

# Affirmatively Furthering Fair Housing (AFFH) Assessment and Submission and Guide

## Introduction

On March 15, 2021, the City of Boston became the first municipality in the nation to require certain development projects to [incorporate strategies for meeting Affirmatively Furthering Fair Housing](#) goals in development proposals. Proponents of Large Projects, Planned Development Areas (PDAs), and Planned Development Area master plans, subject to Article 80 review and featuring a housing or residential component, must now complete a project-level AFFH Assessment<sup>1</sup> and propose Meaningful Actions (i.e. Intervention Options) intended to address housing disparities identified through the AFFH Assessment as a condition of receiving approval from the Boston Planning and Development Agency (BPDA) Board.

The Boston Zoning Code now requires as part of the Article 80 review and approval process that Proponents affirmatively further fair housing by:

Take meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, Affirmatively Furthering Fair Housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, and transforming racially and ethnically concentrated areas of poverty into areas of opportunity.

AFFH also requires that Proposed Projects contributes to the creation of Affirmatively Integrated Communities which are defined as:

Where a diverse set of people, including those that belong to [Protected Classes](#), can afford to live and where they have reasonable access to amenities (e.g. healthcare, transit, groceries, banking, greenspace), educational opportunities, and economic opportunities. Reasonable access means that such amenities and opportunities are affordable, in close proximity to one's housing, and culturally appropriate.

A key component of the AFFH Assessment is the submission of the AFFH Assessment Tool , which must be submitted as part of the initial Article 80 filing (i.e a Project Notification Form), with respect to any project for which a Letter of Intent is submitted on and after March 15, 2021, and/or with any filings

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<sup>1</sup>This includes completion of 1) the most recent version of the Assessment Tool which shall provide to the Proponent a Displacement Risk Analysis and Historical Exclusion Analysis 2) an Affirmative Fair Housing Marketing Requirement 3) and a description of which measures from the most recent version of the AFFH Intervention Options, as adopted by the Boston Redevelopment Authority, the Proponent intends to utilize to address displacement and affirmatively create housing accessible to people within protected classes. These measures should be commensurate with the size and scope of the project, as well as the magnitude of historical exclusion and potential displacement, and shall be reviewed by the Boston Interagency Fair Housing Development Committee (BIFDC), which shall advise the BPDA on the Proposed Project's compliance with the provisions of the Boston Zoning Code.

requesting substantive project changes (i.e. a Notice of Project Change or PDA amendment) submitted on and after March 15, 2021. The purpose of the AFFH Assessment Tool is to provide the Proponent with the information and structure necessary to consider both Historical Exclusion and Risk of Displacement within one quarter mile of the Proposed Project site. By completing the AFFH Assessment Tool and considering the Historical Exclusion and Displacement Risk that may be present at and around the Proposed Project Site, the Proponent should then be able to select Intervention Options intended to meet the needs community in a way that is inclusive of and inviting to members of protected classes.

When completing the AFFH Assessment and considering which Intervention Options are appropriate to addressing housing disparities, the Proponent should consider:

1. How the size, scope, and scale of the Proposed Project does or does not continue patterns of Historical Exclusion and/or contribute to displacement of the existing community, especially displacement of members of protected classes.
2. Which Intervention Options can address the unique needs of and the Displacement Risk experienced by the community already present at the Proposed Project Site while also helping to address patterns of Historical Exclusion experienced by members of protected classes.

To assist Proponents with determining if the Intervention Options selected are appropriate based on the size, scale, and scope of the Proposed Project, the extent of Historical Exclusion at the Proposed Project Site, the Displacement Risk at the Proposed Project Site, and the characteristics of the surrounding community, the AFFH amendment to the Boston Zoning Code called for the creation of the Boston Interagency Fair Housing Development Committee (BIFDC). This non-voting committee will review AFFH submissions and determine if AFFH zoning requirements are satisfied in order to make a recommendation to the BPDA board that the Proposed Project meets AFFH requirements of the Boston Zoning Code. BIFDC recommendations-including plans for monitoring ongoing AFFH commitments-will be included in the BPDA Board Memo and will be memorialized in Housing and/or Cooperation Agreements associated with Proposed Projects.

The AFFH Assessment and review process has been modeled after the Boston Zoning Code [Article 37, Green Building and Climate Resiliency](#) assessment and review process. As with Article 37, Proponents should anticipate the time it takes to complete the new AFFH assessment as part of the initial filing and/or substantial project change process as well as the need to address strategies for meeting AFFH requirements at public meetings, scoping sessions, and at any other presentation during which the Proponent describes how the Proposed Project is likely to impact the surrounding community.

## **Protected Classes**

Through the AFFH Assessment process Proponents will be asked to describe how to address the needs of members of protected classes. The City of Boston recognizes the following protected classes:

- Race
- Color
- Religion
- National Origin
- Sex
- Familial Status (i.e. families with children)

- Disability
- Marital Status
- Military Status
- Age
- Sexual Orientation
- Source of Income (e.g. receiving public assistance or having a Section 8 voucher)
- Gender Identity & Expression
- Ancestry

Proponents should refer to this list of protected classes when asked to discuss how a proposed AFFH strategy addresses the needs of members of protected classes.

## The Affirmatively Furthering Fair Housing Assessment Tool

Although the AFFH Assessment Tool is modeled on Article 37 tools, the content and scope are unique. This section is intended to assist stakeholders and developers to understand and complete and submit the AFFH Assessment Tool and to provide guidance on how use each part of the AFFH Assessment Tool to craft a strategy for addressing AFFH goals.

The AFFH Assessment Tool is comprised of two parts:

1. The [AFFH Assessment Form](#); and
2. The [Housing and Household Composition Community Profile Report](#)

### AFFH Assessment Form

The AFFH Assessment Form<sup>2</sup> is a document that the Proponent will complete and submit with all Large Project, PDA, and PDA master plan projects under Article 80B and 80C review and featuring a housing component as part of the initial filing (i.e. Project Notification Form) or any time there is a substantive project change (i.e. Notice of Project Change or PDA Amendment filing). Proponent must understand all parts the AFFH Assessment Form and the Housing and Household Composition Community Profile Report as well as the Intervention Options in order to complete the AFFH Assessment Form. As result, Proponents are encouraged to review this entire guide prior to completing and submitting the AFFH Assessment Form.

The AFFH Assessment Form is comprised of eight sections, each of which will be explained below. The Proponent must complete each section to the best of their knowledge in order for the BIFDC to review the Assessment Tool and make a recommendation to the BPDA Board.

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<sup>2</sup> Proponent can complete the AFFH Assessment form as a fillable [Word Document](#) which can be submitted with other Article 80 filings or it can be submitted via [Google Forms](#).

## **Section 1: Submission Information – Primary Contact**

Here, the Proponent will provide the name and contact information for the person submitting the AFFH Assessment as well as the size of the Proposed Project and the point in the Article 80 review process when the submission is being made.

## **Section 2: Development Team-Primary Contact**

Here the Proponent will provide names and contact information for the Proponent, Attorney, and Marketing Agency. Please provide only one contact for each of these roles. The Proponent will also enter in the name of the BPDA Project Manager and the BPDA Planner assigned to their project.

## **Section 3: Proposed Project Overview**

This section has two parts. Part 3.A (“Proposed Project Information”) asks about the Proposed Project Site while part 3.B (“Proposed Project Description”) asks about anticipated uses at the Proposed Project Site, with an emphasis on residential uses. Proponents should be prepared to provide as many details as possible in order to assess the anticipated size and scope of the Proposed Project. Getting an accurate picture of the anticipated size and scope of the Proposed Project is necessary because the size and scope of the Proposed Project is an important factor in determining which Intervention Options are appropriate for the Proposed Project.

## **Section 4: Displacement Risk at the Proposed Project Site**

Here the Proponent must to the best of their knowledge provide as much information as possible about previous uses (within the previous two years from the date of AFFH submission) and current uses at the Proposed Project site. This Section is broken down into three parts so that the Proponent can answer questions about past uses as well as more detailed questions about residential and commercial uses, as applicable.

When answering questions in Section 4.B (“Past and Current Residential Use Details”) Proponents must be as comprehensive as possible when describing current and recent past tenants or occupants at the Proposed Project Site in order to describe the extent to which actual displacement has occurred or is likely to occur. The Proponent will be required to address actual anticipated or recent displacement detailed in Section 4.B, in [Section 6 Strategy for Addressing AFFH Goals](#).

The Proponent should provide similar details in Section 4.C (“Past and Current Commercial Use Details”) in describing any anticipated commercial displacement that is likely to occur and what types of commercial tenants-if any-are likely to occupy the site after development. Understanding what kind of commercial displacement may have recently occurred or is likely to occur is important for understanding the impact of the Proposed Project on the surrounding community and will help to determine if the AFFH strategy and selected Intervention Options are proportional to the size and scope of the Proposed Project and its impact on the community.

## **Section 5: Inclusionary Development Policy (IDP)**

Here the Proponent will describe how the Proposed Project will meet [Inclusionary Development Policy](#) (IDP) requirements. Proponents should be as detailed as possible when describing the anticipated number, size, and [Area Median Income](#) (AMI) limits of IDP units in this section. While AFFH encompasses

more than just IDP units and affordable housing, the Proponent’s plan for meeting IDP goals must be addressed in Section 6: Strategy for Addressing AFFH Goals and can influence which Intervention Options are selected.

## **Section 6: Strategy for Addressing AFFH Goals**

In this section the Proponent will detail which Intervention Options will be selected and how those Intervention Options will be incorporated as part of an overall AFFH strategy. To complete this section you must reference the Housing and Household Composition Community Profile Report as well as the Department of Neighborhood Development Displacement Risk Index and Maps. This section is broken down into four parts in order to help the Proponent address several specific AFFH concerns.

Section 6.A (“Intervention Options & Intervention Enhancements”) is where the Proponent will select specific Intervention Options and-if necessary-Intervention Enhancements. For more information on each Intervention Option, see the section of this guide below entitled Intervention Options and Intervention Enhancements. Proponents must select at least one Article 80 Intervention Option and one Marketing & Housing Access Option, although certain Proposed Projects may be required to select more than one of these options as an Intervention Enhancement if the BIFDC determines that additional Intervention Options are recommended based on the size and scope of the Proposed Project, the extent of Historical Exclusion, and/or the extent of Displacement Risk in the surrounding community. Proponents may also opt to propose one or more Supplemental Process Options an Intervention Enhancement. For each Intervention Option selected, the Proponent will explain how many units the Intervention Option will apply to, distinguishing between market-rate and IDP units and provide other details necessary to describe the intended scope and implementation of the selection Intervention Options.

In Section 6.B (“Discussion of the Impact of Intervention Options on Displacement Risk”) the Proponent will discuss how the selected Intervention Options as well as the IDP program addresses Displacement Risk both at the Proposed Project Site and within the surrounding community. To address Displacement Risk at the Proposed Project Site, Proponent should reference the answers provided in **Section 4 (“Displacement Risk At the Proposed Project Site”)** to explain why the selected Intervention Options and/or other AFFH strategies (such as offering relocation or other assistance to existing tenants) sufficiently helps to mitigate displacement risk at the Proposed Project site. To address Displacement Risk in the surrounding community, the Proponent must reference the information provided in the Housing and Household Composition Community Profile Report and the DND Displacement Risk Index and Maps and discuss how the selected Intervention Options address the needs of the people in the surrounding community, particularly those who are members of protected classes who are most at risk of displacement. More information on what the Housing and Household Composition Community Profile Report is provided later in this guide.

Section 6.B also requires the Proponent to address how the proposed IDP program address community needs, especially the needs of protected classes. To answer this question completely, Proponents should discuss how the proposed IDP program meets the needs of members of protected classes in the community. Finally, Section 6.B gives Proponents the opportunity to discuss any other strategies or mitigations measures that will be used to address Displacement Risk that have not previously been discussed but which will be included as part of the Proponent’s overall strategy for meeting AFFH goals.

In Section 6.C (“Discussion of the Impact of Intervention Options of Historical Exclusion”) the Proponent will use the Historical Exclusion portion of the Housing and Household Community Profile report to discuss how the selected Intervention Options mitigate the impacts of Historical Exclusion at and around the Proposed Project site and how the selected Intervention Options are inclusive of members of protected classes. The Proponent should discuss all the Intervention Options selected, as well as any additional strategies for addressing Historical Exclusion and creating a Proposed Project that is integrated and inclusive with respect to the surrounding community and welcoming with respect to those who have been historically excluded from the surrounding community, especially members of protected classes.

Section 6.D (“Discussion of Marketing and Tenant Selection”) requires the Proponent to discuss outreach to and marketing of housing units both to the surrounding community, and to member of protected classes who have been historically excluded from the community. The Proponent is encouraged to provide a sample of their occupancy and tenancy eligibility policies in addition to providing a narrative response. The Proponent should discuss the Marketing Intervention & Housing Access options as well as the Proponent’s existing or proposed policies and procedures for marketing and selecting tenants that meet AFFH goals.

### **Section 7: Attachments**

Here the Proponent should select which attachments are included with the AFFH Assessment form. The only required attachment is the Housing and Household Composition Community Profile report.

### **Section 8: Acknowledgements**

Here the Proponent’s representative submitting the AFFH Assessment form will acknowledge three statements relating to: (1) the truth of the information provided to the best of the Proponent’s knowledge and review of the form and AFFH strategies by the BIFDC; (2) the memorialization of Intervention Options in Agreements; a (3) the requirement that some or all housing units will be subject to the policies and procedures of the City of Boston’s Affirmative Fair Housing Marketing Program.

### **Housing and Household Composition Community Profile Report:**

The [Housing and Household Composition Community Profile](#)<sup>3</sup> (HHCCP) Report provides several important pieces of information that the Proponent will use to select appropriate and proportional Intervention Options and develop a comprehensive and appropriate AFFH Strategy. The report must be included as an attachment submitted with the AFFH Assessment Form.

While each element of the HHCCP report will be reviewed here individually with recommendations on how to use each piece of data, the Proponent should look at all of the information in HHCCP report together along with the information provided by the [Department of Neighborhood Development Displacement Risk Index and Map](#), and the information collected in the AFFH assessment form when selecting Intervention Options and discussing why the selected Intervention Options are both

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<sup>3</sup> To generate the report proponent must visit <http://maps.bostonplans.org/affh/#/>, enter the address of the Proposed Project in the upper right-hand side of the page and then click the generate report button on the upper left-hand side of the page. This will generate a PDF which can be saved for review and submission along with the AFFH Assessment form.

proportional and appropriate to meet AFFH goals.. When considering who is represented in the community the Proponent should consider how the Proposed Project can meet the needs of people who are already living around the Proposed Project site so they are not displaced as a result of the Proposed Project. When considering who is not represented or who is underrepresented in the community, the Proponent should consider how the Proposed Project can create an inviting and welcoming community for those who are not currently and/or meaningfully included in the community, particularly members of protected classes. Proponent should refer to the information provided in the HHCCP throughout Section 6 (“Strategy for Addressing AFFH Goals”) when discussing why selected Intervention Options are both proportional and appropriate for meeting AFFH Goals.

Information in the HHCCP report is based primarily<sup>4</sup> on American Community Survey data from within ¼ mile surrounding the Proposed Project Site. There are seven broad categories of information in the report:

1. **Historical Exclusion:** The HHCCP report shows the level of Historical Exclusion at the Proposed Project site. Proponents in area of High Historical Exclusion must select an Area of High Historical exclusion Intervention Enhancement. Proponents must consider the extent of Historical Exclusion surrounding the Proposed Project site when discussing why selected Intervention Options are both proportional and appropriate with respect to the size, scope, and impact of the Proposed Project as well as the extent of Historical Exclusion at the Proposed Project site.
2. **Boston Household characteristics:** The HHCCP report provides information about the number and type of households in the community, including the total number of households, the percent of housing units that are renter occupied, the percent of households spending more than 30 % and more than 50% on rent, and the percent of households residing in subsidized or income-restricted units. It then compares these criteria to the rest of Boston. Proponents will use this information to assess density in the surrounding community, and develop a strategy for meeting AFFH goals that meets the needs of households in the surrounding community while also creating opportunities for this who have been historically excluded from the community, especially members of protected classes.
3. **Household Income Buckets:** The report shows household incomes both in the community and in rest of the City for comparison. Proponents will use this information to assess the income levels of people already living in the community and determine how a comprehensive AFFH strategy can help both to meet the needs of households who are already living in the community while also inviting in those who have been historically excluded into the community from the community, especially members of protected classes.
4. **Household Composition Characteristics:** Here information is provided about the characteristics of Households in the community including family composition, households with children, and households that include a member with a disability. Proponents should consider this information when determining unit mix, IDP programming, and number and type of units fully built out for persons with disabilities at the Proposed Project site as well as any other intervention options that address that address household composition characteristics.

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<sup>4</sup> Data on the number of subsidized units is provided by the Department of Neighborhood Development.

5. **Unit Sizes:** Here the report shows the mix of unit sizes in the community and in the city as a whole. The Proponent will consider how the mix of unit sizes anticipated at the Proposed Project compares to the community with regard to meeting AFFH goals, preventing displacement, and contributing to inclusivity in the neighborhood, especially with regard to member of protected classes.
6. **Household Size:** Information on Household sizes in the community as compared to the City as a whole is provided. Proponent will consider how the Proposed Project meets the needs of households already residing the community while also creating opportunities for household sizes that are under-represented in the community surrounding the Proposed Project site. Proponents should compare this information with Household Composition Characteristics data for additional context.
7. **Race and Ethnicity:** Data on race and ethnicity in the surrounding community is provided for both for the Proposed Project Site and in the whole City for comparison. Proponents will use this information in order see how race and ethnicity may be concentrated in the community in order to determine how to the Proposed Project and the selected Intervention Options can be used to both meet the needs of the existing community and invite in those who may have been historically excluded from the community, especially members of protected classes.

## **Intervention Options & Intervention Enhancement**

The purpose of the AFFH Assessment is to gather the information about the size, scope, and impact of development at the Proposed Project Site as well as how the Proposed Project does or does not impact Historical Exclusion and Displacement Risk in order to select the Intervention Options that best meet the needs of a diverse community in a manner that does not create segregation on the basis of membership in protected classes. Since Proponents are required to discuss which Intervention Option will be a part of the Proposed Project's AFFH strategy it is important to understand each Intervention Option and how it may or may not apply to or be appropriate for the Proposed Project. The overall strategy for meeting AFFH goals-including the type and scope of Intervention Options use to meet those goals-must be proportional to size, scope, and impact of development as well as the extent of Historical Exclusion and Displacement Risk surrounding the Proposed Project site.

***A note about IDP, income-restricted units, and AFFH:*** While the IDP and affordable housing are extremely important to the City and vital to the success of AFFH, not all Intervention Options or strategies to address AFFH goals are about or should be applied to IDP units. A successful strategy for addressing AFFH goals will include Intervention Options that are applied to market rate units as well as IDP units.

When Proponents proposing large multibuilding or multiphase projects select AFFH strategies that call for an increase in IDP units or other income-restricted units, concentration of income-restricted units in one building or part of a site should be avoided as it creates the possibility of income-based segregation at the Project Site. There are however some circumstances when clustering of income-restricted units will be allowed and/or preferable to meet unique community needs. Proponents anticipating clusters of income-restricted units should describe in the AFFH Assessment Form how clustering income-restricted units meet AFFH goals.



**A note about unit comparability:** All units to which Intervention Options apply, including market-rate units, must be comparable to other units within the Proposed Project. Units to which AFFH goals and or Intervention Options apply should be indistinguishable in character and appearance from units to which AFFH strategies and Intervention Options do not apply. This is already required for IDP units but should be considered when selecting Intervention Options that apply to market-rate units.

There are three types of Intervention Options:

1. Article 80 Process Options
2. Marketing & Housing Access Options
3. Supplemental Process Options

All projects must choose one Article 80 Process Option and one Marketing & Housing Access Option, although there will be circumstances where more than one of each of these Intervention Options is recommended in order for the strategy for meeting AFFH goals to be proportional to the Proposed Project's impact and context.

### **Article 80 Options**

All Proponents must select at least one Article 80 Intervention Option as part of their strategy for addressing AFFH goals. Article 80 options must comply with other federal, state, and local laws, regulations, and policies applicable to the project. For example, complying with the IDP is required and so is not considered as part of the strategy for addressing AFFH goals, although exceeding IDP or coupling IDP with other affordability strategies is.

**Provide an additional percentage of IDP units than required:** The current IDP requires that 13% of all unit on a project site be income-restricted to households making less than 70% of AMI for rentals and less than 80% but not more than 100% AMI for homeownership units. Proponents may choose to provide more units than required by IDP as part of their strategy for meeting AFFH goals provided that the additional percentage of IDP units is proportional to the Proposed Project's impact and context. Additionally, Proponents selecting this option must consider whether there are additional affordability requirements at the Proposed Project Site and which already require additional IDP units in exchange for density and/or because additional affordability has been established in PDA agreement and/or master plan. In instances where additional IDP or income-restricted units are required, Proponents selecting this Intervention Option would need to exceed those additional requirements in order to for additional IDP units to be considered a part of an AFFH strategy.

**Deepen the affordability of IDP units:** While the IDP does have target AMI ceilings (70% AMI for rental units and between 80%-100% AMI for homeownership units), it is possible for a Proponent to reduce the AMI ceiling in some circumstance and still comply with IDP requirements. In rental projects, a Proponent could choose to reduce the AMI ceiling below 70% AMI in some or all IDP units as part of an AFFH strategy while still complying with IDP. In homeownership projects, the AMI in up to half of the IDP units could have a ceiling of less than 80% AMI and still comply with IDP. Proponent selecting this option should describe the number of units with deepened affordability and the target AMI for those units.

**Provide all IDP units on-site:** Proponents are encouraged to provide all or most IDP units on-site when possible, but sometimes, the IDP can be satisfied by providing off-site units, paying into the IDP fund, or doing some combination of on-site, off-site, and IDP fund payments. With regard to Proposed Projects in [IPD Zones A and B](#), the use of off-site units is subject to approval by relevant City agencies and

departments. Because of the strong preference that already exists for providing IDP units on-site Proponents are encouraged to pair this Intervention Option with other Article 80 Intervention Options relating to IDP as part a comprehensive AFFH strategy. Proponents selecting this option should discuss how providing all IDP unit on-site goes beyond complying with the IDP to meet AFFH goals.

**Provide a higher proportion 2+ bedroom IDP units:** The Housing and Household Composition Community Profile provides information on both unit sizes and household sizes around Proposed Project Site. A Proponent may choose this option when the AFFH Assessment indicates that there is a need for this housing in the community either to support existing households who may not be able to find units to meet their needs or because AFFH Assessment indicates that families with children are currently or have previously been excluded from the community surrounding the Proposed Project Site. Proponents selecting this option should describe how many IDP units will be 2+ bedroom, the percentage of IDP units that will be 2+ bedrooms, whether 2+ bedroom IDP units are included to meet or exceed IDP requirement, and-in the case of 2+ bedroom units included to exceed the IDP requirement, what the target AMI is for those units.

**Meet or exceed the percentage of 2+ bedroom units in the surrounding neighborhood:** This Intervention Option is similar to the above option except that this option applies to market-rate units rather than IDP units. Proponents selecting this option should describe the size of 2+ bedroom units, the percentage of 2+ bedroom sized units compared to the overall number of units, and the anticipated target price for 2+ bedroom sized units. Proponents should also discuss how larger sized market rate units contribute to an overall strategy for addressing AFFH goals.

**Provide a higher number of unit accessible to persons with disabilities than required:** [Massachusetts Law](#) requires that building containing 20 or more rental unit must build out at least 5% of units as Group 2 fully-built out units accessible for persons with disabilities. This Intervention Option can apply to rental and homeownership units that either market or IDP units. Proponents already required to meet the 5% requirement must exceed that requirement as part of this Intervention Option. Proponents selecting this option should describe both the total number of units that will be fully built out Group 2 units as well as the percentage of total units that will be fully built out Group 2 units.

**Increase building density to directly increase affordable units for and accessible to people in protected classes:** Proponents may propose to develop a larger Proposed Project with the express goal of increasing unit availability to protected classes (e.g. increasing density to increase the number of units to families with children; increasing density to increase the number of fully-built out Group 2 units). When choosing this Intervention Option the Proponent must consider whether increased density is appropriate and achievable at the Proposed Project Site. Proponents must describe how increased density directly relates to increased unit availability to members of protected classes, including which protected classes will benefit from increased density and how units will be accessed by the members of protected classes they are intended to benefit. If a Proponent selects this option but is later asked to or voluntarily decides to reduce density at the Proposed Project Site (even following BPDA Board approval) then another Intervention Option must be selected, reviewed by the BIFDC, and approved by the BPDA board as a project change.

**Agree to host new Project-Based Vouchers (PBV) or Rental Assistance Demonstration (RAD) units or other deeply-affordable units on site, in addition to fulfilling IDP requirements:** This Intervention Option requires that the Proponent partner with a Local Housing Authority or other voucher-issuing agency to provide subsidized housing attached to on-site units (as opposed to mobile vouchers which

are attached to the particular household) or obtain other financing to support deeply-affordable (i.e. affordable to households with incomes less than 50% of AMI) that are subject to a restriction term of at least 50 years. Proponents would still need to income-restrict at least 13% of units on site to households making less than 70% of AMI if selecting this Intervention Option in order to comply with IDP (unless the Proposed Project meets the criteria for IDP exemption). If the Proponent selects this option and is not able to secure PBV or RAD units at the site an alternate Intervention Option must be selected, reviewed by the BIFDC and approved by the BPDA Board as a project change. Proponents selecting this option should describe the voucher-issuing agency they are seeking to partner with and the number of units that are anticipated to be supported with vouchers. Proponents selecting this Intervention Option in an area where there are already many households with rental voucher compared to the City-wide average should explain how this Intervention Option creates access to opportunities in the neighborhood.

**Agree to partner with a non-profit developer, land trust, housing authority, or other entity to provide land or bear some capital costs to enable affordable housing construction, in addition to fulfilling IDP requirements:** This Intervention Option requires the Proponent to partner with another party to develop all or part of the Proposed Project as income-restricted housing. To be considered as part of a strategy for addressing AFFH goals units must be income-restricted to households with AMIs meeting community needs and those restrictions must be in place for at least 50 years. Unless the Proposed Project is exempt from the IDP, 13% of units must still be made affordable to households with income less than 70% of AMI for rentals and less than 80%-100% if AMI for homeownership units. Proponents selecting this option should describe the entity they are partnering with, the scope and structure of the partnership, the capital or land contribution that will be made, the number of affordable units to be created, and other details necessary to describing how this Intervention Option is anticipated to be implemented.

**Any other option(s) that meet AFFH goals:** Proponents may develop their own strategies for meeting AFFH goals, provided those strategies have measurable impacts on either mitigating Historical Exclusion and/or reducing Displacement Risk, and do not create or contribute to segregation on the basis of protected characteristics. Strategies must be capable of being monitored for compliance during an identified commitment period.

### **Marketing & Housing Access Options**

All Proponents must select at least one Marketing & Housing Access Option as part of a strategy for addressing AFFH goals. Marketing & Housing Access Options must comply with other federal, state, and local laws, regulations, and policies applicable to the Proposed Project. Preferences for income-restricted units must be in accordance with BPDA policies. Deviations from BPDA marketing policies may be subject to review the City of Boston's Affirmative Fair Housing Marketing Program and/or review by the Massachusetts Department of Housing and Community Development. As part of selecting Marketing & Housing Access Options Proponents shall consider the portion of units (both market and IDP) to which the marketing option applies. If the Proponent indicates that fewer than 100% of units will be subject to the selected Marketing & Housing Access Option individual units must be identified prior to entering into a Housing and/or Cooperation Agreement with the BPDA.

Marketing & Housing Access Options requiring a preference must be detailed in Affirmative Marketing and Tenant Selection Plan which is submitted to the Boston Fair Housing Commission for approval at least one year prior to the date on which a Certificate of Occupancy is expected. All other Marketing & Housing Access Options will require the Proponent to produce written policies and procedures-including

sample lease agreements when applicable-that must be in place prior to marketing the Proposed Project. Marketing requirements, timelines for submission, and ongoing compliance schedules will be detailed in any Housing and/or Cooperation Agreements.

Marketing & Housing Access Options requiring the use of best practices or particular policies and procedures must demonstrate that the policies, practices, and procedures are applicable to all of the residential units within the Proposed Project unless there is a strong and compelling reason why AFFH goals would be better met from having more than one version of marketing and/or tenant selection policies.

**Provide a preference for an agreed upon percentage of units to rental voucher-holders and develop marketing and tenant selection policies and procedures that are least likely to exclude voucher-holders.**

Proponents selecting this option will both provide a preference for rental voucher-holders and take affirmatively steps to attract and lease to those voucher-holders through inclusive marketing and tenant selection practices. Selecting this option means: (1) accepting voucher rental reimbursement rates; (2) limiting or waiving broker fees, security deposits, and other legally allowed fees that make renting a unit difficult for a voucher-holders; (3) developing a marketing plan and practices that is likely to reach voucher-holders; (4) using tenant screening and selection practices that address other barriers voucher-holders might have in accessing a unit such as little to no rental history, poor credit score, prior eviction history, etc.; (5) and meeting administrative and other requirements to accept a housing-voucher reimbursement (e.g. annual unit inspection requirement, limitations on lease provisions, participating in tenant approval process where landlord participation is required, etc.) Proponent may select this option for both IDP and market rate units, although this preference cannot be applied to all IDP units. Proponents selecting this option should indicate the number of market-rate and/or IDP units this preference is being applied to and should describe or provide a copy of the marketing and tenant selection policies that are required as part of this Intervention Option. Proponents selecting this Intervention Option in an area where there are already many households with rental voucher compared to the City-wide average should explain how this Intervention Option creates access to opportunities in the neighborhood.

**Provide preference for an agreed percentage of units to families that are currently rent-burdened<sup>5</sup>, have experienced a no-fault eviction, or have experienced eviction but now display the ability to pay and develop marketing and tenant selection policies and procedures that least likely to exclude preferred tenants.**

Proponents selecting this option will both provide a preference for rent-burdened tenants and/or tenant with a previous eviction history and take affirmatively steps to attract and lease to those tenants through inclusive marketing and tenant selection practices. Selecting this option could mean: (1) accepting a lower than market rent in order to make units available to preferred tenants; (2) limiting or waiving broker fees, security deposits and other legally allowed fees that make renting a unit difficult for preferred tenants; (3) developing a marketing plan and practices that are likely to reach preferred tenants; and (4) using tenant screening and selection practices that address barriers preferred tenants may have to accessing units such as little or no rental history; poor credit score, prior eviction history, etc. Proponents may select this option for both IDP and market-rate units, although this preference cannot be applied to all IDP units. Proponent selecting this option should explain how many units have this preference and which characteristic(s)-currently rent burdened, experienced a no-fault eviction, and/or experienced an eviction by not has a demonstrated ability to pay-will be preferred and

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<sup>5</sup> Rent-burdened generally means paying more than 30% of one's gross household-income on rent.

describe or provide a copy of the marketing and tenant selection policies that are required as part of this Intervention Option.

**In the case of homeownership units, provide a preference to first-time/generation Homebuyers and develop marketing policies and procedures that are least likely to exclude preferred homebuyers:**

Proponents selecting this options will both provide a preference for first time and/or first-generation homebuyers and take affirmative steps to market homeownership units to the preferred buyers. Proponents selecting this option are encourage to partner with the [Boston Home Center](#) or a community nonprofit that provides education and services to first-time and/or first-generation homebuyers to identify potential preferred buyers. This Intervention Option applies to both market-rate and IDP units. IDP units however already have a preference for first-time homebuyers so only a preference for first generation homebuyers of IDP units would be suitable as a strategy for meeting AFFH goals. Proponents may opt for both a first-time and first-generation preference for market-rate units or one of the preferences. Proponents selecting this option should: (1) indicate which preference(s) will apply; (2) provide the number of units the preference will apply to; (3) indicate what if any agencies or organizations are anticipated to be partners and the scope of the partnership; (4) describe or provide a copy of the marketing and tenant selection policies that are required as part of this Intervention Option.

**Allow last month's rent and security deposit to be paid in installments for an agreed upon percentage of units or by renters up to a certain income level:**

Proponents may select this Intervention Option for both market-rate and IDP units. Proponents selecting this option should specify if they are agreeing to allow installment payments for a portion or units or for particular tenants up to a certain AMI ceiling or both. Proponent should describe or provide a copy of the policies and/or lease clauses that describe how last month's rent and/or security deposits are collected-including a payment schedule-and who is eligible to pay in installments and how eligibility will be determined.

**Agree to follow best practices related to the use of CORI, eviction, and credit records in the tenant screening and selection process:**

Proponents selecting this option will be required to adopt best practices for tenant screening and selection that reduce barriers that tenants-particularly members of protected classes-face in accessing housing. IDP units are subject the [Boston Fair Chance Tenant Selection Policy](#), which is a set of best practices, so this Intervention Option is only available for market-rate units. Proponents selecting this Intervention Option should describe the tenant screening and section policies including specifically how CORI, evictions, credit records, and other elements of a housing applicant's background will be used in a fair and limited way.

**Agree to follow progressive practices related to the use of CORI, eviction, and credit records in the tenant screening and selection process, and in marketing of units, for example following Fair Chance Housing guidelines, and/or waiving eviction and credit checks for affordable units and/or housing-**

**voucher holders:** While this is similar to the above Intervention Option on best practices which requires Proponents to adopt and follow policies and procedures of limited use of elements of a housing applicant's background to exclude the applicant from housing, this Intervention Option requires that use of an applicant's background be strictly limited to that which is absolutely necessary to determine if the tenant is going to be able to pay rent for the term of the lease, or not used at all when considering an applicant for a housing unit. Proponents may select this option for both market-rate and IDP units, but as applied to IDP units, policies and procedures must exceed the protections provided by the Boston Fair Chance Tenant Selection Policy. Proponents should describe tenant selection and screening practices to

be used or provide a copy of the policies and practices demonstrating compliance with this Intervention Option.

**Agree to best practices in marketing the market-rate units that are inclusive of and welcoming to members of protected classes:** Proponents selecting this option will develop marketing practices that are inclusive of and inviting to members of protected classes who may have previously been excluded from the target demographic(s) for market-rate rental and homeownership units. Proponents should describe the details of these practices including what makes the practices include and welcoming to members of protected classes and how inclusivity will be achieved.

**Any other option(s) that meet the stated goal:** Proponents may develop their own strategies for meeting AFFH goals, provided those strategies have measurable impacts on either mitigating Historical Exclusion and/or reducing Displacement Risk, and do not create or contribute to segregation on the basis of protected characteristics. Strategies must be capable of being monitored for compliance during an identified commitment period.

### **Supplemental Process Options**

Supplement Process Options are optional Intervention Options that a Proponent may select as an Intervention Enhancement when and Intervention Enhancement is required. Supplemental Process options must be legal and economically feasible and must clearly be linked to AFFH goals. Supplemental Process Options will be reviewed by the BIFDC as well as any relevant City departments and/or Agencies before they can be recommended and/or implemented. Below are examples of Supplement Process Options. This is not an exhaustive list or an indication that the example is economically or legally feasible to any specific Proposed Project because feasibility with respect to Supplemental Process Options must be assessed on a project by project basis.

**Establish a housing stabilization fund:** Proponents may work with the City of Boston Department of Neighborhood Development to establish and fund a local housing stabilization fund that can be accessed by the local community-including nonprofit organization serving the local community-for the purpose of stabilizing housing and/or preventing displacement in the neighborhood. Proponents interested in pursuing an option like this should contact the Department of Neighborhood Development for more information about feasibility prior to selecting this option.

**Establish and/or contribute to a neighborhood housing Acquisition Opportunity Program:** The City of Boston [Acquisition Opportunity Program](#) provides loans to investor-owners of occupied multi-family rental properties in order to keep those properties permanently affordable. Proponents interested in pursuing this option should contact the Department of Neighborhood Development about feasibility prior to selecting this option.

**Restrict the percentage of non-owner-occupied units:** Proponents may deed-restrict a certain percentage of market-rate homeownership units to require that they be owner-occupied. IDP homeownership units already have restrictions regarding owner occupancy so this is not an appropriate intervention option for IDP units.

**Provide local small business long term flexible lease options to local, small business tenants in mixed-use developments:** Proponents with Proposed Project featuring a commercial component may opt to offer small business flexible long-term lease options. Proponents selecting this option should discuss

how many commercial spaces would be offered long-term flexible leases, the length of the leases, and details on the flexible terms to be included.

**Agree to support cooperative housing units:** Under the City’s Condominium and Cooperative Ordinance, certain buildings and/or portions of buildings can be turned into cooperative housing in which tenants have both an ownership interest and a role housing governance. Proponents interested in pursuing this option should familiarize themselves with both cooperative housing structures and contact the Department of Neighborhood Development for information about feasibility prior to selecting this option.

**Any other option(s) that meet the stated goal:** Proponents may develop their own strategies for meeting AFFH goals, provided those strategies have measurable impacts on either mitigating Historical Exclusion and/or reducing Displacement Risk, and do not create or contribute to segregation on the basis of protected characteristics. Strategies must be capable of being monitored for compliance during an identified commitment period.

### **Intervention Enhancements**

Intervention Enhancements are requirements that additional Intervention Options and/or AFFH strategies be applied to three types of projects:

1. Projects in Areas of High Displacement Risk
2. Projects in Areas of High Historical Exclusion
3. Planned Development Areas

**Areas of High Displacement Risk:** these are areas that show there is a demonstrated risk of displacement at or around the Proposed Project Site that requires more than the minimum number of required Intervention Options to mitigate displacement. Proposed Projects that will directly displace tenants or occupants at the Proposed Project site are areas of High Displacement Risk. The BIFDC may determine that a Proposed Project is in an Area of High Displacement Risk after the Proponent submits the AFFH Assessment Tool and may ask the Proponent to resubmit to revise answer on the AFFH Assessment for to include an Intervention Enhancement. Proponents building in Areas of High Displacement Risk must select one of the following Intervention Enhancements:

- ***Diversity preservation Preferences for applicable projects:*** [Diversity preservation preferences](#) are available only to certain qualifying projects and certain units within those qualifying projects. Proponent should be aware of the limitation of the Diversity preservation preference before selection this enhancement.
- ***An additional Article 80 Process Option***
- ***A Supplemental Process Option***

**Areas of High Historical Exclusion:** these are areas in which members of protected classes have historically been excluded from living. Whether a Proposed Project is in an Area of High Historical Exclusion will be determined by looking at the Historical Exclusion component of the Housing and Household Composition Community Profile Report. Proponents building in Area of High Historical Exclusion must select one of the following Intervention Enhancements:

- **All IDP units should be built on site:** As mentioned above, Proponents are already encouraged to provide all or most IDP units on-site when possible encouraged to pair this Intervention Enhancement with other Article 80 Intervention Options relating to IDP.
- **An Additional Article 80 Process Option**
- **Supplemental Process Option**

**Planned Development Areas:** PDAs must select one of the following Intervention Enhancement that will apply to the entire PDA:

- **An additional Article 80 Process Option**
- **A Supplemental Process Option**

## **Boston Interagency Fair Housing Development Committee (BIFDC)**

The BIFDC is non-voting committee established by the Boston Zoning Code to review the AFFH Assessments, project proposals, and public comments, and develop a plan for ongoing monitoring of commitments and reporting requirements related to the Proponents AFFH strategy and make recommendations to the BPDA Board regarding the AFFH component(s) of Proposed Projects.

The Boston Zoning Code establishes that the BIFDC shall be comprised of one representative from each of the following:

1. Boston Housing Authority
2. Office of Fair Housing and Equity
3. Department of Neighborhood Development
4. The Mayor’s Commission for Persons with Disabilities
5. Boston Planning and Development Agency

The role of the BIFDC is to review AFFH submissions and other materials related to the Proposed Project-especially public comments solicited as part of the Article 8- review process-to determine if based on the size, scope, and impact of the Proposed Project on the surrounding community the Intervention Options and strategies for furthering AFFH goals are sufficient to meet the requirements of the AFFH provision of the Boston Zoning Code which were described in the Introduction section of this guide.

The BIFDC shall review AFFH strategies to determine if they are proportional to the size and scope of the project, as well as the magnitude of historical exclusion and potential displacement at and surrounding the Proposed Project site. The BIFDC may provide comments to and request further information from the Proponent in order to fulfill its role under the Boston Zoning Code. If the BIFDC determines a Proposed Project is not commensurate in size and scope and well as magnitude of historical exclusion and/or displacement risk then, it will suggest that the Proponent select different or additional Intervention Options as part of the overall strategy for meeting AFFH goals.

The BIFDC will also determine a plan and/or schedule for ongoing monitoring of the Proponent’s AFFH strategy including reporting requirements. All BIFDC recommendations will be incorporated into BPDA Board Memos and subsequent Housing and/or Cooperation Agreements.