if so, whether or not the carrying out of the project will require a declaration by the Authority with the approval of the Mayor of Boston, that such units constitute separate buildings for the purposes of Chapter 138 of the General Laws.
- (d) A statement as to whether or not the carrying out of the project will require the granting of a permit for the erection, maintenance and use of a garage within five hundred feet of one or more of the buildings occupied in whole or in part as a public or private school having more than fifty pupils, or as a public or private hospital having more than twenty-five beds, or as a church, together with a statement of the reasons why, in the opinion of the Applicant, such garage will not be substantially detrimental to such a school, hospital or church.
- (e) The minimum standards to which the corporation, insurance company, savings bank or group of savings banks, individuals or association of individuals will be willing to conform in the financing, construction, maintenance and management (including the character and scope of charges to be made against income and accounting procedures) of the project.
- (f) Documentation and statement of fact which will enable the Authority to determine whether the project is in any way detrimental to the best interests of the public or City of Boston or to the public safety and convenience or inconsistent with the most suitable development of the neighborhood or of the City of Boston.
- (g) Statements of reasons why the project is necessary and desirable.
- (h) A statement as to whether or not the carrying out of the project will involve the destruction or rehabilitation of buildings occupied in whole or in part as dwellings. If so, a feasible method for the temporary relocation of families displaced in accordance with Chapter 121A, Section 5, and Chapter 79A must be included in the Appendix Section of the Application.

(4) Financial Information

(a) General

The financial section in the text of the application shall begin with a general discussion of the financial structure of the project. This section should discuss in financial terms, whether the project is feasible without a 121A determination. The economics of the project should be discussed and the economic benefits to be derived from a 121A agreement should be clearly set forth.

(b) Method of Financing

The Applicant shall set forth the minimum cost of the project and a description in reasonable detail of the amounts, terms and conditions of construction and permanent financing. Documents evidencing financial feasibility are required to be in the Appendix Section of the Application.

This statement shall include:

- i. If the project is to be undertaken by a corporation, a description of the proposed corporate structure;
- ii. The amount proposed to be raised by mortgage financing and the lending institution to which the application for financing has been made;
- iii. All amounts to be contributed to equity capital and by whom;
- iv. All other amounts to be raised, in what manner, and so far as known, from whom;
- (v) The amounts of stock or other securities of a corporation, in any, or shares or other financial interest in a joint venture, partnership, limited partnership, or trust, if any, to be issued, created or transferred in payment for services, together with a description of such services and a statement of the value thereof;
- (vi) A listing of all persons, natural and corporate who have, or prior to the completion of the project and will have, directly or indirectly, any beneficial interest in the project. (See Appendix Section Below.)

(c) Municipal Liens

The Applicant shall set forth any outstanding municipal obligations for any property in the proposed Project Area, including tax and water and sewer arrearages and pending abatements.

(d) Section 6A Contract Terms

In the text of the application the Applicant shall set forth the amount to be paid to the City of Boston pursuant to contract under Section 6A of Chapter 121A, and the years in which it is to be paid. A draft of the contract is required to be in the Appendix Section of the Application.

(e) Requests for Extensions to the Period of Property Tax Exemption

Requests, if any, for the Authority's approval for extensions to the period of exemption from property taxation pursuant to the provisions of Section 10 of Chapter 121A as amended by Chapter 827 of the Acts of 1975. The request should specify, which amenity provision listed below the Applicant believes is applicable to the Project and the number of months or years requested for each amenity provided. In addition, the following factors will be considered by the Authority and the Applicant should provide appropriate information to support their request.

Factors considered:

- i. Added expense borne by the Applicant because of the provision of the amenity including construction and operational expenses.
- ii. Support for the amenities from persons within the community.
- iii. Public policy in favor of the provision of the amenity.
- iv. The general level of such amenities provided in similar projects.
- v. Additional factors deemed appropriate under the circumstances.

The schedule of amenities upon which an extension may be granted shall include, but not be limited to, the following classifications.

- i. Housing or Facilities Designed for the Servicing of the Special Needs of Handicapped Persons

The maximum period of extension shall be ten (10) years. The minimum extension shall be one (1) year.

In granting an extension the following factor, among others, shall be considered – recommendations of public interest groups such as the Massachusetts Council of Organizations of the Handicapped or the Massachusetts Association of the Paraplegics.

ii. Facilities Designed for the Servicing of Specific Needs of Learning Disabled Children

The maximum period of extension shall be ten (10) years. The minimum extension shall be one (1) year.

In granting an extension the following factor, among others, shall be considered: recommendations of public interest groups such as the Association of Children with Learning Disabilities.

iii. Commercial or industrial Development Which Will Result in the Employment of Minority Persons or Persons Residing in or near the Project

The maximum period of extension shall be ten (10) years. The minimum extension shall be one (1) year.

In granting an extension the following factors, among others, shall be considered: (i) the percentage of minority persons or persons residing in or near the Project which obtain employment as a result of the Project in relation to the total number of people employed as a result of the Project; or (ii) whether the jobs created by the undertaking of the Project result in temporary or permanent positions for minority persons or persons residing in or near the Project.

iv. Restoration or Rehabilitation of Structures or Sites of Architectural or Historical Merit

The maximum period of extension shall be ten (10) years. The minimum extension shall be one (1) year.

This extension may be granted for restoration or rehabilitation of structures or sites which are: (i) listed in the National Register of Historic Places; (ii) listed in the Inventory of Historic Assets of the Commonwealth; (iii) certified by the Massachusetts Historical Commission or the Boston Landmarks Commission; (iv) located in a historical district established under the local zoning code; or (v) otherwise shown to be of historic value.

v. Provisions for Open Space

The maximum period of extension shall be ten (10) years. The minimum extension shall be one (1) year.

In granting such an extension, the following factors, among others, shall be considered: (i) the degree to which specially landscaped walks, plazas or open space are open to the public; (ii) the degree to which such open spaces are integrated into present or proposed open spaces to form coordinated open space networks; (iii) the degree to which creative landscaping, such as buffer areas, screening or special treatment of parking areas, are of particular benefit to the community or neighborhood; (iv) the degree to which an environmentally sensitive area will be protected; (v) the degree of protection and accessibility provided to an area of outstanding' natural beauty; (vi) whether the open space is donated to the community for conservation purposes; or (vii) the quality and quantity of open space.

vi. Provisions for Recreational or Community' Public Facilities

The maximum period of extension shall be ten (10) years. The minimum extension shall be one (1) year.

In granting an extension, the following factors, among others, shall be considered: (i) the availability to the public of facilities during the exemption period and beyond; (ii) the method and degree of public control over the determination and use of the facilities; (iii) the degree to which the facilities meet the needs of the residents in the immediate area and the community; or (iv) the quantity and quality of the facilities

vii. Significant Architectural Features

The maximum period of extension shall be ten (10) years. The minimum extension shall be one (1) year.

In granting an extension, the following factor, among others, shall be considered: whether unusual design or construction features were necessary to make the Project possible and/or feasible.

viii. Housing for Persons of Low and Moderate Income

Pursuant to Section 10 of Chapter 121A of the General Laws, any 121A entity which proposes a Project or portion thereof of housing subsidized or financed under any federal or state

program to assist the construction of low or moderate income housing shall receive a twenty-five (25) year extension.

In granting an extension for housing for persons of low- and moderate-income which is not subsidized or financed under any federal or state program, the maximum period of extension shall be twenty-five (25) years. The minimum extension shall be one (1) year. The following factors, among others, shall be considered in granting such an extension: (i) the percentage of units designated for persons of low and moderate income; (ii) the number of years for which a plan of occupancy by persons of low and moderate income has been assured; or (iii) the degree to which appropriate community facilities are provided to serve the needs of persons of low and moderate income.

(f) Other Financial Information

Any other financial information which the Authority may reasonably require to make their determination as to whether the proposed project is feasible.

(5) Development Schedule

The Applicant shall set forth a proposed timetable for commencement and completion of the project should the Authority approve subject 121A project. The project must commence within a reasonable time after Project approval. If it does not commence within one (1) year and an extension has not been requested and approved, the authority reserves the right to rescind the Project approval.

(6) Public Use and Benefit

Chapter 121A requires that the Authority determine whether the proposed Project constitutes a Public Use and Benefit. The Authority's determination will include, but not be limited to, the following factors:

- (a) Whether the Project is in line with the overall planning and development objectives of the City.
- (b) The extent to which the Project will eliminate the blighted, open, substandard or decadent conditions in the project area and surrounding neighborhood.
- (c) Whether the Project has the support of the community and/or is perceived as being beneficial for the neighborhood or the City.

- (d) Whether the impact anticipated from the Project is sufficient to warrant 121A status. This impact will be measured in terms of:
- The number and types of jobs generated by the proposed development for residents of the City.
 - The general economic spin-off benefits, particularly for the immediate neighborhood.
 - The extent to which the proposed development can provide critical needs of the community.
 - Whether the proposed development would provide greater public amenities than would normally result from such a project.
- (e) The environmental impact of the Project on traffic and parking in the project area and surrounding neighborhood or district

(7) Why Project Needs Chapter 121A Aids

Chapter 121A requires that the Authority determine where applicable that it is improbable that the area will be developed by the ordinary operations of private enterprise. The Applicant should provide information to indicate why the project cannot proceed without governmental intervention.

(8) Jobs - Boston Resident Preference

The Applicant shall state that the 121A entity or any contractor working for the 121A entity will, to the best of its ability, grant preference in hiring to Boston residents during the construction period and during the period of management of the Project. To the extent possible employers under contract to (including subcontractors) or leasing from the 121A entity will be required to list all job openings with the City of Boston CETA office, ten (10) working days in advance of any public advertisement of the positions. Any employer under 121A, who utilizes the State Division of Employment Security to find job applicants, will be required to specify in this request a preference for City of Boston residents. This requirement shall be consistent with all applicable collective bargaining requirements.

9) Affirmative Action

The Applicant shall state that the 121A entity and its contractors and subcontractors shall not discriminate against any employee, applicant for employment, tenant or applicant for tenancy because of race, color, religious creed, national origin, age, or sex, and in all other respects shall comply

with the "Equal Opportunity Compliance Policy" of the Boston Redevelopment Authority under the supervision of the Boston Redevelopment Authority's Compliance Officer.

C. Appendices to Application

The following appendices, which are a part of the Application, should follow the text. Each appendix should be marked with a tab.

- (1) Map - 8½ x 11" map showing the location of the Project Area.
- (2) Site Plan - Site Plan showing the Project Area and the approximate location of the structures and facilities to be constructed or rehabilitated as part of the Project. These drawings may be of any appropriate scale that is both legible and that can be folded and bound into the 8½ x 11" application format.
- (3) Drawings - drawings of the building(s) to include a plan of a typical floor, a plan of the ground floor, an elevation of the Project in relation to the surrounding area. These drawings may be of any appropriate scale that is both legible, and that can be folded and bound into the 8½ x 11" application format.
- (4) Evidence of Blight, Substandard Conditions, Decadence

Evidence to support statements made in the text that the Project Area is blighted open, substandard or decadent. Such evidence may include but will not be limited to the following:

- (a) Photographs of the Project Area.
 - (b) Reports from engineer(s) or other experts concerning subsoil conditions or the condition of the building if rehabilitation is involved in the project.
 - (c) Reports concerning conditions in the Project Area which are detrimental to the health, safety, morals, welfare or sound growth of the community in which it is situated.
 - (d) Reports concerning why it is improbable that the project would be developed by the ordinary operations of private enterprise, including a history of the Project Area if appropriate.
- (5) Proof of Financial Commitment
- (a) If FHA or some other form of government insurance or guarantee is used in financing the project, the applicant must include, if available, a copy of the FHA (or other governmental entity) Conditional Commitment. If the Firm Commitment has been obtained, the Firm Commitment must be enclosed.

- (b) If FHA insurance is used in financing the project, the applicant must include a copy of a letter from a recognized lender setting forth the amounts, terms and conditions of the commitment.
- (c) If Conventional financing is being used, the Applicant must include a copy of a letter from a recognized lender setting forth the terms and conditions of financing.

(6) Draft 6A Contract

A draft of a contract pursuant to Section 6A of Chapter 121A together with a letter from the Mayor's 121A Review Committee approving the basic terms of the 6A Contract.

(7) Draft Regulatory Agreement

A draft regulatory agreement required by 18C (c), (e) and (f) of Chapter 121A.

(8) 121A Entity Agreement

In the case of a corporation to be formed under Chapter 121A of the General Laws, a copy of the Agreement of Association in a form furnished or approved by the Commissioner of Corporations and Taxation; and in the case of individuals or an association of individuals, a copy of the joint venture agreement, partnership agreement, limited partnership agreement, indenture of trust, or other form of agreement among such individuals.

(9) Agreement Not To Dispose of Interests

Except in the case of an application by an insurance company, savings bank or group of savings banks, an executed instrument wherein the proposed stockholders, or the individuals, or all the individuals in such association of individuals, as the case may be, agree with the Authority that they will not prior to completion of the project dispose of their interests in the proposed corporation, or in the joint venture, partnership, limited partnership or trust, as the case may be, or in the project, without first obtaining the Authority's leave to do so.

(10) Deviations Requested

A statement of all permissions which will be required for the project to deviate from zoning, building, health and fire laws, codes, ordinances and regulations in effect in Boston.

- (a) A statement of the deviations required from the State Building Code to include the anticipated date said deviations will be approved.
- (b) If deviations are required from the Boston Zoning Code, the request shall have a comparison of what the Code requires and what the Project will provide.

(11) Environmental Forms

Documents required by the Office of Environmental Affairs Regulations Governing the Implementation of the Massachusetts Environmental Policy Act (MEPA) General Laws, Chapter 30, Sections 62 to 62H inclusive, including:

- (a) Evidence that a notice of intent has been published (Reg. 14.2 of EOEA Regulations).
- (b) Environmental Notification Form, except that a project which is categorically excluded from the requirement to file an ENF according to said regulation need include only a statement indicating such categorical exclusion.
- (c) Environmental Impact Report as required by the Secretary of Environmental Affairs.

(12) Relocation Plan

If relocation is involved in the project, a relocation plan pursuant to Chapter 121A and Chapter 79A.

(13) Historic Certification

If a request for extension of the statutory period has been made for a building of historical merit, certification from the appropriate historic association or agency must be submitted.

(14) HUD Form 6004 (Part I)

A completed "Redevelopers Statement for Public Disclosure" (HUD Form 6004).

(15) Supplemental Materials

Any supplementary materials or information the Applicant feels may be of assistance to the Authority in evaluating the proposed 121A project.

D Other Documents to Accompany Application

Every application submitted to the Authority shall be accompanied by the following documents, which shall be incorporated therein by reference and deemed a part thereof and included in the oath under which the application is subscribed:

(1) Architectural and Design Exhibits

Building plans, elevations and sections showing organization of functions and spaces. These drawings should indicate the general architectural character and proposed finish materials. In addition, plans of each living unit shall be shown at 1/4" = 1' for applicable projects.

(2) Site Plan

Site plan at an appropriate scale emphasizing general relationship of proposed and existing buildings, walks, and open spaces, including that mutually defined by buildings on adjacent parcels and across streets. The general location of walks, driveways, parking, service areas, roads and major landscape features in addition to the buildings shall be shown. Pedestrian and vehicular flow through the parcel and to adjacent areas shall be shown. Where relevant, site sections showing height relationships with proposed and adjacent buildings shall be provided. All dimensions which may become critical from the point of view of zoning shall be indicated.

(3) Outline Specifications

Outline specifications indicating the character and quality of the construction to be employed.

(4) Statement of Proposal

A written statement of the proposal including: number of living units, type of buildings, number and size distribution of units, square footage where applicable, number of parking spaces, community or supportive facilities provided, structural system and principal building materials, estimated costs, rents and operating expenses.

(5) Additional Material

Such additional material, if any, as may reasonably be required by the Authority to show the nature and extent of the project, such as models or renderings.

RULE 3 - BEFORE A PUBLIC HEARING WILL BE SCHEDULED

A Public Hearing will not be scheduled until:

- A. The Authority and its staff has had reasonable time to determine that the requirements of Rule 2 above have been met. Such reasonable time is to be not less than ten (10) working days nor more than thirty (30) working days.
- B. The Authority receives a letter from the Mayor's Ad Hoc Committee on 121A Tax Agreements, if available at this time.

RULE 4 - PUBLIC HEARING

A. Notice

After the public hearing has been scheduled by the Authority notice will be given by:

- (1) Publication in a daily newspaper of general circulation in the City of Boston, the publications to be at least ten (10) days prior too the scheduled hearing date.
- (2) To the extent possible, publication in- a weekly newspaper of circulation in the neighborhood where the project is located.
- (3) Posting in the City Clerk's office.
- (4) Mailing notice to abutters.
- (5) Mailing notice to Applicants.
- (6) Mailing notice to others specified by the Applicants or Authority.
- (7) Mailing notice to the Attorney General in accordance with Chapter 781 of the Acts of 1972..
- (8) Mailing notice to the Massachusetts Turnpike Authority.
- (9) Mailing notice to all interested parties who have requested, writing, such notification

B. Public Hearing Procedures

Hearings will be open to the public and will be conducted in accordance with the following procedure:

(1) Stenographer

If before noon on the last business day preceding the date fixed for the commencement of such hearing any person files a written request with the Authority for the appointment of a stenographer to report the testimony at such hearing and pays to the Authority such amount as the Authority shall estimate the employment of such stenographer will cost the Authority, the Authority shall include a transcript of such testimony in its official records, open to public inspection.

(2) Evidence

Such evidence or documentation as is appropriate in support of the application shall be presented by the applicant or applicants, and others may introduce appropriate evidence in support of or in opposition to the application. Documentary evidence may be received in the form of copies or excerpts. The rules of evidence observed by courts need not be observed, but the rules of privilege recognized by law will be observed. Evidence will be accepted only if in the judgment of the Authority it is the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs. Repetitious evidence may be excluded. Persons interested in the hearing may be represented by counsel.

(3) Testimony

Opportunity will be afforded interested persons to present testimony. Such testimony may be oral, or in writing as the Authority may determine and may be presented at such time as the Authority may prescribe.

RULE 5 - REPORT AND DECISION

A. Consideration by Authority

The members of the Authority will utilize their experience, technical competence and specialized knowledge and that of their staff in considering the application and evaluating the evidence presented to them.

B. Minimum Standards

In the Report and Decision and/or the Regulatory Agreement, the Authority may prescribe reasonable rules and regulations and minimum standards for the financing, construction, maintenance and management of the project pursuant to Section 8 of Chapter 121A.

RULE 6 - AMENDMENTS

After the Authority's adoption of a Report and Decision on an application and approval of the same by the Mayor, applicant(s) may find it necessary to amend their application as a result of developments or factors not present at the time of the original application, such as, but not limited to, an increase in the proposed cost of the project, adjustment in the boundary of the project, or a need for additional deviations from existing laws, codes, ordinances and regulations. In such cases, applicant(s) may file amendment(s) to the Application, and the Authority shall approve or disapprove the same and amend the Report and Decision accordingly. If the Authority finds that the Amendment involves a fundamental change to the project, the Authority will proceed as if it were a new application.

RULE 7 - AFTER MAYOR'S APPROVAL OF REPORT AND DECISION

A. Reports

The 121A entity will be responsible for furnishing the Authority with copies of reports concerning the 121A project which are filed with:

- (1) State Commission of Insurance
- (2) Massachusetts Housing Finance Agency
- (3) Department of Housing and Urban Development
- (4) City of Boston Assessing Department
- (5) State Department of Corporations and Taxation

B. Registration

The 121A entity shall register with the Secretary of State or Department of Corporations and Taxation, whichever is appropriate, Commissioner of Insurance and Commissioner of Banking.

C. Regulatory Agreement

A Regulatory Agreement shall be executed with the Authority.

D. Accounting and Audits

The 121A entity shall keep and maintain at all times during the period of years approved by the Authority, accounting records conforming to generally accepted accounting principles in which shall be recorded all sums from time-to-time invested in the project or comprising any part of the cost thereof.

The 121A entity shall file each year with the Authority and the Collector Treasurer's Office financial statements on the operation of the project which shall include audited reports by a Certified Public Accountant detailing all rental and other income, operating

cost, a statement of profit and loss for the 121A corporation, a balance sheet, a statement of disposition of funds for the preceding year, and a certified copy of the urban, redevelopment excise return as submitted to the State Department of Corporations and Taxation.

Furthermore, the City and/or Authority can make an annual audit of all financial records pertaining to the operation of the project, under its 121A status, and can engage the services of a private accounting firm to undertake such an audit.

E. Certificate of Completion

After completion of the construction of the Project, the Authority shall, upon notification by the 121A entity, inspect the project to determine if it has been built in accordance with the 121A submission and approval. The Authority shall have a reasonable opportunity to inspect and determine that the construction has been made in accordance with any submitted and approved drawings and specifications. Certification evidencing compliance with the original 121A approval and any approved modification shall be in a form to enable it to be filed with the City Clerk of the City of Boston.

ADDENDA TO
RULES AND REGULATIONS
GOVERNING CHAPTER 121A PROJECTS
IN THE CITY OF BOSTON

1. Fifteen (Draft) copies of the 121A Application will be submitted to the Authority for preliminary staff review.
2. Fifteen copies of a Fact Sheet will be submitted with the above application.
3. Property within the project area is to be identified by ward and parcel number in accordance with Assessing Department standards

BOSTON
REDEVELOPMENT
AUTHORITY

Raymond L. Flynn
Mayor

Stephen Coyle
Director

April 30, 1990

One City Hall Square
Boston, MA 02201
(617) 722-4300

Mr. Patrick F. McDonough
Assistant City Clerk
City of Boston
Boston City Hall
Boston MA 02201

SUBJECT: PRICE INCREASES IN FILING FEES FOR
CHAPTER 121A APPLICATIONS AND AMENDMENTS

Dear Sir:

Pursuant to Section 13, Chapter 652 of the Acts of 1960,
I hereby file with the Office of the City Clerk the
following material attested to by the undersigned as
Secretary.

A Certificate of the Vote of the Authority
adopted on January 11, 1990, approving price
increases in the filing fees for Chapter 121A
Applications and Amendments.

An executed copy of the Approval by His
Honor, Mayor Flynn, dated April 30, 1990,
of the foregoing Authority vote.

Attached to the above-mentioned Certificate of Vote and
Approval thereof by His Honor, Mayor Flynn, is a copy
of the aforementioned vote.

Please acknowledge the filing of the foregoing on the
xerox copy of this letter and return the same to the
undersigned.

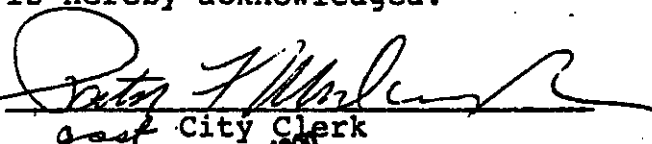
Very truly yours, -



Kane Simonian
Secretary

KS/tg
Enclosures

Receipt of the aforementioned
is hereby acknowledged:



Assistant City Clerk

APR 30 1990

Date

BOSTON
REDEVELOPMENT
AUTHORITY

Raymond L. Flynn
Mayor

Stephen Coyle
Director

One City Hall Square
Boston, MA 02201
(617) 722-4300

April 10, 1990

The Honorable Raymond L. Flynn
Mayor of Boston
Boston City Hall
Boston, Massachusetts

SUBJECT: PRICE INCREASES IN FILING FEES FOR CHAPTER 121A
APPLICATIONS AND AMENDMENTS

Dear Mayor Flynn:

At the regular meeting of January 11, 1990, the Authority adopted a vote approving a price increase for fees and charges for maps, publications, reports, developers kits, bid documents etc. and filing fees for Chapter 121A Applications and Amendments thereto.

The Chapter 121A Application fees come within the purview of Section 12 of Chapter 652 of the Acts of 1960 which states as follows: "...provided, however, that no vote of the Authority approving a project, or any change therein, or making or amending any rule, regulation or standard therefor, shall be in force until approved by the Mayor of said City."

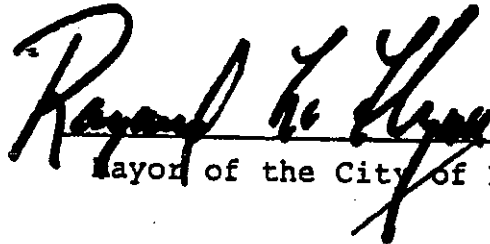
The proposed increases in filing fees are as follows:

1. Chapter 121A Applications from \$5,000 to \$7,000;
2. Amendments to Chapter 121A Applications requiring a hearing and report from \$3,500 to \$5,500;
3. Amendments not requiring any public hearing from \$2,500 to \$4,200.

Your approval pursuant to Section 12 of Chapter 652 of the Acts of 1960 is requested.

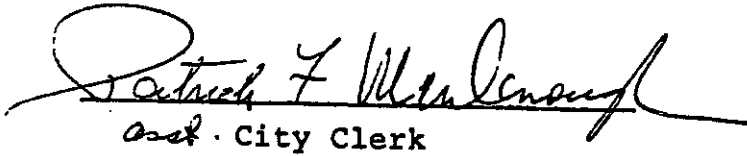
APPROVED:

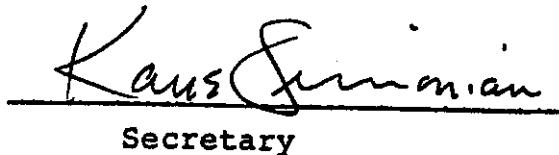
The proposed increases in filing fees for Chapter 121A Applications and Amendments as contained in "BOSTON REDEVELOPMENT AUTHORITY COST & SERVICES 1990" Booklet, Item II B, and the January 11, 1990 vote of the Authority approving said fees for Chapter 121A Applications and Amendments.


Mayor of the City of Boston

APRIL 30, 1990
Date

Attest:


Asst. City Clerk


Secretary

Boston Redevelopment Authority

CERTIFICATE OF VOTE

The undersigned hereby certifies as follows:

(1) That he is the duly qualified Acting Secretary of the Boston Redevelopment Authority, hereinafter called the Authority, and the keeper of the records, including the journal of proceedings of the Authority.

(2) That the following is a true and correct copy of a vote as finally adopted at a meeting of the Authority held on January 11, 1990, and duly recorded in this office.

Copies of a memorandum dated January 11, 1990 were distributed re: Price Increases For General Sales and Services, which included a proposed vote. Attached to said memorandum was a booklet entitled "Cost & Services, 1990."

Mr. Joseph Noonan, Assistant Director, addressed the Authority and answered the Members' questions.

On motion duly made and seconded, it was unanimously

VOTED: That the Authority hereby approves the cost and services pricing as outlined in the booklet dated December 28, 1989.

The aforementioned "Cost and Services, 1990" booklet is incorporated in the Minutes of this meeting and filed in the Document Book of the Authority as Document No. 5262.

(3) That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting, and a legally sufficient number of members of the Authority voted in a proper manner and all other requirements and proceedings under law incident to the proper adoption or the passage of said vote have been duly fulfilled, carried out and otherwise observed.

(4) That the documents to which this certificate is attached are in substantially the form as that presented to said meeting.

(5) That if an impression of the seal has been affixed below, it constitutes the official seal of the Boston Redevelopment Authority, and this certificate is hereby executed under such official seal.

(6) That Stephen Coyle is the Director of the Authority.

(7) That the undersigned is duly authorized to execute this certificate.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand this 10th day of April, 1990.

BOSTON REDEVELOPMENT AUTHORITY

By: Kareh Surman
Secretary