

Implementing Fair Housing Zoning in Boston: Re-envisioning Structures for Community Engagement

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Abstract

In March 2021, Boston became the first US city to adopt fair housing, or civil rights, measures into its zoning laws. Boston's Affirmatively Furthering Fair Housing (AFFH) zoning amendment institutionalizes channels for responding to predicted displacement impacts of large development projects and the legacy of past discriminatory land use practices. It provides many more tools for advocates to influence development and for municipalities to influence developers that are farther reaching than traditional inclusionary development policies. Local fair housing advocates argue, however, that this policy's value does not become realized if the communities it is intended to serve—working class residents of color—are not aware of it and do not utilize it to advocate for their needs. Drawing on interviews with local housing justice advocates and city officials, participant observation, and document analysis, this thesis informs strategies for increasing community impact on AFFH review of development proposals. It describes activities advocates and the Boston Interagency Fair Housing Development Committee have undertaken in the first year, their perspectives on strengths and challenges of implementation to date, and recommendations to both stakeholder groups for increasing meaningful community engagement and impact in this process.

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PART I:

**Introducing Boston's Fair Housing Development
Review Process**

1. Introduction

In March 2021, Boston became the first US city to adopt fair housing, or civil rights, measures into its zoning laws. Working class neighborhoods in Boston home to higher portions of residents of color and with older, dilapidated housing stock are now experiencing rampant investment and higher rates of inequitable development, driving up housing costs, and disproportionately increasing residential segregation and displacement risk for these residents. Boston's Affirmatively Furthering Fair Housing (AFFH) zoning amendment is meant to address modern and historical exclusionary development practices and increase housing choice for these communities.

This ordinance requires major projects that add at least 50,000 square feet of gross floor area and have a housing component to undergo an additional review process—AFFH review. AFFH review consists of 3 new groundbreaking components. Developers must fill out AFFH Assessments where they use data to assess their project's anticipated impact in intensifying displacement risk and perpetuating historical exclusion and then select interventions to mitigate these impacts and “meet the needs of the community in a way that is inclusive of and inviting to members of protected classes” (BPDA, 2021 AFFH Submission Guide). Protected classes are populations protected by fair housing law from discrimination in the housing market based on race, disability, rental assistance and other characteristics. A Housing and Household Composition Community Profile and Displacement Risk Index now provide developers, the reviewing body, and community with local demographic data to help developers select interventions. The Boston Interagency Fair Housing Development Committee (BIFDC) is appointed by the City to review housing inclusion components of project proposals subject to this process.

This Boston case study is a noteworthy learning opportunity because it is an extraordinary departure from how development has been thought of. Namely, this policy institutionalizes measures for responding to predicted displacement risk *and* for addressing the legacy of past discriminatory land use practices. It provides many more tools for advocates to influence development and for municipalities to influence developers that are much farther reaching than traditional inclusionary development policies.

Many local fair housing advocates argue, however, that this policy's value does not become realized if community members of protected classes are not aware of it and don't utilize it to advocate for their needs. Since the policy was adopted until now, there has been no documentation or guidelines for engagement processes with protected class populations. My thesis addresses this gap, particularly to inform community strategies for increasing meaningful engagement and impact on AFFH review of proposals. The central research question I answer is: How are community advocates and City officials envisioning meaningful participation and impact by advocates and residents of protected classes in AFFH review of development projects?

This thesis makes the important contribution of documenting the first year of AFFH review implementation from the perspective of some BIFDC members and community advocates. It provides Boston advocates and city officials with an overview of activities each has undertaken in the first year, their perspectives on the challenges of implementation to date, especially relating to participatory opportunities, and provides recommendations to both stakeholder groups for increasing meaningful community engagement and impact in this process. I hope that advocates and city officials involved in

development review can use this research to learn about each other's work thus far, strengthen their advocacy, and develop structures for increasing policy effectiveness.

My thesis builds on my work as Policy Intern in Boston City Councilor Lydia Edwards' office in Summer 2021, liaising with advocates who were working on educational materials for the community about this innovative, ambitious policy that the Councilor championed. I was inspired by the work being done to engage historically unheard community members with Boston's complex development review process and build advocacy skills and relationships in these spaces. The thesis focuses on community advocates already involved in development advocacy within the AFFH Community Advisory Committee (CAC), Boston Tenant Coalition, and Coalition for Truly Affordable Boston which includes most of Boston's housing justice organizations.

My interviews with seven advocates and three BIFDC members, observation of AFFH review community workshops, and document analysis of AFFH planning documents revealed some positive shifts happening in the first year and several initial challenges and concerns. BIFDC officials reported that there is a revision process on income-restrictions and bedroom numbers happening for projects that did not exist before. The AFFH data-driven tools that describe who the community is are helping move conversations along in providing rationale for recommending more expansive interventions.

Some implementation challenges so far include many developers approaching their intervention plans in a minimalist way, limited transparency of the BIFDC's review process and community access to the BIFDC, missing public AFFH information for projects, limited capacity to train community, developers, and city officials on this new process, and limited tools to reconcile disagreement about which interventions satisfy "AFFH." All of these

challenges have implications for how the policy is implemented and whether it builds credibility with and meaningful change in housing access for the communities it is intended to serve. This thesis will describe these challenges, illuminate the connection to meaningful community engagement, and propose 11 recommendations to contend with them, with the aim of making AFFH review more participatory with impacted communities.

My recommendations are derived from advocates' suggestions for action and my own analysis of the challenges they identified. They focus on strategies for city-community partnerships and collaborative goal setting, planning, and regulation—which includes meaningful education about this new process for all stakeholders, deepening communication with advocates in development review spaces, and channels for greater community influence on developers' AFFH plans.

Chapter 2 situates the Boston AFFH review case study in 1) existing discourse about fair housing and zoning as a means for addressing affordable housing shortages and historic racialized inequities and 2) existing discourse about participatory processes in planning. Chapter 3 describes the methodology employed to design this case study. Chapter 4 explains the zoning amendment's policy goals, how the policy emerged, and the components of this new process for development review.

Part II presents my findings and analysis of the extensive work carried out in the first year of implementation. Chapter 5 focuses on BIFDC review activity, how the BIFDC has been engaging with advocates and community so far, BIFDC members' views on positive highlights of this process in year one, and BIFDC and advocates' perspectives on the challenges of BIFDC-related processes to date. Chapter 6 focuses on advocates' work to increase meaningful community engagement with and impact on AFFH review of

proposals; this includes their overarching five-pronged organizing strategy to strengthen policy enforcement, their range of community education activities, a case study of community engagement with the Dorchester Bay City project's AFFH review so far, and advocates' intentions for monitoring developers' AFFH plans.

Part III is the concluding section of this thesis. Chapter 7 delineates recommendations and considerations for community advocates and city officials for increasing meaningful community engagement and impact on AFFH review. Chapter 8 addresses limitations of this research and proposes important directions for future research.

2. Literature Review

This chapter situates the Boston AFFH review case study in existing discourse about fair housing and zoning as a means for addressing affordable housing shortage and historic racialized inequities. It also establishes the conceptual framework that guides my analysis of AFFH review implementation and recommendations. The literature review begins by providing an overview of the affirmatively furthering fair housing policy framework, which aims to explain the rationale for Boston's zoning amendment. It then discusses the historic role of zoning and public processes in perpetuating segregation and racial inequity. It then discusses the strengths and tradeoffs of different forms of participant selection, communication, and levels of community influence in community engagement processes. It lastly discusses strategies for building governmental institutions' and individuals' capacity to engage in planning processes that are more inclusive and equitable, including staff development, partnerships, and collaborative use of data.

My review of participatory planning and community engagement literature is limited in scope to fewer, more current sources because I prioritized literature that utilizes more recent empirical evidence, context, and examples to support its assertions. The review centers aspects of engagement relevant to the Boston case study and is not meant to be an extensive review of this literature.

What is Fair Housing and Affirmatively Furthering Fair Housing?

Boston's AFFH zoning amendment draws on the Obama administration's 2015 federal Affirmatively Furthering Fair Housing (AFFH) rule and the Fair Housing Act. The United States Congress passed the Fair Housing Act in 1968 to provision fair housing throughout the country and require that states and local governments that receive federal

housing funding not discriminate and that they affirmatively further fair housing. Boston's AFFH zoning amendment utilizes the same definition of AFFH as the federal mandate, which is to 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" (*Affirmatively Furthering Fair Housing*, n.d.). The goal of dismantling residential segregation is connected to the mandate that federal agencies affirmatively further fair housing through their administration of housing and community development programs (Steil & Kelly, 2019). It requires HUD's programs go beyond simply not discriminating and take meaningful action toward residential integration. Boston adopted the Obama administration's definition of AFFH in its AFH and zoning amendment because it has a strong history of tested case law supporting it. Having the Obama administration's federal AFFH rule in place along with hopes that the new 2021 mayor would fully engage with the issue of fair housing helped motivate Boston advocates' leadership in the AFH that produced Boston's fair housing zoning amendment.

Disparate Impact

The AFFH Rule is based on disparate impact theory; that is, government can be held liable under this provision for enacting laws and actions that have no evidence of discriminatory intent but have a proven discriminatory effect on members of a protected class (Connolly, 2016). Members of protected classes in Boston are those protected by law from discrimination in the housing market based on race, color, religion, disability, national origin, ancestry, sex, gender identity, gender expression, age, sexual orientation, marital status, rental assistance (e.g. Section 8 voucher holders), family status (e.g. having

children), and military status (*Boston Fair Housing Regulations*, 2016). Today many civil rights advocates argue that modern patterns of cost- and gentrification- induced displacement is a fair housing issue because it limits choice and access to housing, employment, and educational opportunities for low-income residents, who are disproportionately BIPOC (Calder, 2016; Jennings, 2021; Li, 2016). Bethany Li argues that the FHA's provision for AFFH provides strong helpful legal prospects for challenging gentrification-induced displacement as do HUD's 2016 regulations that suggest the harm caused by gentrification is as severe as that caused by de jure segregation (Li, 2016).

The AFFH mandate requires municipalities to examine—among other barriers to fair and affordable housing—the effects of zoning and land use regulations, determine whether they have contributed to residential segregation and disparate access to opportunity across different populations, and take meaningful actions to address them.

Zoning and Housing Choice

Zoning regulates what is built in the city, where, and how—regulating the type, density, scale, and use of our built environment. Local zoning regulations shape where new housing can be built and its density and have constrained construction of multifamily housing in many neighborhoods across the country. The social, economic, and political burdens of the housing crisis are disproportionately felt by residents of color, and limited housing choice for these communities directly perpetuates residential segregation (Bates, 2018; Einstein et al., 2019; Jennings, 2021; Li, 2016). Disproportionate and inequitable development in communities of color is contributing to gentrification in neighborhoods where residents lack the resources to resist developments they oppose and be heard in planning processes (Einstein et al., 2019).

Legacy of Community Engagement in Planning and Development Processes

Zoning and land use regulations offer an array of opportunities for residents to voice their thoughts on proposed housing projects. Greater opportunities for public input and participation are intended provide checks on developers. Many scholars have argued that more channels for community participation will lead to fairer planning processes (Arnstein, 1969; Fung, 2006; Palmy David & Buchanan, 2020). However, many have also argued that they often have not empowered underrepresented interests and vulnerable populations who are often disproportionately impacted by development, and would, for example, most benefit from construction of new (affordable) multifamily housing (Einstein et al., 2019) p.15). Some suggest that these zoning and land use regulations have actually created opportunities for privileged groups who are unrepresentative of their neighborhood to stifle development and construction of (affordable) multifamily housing (Einstein et al., 2019). The absence of meaningful participation by historically minoritized, underserved and unheard communities and strong community-planning partnerships have often contributed to the stalling or cancelling of projects that modify zoning for multifamily and affordable housing or that allocate increased resources to underserved neighborhoods (American Planning Association, 2019; Krumholz & Hexter, 2018).

Institutionalizing Inclusive Participation

Institutionalization of inclusive citizen participation is important because it can maintain engagement over time and deepen its quality in the long-term (Palmy David & Buchanan, 2019). It can also equip participation processes with more personnel and resources. Institutionalization of participation of underrepresented groups helps ensure that these practices carry on and their existence doesn't hinge on the beliefs of a single

person but becomes embedded in institutions. Archon Fung suggests that the most prevalent reason to increase public participation in governance is that traditional decision-makers may lack knowledge, resources, or respect to effectively govern public processes (Fung, 2006). Direct public participation can fill these gaps depending on who participates, whether they are representative of an impacted population or the general community, whether all relevant perspectives are included, whether participants have sufficient information and background to make sound decisions, and participants' relationship to those who are not participating (Fung, 2006). The variable culture of local governments explains why some place higher emphasis on public participation despite its costs or lower emphasis despite its advantages, and why some may outreach more deeply to underrepresented groups (Palmy David & Buchanan, 2019).

Participant Selection and Recruitment

'Neighborhood Defenders'

Einstein et al. argue that local land use institutions and participatory structures have given residents, particularly those with privilege, the power to delay change and preserve the status quo in their neighborhoods (Einstein et al., 2019). p.27). Participatory structures in planning and development were created to defend neighborhood residents against developer power in the urban renewal period of the mid 1900s, which saw the construction of highways and urban projects alongside the destruction of numerous working-class neighborhoods. However, these participatory structures have been disproportionately accessible to, manipulated by, and beneficial for privileged residents who are "whiter, older, and wealthier than the average resident in their cities" (Milkman, 2021, Einstein et al., 2019). Einstein et al. distinguish privileged residents who delay

housing development, aka ‘neighborhood defenders’, from NIMBYs. While NIMBYs are concerned with their own individual self-interest and welfare at the expense of others’, related to how affordable housing construction will affect property values, etc., neighborhood defenders believe that they are advocating for the welfare of their neighborhood and community (Einstein et al., 2019). Privileged “neighborhood defenders” tend to be more informed about developments in their community and more likely to direct their concerns to local public officials; these opponents of multifamily housing projects tend to be more motivated to spend time at public hearings than are supporters.

It is ‘neighborhood defenders’ claim to be voicing broader “community-driven” interests and concerns that allots them greater power over planning boards and builds powerful movements in their favor. Even when developers’ interests coincide with those of housing advocates, local supporters do not have a large presence in public processes and opponents’ voices are disproportionately heard. In many cases, as Einstein et al. argue, “effective opposition to housing does not require majority public opinion or participation; a few motivated individuals alone are sufficient” (Einstein et al., 2019, p 43). Their self-proclaimed role as community defenders has serious implications for understanding and addressing the housing crisis (Einstein et al., 2019). In public meetings triggered by special permits and variances, residents can delay or stall projects they disfavor by voicing opposition, initiating or threatening to file lawsuits, and involving additional regulatory bodies in project review. Einstein et al. argue that who participates, and their use of zoning regulations are just as important as the restrictiveness of the zoning regulations themselves and that the two interact to limit or facilitate multifamily housing development.

Modifying participant selection strategies or who participates is one fundamental piece of making engagement and planning processes more equitable. Recruitment shapes who comes to meetings and therefore the array of public attitudes present (Einstein et al., 2019). Participatory planning has more often addressed the concerns of older, whiter, and wealthier residents (Einstein et al., 2019; Milkman, 2021; Palmy David & Buchanan, 2019). Those who do not have the financial resources to take time off work, who are not interested in the urban design minutiae of projects, or who are not recruited by their social networks or people they trust are unlikely to sit through lengthy public meetings for housing projects. City processes, through abutter notifications, often disproportionately recruit homeowners and property owners to attend planning board meetings (Einstein et al., 2019). Many local governments do not prioritize renters who live in the radius of the project and are equally if not more impacted by housing projects; renters may only learn about the project much later when official decisions have already been made and their influence is limited. With disproportionately less homeowners of color across municipalities, this means that attendees of public meetings are disproportionately white (Einstein et al., 2019).

Participant selection methods involve—from more exclusive to more inclusive—appointed officials who serve in public agencies; elected officials who represent public interests; professional stakeholders who are paid and represent organized interests and public officials; lay stakeholders who are unpaid community members with a strong interest in a public issue representing others in the same situation who cannot participate (neighborhood association boards, school councils). Methods range from random selection of participants from the public, open recruiting that selectively recruits people from

subgroups who are less likely to participate, open participation where participants self-select themselves to participate (most participatory mechanisms), and the “diffuse public sphere” of civil society and informal channels for dialogue, including media (Fung, 2006).

Several scholars suggest that open recruiting that selectively recruits residents who are less likely to participate, such as those who are economically and racially minoritized, is critical for implementing equity-driven processes (American Planning Association, 2019; Fung, 2006; Palmy David & Buchanan, 2020; Thompson & Arceneaux, 2018). Einstein et al. suggest that cities should dedicate greater efforts toward recruiting residents who are not homeowners. The APA similarly recommends that cities pay community organizers, who are closer and have greater trust with underrepresented populations, to conduct outreach to them (American Planning Association, 2019). City officials may need to repair a history of poor outreach methods as part of building-trust with historically underrepresented and unheard populations and partnering with community organizers is key to rebuilding this trust (American Planning Association, 2019; Einstein et al., 2019). The conception of who represents the “public” that local governments engage often includes various local community organizations that may or may not represent all community members. These organizations can ultimately be a proxy for outreaching to specific underrepresented groups in the ‘community’ (Thompson & Arceneaux, 2018).

Modes of Communication

Even when disadvantaged community members are present in participatory planning forums, their voices and perspectives are still often marginalized (Einstein et al., 2019; Milkman, 2021; Palmy David & Buchanan, 2020). Public officials are often more responsive to the preferences of wealthy residents (Einstein et al., 2019). Residents

become apathetic when they consistently participate in meetings, complain, and feel like the city does the opposite of what they asked, failing to integrate their feedback into planning decisions.

Participatory mechanisms can employ different modes of communication and ways of arriving at decisions, which may have variable implications for justice, equity and inclusion in planning processes and outcomes (Fung, 2006). Archon Fung suggests that certain modes of communication are better suited for some contexts than others. He suggests modes of communication and decision-making in participatory environments can range from least to most intense including: 1) participants participate as spectators who receive information from public officials on a project or policy and do not voice their view at all; 2) participants express their preferences and views to public officials and the audience; 3) the dialogue is structured—often through small groups— in a way that provides participants educational information, asks them to weigh several alternatives, and ultimately gives participants the opportunity to assess, develop, and change their preferences and views; 4) aggregation and bargaining where participants' preferences are aggregated into a choice of alternatives in a way that's shaped by participants' social capital and they bargain for the best alternative that will advance their combined preferences; 5) deliberation and negotiation where participants use educational materials and share their views and reasoning with each other to develop and explore their preferences; and 6) technical expertise where decisions are made solely through the relevant paid practitioners who hold professional expertise in an area (Fung, 2006).

Traditional tools like public meetings and mechanisms that utilize the first three modes of communication don't always offer the best means to involve underrepresented

populations. They frequently don't aim to integrate participants' preferences into a collective direction but are a channel for officials to gather participants' individual perspectives and separately consider them at a later date (Einstein et al., 2019; Fung, 2006; Palmy David & Buchanan, 2020). They are often a channel for community members to receive information from public officials and/or provide them consultation than they are a space to deliberate, take positions, exchange arguments, and even change their position throughout the deliberation (Fung, 2006). They are sometimes not advertised through channels that certain populations can access or use frequently. These meetings are often more advantageous for 'experts' who engage in discussions so technical that many residents are excluded; those not familiar with and comfortable discussing the technicalities of projects or familiar with the protocol of public meetings are often deemed less legitimate stakeholders (Palmy David & Buchanan, 2020).

Deliberation

Palmy and Buchanan suggest that more deliberative modes of communication that strive for meaningful education are more effective for creating inclusive planning processes and fostering just planning outcomes (Palmy David & Buchanan, 2020). Deliberation and negotiation are conducive to helping community members determine what they want individually and collectively, to facilitating thoughtful agreement, understanding persistent disagreement, and learning about new alternatives that can advance stakeholders' values (Fung, 2006). In deliberation and negotiation settings, the exchange of arguments and views is a prerequisite for making a choice and voicing a preference; participants make choices and aim to build consensus based on collective rationale, evidence-based arguments, and values rather than simply putting forth their preliminary individual

preferences (Fung, 2006). Mechanisms that employ more deliberative modes of communication and are more representative of the community can thus address issues of legitimacy in policy and planning and lead to decisions that more responsively reflect the needs of constituents (Fung, 2006).

Workshops, focus groups, and charrettes may be more effective to engage certain groups because they require face-to-face conversation between city staff and community members (Palmy David & Buchanan, 2020). Providing participants with background materials that explain policy and planning alternatives and their tradeoffs can help build public consensus on divisive issues, facilitate more informed and thoughtful discussions, and ultimately correct misperceptions (Fung, 2006). Integrating equity into everyday planning practice means that planning personnel must be ready to communicate about land use processes using everyday language that is accessible to communities and transparently communicate about the neighborhood-level implications of development projects and policies (Bates, 2018). City staff must reconcile efficiently receiving input from a broader range of the population with engaging constituents in ways that are accessible and meaningful to them (Palmy David & Buchanan, 2020).

Participatory mechanisms that facilitate deliberation may be more conducive to mending trust with marginalized and unheard communities. Trust-building with historically underrepresented populations is central to the APA's recommendations for equity-driven engagement and planning. Arielle Milkman suggests that part of the reason participatory planning approaches fail is because planners fail to account for historic harms of past projects (Milkman, 2021). City stakeholders should begin by conducting a self-assessment to determine their capacity, limitations, and history with communities

(American Planning Association, 2019). In gathering ‘public input’ planners must consider and act on past and anticipated future harm on communities in neighborhoods they are building in, e.g., harms of pollution through highway development and future harms of economically driven displacement (American Planning Association, 2019; Milkman, 2021). Trust building and improving engagement skills requires making space to “heal old wounds” by acknowledging past mistakes and harm, and it requires planners being comfortable with discomfort. Active listening and increasing planning and development staff’s availability outside of outreach events is also crucial for communication and trust-building (American Planning Association, 2019). Planners should move more slowly in order to build genuine relationships with residents, earn their trust, build their understanding, and bring in a maximum representation of people into the process while still recognizing the contributions of those who have consistently showed up over the long term (Milkman, 2021).

Like Fung, Palmy and Buchanan, and Milkman, Einstein et al. argue that diverse participation is insufficient to alter planning and development decisions and outcomes. However, Einstein et al. propose that interventions to combat privileged groups’ disproportionate influence over development decisions lie in the second mode of one-way communication and in regulatory technicalities rather than in more deliberative communication. They argue for a different type of deliberation amongst public officials rather than altering dynamics of deliberation between city officials and community members. They warn that more channels for participation can create additional opportunities for privileged groups to inequitably shape policy and planning decisions. They found that planning officials often made decisions about proposed housing

developments soon after discussing public comment and that ‘neighborhood defenders’ critiques of the proposals are more immediately available, easier for planning officials to remember and are therefore overused in decision-making (Einstein et al., 2019).

Levels of Community Influence

Participatory strategies can also be assessed based on their level of influence over decision-making, including how participants’ expressed preferences get translated into public officials’ and participants’ actions. Archon Fung defines levels of participatory influence on a scale ranging from solely impacting participants’ self-interest to participants’ decisions and preferences becoming policy: 1) participants don’t have a legitimate expectation of their participation influencing public action and they mainly participate for personal benefits or through a sense of civic duty; 2) participants’ discussions influence broader public interest and that of public officials; 3) participants’ discussions and preferences influence public decision-making as a source of advice and consultation to public officials who maintain their authority; 4) community members exert direct power over public decision-making by serving on bodies alongside public officials where they are partners in making policy decisions; 5) participatory bodies exert direct power on public decision-making and are entrusted complete authority over policy decisions (Fung, 2006). Mechanisms that primarily benefit participants’ self-interest usually deploy less intense levels of communication (Fung, 2006). The New England Town meeting, some neighborhood councils that are given significant authority over zoning and development projects, and participatory budgeting are examples of participatory mechanisms that exert direct influence. As community members gain more power and control over decision-making, participation becomes more regular, consistent, and institutionalized, and

communication between the City and community members becomes two-way rather than one-way directed at the community (Palmy David & Buchanan, 2020).

Sherry Arnstein's highly referenced "Ladder of Citizen Participation" provides a framework for assessing citizen empowerment based on a scale of eight levels: manipulation, therapy, informing, consultation, placation, partnership, delegated power, and citizen control (Arnstein, 1969). Arnstein argues that the value of participation is the degree to which it redistributes power to underserved citizens and intentionally centers their needs in future decisions and policy action (Fung, 2006; Arnstein, 1969). While Arnstein focuses primarily on the importance of increasing community members' influence on policy making, Fung's democracy cube framework provides a deeper consideration of other dimensions—participant selection and communication mode—that shape effectiveness of different participatory mechanisms; Fung's framework more deeply accounts for the contextual, local conditions in understanding the value of different participatory designs and levels of community influence.

Disagreement exists on how much direct authority by the community is necessary to implement policy and planning decisions that are more just and inclusive. Some suggest that when participatory mechanisms are effective in correcting (officials') misperceptions, co-governance or direct authority by the community may not be necessary (Einstein et al., 2019; Fung, 2006). Others suggest that participatory mechanisms that give citizens the highest degree of power and control over decisions—those at the top of Arnstein's ladder or Fung's authority and power dimension of the democracy cube— are usually the best alternative for maximizing inclusion and institutionalization of public participation (Arnstein, 1969, Palmy David & Buchanan, 2020). Einstein et al. believe that public

meetings—which score in the middle of the scale of influence— have too much power in swaying decision-making in favor of privileged interests, but others believe that public meetings are often held too late in the decision-making process for their public engagement to be substantially impactful (Milkman 2021; Palmy David & Buchanan, 2020). In many community engagement processes, unheard residents often “participate without power” and show up to meetings only to not have their feedback be included in the planning decisions (Milkman, 2021).

Replacing bureaucratic decision-making with equitable direct citizen authority, such as citizen advisory groups, can mitigate systemic inequity (Fung, 2006). Issues of injustice are rooted in political inequality when certain groups are likely to be harmed by policies because they can’t influence the policy agenda or adequately assess how a policy will serve their needs because they have been excluded or unheard in the political process (Fung, 2006; Milkman, 2021). Community members, especially those within historically minoritized groups, are too frequently seen as clients or “passive recipients of services rather than legitimate stakeholders” (Palmy David & Buchanan, 2020). Educating excluded community members on zoning and planning issues by holding educational workshops and producing tailored educational materials on planning processes is preferable to just publicizing information about planning commission meetings and master plan updates in culturally appropriate venues (Palmy David & Buchanan, 2020); however, sharing power with these communities through advisory commissions and collaborative agenda- and program- building creates the greatest opportunity for responsive and inclusive planning (Palmy David & Buchanan, 2020).

Advisory groups are a formal channel for municipal governments to receive feedback on policy ideas from a group of appointed leaders who also have a seat at the decision-making table. However, they must include greater representation from those who are immediately impacted by policies and reduced membership from ‘experts’ who are far removed from the communities in question (Palmy David & Buchanan, 2020). Justice-driven mechanisms often deepen justice and equality by changing who is authorized to make policy decisions and creating an institution of open participation that incentivizes underserved populations to participate (Fung, 2006). Fung suggests that mechanisms which deepen justice do not necessarily need to involve significant deliberative communication, because justice and equality can be achieved by merely properly counting the voices of excluded groups (Fung, 2006). Advisory committees can serve as a “forum” for issues affecting members of protected classes, are a channel through which residents who are directly impacted and those who work with them can advise and strengthen government’s work, and are an avenue to institutionalize inclusion in a municipality (Un, 2018). Committees and commissions can also shape policymaking and planning by assigning their members to planning, zoning committees, public meetings, and other City decision-making bodies and collaborating with these bodies to advocate for policies that affirmatively further fair housing (Un, 2018).

Participatory mechanisms that assign more power and direct authority to participating community members often deliver higher policy effectiveness (Fung, 2006). Community members have local knowledge and lived experience and know the context of issues better than many public officials. Residents’ participation makes policy implementation more effective and makes different types of strategies possible because

they can often monitor local conditions with greater scrutiny and frequency than public agencies have the capacity to do on their own (Fung, 2006). When residents engage in deliberation with public officials and each other, they often develop different approaches than public officials would have developed on their own. These strategies require substantial authority to be shifted to participating community members, because these individuals may be hesitant to sacrifice their time and energy if they don't feel assured that their deliberative participation will lead to action.

Capacity Building for More Meaningful Participatory Governance

Institutional Capacity

Engaging residents, especially those who have been historically excluded and unheard in planning processes, more meaningfully at higher levels of Arnstein's ladder, through modes of more intense communication and resident authority requires building both institutions' and individuals' capacity. Operating at higher rungs of participation and engagement requires additional staff, training for all government staff involved to maximize meaningful interaction and dialogue, creativity in using engagement strategies, mentorship and fostering partnerships between the City and local organizations to help guarantee that education is integrated into the engagement work (Palmy David & Buchanan, 2020). This is a sharp contrast from structures where government is single handedly providing services to citizens and designing policies on their behalf to defend the public interest (Palmy David & Buchanan, 2020). Institutionalization involves hiring dedicated staff, anticipating benefits, and having various stakeholders' support; it also involves creating and enforcing citizen participation plans and ordinances and minoritized group participation ordinances. Including explicit language on these groups' participation

in the master plan signals commitment to this level of inclusion and sets a framework for local governments to consider these groups as legitimate stakeholders (Palmy David & Buchanan, 2020).

Staffing

Local governments should hire planning staff dedicated specifically to engaging historically unheard groups. These staff can serve as liaisons between minoritized groups and other government offices and can serve as advocates for them in the planning department and in broader local government (Bates, 2018; Palmy David & Buchanan, 2020). Having dedicated staff for engaging these communities and their specific needs will help strengthen cities' capacity to prioritize their participation (Palmy David & Buchanan, 2020). Planners should maintain strong relationships with advocates who represent historically underserved populations so that they can stay attentive of persistent and new issues affecting these communities (Bates, 2018). Hiring City staff of various identities and experiences in addition to staff who have ties to community-based organizations can help identify and mitigate problematic, inequitable processes, center equity issues in planning dialogue and decisions, and provide perspectives from a community advocacy lens (Bates, 2018). All government planning stakeholders—commissioners, elected officials, planners, and other City staff— should receive training on minoritized group sensitivity, issues, and engagement strategies (Palmy David & Buchanan, 2020).

Partnership with community advocates and organizations is an essential part of developing and implementing equity goals but agencies should also be equipped with personnel who already identify with or understand issues of vulnerable communities to avoid an excess of work being externalized to community advocates (Bates, 2018). “Inside

and outside expertise” and advocacy are both critical to challenging department norms and integrating equity into everyday planning activities (Bates, 2018). Planning officials should collect and maintain data that is disaggregated by race, class, and other protected classes and include equity outcomes among the criteria for evaluating policy and planning programs (Bates, 2018). These practices are key to fostering a culture that challenges existing models from the inside and outside of City agencies (Bates, 2018).

Municipalities may conduct many community engagement activities, but often don’t have a standardized way to interpret and apply the data from them and have nothing holding them accountable to doing so (Milkman, 2021). Some advocates are frustrated that equity and community process are placed in the same box because equity encompasses different outcomes and process than a typical community process (Milkman, 2021). It is problematic that the quality of planning and zoning decisions and the fostering of more inclusive forums are viewed as separate, disconnected dimensions (Palmy David & Buchanan, 2020). Equity planning requires planners to create new “habits of inquiry ” (Bates, 2018); they should assess “who benefits and who is burdened and must always assess how to provide the greatest opportunity for those who have the least” (Bates, 2018). Surveys, flyers, public meetings, focus groups and petitions can help City staff learn about residents’ needs, but staff must adopt a more rigorous wide-ranging strategy that includes specific standards for participatory structures and process. It is also essential that agency leadership sets an overarching equity goal in order to challenge existing paradigms (Bates, 2018). Otherwise, planning staff may continue to claim they are reaching their engagement goals even as the most marginalized groups continue to be unheard (Milkman, 2021).

Individual Capacity

Building individuals of historically minoritized identities' capacity to meaningfully participate is just as important as building government processes to engage these communities more meaningfully. Palmy and Buchanan's survey of local government staff respondents perceived youth capacity as the highest barrier to youth participation in master planning, and were concerned that youth would need a tremendous background and knowledge to participate in planning processes. Palmy and Buchanan argue that it is local governments' responsibility to build youth and other minoritized groups' capacity and facilitate their ability to participate and engage in planning processes (Palmy David & Buchanan, 2020). Residents often must sacrifice time out of work or family obligations to attend public meetings, making it more challenging for people who have children or low incomes to participate. Many community activists have advocated that they should be compensated for attending these meetings just as community engagement professionals are salaried for their work (Milkman, 2021).

Data Tools for Equity Planning

Municipal governments' ability to efficiently and effectively share data with the public and across city departments significantly impacts implementation of successful community engagement initiatives (Thompson & Arceneaux, 2018). A growth in community-based organizations has coincided with more nongovernmental equity planners (Krumholz & Hexter, 2018; Thompson & Arceneaux, 2018). Some community-based planners today are able to access field-training and data collection tools that are available to professional planners by using web-based technology and technical assistance. These tools help planners standardize, certify, and visualize community information and

experiences to better understand community issues and inform policy solutions. Geospatial data tools have similarly strengthened planners' ability to assess planning projects' impact on the community. These tools also allow residents to more easily access data available on government websites that was previously not publicly available, including crowd-sourced community data (Thompson & Arceneaux, 2018).

Participation from lower-income residents in disadvantaged neighborhoods can be more challenging but it is important to engage them in identifying data that will inform solutions in their neighborhoods rather than relying primarily on outside volunteers or staff who may have different perceptions of the characteristics being measured (Thompson & Arceneaux, 2018). Planners are "uniquely positioned to serve as intermediaries" and to apply their data analysis skillsets to helping community organizations and residents understand, analyze and use data (Krumholz & Hexter, 2018). Planners should help community members understand the importance of the data in helping residents tell their own story and in shaping political discourse and policy decisions (Thompson & Arceneaux, 2018). More research is needed to assess how community organizations use GIS in their planning, which kinds of policy changes they are able to impact using this tool, and whether the use of this tool within community organizations alters power dynamics in CBOs based on who has the skillset to use it and who does not (Thompson & Arceneaux, 2018).

Coalition-Building and Partnerships

Over the past few decades, nonprofit community planning groups outside of formal planning agencies have gained increasing status and legitimacy. In their book "Advancing Equity Planning Now", Norman Krumholz and Kathryn W. Hexter argue that the most effective social equity planning today is happening in the realm of community-planning

organizations and that many are “creating the space for the nexus of equity planning and equity implementation” (Krumholz & Hexter, 2018). They discuss strategies that community-planning organizations are deploying such as encouraging genuine and inclusive resident participation, leading coalitions that include state and local governments, securing diversified funding streams, and pushing policies that meet local community needs.

Coalition-building between city and community stakeholders is underscored as a key strategy in effective equity planning and engagement. Planners must recognize community advocates’ work and activities as part of a healthy, effective political process and stay attuned and connected to their work instead of independently believing that they are already doing equity work (Bates, 2018). Some key pieces to successfully design and implement equity-driven land use agendas and coalitions are: oversight bodies of planners and advocates should monitor participating government agencies; building relationships and learning from community advocates is a requirement for planning personnel to learn and teach each other about equitable practices and equity blind spots; and staff attorneys in CBOs and those with both legal land use expertise and experience serving minoritized communities are instrumental liaisons for building understanding between planners and community advocates who may not be comfortable with planning language to engage in planning processes and engage their constituents to participate (Bates, 2018).

Boston’s AFFH zoning amendment has established a framework for applying an equity standard in some of the City’s planning and development processes. Effective implementation of these equity goals requires inclusive and equitable engagement of underrepresented communities and partnerships with community groups for this new

policy to meet its intended goals and adequately respond to the needs of BIPOC working class and other residents of protected classes it was designed for. Revisioning the city's participatory structures for development review and deepening the types of outreach, communication modes, and community influence they deploy is essential for effective implementation of AFFH review. Which types of data are utilized and valued, who has genuine access to it, and how it can be deployed for advocacy directly relates to the subject of tools and opportunities for community participation and empowerment in planning processes. Boston's Affirmatively Furthering Fair Housing zoning amendment introduces a new set of data tools which both city officials and advocates hope to utilize to inform interventions for anti-displacement and inclusion within development review.

3. Methods

My inquiry builds on work I participated in as a Policy Intern in the Office of Boston City Councilor Lydia Edwards in summer 2021. I liaised between Councilor Edwards' office – who was one of the amendment's major architects— and a group of community advocates, some of whom are on the AFFH Community Advisory Committee (CAC) and others in the Coalition for a Truly Affordable Boston (CTAB). I participated in and documented several meetings and relayed outstanding questions and concerns advocates had about AFFH review as they began planning community education materials and workshops. I was inspired by the work already being done to engage a broader diversity of community members with the complex IAG and Article 80 processes and build advocacy skills and relationships in these spaces.

Research Goals

The primary audiences for this thesis are the community advocates and City officials involved in AFFH implementation. My thesis seeks to provide City and community stakeholders with an overview of activities each has undertaken in implementing and increasing community engagement in AFFH review in its first year of implementation. It then provides recommendations for both stakeholder groups to increase meaningful community engagement and impact. The secondary audience for this thesis is fair housing activists and officials more broadly who are seeking to implement policy and zoning changes like that of Boston's AFFH zoning amendment.

Research Questions

Central question:

How are community advocates and City officials envisioning meaningful participation and impact by community advocates and residents of protected classes in the new AFFH review process for development projects?

Sub questions:

- Which steps have community advocates and City officials already taken toward increasing meaningful engagement and impact in AFFH review since the zoning amendment was adopted?
- How well do these stakeholders believe AFFH review and community activities for it are going so far? Where do they see opportunities and limitations?
- What activities are community advocates and City officials planning to implement to increase meaningful engagement and impact?
- Which steps should be taken to increase meaningful community engagement and impact in AFFH review?

Key Terms

The thesis will frequently refer to *community advocates*, *meaningful engagement*, and *impact*. ‘Community advocates’ refers primarily to advocates in the AFFH Community Advisory Committee (CAC), Boston Tenant Coalition (BTC), and the Coalition for a Truly Affordable Boston (CTAB). CTAB is made up of over 20 Boston housing justice organizations, including community development corporations, who have been organizing for a stronger Inclusionary Development Policy and affordability standards that match incomes of existing residents; it includes the Right to the City coalition whose members focus on anti-displacement and represent low-income, BIPOC communities. There is some overlapping membership between these three coalitions.

These advocates consist of professional nonprofit staff representing organized interests and unpaid members of neighborhood groups. While many of these advocates are members of protected classes, some are not. My thesis addresses both this broader

coalition of advocates who are already regularly involved in development advocacy work and residents who are members of protected classes who may wish to be involved but are not part of any advocacy group. Those who are not involved in broader coalitions but can benefit from engagement with AFFH review are referred to as “residents of protected classes.”

The definition of meaningful engagement in this thesis comes from how advocates in these groups have defined it during interviews and my review of the literature on this topic. It is characterized by meaningful education, constructive deliberation, transparency, inclusive recruitment, and constructive relationship-building. The thesis defines ‘meaningful impact’ as participating with power, namely advocates and residents of protected classes’ feedback get incorporated into developers’ AFFH plans, these advocates and residents have a considerable influence on BIFDC decisions, and they have representation on the BIFDC. The ultimate impact is increasing affordability and family-sized units, and access to exclusive neighborhoods and decreasing displacement for populations of protected classes.

Mixed Methods

Semi-structured Interviews

My thesis analyzes data from ten interviews with seven community advocates and three members of the BIFDC, all conducted in February - March 2022. Interviews were conducted on Zoom, recorded with IRB approval, and lasted 45 to 100 minutes, with a couple interviewees having two rounds. I interviewed two tiers of advocates: those who are on the CAC and/or had been involved in planning community education on AFFH

review, and those who are members of CTAB and have attended the educational workshops and are the residents who will be engaging in review of projects. Tier one included advocates in the educational working group I connected with during my internship: Lincoln Larmond, Kathy Brown, Margaret Turner, Jason Desrosier, and Cassie White. Three of these advocates served on the AFFH CAC. I identified second tier interviewees through the attendance list at educational workshops I attended and suggestions from CAC members; the second-tier group included Armani White of Reclaim Roxbury and Carolyn Chou of Dorchester Not for Sale.

BIFDC members interviewed include Will Onuoha, Executive Director of the Office of Fair Housing and Equity; Joel Wool, Chief of Staff of the Boston Housing Authority, and Michelle McCarthy, Housing Policy Manager at the BPDA.

Each of the three interviewee groups were asked a different set of questions. Questions were revised as I progressively learned more and were targeted to specific individuals and their roles. Advocates' interviews helped inform and refine my questions for BIFDC officials. Both groups are critical stakeholders in AFFH implementation and questions targeted their individual responsibilities so far, challenges they are facing, and opportunities for deeper partnerships between officials and advocates. BIFDC officials provided greater detail about the BIFDC review process and implementation of City processes, many of which advocates had limited knowledge of. Advocates discussed their planning and organizing goals and efforts thus far and challenges engaging with AFFH review. I asked all interviewees about their recommendations to make community engagement processes for AFFH review more meaningful, impactful, and inclusive of

protected class members; their responses are the basis of many of the recommendations I propose in Chapter 7.

Participant Observation

I observed two community educational workshops hosted by the CAC-BTC-OFHE, one in December 2021 and the other in February 2021. My analysis is also informed by a quarterly CAC meeting I observed in March 2020 and the advocate meetings I joined in August 2021 as an intern in the City Council. The workshops informed how activists are educating each other and residents about how they can use AFFH review to advocate for their needs during development review and gauged advocates' level of understanding and engagement with AFFH review so far. Together the workshops, CAC meeting, and workshop planning meetings informed how community advocates are envisioning channels for meaningful community advocacy and impact in this process, the education required to achieve this, anticipated challenges, and plans for overcoming these challenges.

Document Analysis

Documents I analyzed include community advocates' workshop presentation slides, reflection debriefs, breakout group notes, registration list, and other educational materials. I utilized a document where BPDA Housing Policy Manager provided detailed answers to advocates' questions about AFFH review. I reviewed policy documents such as the AFFH Submission Guide and AFFH Assessment template. I analyzed AFFH assessments that were filed with development project proposals currently under review, particularly a few that advocates were targeting. These assessments were useful to evaluating the scope of AFFH interventions developers were committing to for some projects and they are approaching AFFH so far.

4. Case Context

This chapter contextualizes the issues the zoning amendment intends to address, how this policy emerged, and explains the pieces of this new process for development review. It begins with an overview of Boston's history of housing disparity and role of zoning and the Boston Redevelopment Authority/BPDA in housing and development inequities. It then discusses Boston's recently adopted Assessment of Fair Housing, its extraordinary, inclusive community engagement process, and the unique city-community partnership, from which the zoning amendment emerged. It subsequently discusses the goals and new components of development review that the AFFH zoning amendment introduced. It lastly discusses initial concerns its policymakers identified before adoption of the ordinance.

Boston's History of Housing Disparity

Boston is historically among the most racially segregated cities in the United States and its patterns of modern gentrification are directly tied to historic patterns of institutional discrimination. The racial and economic segregation of today's Boston is the direct result of decades of systemic discrimination and exclusionary zoning and land use regulations, such as redlining, racial covenants, predatory lending, rental discrimination, and urban renewal; these practices prohibited proactive responses for residential integration and equal access to opportunity (Calder, 2016; Connolly, 2016; Jennings, 2021; Whittemore, 2021). Federal policies of the Great Depression meant to support working-class families largely excluded and marginalized people of color; white workers were offered more and higher paying jobs, and the Federal Housing Authority did not issue mortgages in neighborhoods with majority residents of color or in white neighborhoods

that did not use racially restrictive covenants (Jennings, 2021). Local policies later adopted to address homeownership disparities issued low-interest mortgages to residents of color but were constrained to Mattapan, sections of Dorchester, and other areas of Boston where many of today's Black and Latinx residents live—therefore increasing segregation.

Today, the populations who were previously confined and displaced by intentional 20th century discriminatory land use and lending regulations are the same populations facing disproportionate evictions, cost burden, and displacement through gentrification, rapid condo conversion, and redevelopment in Boston neighborhoods. Boston's voucher holders, 84 percent of whom are households of color, are primarily concentrated in the neighborhoods of Dorchester, Hyde Park, Mattapan, and Roxbury—neighborhoods that were aggressively redlined in previous decades (*City of Boston Assessment of Fair Housing*, 2022). These residents have faced difficulty accessing housing in high opportunity-low poverty neighborhoods. Working class neighborhoods that are home to higher portions of residents of color and have older, dilapidated housing stock are now experiencing rampant inequitable investment and higher rates of development and displacement risk. Boston's zoning is accommodating of multifamily housing development, but its unrestricted accommodation of luxury multifamily housing has largely profited developers and disproportionately harmed and excluded members of protected classes, especially lower income Black residents and residents of color.

In its housing policy toolkit, Mayor Walsh's administration had disproportionately targeted building more housing to increase supply and reduce cost. Boston's 2018 master plan called on the City to build 53,000 new housing units by 2030. While Boston has experienced significant housing construction in recent years, 61% of new housing is being

built as luxury housing at market rate rents and for residents who make 135% AMI and represent only 27% of the City's population (*Coalition for a Truly Affordable Boston*, n.d.). The broader area median income formula that Boston uses to set income limits for new 'affordable' units in its Inclusionary Development Policy does not match the actual income levels of many Boston residents; it skews much higher because it factors in the AMI of wealthier Greater Boston cities and towns such as Newton and Wellesley, rendering it a barrier to expanding access to housing that is truly affordable for many existing residents of color. Relying on the capitalist misconception that if you just build more it will reduce housing cost and trickle down to the underprivileged or just marketing affordable units in underserved neighborhoods does not build integration or inclusion.

History of the Boston Planning and Development Agency (BPDA)

Boston's Planning and Development Agency (BPDA) has played a historically problematic role in marshaling exclusionary development in the city and distrust with residents of protected classes. The BPDA (originally known as the Boston Redevelopment Authority – BRA) was created in postindustrial 1957 by Boston's business elite with urban renewal and eminent domain powers that allowed it to evict, seize, destroy, and redevelop property in working class Boston communities to revitalize what it deemed 'blighted' neighborhoods, such as the West End. Although the BPDA has a different role today, its fraught legacy has continued to disproportionately harm and minoritize working class Black and communities of color through the types of projects it approves and allowed Boston's building boom to disproportionately benefit a small part of the population.

In her report outlining a roadmap to abolish the BPDA, current Mayor Michelle Wu depicted it as an agency that "operates on political relationships and special exceptions in

the absence of up-to-date zoning and a citywide master plan...and benefits the well-connected while ignoring the needs and concerns of the communities that make Boston such as special place” (Wu, 2019). With its operating budget generated from property holdings and not under City Council oversight, it has been largely responsive to developers instead of accountable to community needs. The BPDA has largely approved development that favors profit over people, repeatedly permitting luxury condos at the expense of projects that incorporate truly affordable units or reduce displacement risk. The BPDA’s reputation has been plagued by a lack of transparency, consistency, predictability, comprehensive planning, and equity standards in the development process (Wu, 2019).

Recent equity-related efforts at the BPDA include the hiring of a Director of Diversity, Equity, and Inclusion in 2020. Additionally, in Fall 2021, the BPDA hired six community engagement managers (CEMs), to “support the agency’s three main pillars of community process: planning initiatives, Article 80 review, and disposition... and ensuring each BPDA external process actively reflects the community’s goals” (Kusakavitch, 2021). Many advocates interviewed expressed hope that Mayor Wu’s appointment of the new Chief of Planning is the beginning of transforming BPDA’s culture, operations, and ethos, shifting it toward community-led development and making it less deferential to developers.

Envisioning Inclusive Development

Interviewees’ responses when asked about previous successful examples of more inclusive private development in Boston were comparatively minor and far below the level AFFH seeks to accomplish. They mentioned examples where advocacy led to an increase in IDP units from 13% to 15%, such as Dorchester’s Dot Block in which the developer committed to providing additional units for AMIs below 63% but as micro-units, and The

Bullfinch Building where developers and community came together to produce a project containing mixed-use, affordable, mixed AMIs, and market rate units.

In 2018, an inclusive development advocacy group, Reclaim Roxbury, won the requirement for developers submitting proposals for publicly-owned land in Nubian Square to comply with certain community-defined criteria. These criteria are not explicitly referred to in RFPs and planning materials as “affirmatively furthering fair housing” criteria but are framed as principles that the community identified as key to the development and growth of Nubian Square and are emphasized in RFPs for these parcels. Reclaim Roxbury pressured the BPDA to create a toolkit to explain the development process to local residents for P3, the largest of these 13 publicly-owned parcels. The toolkit outlines seven principles that Armani White, lifelong resident of Roxbury and one of Reclaim Roxbury’s founders and core organizers, refers to as “AFFH” requirements. They include $\frac{2}{3}$ of income-restricted housing for low- and moderate-income residents, consistency with neighborhood master planning, job creation for BIPOC and women, opportunity for BIPOC and women-owned businesses, sustainability and climate resilience, good jobs for Roxbury residents, and development without displacement.

How did Boston’s AFFH Zoning Amendment Emerge?

Boston’s Assessment of Fair Housing and Its Public Process (2017- 2019)

Boston is the first major US city to adopt fair housing measures into its zoning code. The AFFH zoning amendment emerged out of far-reaching community advocacy efforts and concern about housing issues in Boston’s process of completing its Assessment of Fair Housing (AFH) (“‘The Making of Boston’s AFFH Ordinance - A Brief Oral History’ (Jan-Apr 2021 P&R Issue),” 2021). The City of Boston began drafting its AFH in 2016 in partnership

with an AFFH Community Advisory Committee which it was required to enlist to help lead a 16-month community outreach process that included public testimony, community meetings, and surveys. The public engagement process wholistically assessed all the practices in Boston that keep people from accessing housing, living in a neighborhood, and accessing essential services. James Jennings, civil rights activist and Professor Emeritus at Tufts University, authored a majority of the AFH report, and ultimate June 2019 draft which advocates refer to as the “Juneteenth report.” Jennings described it as a “grassroots idea and victory in how an assessment of fair housing in Boston should be conducted and developed” (Jennings, 2021). The AFH report was adopted as an Executive Order by Mayor Wu in January 2022 and provides an analysis of barriers to fair housing for members of protected classes and steps to affirmatively further fair housing in Boston.

The City of Boston, including the Mayor’s Office of Housing (formerly Department of Neighborhood Development), Boston Housing Authority, and the Boston Fair Housing Commission, implemented a wide-reaching citywide plan to engage residents in the Assessment of Fair Housing plan. The City convened a leadership team and a Community Advisory Committee (CAC) to plan community meetings, engagement processes, and determine dates and locations, language supports, facilitators, agendas, and meeting protocol. The AFFH CAC convened in 2017 and partnered with neighborhood groups and government officials to hold 20 public meetings, reaching more than 60 community organizations and convening more than 500 residents—primarily members of several protected classes and in neighborhoods that have experienced the most transformation (Brown et al., 2021). The CAC made efforts to engage people from all backgrounds protected under Massachusetts’ Anti-Discrimination law and hold meetings in locations

convenient to them, such as areas identified as racial and ethnic concentrations of poverty and near public housing developments (*City of Boston Assessment of Fair Housing*, 2022). They were held in areas with large African American, Chinese, Vietnamese, Cape Verdean, Haitian, African, and Latino populations. Advocates also held meetings with groups who represented low-income voucher holders, those who experienced homelessness, and with LGBTQ elders.

The AFH team carefully designed the process to maximize residents' capacity to learn about the AFH, updates on the planning and report process, and express their own concerns about housing and relevant issues. The 60 organizations engaged consulted with the CAC and the City's AFH team and recruited residents and other community members to participate in the community meetings and asked them to complete surveys at each meeting. The Boston Tenant Coalition (BTC), which has anchored the CAC, and a group of Greater Boston Legal Services (GBLS) attorneys, members of Alternatives for Community and Environment (ACE), the Lawyers' Committee for Civil Rights and other community groups came together to conduct outreach and plan these community meetings. BTC together with the Fair Housing Center of Greater Boston worked to help local civic leaders in the 60 organizations plan, conduct outreach for, organize and lead these meetings. During these meetings, break out groups consisting of residents, a facilitator and a notetaker were randomly assigned and tasked with discussing questions relating to the BTC survey; a representative from each group then reported back to the broader group about major themes discussed. To encourage attendees to speak openly about their experiences, the breakout groups were led by the host organization or local residents instead of CAC members.

The AFH team and CAC utilized various additional tools to facilitate community participation with the 60 CBOs and residents. These included a website created by the Office of Housing to share AFH information, informational brochures and flyers for meetings and the AFH disseminated to public libraries and community centers, and a City-lead email listserv. The BHA and BTC administered surveys that assessed more than 3,000 residents' concerns about fair housing and discrimination. BHA mailed its nine-question survey to BHA residents while BTC administered and collected its paper survey after each public meeting. BTC's nine-question survey was translated into Spanish, Haitian Creole, Chinese, and Cape Verdean. Surveys helped provide facilitators additional context to encourage conversation at the meetings.

Concerns and information from meeting break out groups and surveys shaped Boston's AFH and AFFH zoning amendment (Brown et al., 2021). Input from residents across protected classes made it even clearer that gentrification is a fair housing issue in Boston. Affordability, quickly rising rents, and luxury housing displacing long-term residents were among the top barriers residents identified to finding a safe and affordable home in a neighborhood of their choice.

Assessment of Fair Housing Goals

The AFH's 14 goals (see Table 1) include increasing housing availability and accessibility for older adults and disabled people, reducing and preventing homelessness, building regional strategies for housing production and fair housing, expanding housing choice for voucher holders, creating economic opportunity, and using zoning as a fair housing tool. Each goal includes a subset of actions that the City will adopt or continue to adopt by agencies that are identified in the report in addition to others within no less than

five years. As advocates argued, fair housing can't be siloed; equity-driven housing strategies must be planned together with equity-driven transportation, employment, health, education, environmental justice, and land use outcomes because AFFH is all of these pieces collectively (Jennings, 2021).

Goals of Boston's 2022 Assessment of Fair Housing
1. Increase Housing Availability and Accessibility for Older Adults and People with Disabilities 2. Reduce and Prevent Homelessness 3. Build and Strengthen Regional Strategies to Create Housing and Further Fair Housing 4. Expand Housing Choice for Voucher Holders 5. Redevelop and Preserve Existing Public and Income Restricted Housing 6. Enhance Fair Housing by Creating Economic Opportunity 7. Use Zoning as a Fair Housing Tool 8. Reduce the Disparity in Homeownership Rates by Race and Ethnicity 9. Develop Practices across Agencies that Instill the Use of an Equity Lens 10. Promote Equitable Access to Housing and Reduce and Eliminate Discrimination, Both Intentional and Non-intentional 11. Ensure the Equitable Distribution of City Resources Based on Need by Providing Supports for Rent-Burdened Residents and Residents Facing Potential or Actual Displacement 12. Increase Resources for Housing and Homelessness 13. Create Healthy Homes and Promote Collaboration between Efforts to Address Housing, Health, and Safety 14. Address Discrimination Against LGBTQIA People and Create LGBTQIA Inclusive Housing Opportunities

Table 1: Boston's 2022 Assessment of Fair Housing Goals (by Andrea Duarte, Content from Assessment of Fair Housing, 2022)

Goal 7 outlines actions for using zoning as a fair housing tool. Zoning reform was identified as one of the 14 categories of actions to affirmatively furthering fair housing in the AFH because it was and has been one of the primary tools used to segregate Boston. Boston's zoning codes were established in 1956 and the federal Fair Housing Act was passed in 1968; however, Boston's zoning code, which regulates land use and public and

private development, was never updated to include or comply with fair housing standards; before Boston's AFFH zoning amendment, the two had incompatible narratives and goals ("The Making of Boston's AFFH Ordinance - A Brief Oral History' (Jan-Apr 2021 P&R Issue)," 2021). As former City Councilor Lydia Edwards argues, some public officials pretend that zoning is just about density, height, and traffic, is raceless and classless, and that "unless you are intentional in your planning, unless you are actually integrating civil rights in how you design a new neighborhood, you actually injure the underserved" ("The Making of Boston's AFFH Ordinance - A Brief Oral History' (Jan-Apr 2021 P&R Issue)," 2021). Incorporating racial integration and AFFH standards into the zoning code was determined to be a powerful tool for increasing inclusiveness and changing the culture of development among private and public actors (National Fair Housing Alliance, 2021).

In addition to the AFFH zoning amendment, Goal # 7 calls on the BPDA to hire an independent consultant who is an expert in fair housing to do a comprehensive review or audit of BPDA policies and processes and identify changes that must happen to meet City, state, and federal requirements for fair housing and provide equal opportunity to all people. It calls on the BPDA to do an assessment of exclusionary zoning practices in historically exclusive or white affluent neighborhoods to assess ways to build access into these neighborhoods for Black residents and other protected groups; it similarly recommends that the BPDA improve opportunities for meaningful community input from populations affected by zoning changes, including developing a language and communication access plan for planning and development review processes. It calls on the City to establish a working group of various City officials and community advocates to monitor the audit.

AFFH Community Advisory Committee (CAC)

The Boston Tenant Coalition, which anchors the Coalition for a Truly Affordable Boston and has focused on reforming the City's inclusionary development policy, also anchors the Community Advisory Committee. The CAC consists of 12 members, including staff from Greater Boston Legal Services, Boston Tenant Coalition, Alternatives for Community and Environment, Boston Housing Authority, and Roxbury Neighborhood Council, and Metro Housing Boston. The CAC played an important role in insisting that the City proceed in completing a reader-friendly report that assessed previous city goals, their implementation status, outlined new goals based on demographic data and community meeting feedback, and documented information the City has collected to date about fair housing issues (*City of Boston Assessment of Fair Housing*, 2022). Its involvement and leadership were fundamental to conducting an extensive outreach process and meaningfully engaging many community organizations about the importance of this assessment. CAC members brought a great degree of specialized knowledge about fair housing history, laws, local needs and understanding of Boston's fair housing context and members' commitment and advocacy generated the momentum that led to more comprehensive fair housing goals (*City of Boston Assessment of Fair Housing*, 2022).

City-Community Partnership

Councilor Edwards and the CAC worked together to advocate for the policy and gain buy-in from other city councilors and agencies. CAC members with close relationships working with and in community organizations and residents of protected classes played an instrumental role in guiding the City to consider the intersectional nature of fair housing, moving beyond building more affordable units and toward implementation of strategies

that account for housing's relationship with schools, health, safety and economic opportunity and the role other agencies play in shaping access to housing and opportunity (Brown et al., 2021). Advocates stated that throughout this process "Councilor Edwards and the CAC had worked as full partners, serving as an example city/community partnership" (Brown et al., 2021). The CAC continuously worked with the Boston Housing Authority and the Mayor's Office of Housing officials in data collection and gathering public testimony. Advocates were motivated and felt heard by City Councilor Lydia Edwards. The process was a partnership between "political activists, community activists, lawyers, academics, environmental justice groups, and health advocacy groups" ("The Making of Boston's AFFH Ordinance - A Brief Oral History' (Jan-Apr 2021 P&R Issue)," 2021).

AFH Implementation and Oversight

In April 2022, Mayor Wu, the Office of Fair Housing and Equity (OFHE), and community advocates held a press conference to discuss the Executive Order to Affirmatively Further Fair Housing and implement the Assessment of Fair Housing (AFH). It gives the Chief of Equity and Inclusion in partnership with the Office of Fair Housing and Equity the authority to hold all City departments accountable to their relevant duties in the AFH, including implementation of the zoning amendment. It calls for each city agency to identify a "Department Equity Representative" who will partner with the Chief of Equity and Inclusion and OFHE to implement the Executive Order and AFH; they must be individuals who hold "agency, access, and credibility conducive to devising strategies and implementing actions in collaboration with department employees" (*City of Boston Assessment of Fair Housing*, 2022). This Executive Order extends the sharing of power between the Mayor and CAC in that it establishes an AFFH Monitoring Committee which

will meet quarterly with the OFHE to review implementation progress, which includes members of the AFFH CAC and other organizations and protected class members that the CAC will be able to appoint.

The Executive Order calls on agencies to participate in AFH information sessions with their employees, and in training, education, and certification to build employees' knowledge and skillsets required to implement AFH goals and uphold fair housing principles in their day-to-day duties and evaluation. Under this framework, agencies are required to apply a fair housing analysis to their current and proposed policies, programs, practices, budget allocations, and culture in order to make changes for compliance with fair housing laws and prevent action that harmfully impacts members of protected groups; agencies must evaluate potential unintended consequences of policies and course correct to implement actions that further fair housing and improve outcomes for members of all protected classes. Realizing fair housing goals throughout the City requires monitoring impact of city activities on protected classes, collecting data that is disaggregated by protected class and including fair housing metrics in evaluating department performance (*City of Boston Assessment of Fair Housing*, 2022).

Boston's AFFH Zoning Amendment

In March 2021, the City of Boston adopted a "civil rights amendment" to its zoning code—using fair housing language to require city planning officials and developers to affirmatively further fair housing, address residential displacement and historical exclusion, and create a planning tool for building integrated and inclusive neighborhoods. The fair housing zoning amendment emerged from Goal #7 of Boston's broader AFH process. City Councilor and former Greater Boston Legal Services advocate and Director of

Boston's Office of Housing Stability, Lydia Edwards, formally introduced the zoning amendment at a City Council meeting in April 2019. A public hearing was held on the amendment in November 2019, followed by four working sessions between April 2020 and October 2020. Public working sessions convened city councilors, under the leadership and advocacy of Lydia Edwards and Kenzie Bok, officials from the Boston Housing Authority, Boston Department of Neighborhood Development, BPDA, fair housing advocates from Greater Boston Legal Services, and advocates in other racial justice driven community organizations such as Alternatives for Community and Environment, Dorchester Not for Sale, and Action for Boston Community Development.

Resident and Advocate Engagement

The AFFH CAC members played a crucial role in revising the goals, language, and format of the zoning amendment; these advocates participated in public working sessions for the amendment and various private preconference meetings with Councilor Edwards who integrated much of their feedback and concerns (Jennings, 2021). Edwards helped draft the first version of the zoning amendment, facilitated the working sessions, and integrated much of advocates' feedback into the amendment. In December 2020, the City Council and BPDA board approved the amendment and in January 2021, it was approved by the Boston Zoning Commission. The makers of this policy ultimately produced a draft amendment to the zoning code and several documents that outline guidance and guidelines for this new review process; the innovative policy combines fair housing and anti-displacement goals.

AFFH Zoning Amendment's Goals

The makers of Boston's Affirmatively Furthering Fair Housing (AFFH) zoning amendment intend for it to require new development projects to accommodate people from a wider range of socioeconomic backgrounds and provide more housing options for those who have been historically discriminated and marginalized on the basis of their race, income, family size, source of income or other protected characteristics. Among long term goals, they identified increasing residential mobility for members of protected classes, helping families build intergenerational wealth, creating a deeper sense of belonging for members of protected classes in historically exclusive neighborhoods, more socially and economically integrated neighborhoods, and greater access to opportunity for residents of color (Hu, 2021).

The policy seeks to change the culture of development processes in Boston by requiring developers going through the Article 80 large projects permitting process to plan how their projects will impact members of protected classes, those who have been most burdened during redevelopment projects. Protected classes in Boston include race, color, religion, disability, national origin, ancestry, sex, gender identity, gender expression, age, sexual orientation, marital status, rental assistance (e.g. Section 8 voucher holders), family status (e.g. having children), and military status; individuals cannot be discriminated against based on these characteristics when renting, buying, selling or securing financing for housing in Boston (*Boston Fair Housing Regulations*, 2016). Policymakers expressed a hope that it would begin to shift attention from the bottom line to a broader universal awareness of barriers to housing choice and the legacies of exclusion, displacement, and systemic discrimination in the city of Boston. Former Director of the Greater Boston Fair

Housing Center, Bob Terrell, stated that the codification of fair housing and inclusion standards, with the new checklist tools and penalties for non-compliance (refused permits), are mechanisms that can motivate the BPDA and developers to give fair housing and equity issues the attention they merit (Hu, 2021).

Other interconnected goals include increased transparency and public input. Policymakers hope that the amendment will bring more transparency about the zoning process and its outcomes for residents where new projects are built. They also emphasized that it offers community members and activists a tool and more usable sources of data to push for deeper, more inclusive community benefits with developers and can help strengthen the BPDA's approach to community engagement (Hu, 2021). It can also increase developers' affirmative marketing efforts and encourage deeper outreach to protected class members for new units.

Components of AFFH Zoning Review

Article 80

The AFFH zoning amendment adds affirmatively furthering fair housing provisions to Article 80 of Boston's Zoning Code. This means that the City's zoning code now requires that all projects that are reviewed and approved through the Article 80 process to affirmatively further fair housing. The Article 80 review process is required for proponents of Large Projects, Planned Development Areas (PDAs), and Planned Development Area master plans that submit a Letter of Intent and Project Notification Form after March 15, 2021; major projects that add at least 50,000 square feet of gross floor area and have a housing component are subject to AFFH Article 80 review. AFFH is now one of the 11 broad areas that projects of this size with a residential component that must be reviewed,

alongside impacts on the immediate neighborhood and broader city in transportation, environmental protection (including window, shadow, noise), urban design, accessibility for populations with disabilities, neighborhood character, historic resources, infrastructure systems like water, sewer and electricity, Green LEED standards, natural features, tidelands, and for those that add more than 10,000 feet-- linkage payments that contribute to funds for affordable housing and job training programs (Walsh & Golden, 2014).

The AFFH review process for these projects currently fits within and is constrained by the Article 80 process, which has been described by many in the community to be complex and difficult to understand. Figure 1 outlines the AFFH development review process as it fits within the Article 80 process. Figure 2 captures just the AFFH review process. A more detailed guide of Article 80 review can be found in Appendix 1.

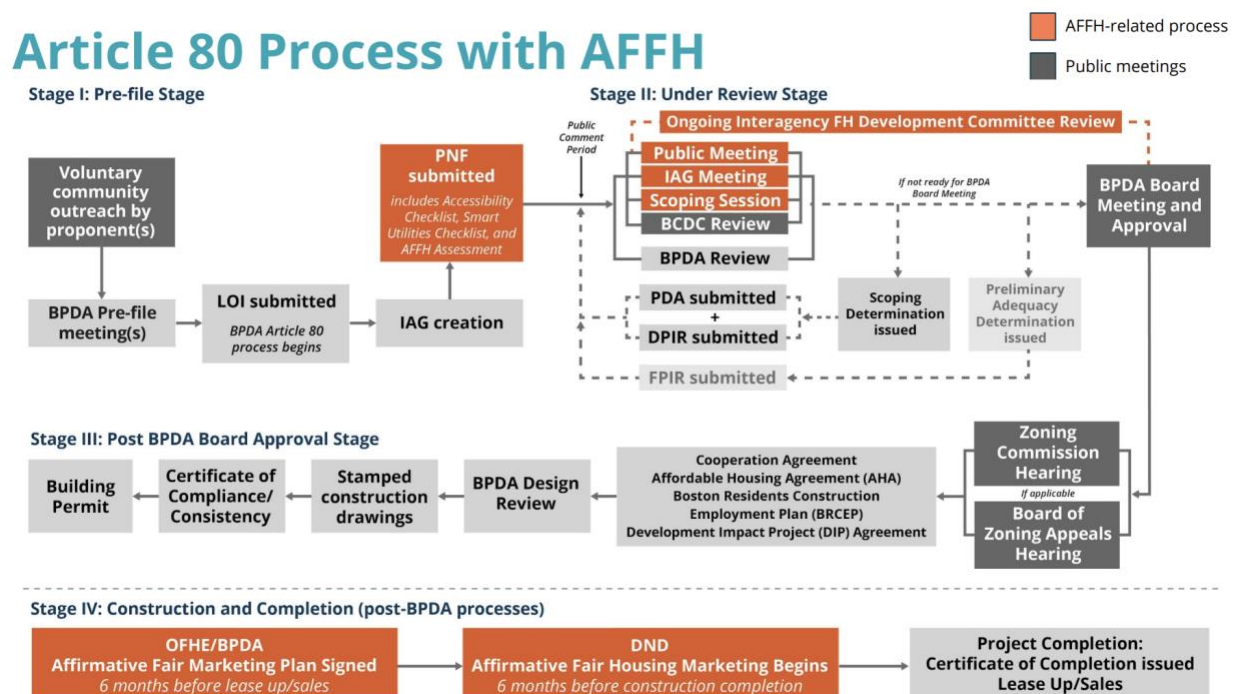


Figure 1: Article 80 Process with AFFH Components (Boston Planning & Development Agency, 2021)

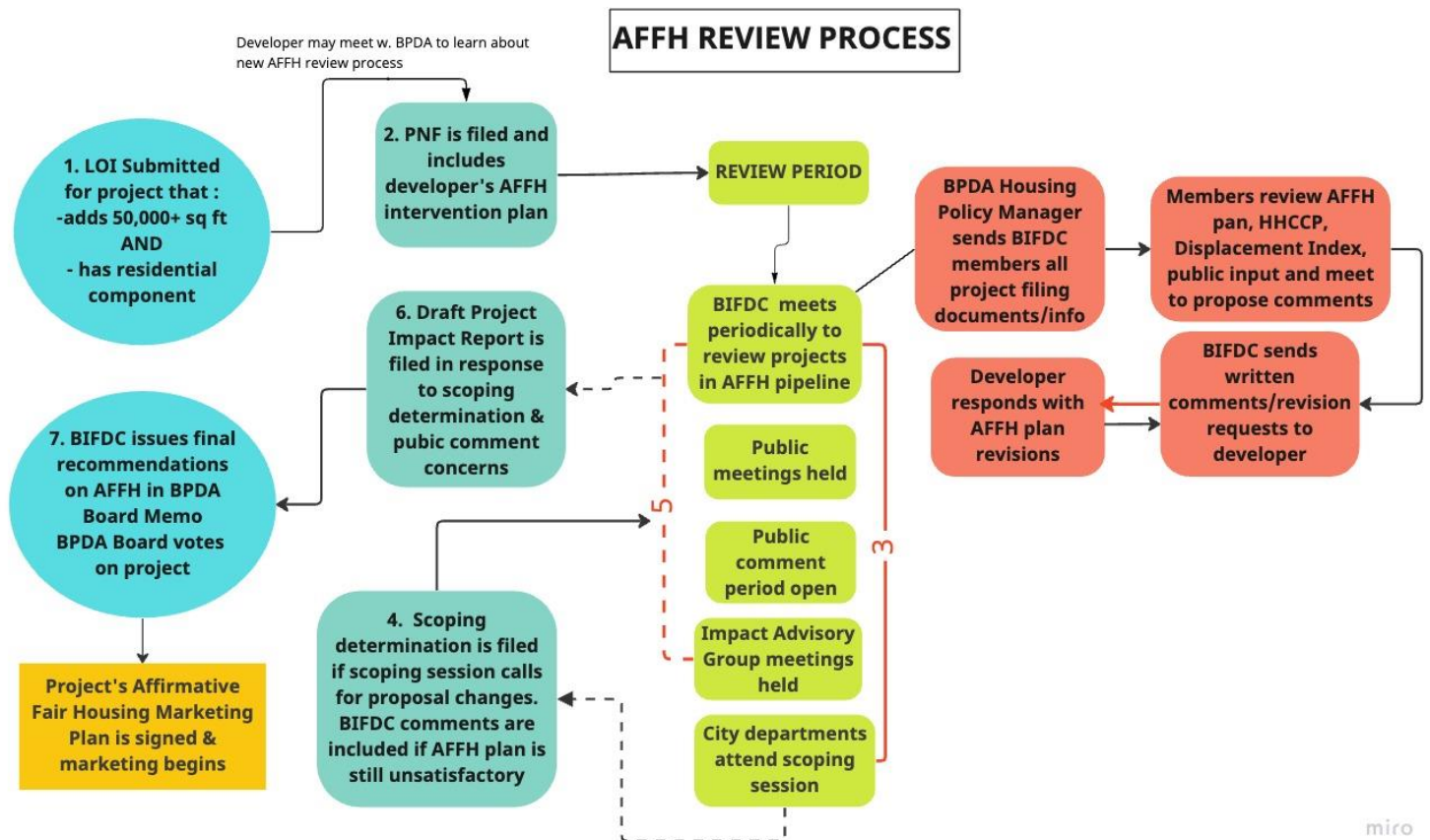


Figure 2: AFFH Review Process (by Andrea Duarte)

The components flagged in orange in Figure 1 indicate areas that introduce AFFH or equity standards of review to the Article 80 process. The initial Project Notification, which is often hundreds of pages, must now contain a completed assessment and plan for which interventions developers will deploy to affirmatively further fair housing and meet the needs of protected class members. The BIFDC is the entity reviewing and enforcing fair housing components of the project, just as the architect reviews urban design components etc. AFFH is also one of the components that is open for discussion and review in the scoping session and scoping determination. At this time, the process for reviewing AFFH follows the same procedure as the other ten areas of project impact; procedures for

publishing materials to the BPDA website, scheduling public and IAG meetings, soliciting and reviewing public comments for equity-related concerns are the same as they are for environmental protection, etc. Public engagement on all 11 topics occurs simultaneously and is overseen by a BPDA project manager; anti-displacement and inclusion concerns may be discussed in public meetings, IAG meetings, and the scoping session but there is no additional public engagement process or space specifically for these concerns at this time. The BIFDC is invited to Scoping Sessions where they can make comments and ask questions about AFFH concerns alongside other City agencies.

If the BIFDC committee determines that it needs more information from the developer to decide on whether a proposal satisfies AFFH requirements or if it believes the proposal's AFFH interventions are insufficient, then the BIFDC will publish its findings and recommendations in the public Scoping Determination document; it is not expected to publish findings if it believes AFFH requirements are satisfied. In some cases where the BIFDC requires additional information to complete review but does not anticipate a full Scoping Determination being issued, the BIFDC will instead issue the developer a written request for supplemental information about AFFH requirements, which is a less comprehensive public document. The BIFDC will issue its final recommendations regarding AFFH requirements in a public memo to the BPDA Board, which will assist the BPDA board in making a determination about whether to approve the project to proceed to the next step in the permitting process.

Boston's AFFH zoning amendment created three institutional components: the AFFH Assessment Tool, the Housing and Household Composition Community Profile Map and Report Generation Tool (HHCCP), and the Boston Interagency Fair Housing

Development Committee (BIFDC). Together they constitute the new AFFH review process that engages the City, developers and residents.

AFFH Assessment Form: Planning for Inclusion

AFFH review requires the City and development actors to anticipate displacement issues from the beginning and incorporate mitigation strategies upfront in the process rather than taking a reactionary approach later on when it's too late (Jennings, 2021). The AFFH Assessment tool/form requires developers to answer questions relating to displacement risk and historical exclusion in the ¼ mile radius of their proposed project site—including previous and current uses of the site, current/previous occupants, were they evicted, did they demand the building be delivered vacant, and characteristics of existing residents and housing stock. After using the data and considering how their projects may exacerbate displacement and exclusion, they must select at least one Article 80 Intervention option and at least one Marketing & Housing Access option from a menu of options to achieve their AFFH goals and “meet the needs of the community in a way that is inclusive of and inviting to members of protected classes” (BPDA, 2021 AFFH Submission Guide). Selected interventions must match the size, scope, and impact of the proposed project; proposed projects in high displacement and exclusion zones must also select additional options from a separate tier of interventions.

Article 80 interventions, as shown in the sample AFFH plan in Figure 3, may include providing more deeply affordable units beyond what is required by Boston's Inclusionary Development Policy (IDP), deepening affordability levels of income-restricted units, building more family-sized units, increasing density, and partnering with a nonprofit developer or land trust to provide affordable housing. Developers must select Marketing

and Housing Access Options that include but are not limited to: providing preference for a certain percentage of voucher holders and developing marketing and selection processes that are least likely to exclude them; providing preference for a certain percentage of households that are rent-burdened or have experienced no-fault evictions; providing preference to first time home-buyers and marketing accordingly; allow first month's rent and security deposit to be paid in installments for a certain percentage of the units; agree to follow best practices for use of CORI, eviction and credit records; or waiving eviction or credit checks for affordable or voucher holder units.

Section 4: Displacement Risk at the Proposed Project Site	
A. Previous and Current Uses of the Proposed Project Site	
Have there been any buildings on the Proposed Project Site at any time in past two years or, if applicable, since zoning relief was granted at the Proposed Project Site, whichever is longer?	☐ No (<u>Skip to Section 5: Inclusionary Development Policy</u>) ☒ Yes
Are there any buildings on the Proposed Project Site currently? Choose the one option that best applies.	☒ Yes, and some or all are currently occupied. ☐ Yes, they are all currently vacant and have been vacant for the past two years. (<u>Skip to Section 5: Inclusionary Development Policy.</u>) ☐ Yes, they are all currently vacant but have not been vacant for all the past two years. ☐ No, but there were buildings at the site in the past two years. ☐ No, there have been no buildings at the site in the past two years. (<u>Skip to Section 5: Inclusionary Development Policy</u>)

Section 6: Strategy for Addressing AFFH Goals		
Proponents must consult the Housing and Household Composition Community Profile Report and the Department of Neighborhood Development Displacement Risk Index and Maps in order to complete this section. For more information on how to complete this section see The AFFH Assessment and Submission Guide . The Boston Interagency Fair Housing Development Committee (BIFDC) may request Proponents to consider different or additional Intervention Options after submission of this form and prior to its recommendation to the BPDA Board.		
A. Intervention Options & Intervention Enhancements		
Indicate which Article 80 Intervention Options will be incorporated into the Proposed	☒	Provide an additional percentage of IDP units than required: 13 → 15%
	☒	Deepen the affordability of IDP units: 70% avg → 60% avg
	☒	Provide all IDP units on-site

² The proposed residential buildings at the Project Site have not yet been designed and thus, the unit mix of the residential buildings is not known at this time.

³ The income mix for each residential building will be determined at the time the design of such building is proposed for BPDA consideration.

Project. All projects must select at least one option. Selection(s) must be proportional to the size, scope, and impact of the Proposed Project. Certain projects may be required to select more than one option as an Intervention Enhancement.	☐	Provide higher proportion of 2+ bedroom IDP units than required
	☐	Meet or exceed proportion of market rate 2+ bedroom units in the community
	☐	Increase the number fully built-out Group 2 units accessible to persons with disabilities
	☐	Increase building density to directly increase affordable units for and available to people in protected classes
	☐	Agree to apply to host Project Based Vouchers or Rental Assistance Demonstration units onsite, in addition to meeting IDP
	☐	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
	☒	Other (please describe): Proponent has agreed make voluntary contributions in excess of amounts required under the City's linkage program, to support further creation and preservation of affordable housing in the area of the Project (i.e., difference between \$9.04/s.f of DIP Uses (applicable to the Project) and \$13.00/s.f. of such uses (current Housing Exaction rate).
For each Article 80 Intervention Option selected, describe how	By providing additional percentage of IDP units, increasing from the required 13% on-site to 15% on-site, an additional 38 affordable units will be created on-site.	

Figure 3: Pieces of Dorchester Bay City's AFFH Plan (Boston Planning & Development Agency, 2021)

Developers proposing to build in high displacement risk or high exclusion areas must select one additional intervention option. For high displacement risk areas, the additional option can include using a diversity preservation preference to prioritize existing local residents, selecting one additional Article 80 option or selecting one or more

Supplemental Process options. For high historical exclusion areas, developers can opt to build all IDP units on-site, undertake an additional Article 80 option, or select one or more Supplemental Process options. Planned Development Areas of at least one acre, such as Suffolk Downs, must always select an additional Article 80 or Supplemental Process option. Supplemental Process Options or ‘enhancements’ include establishing a housing stabilization fund, establishing or contributing to a neighborhood housing Acquisition Opportunity Program, supporting cooperative housing units, or signing a deed restriction that grants tenants the right of first refusal to purchase the unit during sales or conversions.

Developers must provide a narrative explanation about the current displacement pressures at the proposed project site, the factors contributing to Historical Exclusion around the site, and how their selected intervention options will mitigate these pressures, create opportunities for protected class members, and make the project an “inclusive, integrated, and welcoming place... and will contribute to making the neighborhood more inclusive” (“AFFH Assessment Form, BPDA, 2021).

Housing and Household Composition Community Profile Map: A Data-Driven Approach

The Housing and Household Composition Community Profile (HHCCP) report tool, shown in Figure 4, provides developers with pieces of information that they need to select appropriate and proportional intervention options and develop a full strategy for anti-displacement and/or inclusion of protected class members. Developers must submit it as an attachment when submitting their AFFH Assessment Form. The HHCCP report is an interactive online map that displays demographic and economic characteristics throughout Boston neighborhoods, based mostly on American Community Survey data. It includes

household characteristics such as percent of renters, percent of cost-burdened renters, percent of households living in subsidized housing, and household income; it shows percent of different household types and sizes, households with disabled people, and the percentage of racial and ethnic groups in the area. It also displays the percentage of different housing unit sizes in the community. The map provides each of these metrics for ¼ mile radius of the proposed site and for Boston as a whole. Lastly, it blends these statistics to show the level of historical exclusion at the proposed site on a gradient scale of low, moderate, and high exclusion. High exclusion areas are generally those with high percentage of White residents making over \$150,000. Project proponents must analyze these data sets to assess the characteristics of people already living in the community, determine how their AFFH strategy can meet their needs, and assess which groups have been historically excluded from that area and how their strategy will create access for those groups.

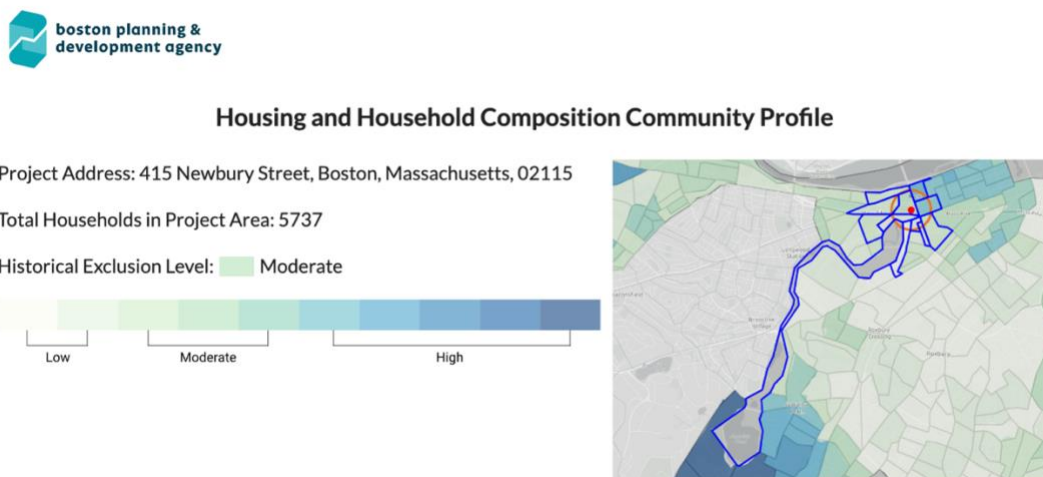


Figure 4: Housing and Household Composition Community Profile Example (Boston Planning & Development Agency, 2021)

The Mayor's Office of Housing's Displacement Risk Index and Map, shown in Figure 5, is another tool provided to developers to help them learn about, assess and respond to displacement risk. It is a static map that uses 16 unequally weighted indicators to predict the risk of residential displacement throughout Boston (Hu, 2021). These indicators include characteristics relating to demographics—such as race, ethnicity, educational attainment, cost burden—, access to resources such as rapid transit, and housing market changes— such as increased commercial development, rent increases or condo conversion. The index pulls data from the 2019 American Community Survey and data from various City of Boston agencies and was selected through guidance from the City of Boston's Housing Office, literature review of displacement metrics, and spatial statistics analyses (Hu, 2021). It measures displacement risk across different neighborhoods, with red marking areas of high displacement risk. Proposed projects building in high displacement risk areas must develop and execute AFFH strategies that are proportional to increased displacement risk and select at least one additional intervention option.

City officials and advocates believe this process establishes greater objectivity, evidence-driven decision-making, and a stronger legal standard for requiring more displacement and exclusion mitigation measures.

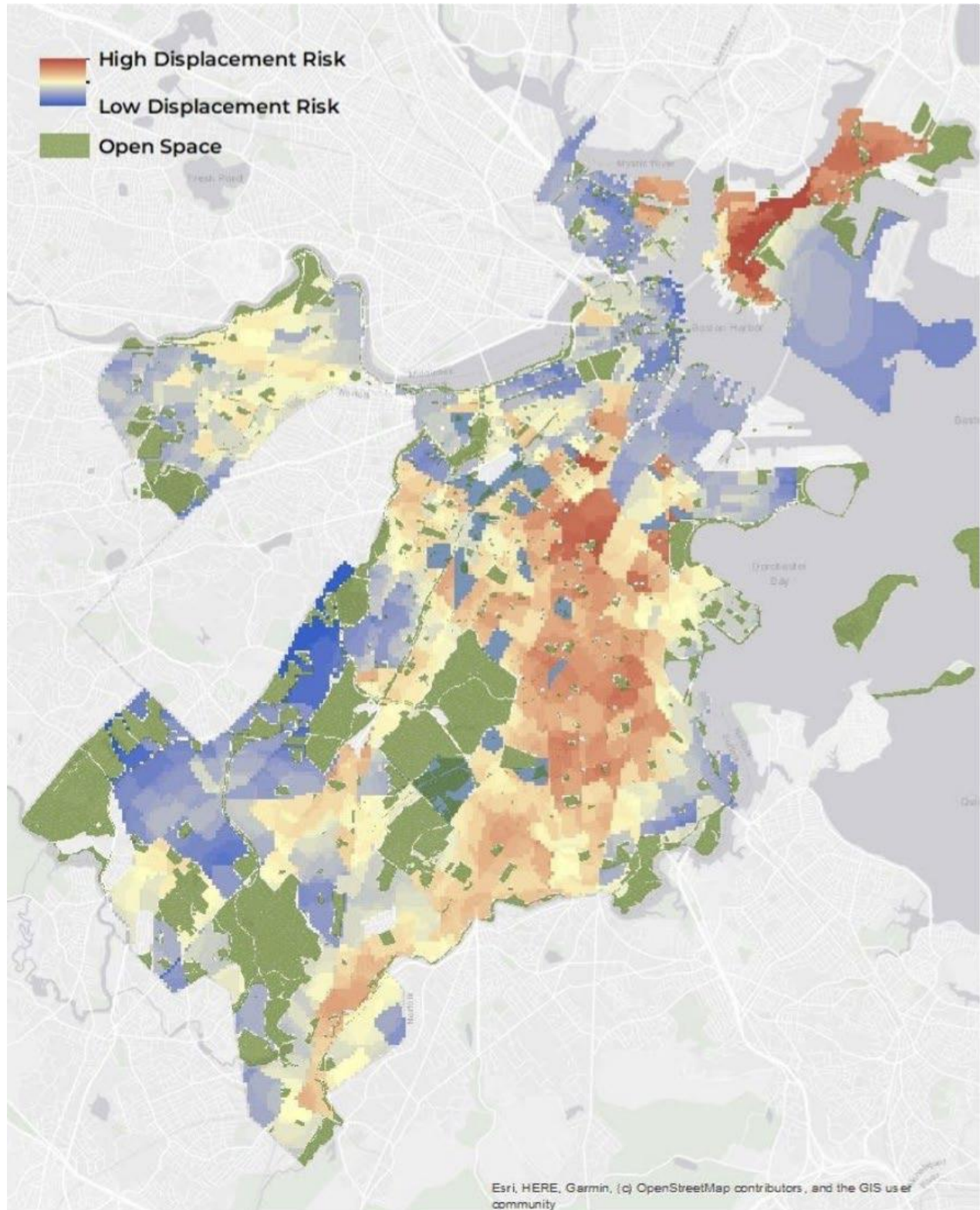


Figure 5: Boston Displacement Risk Index (Department of Neighborhood Development, 2020)

Boston Interagency Fair Housing Committee: The City's Enforcement Arm

The Boston Interagency Fair Housing Development Committee (BIFDC) is the interagency appointed by the City to enforce and monitor compliance of the new AFFH review process and review AFFH components of project proposals that are subject to the zoning amendment. The BIFDC is a non-voting body currently made up of five representatives from the Boston Housing Authority, Mayor's Office of Fair Housing and Equity, Mayor's Office of Housing, Mayor's Commission for Persons with Disabilities, and the BPDA. It is responsible for reviewing AFFH Assessments, project proposals and public comments, requesting revisions from developers, developing a plan for continuous monitoring of AFFH commitments and reporting requirements, and making recommendations to the BPDA Board that a proposal has/has not satisfied AFFH requirements. The BIFDC meets regularly to conduct and discuss ongoing review of the AFFH components of projects that are subject to AFFH zoning review. The primary means that the BIFDC communicates as a body thus far is through written comments that it submits in Scoping Determinations and/or requests for supplemental information to developers during the Article 80 review process. The BIFDC's recommendations for AFFH interventions, which include plans for monitoring AFFH commitments, will be included in the BIFDC's final BPDA Board Memo and in Housing and/or Cooperation Agreements for projects. Through this process, developers and the City are being required to integrate equity into development review and design and take an active role in healing past harm caused by exclusionary zoning and development practices.

Other Components and Policy Documents

In addition to adding new AFFH-related definitions, creating the new AFFH Assessment Tool, and creating the BIFDC interagency, the 2021 AFFH zoning amendment also codified the 2014 BPDA accessibility assessment for building access for people with disabilities and the 2018 BPDA Smart Utilities assessment that requires sustainable, affordable utilities into the zoning code.

The policy documents created by the AFFH zoning amendment include the text amendment to Article 2 and Article 80 of Boston's zoning code, the AFFH Assessment Form, Housing and Household Composition Community Profile tool, 2020 Boston Displacement Risk Index, a document outlining timeline, BIFDC review procedures and submission requirements, and the AFFH Assessment Submission Guide which provides guidance for filling out the AFFH Assessment and designing appropriate AFFH interventions.

AFFH Review Concerns

In her 2021 UEP thesis, Bailey Hu interviewed a range of stakeholders involved in the making of the amendment about their goals. Hu examined consistency, flexibility, and legality, their tension with each other, and implications for effective implementation. Boston policymakers were careful to ensure that the zoning amendment's language was consistent. She argued that there are insufficient protections to ensure the amendment will be consistently enforced by City officials and that this can jeopardize its accountability and ability to generate meaningful outcomes (Hu, 2021). Boston's zoning and development review process is already plagued by inconsistency; variances have been overused in development projects and have been approved with a lack of consistency and transparency, which has resulted in inconsistent and prolonged development reviews, potentially

perpetuating power imbalances, and negatively affected communities and developers (Wu, 2019).

Various categories of populations or protected groups have been negatively impacted by displacement and exclusion throughout Boston's history, but it is unclear how the new AFFH development review process can or should prioritize some groups over others; this ambiguity and flexibility could lead to inconsistent implementation of the policy across different neighborhoods and projects and weaken its results (Hu, 2021). Another threat to consistent policy implementation is that although there is collective agreement among City officials that the BPDA Board and Boston Zoning Commission will take the BIFDC's (AFFH enforcement commission) recommendations seriously, these two bodies which provide final approval for development proposals, still have the authority to override the BIFDC's decisions and approve projects that were not deemed to meet AFFH requirements; inconsistent enforcement of AFFH requirements between the BIFDC and developers and inconsistent (dis)approval of BIFDC decisions by the BPDA Board can jeopardize the policy's ability to enact meaningful and large scale changes and integrate residents' feedback into changes.

The makers of the zoning amendment also prioritized flexibility, which in some cases conflicts with the goal of consistency (Hu, 2021). Developers can select different sets of interventions to respond to different degrees of existing displacement risk and exclusion in neighborhoods and to different barriers to housing choice that may vary across areas. This flexibility is important because each neighborhood and development project is unique and therefore interventions should correlate with neighborhood-level differences.

Executive Director of the OFHE and BIFDC member, Will Onuoha, described balancing the

goals of consistent and flexible implementation as an “art” and that it will need to involve regular feedback between the City, CAC, community advocates, and residents (Hu, 2021).

Similarly, makers were also highly cautious about legality when thinking about implementation. The zoning amendment can be challenged in court just as was Boston’s pilot Neighborhood Diversity Preservation Preference. To address this challenge, BPDA’s Bryan Glascock emphasized that City-mandated interventions must be reflective of and in proportion to their root causes and uphold the legal principles of nexus and rough proportionality; he stated that the BPDA has framed the purpose of the amendment as “good planning principles” rather than to be a transfer of wealth from privileged to underprivileged groups (Hu, 2021). The degree to which the amendment and its enforcement can be challenged in court may influence the degree that City officials are willing to push for deeper mitigation interventions from developers and respond to community advocacy. The threat of a lawsuit together with balancing consistency with flexibility are some challenges that the policy’s makers anticipate and can affect the degree to which it transforms development processes in the City (Hu, 2021).

Public Input and Transparency

These three challenges magnify the importance of increased public input from protected class members and increased transparency measures. Policy makers largely agreed that current community engagement processes are inadequate, especially for members of protected classes. However, in their 2021 interviews they lacked a consensus on strategies for increasing public input (Hu, 2021). Furthermore, as Hu argued, the lack of documentation on public input processes relating to AFFH zoning review is concerning; there are not yet structures in place to guarantee that residents will be informed of or

engaged with this new review process. “Planning for participatory structures” is essential to realize the goals of AFFH in ways that have been lacking in past fair housing initiatives (Hu, 2021). Advocates worry that if members of protected classes are not involved in AFFH review processes, then their voices and interests may continue to be missing from the process and outcomes that this tool produces—even though the tool is designed to protect them. Adopting a ‘nothing about us without us is for us’ standard is crucial for the new zoning amendment to be effective at achieving its intended results in anti-displacement and inclusive development for protected class members.

The policymaker-identified goals of increased education, transparency and public input are mutually reinforcing (Hu, 2021). Residents need timely and accessible data and project proposal information in order to make their case for or against them and meaningfully engage in AFFH review. Hu suggested that the BPDA, City agencies, and the CAC should work together to develop a set of goals that address the various challenges with the public engagement process, and some of them are bigger than the zoning amendment. While Hu did not deeply investigate planning for participatory structures, she identified this as an area for future research. This thesis builds on and delves deeper into Hu’s preliminary investigation of these components of public engagement and transparency in the new AFFH review process.

PART II:

Year 1 Findings & Analysis

Chapters 5 and 6 describe the extensive work BIFDC officials and community advocates have completed on AFFH review in the first year of implementation, from March 2021 to March 2022. Chapter 5 focuses on BIFDC activity from both BIFDC members' and CTAB advocates' perspectives—the regulatory dimension of AFFH review. Chapter 6 focuses on how community advocacy groups and residents have engaged with this new tool so far and how they are planning to in the future—the community empowerment and advocacy dimension of AFFH review.

These chapters discuss challenges city and community actors are facing so far in the regulatory and advocacy dimensions. They also explore how advocates and BIFDC officials are envisioning meaningful participation and impact by members of protected classes and their advocates in AFFH review. Advocates identified the BIFDC's relationship with the community as a major channel for advocacy, but many were not aware of BIFDC's review activity; Chapter 5 addresses this gap in knowledge. Figure 6 summarizes the major activities of year one.

Year 1 of Fair Housing Zoning

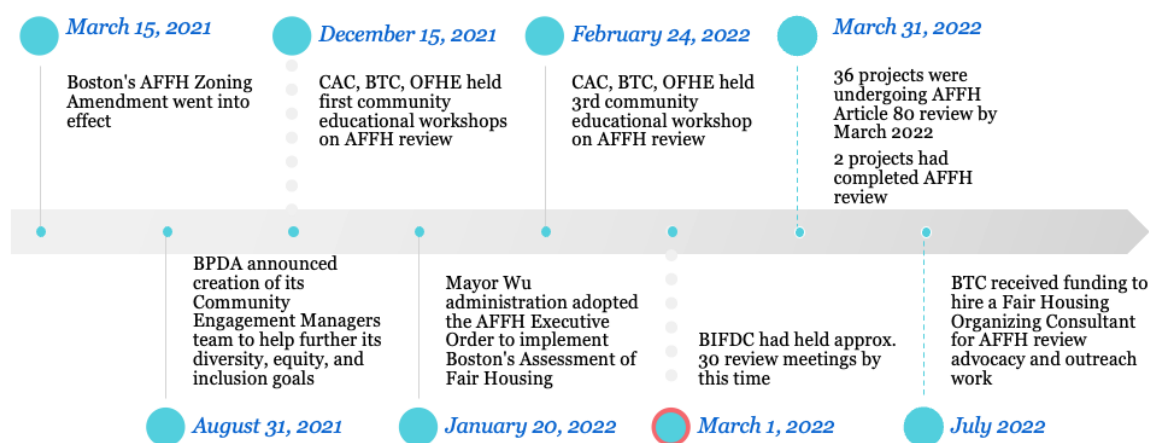


Figure 6: Year 1 of Fair Housing Zoning Timeline (by Andrea Duarte)

Who Has Been Involved?

Various groups, shown in Figure 7, have been involved in the first year of implementation of AFFH review. Coalition-building was instrumental to crafting an Assessment of Fair Housing that genuinely centered protected class members' voices and needs and continues to be one of the most critical strategies being deployed to increase awareness, education, advocacy, and accountability around this new tool. Primary stakeholders in implementing the fair housing development review process so far include the BIFDC, nonprofit and private developers, community advocates, various city agency personnel, and City Councilors. Community advocates argue that the zoning amendment's value doesn't become realized if community members of protected classes are not aware of it and don't utilize it to advocate for their needs. Advocates aim to get each other and other community members trained, engaged, involved and utilizing this tool in a way that best serves their interests for housing access and choice.

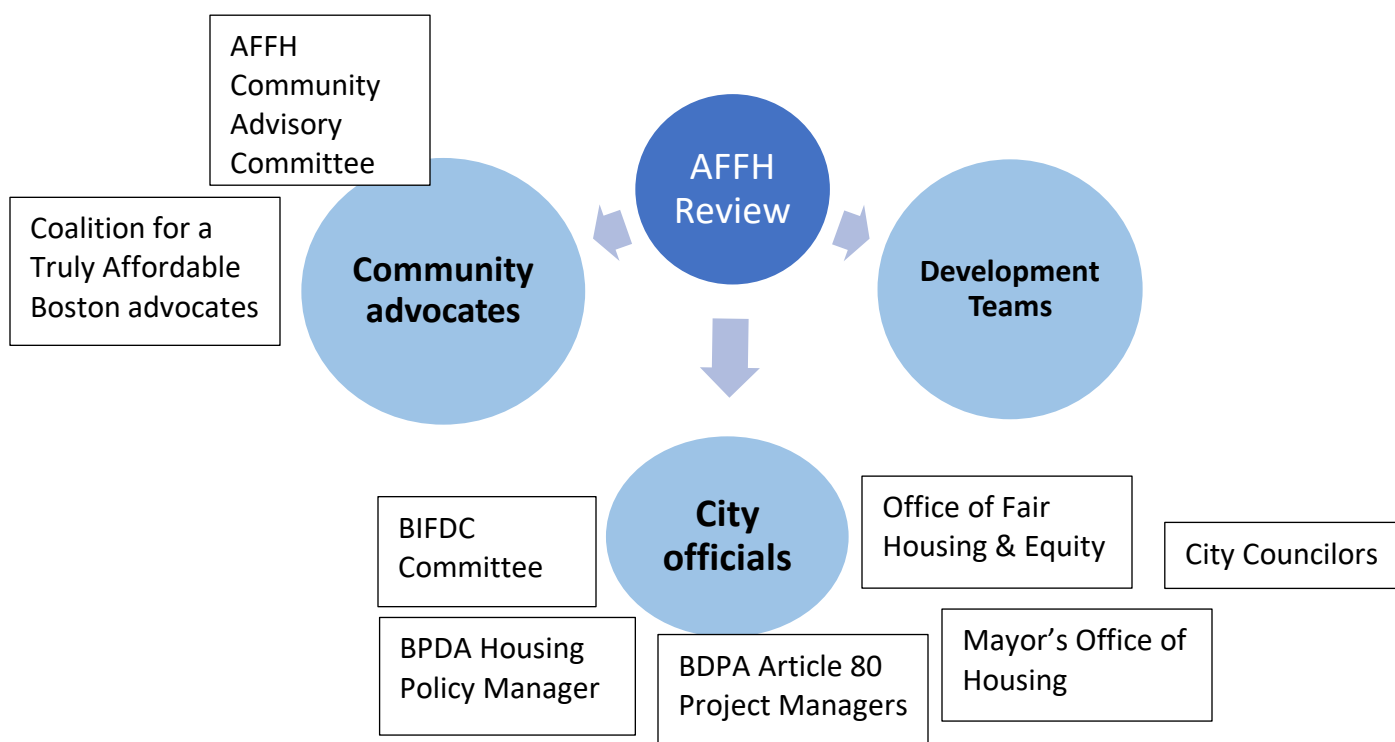


Figure 7: AFFH Review Stakeholder Map (by Andrea Duarte)

5. Year 1 of Implementation: AFFH BIFDC Review

Advocates interviewed identified how the BIFDC is engaging with advocates and community as a key channel for increasing engagement and impact. This chapter describes the first year of implementation of the AFFH review process particularly focusing on the BIFDC's activities. It begins with an overview of what is happening during BIFDC reviews of proposals and the BIFDC's interactions with developers, from the perspective of three BIFDC members. It then discusses three dimensions of how the BIFDC is engaging with advocates and community from the perspective of BIFDC members and advocates. It then explains BIFDC members' perspectives on the positive highlights in year one. Lastly, it

conveys BIFDC members' and community advocates' perspectives on the challenges of implementation to date, with a focus BIFDC components.

BIFDC AFFH Review Activities So Far

As of March 2022, 36-37 projects were going through AFFH review by the Boston Interagency Fair Housing Development Committee (BIFDC). In year one of implementation, this agency experienced an influx in activity and capacity was beginning to be built out for this new process. Most projects had been getting two to four reviews, with some on their second BIFDC review and others hadn't yet been reviewed at all. One review could include four different meetings about a single project and at this time the BFDIC was still discussing a large range of AFFH strategies for many of the projects in the pipeline.

During the first year of implementation, the BIFDC held about 30 meetings including several that happened before the amendment's effective date. Michelle McCarthy, BPDA Housing Policy Manager and BPDA representative on the BIFDC, originally aimed for biweekly BIFDC meetings and three BIFDC review meetings per project so that BIFDC members could have comprehensive discussions without reviews occurring over many meetings to avoid losing momentum in the review process. The meetings have been focused on specific review of the proposals and materials that are filed with them. BIDFC members conducting AFFH review included Michelle McCarthy of the BPDA, Will Onuoha of the OFHE, Tim Davis of the Mayor's Office of Housing, Joel Wool of the BHA, and Kristen McCosh of the Disabilities Commission. Joel Wool represented the BHA at BIFDC meetings until February 2022, after which Taylor Cain began representing the BHA.

The BIFDC is a working group of five agencies with different areas of expertise that come together to wholistically review projects and recommend an AFFH strategy to a

developer. A “review” entails the developer submitting the AFFH assessment form with their PNF, the BIFDC providing written feedback and revision suggestions to the developer following BIFDC meetings, and the developer providing feedback and revisions back to the BIFDC. McCarthy distributes to BIFDC members all the materials they need to do the review and meaningfully participate in review discussions in advance of BIFDC meetings. She views it as her role to make sure that all other BIFDC members receive all the documents and information submitted for a project as part of the Article 80 review process, including links to BPDA-led public meetings on projects and links to meeting recordings and comments posted there. The BIFDC discusses the submission materials, assesses the project’s compliance with inclusion and displacement mitigation standards, and prepares comments for the development team. All feedback to and from developers is being communicated only in writing, in order to document a complete written record. While it is advantageous to discuss the developer’s inclusion strategy through verbal conversation, BIFDC members argue it is easier and more legally sound to have commitments made in writing that can be pointed to as concrete examples to hold developers accountable.

BIFDC members evaluate the AFFH Assessment Tool for basic features of the project to assess whether the developer’s proposed AFFH plan is sufficient, including more affordable housing units being proposed, units restricted at lower income levels, greater proportions of two- and three- bedroom units, who would be able to access those units, how the project is situated within the neighborhood and existing housing stock, and fair housing marketing and screening practices. The BIFDC uses the HHCCP maps, scoping determinations where community members share their perspective about the project, and

the public comment period to get a sense of community needs and guide their recommendations to developers.

As of March 2022, two projects had completed AFFH review and received BPDA Board approval. One, the Alexandra Hotel in Roxbury, was originally intended to be a hotel, but the proponent submitted a notice of project change to build residential units which then required it to comply with AFFH review. The BIFDC worked with the development team to increase the size of units and depth of affordability. The other, Nubian Square Ascends, was a largely commercial project with a very small housing component that is meant to be a neighborhood cultural hub. It only had 15 units of housing but required AFFH review because of its square footage and its residential component. These two projects were atypical of AFFH review goals because the first began AFFH review much later during the notice of project change stage and the other was already required to have 2/3 affordable units under the Nubian Square Master Plan and had a relatively small housing component. City officials are expecting AFFH review to be conducted from the early stages of filing beginning with a letter of intent.

BIFDC Feedback to Developers about AFFH Interventions

The BIFDC operates by consensus and is not a voting body. The BIFDC so far has focused its review and recommendations on the amount and levels of AMIs for IDP units and increasing the number of two- and three- bedroom units in proposed projects. One BIFDC member believed that disagreement between members is not very common because they all agree that they want to see more affordable and deeply affordable units and larger units. Some BIFDC members needed to be brought up to speed on certain City policies such as what certain AMI levels are and why they would be advocating for lower AMIs.

Another BIFDC official reported that BIFDC members sometimes disagree in review meetings about which AFFH intervention options would be best to recommend to developers for a given project but seem to generally arrive at a point where most agree during the follow up after the meeting. The BPDA facilitates BIFDC meetings but the group's discussions apply different lenses. One example of disagreement reported by the BIFDC official is that BIFDC members may have differing opinions about how to prioritize and balance the goals of rental vs. homeownership housing and different levels of income-restrictions to meet community needs on a specific project. The BIFDC could recommend the developer make commitments for more affordable units, deeper affordability levels, more two- and three- bedroom units or more disability-accessible units or could trade off some of these for more homeownership units. The BIFDC must make decisions on each project that respond to various competing housing needs.

McCarthy believes members should mediate discussions and disagreements when they arise in order to reach an understanding of what they agree on and which compromises members can work toward. She described BIFDC review as a negotiated process of getting to the depth of accomplishing what they're asking the developer to do.

Developer Training and Education

The BPDA affordable housing staff meet and work with developers individually to help them understand the rules of the new process, priorities relating to fair housing, and which pieces of their proposals will not receive approval. McCarthy makes herself available to meet with developers to answer their questions about the tools and go through specific details of the community report demographics, not giving specific feedback so as to not

speak for the BIFDC, but providing helpful guidance in terms of scope and depth of the interventions that the BIFDC is looking for. She clarifies the purpose of the BIFDC's feedback but doesn't debate it.

In the months leading up to zoning amendment implementation and immediately after, McCarthy gave 50 presentations to individuals, and small and large groups of developers, about the AFFH review process in Article 80 of the zoning code. Trainings discussed the context and intent of AFFH, the federal concepts that have existed since the 1960s and what implementation means for developers in the Boston development community. She provided developers this overview of the new process which transitioned into learning in an applied setting once they were working with the tools on their own proposals. She worked again with development individuals and small groups to walk through each question and discuss the scope and depth the BIFDC was looking for in AFFH assessment responses. One of the challenges she described is that they don't yet have good or bad examples that they can use to show developers what a successful model or a lesson learned is.

In the trainings and conversations, developers have asked many questions about what the scope and intent of AFFH is. McCarthy stated that she responds by discussing equity, impacts on protected classes, the intent of looking at historical exclusion and displacement risk analysis and the use of data-driven tools to help developers shape a housing program that's welcoming and inclusive to protected classes and is protective and respectful of protected classes that already live in an area. She emphasized that having developers think about marketing and housing access so early on in the regulatory review process and permitting stage is very new to developers and has required significant

education and outreach. Every project under review has received extensive feedback from the BIFDC about what the City is looking for on marketing and tenant selection, likely because it's the newest part of the AFFH process and the BPDA doesn't have many resources to point developers to on this topic besides the Boston Fair Chance Tenant Selection policy, which still does not address all of the needs they are asking developers to respond to in their marketing and tenant selection practices.

McCarthy of the BPDA leads in helping developers understand the review process and position of the BIFDC but neither she nor the BPDA provide 'fair housing' education to developers; this education includes explaining discriminatory effects of housing policies and procedures, the history of discriminatory practices in Boston and fair housing law, residents' rights as members of protected classes, and legal resources available to respond to fair housing and equity issues. Onuoha mentioned that this is not the BPDA's expertise and without the OFHE, officials cannot deliver this education. The OFHE partners with the Greater Boston Real Estate Board and MA Housing Authority to train landlords and developers in year-round trainings—sometimes of 300-400 attendees— so that current and aspiring landlords are trained on fair housing laws. The OFHE partners with these two larger entities to hold separate fair housing trainings, but developers filling under the new AFFH review have not yet been required to attend these trainings on fair housing principles. It is unclear how many of these developers have attended them.

BIFDC and Community Engagement

In its first year of implementation, one of the most pressing concerns and areas of uncertainty among community advocates has been transparency of BIFDC operations and the agency's relationship with advocates and the public.

Fair Housing Voices on the BIFDC

So far, the AFFH review process has brought new voices, or 'inside advocates,' to the table during development review, or the BIFDC, which is helping bring more constructive awareness about displacement mitigation and inclusion into these spaces. Onuoha is a fair housing expert, who knows Boston's community demographics, was trained in municipal government over the last 17 years and was a former district representative in the Mayor's Office of Neighborhood Services who attended public meetings and knows communities' problems. This experience helps him to be a strong fair housing voice in the agency, identify which interventions can displace certain groups, and push for effective enforcement of this process. His institutional background has helped him guide development conversations and push back on developers that their proposals don't reflect equity, and that equity would look more like x or y alternatives.

The BHA representative's presence on the BIFDC is the first time the BHA has been required to be part of development review conversations in Boston. Prior to the creation of this process, there wasn't dialogue about rental assistance and voucher holders incorporated into the development review process as there is now. Wool, who is also a board member of the Boston Neighborhood CLT, has brought his background working with voucher holders and low-income residents of color into BIFDC review conversations and recommendations to developers in pushing for inclusion for voucher holders and educating

developers and BIFDC officials about these residents' needs and strategies for building in more affordability and access for BHA residents in proposed projects.

McCarthy of the BPDA met with CAC and workshop-planning advocates in August 2021 to clarify details and questions about the AFFH Article 80 review process and inform community trainings. She encouraged advocates who wanted to discuss this process and ask questions to set up a meeting with her but did not feel like she was in a position to outreach to these community spaces without being asked to. McCarthy has responded to advocates' reminder to have the AFFH Assessment Form translated into several languages and sent them the translations so advocates can provide community education in a language-accessible way. Many more documents have yet to be translated beyond the AFFH Assessment form. Capacity limitations at both the BPDA and advocacy groups have been one barrier to completing this language access work and following up on it.

BIFDC Collaboration with the CAC and Community Advocacy Groups

The OFHE is the group in the City that advocates planning AFFH review education have been working with the most and most closely allied with. It is the only agency on the BIFDC that has fair housing expertise. Commissioner Onuoha and the OFHE have been engaged with community groups through their collaboration with the AFFH Community Advisory Committee (CAC) and collaboration on designing and hosting the community trainings on AFFH review. The OFHE and CAC are jointly responsible for overseeing and monitoring the implementation of the broader Assessment of Fair Housing or AFH Executive Order, of which the new AFFH Article 80 review process is part of. The AFH monitoring committee includes the OFHE, CAC, and additional representatives from other community organizations that the CAC has been given the authority to appoint. The AFH

monitoring committee is now required to meet quarterly to review implementation goals and is a space for Onuoha and advocates to exchange updates, feedback, and concerns about implementation of the zoning amendment and other AFH fair housing goals relating to it. During drafting of the policy, advocates asked for community representation on the BIFDC body. While this did not ultimately materialize, City officials instead agreed that the CAC and other community groups could hold frequent meetings with the BIFDC about their determinations. As of March 2022, CAC members hadn't used this yet but were planning to.

Advocates stated that the OFHE has been a helpful thought partner in drafting workshop content and logistics. The OFHE developed some of the workshop outreach materials and Onuoha presented on the background of fair housing at the first community AFFH workshop in December 2021. The OFHE's Director of Investigations, Andrew Espinosa, and Chief of Staff, Thaiana Belis, have attended the community workshops on the AFFH review process and used these trainings to provide community education about the zoning amendment's fair housing context and the OFHE's role in fair housing law enforcement in Boston. Onuoha's role in the trainings has been to teach advocates and residents about AFFH from a City standpoint and educate them about the Office of Fair Housing and Equity and how it can support them in responding to fair housing and equity issues in Boston. Onuoha emphasized that they can contact the OFHE with any concerns relating to these issues. His goal is to help the community understand fair housing laws, their history, their dos and don'ts, how fair housing affects many other issue areas, and why stakeholders such as landlords, developers, and banks can't do certain things that are discriminatory under the law.

Advocates believe that partnering with a City body has helped legitimize their education and outreach efforts on the AFFH review process. They believe the partnership with City officials is important because it helps establish this group holding the trainings as a “trusted resource and not just a group of organizers and agitators.” Their partnership in the education campaign and OFHE participation in community trainings has also been useful for advocates in maintaining some connection to the BIFDC and informing advocates’ understanding of how these new processes are working.

BIFDC’s Use of Public Comment

At this time, the City’s process for reviewing AFFH follows the same procedure as reviewing the ten other project impact areas. Public engagement on all 11 review areas occurs simultaneously and is overseen by a project’s BPDA project manager. Housing inclusion and anti-displacement concerns may be discussed in public meetings, IAG meetings, and the scoping session, but there is no additional public engagement process specifically for these issues at this time and it is not guaranteed that they will be discussed in all of these settings.

Onuoha stated that the BIFDC is advised by protected classes. At this time, however, there is no direct channel to send or voice public comment directly to the BIFDC. BIFDC members and the BPDA are flagged when Article 80 public meetings are coming up and are invited to attend as their schedules permit. These meetings are a direct opportunity for the BIFDC to hear public comment, and when members attend, they report back to the BIFDC on the public input they heard there. McCarthy makes sure that BIFDC members receive links to public meetings on projects and links to meeting recordings and comments posted there. BPDA and other BIFDC staff attend meetings and share public comment they heard

with the BIFDC, but not everyone is able to attend every public meeting. Public comments submitted through the project's comment period are collected simultaneously with those about other impact areas, made available to the BIFDC by corresponding project managers, and published within the Scoping Determination document to the BPDA website.

The BIFDC's comments in scoping determinations were identified by BIFDC officials and BPDA guidance materials as the primary means by which the BIFDC publicly communicates as a body about its recommendations for AFFH interventions. Scoping determinations are also one of the channels where community members have an opportunity to tell the City about issues and recommendations that City officials should consider. Some community advocates are concerned, however, that these documents are made available too late in the process and therefore limit their ability to monitor, understand, and impact the decisions being made by City officials regarding AFFH concerns. Advocates want to push back on projects early to influence the BIFDC determinations and recommendations to developers for AFFH plan revisions.

Advocates have requested more transparency around the BIFDC's comments to developers from its ongoing review meetings, not just those made in the scoping determination and culminating BPDA Board Memo. Further, it is unclear how BIFDC weighs and considers community's comment published in the scoping determination to craft its own recommendations and how closely developers follow BIFDC recommendations. According to BPDA officials, when the BPDA board is ultimately voting on a project, they consider factors such as public comments alongside comments from federal, state and local elected officials and community groups, in an ambiguous way that, I argue, has created further opportunity for decision-making that lacks transparency.

Positive Highlights

BIFDC officials interviewed believe that implementation of this new process is on the right path. Wool stated that this new AFFH review process is “helping to proactively and consistently enforce an equity lens for project review, as opposed to just enforcing these equity standards from time to time when people clearly do something blatantly wrong.” There is still a ‘discretionary’ aspect on whether a project can move forward, but now there is a more ‘rational basis’ for approving or disapproving project proposals and it is rooted in equity as opposed to the bottom line. Onuoha believes that the BIFDC will change significantly over time and will only grow and improve. BIFDC members suggested that there are now “guardrails” in review dialogues to help developers meet predefined parameters that are shaped by community demographics.

At least one BIFDC member stated that they see more developments being reviewed that have more units restricted to lower AMIs and they see greater efforts in the City to deepen and expand affordability through this new process. Another positive highlight BIFDC members identified so far is increased awareness of the need for family-suitable new units in addition to existing units. It has provided City officials with an empirical tool with more specific standards and metrics they can use to evaluate development proposals, reject exclusionary ones, and push for inclusive measures in an environment where developers often enter with cautiously guarded proformas and see what they can push through the regulatory process.

HHCCP Tool

BIFDC members described the HHCCP tool and community profile data, which city officials did not previously have, as the best part of AFFH review's early implementation. The BIFDC's core work so far has centered on using the HHCCP reports to make evidence-driven recommendations to developers based on who the existing community is. Members agreed that the community profile establishes the rationale for more extensive affordability. It shows neighborhood conditions, e.g. percentage of rent-burdened households, and tracks this evidence in a public document. The tool has been helpful in justifying the BIFDC's recommendations to developers to do more of a specific intervention, e.g., build more deeply affordable IDP units when the community profile shows a greater portion of very low-income households in the project area, or build more three- bedroom units when it shows a higher portion of households with children. In providing comprehensive data on the existing community and neighborhood conditions, the maps counter developers' tendency to downplay the severity of certain issues and provide a tangible case for AFFH-centered recommendations.

Similarly, another positive impact of AFFH review is that there is now a revision process on AMIs and bedroom sizes happening for development projects that did not exist before this zoning amendment. Developers' responses to the BIFDC's data-driven recommendations have been reported as largely positive but it has still been a negotiation between the BIFDC and developers. However, the profile data has helped move the conversation along in providing rationale for recommending deeper interventions. In exchanges about affordability levels when developers state they can't make the numbers work, the BIFDC challenges the developer, asks them if they have considered different

alternatives, and encourages them to make commitments on seeking out rental assistance, project-based voucher contracts, or other sources of subsidy that would ultimately fund an inclusive property. As Wool stated, the BIFDC is essentially asking the developer “if they will commit to going through a process so that their property is capable of housing lower-income tenants.” From there, developers sometimes lay out a basic structure and state they are going to try to make units more deeply affordable.

Protected Classes in AFFH Review

When asked about whether certain protected classes have been prioritized in development projects, BIFDC members discussed their recommendations for making units accessible across income-level, race, disability, and source of income. They have focused significantly on low-income tenants who are not a protected class but tend to disproportionately be people of color. When they assess the HHCCP and income mix for a project, they consider how it corresponds with what they know in Boston “will be a conversation that impacts housing opportunity by race and ethnicity.” Protected classes are strongly correlated with income distribution in Boston. Other characteristics such as disability, source of income, and people with children are also implicated in the discussion. The BIFDC has asked developers to build more two- and three- bedroom units, referencing Boston’s large K-12 population and the need to accommodate families in addition to young working professionals.

Having a BHA representative on the BIFDC has helped remind developers that they cannot legally discriminate against voucher holders based on local law and MA Ch. 151B, which prohibit discrimination based on source of income. The BHA’s presence on the BIFDC and BPDA staff efforts are helping increase education about this in the AFFH review

process; they are increasing developers' and BIFDC members' awareness about the importance of having tenant screening policies that are welcoming to voucher holders. Seeking out more residents who hold vouchers is one way to make units accessible to those with lower incomes. In this way, the AFFH review process is reinforcing accountability to existing fair housing policies.

Challenges

Culture Change

Both city officials and advocates agreed that one of the (expected) challenges in early implementation of AFFH review is that developers are not going far enough in their documentation or scope of affordability and family-sized units. The BIFDC tries to get developers to send them a first AFFH assessment that is comprehensive enough for it to complete a review, but some developers are treating the AFFH assessment like a checklist rather than providing depth on the form's narrative questions. Some are writing "the AFFH strategy will be determined by the article 80 process" into their AFFH Assessment forms. The BIFDC is constantly reassessing the scope and depth of material it seeks from developers, emphasizing that it is expecting more substantive responses to AFFH equity analysis questions so that the BIFDC and community can then respond to the developer's documents, assess their AFFH strategy, and potentially articulate a more effective and equitable strategy.

The process's equity lens is a paradigm shift for Boston's development teams and City officials. McCarthy believes developers are doing this because the process is so new,

not because they are deliberately evading their responsibilities. Over time she believes they are going to develop a comprehensive set of materials and examples of strong AFFH plans.

Transparency

CAC members and other advocates have raised significant concern about transparency with the BIFDC process so far, especially with regards to the community not having pieces of information they need to meaningfully participate in AFFH review. Many believe the lack of communication with advocates about what is happening in BIFDC meetings is problematic. When CAC members ask BIFDC officials about comments they are providing to developers and underlying AFFH review documentation, there has been hesitation and gaps in paperwork. The role of the BIFDC is to ensure the scope and depth of housing inclusion and anti-displacement interventions developers commit to matches neighborhood conditions and anticipated project impact on the community. However, advocates are concerned that the BIFDC is making these determinations without community feedback.

Advocates are also concerned that there have been many cases where pieces of public documentation required by AFFH have been missing from the project's BPDA webpage and that this has undermined their ability to understand and engage with development review on these projects. There is no publicized city-wide database of proposals undergoing AFFH review. One community organizer had taken on this task and circulated the list among other advocates but was unable to keep up with the tracking alongside other work. Some AFFH assessment plans weren't published to the BPDA website. In one case, advocates asked a BPDA project manager to post it at a public meeting, but it was ultimately emailed to just the two advocates and only made publicly

available two to three weeks later. There have been times where developers chose not to post them on the website and residents contacted the BPDA or developers and pressured them to do so. Even when developers do fill out and publish the AFFH Assessment form, it is often buried in a 1000-page PNF document and it's still unclear to many advocates what happens between submission and BPDA board approval of the proposal.

One of the disconnects advocates see in the process is that short timelines for public comment hinder meaningful community engagement and enforcement of the process. They believe the 30 to 45-day Article 80 comment period is too short, and people cannot become AFFH experts in this short window, especially if AFFH assessments are made available too late in the process. Advocates are grappling with how to make all pieces – assessment form, map, displacement risk analysis- accessible to help people use the tools in effective and informed advocacy. Advocates need to break down the tools into bite-size pieces that correspond with their concerns and fit the BPDA's timeline.

Transparency of the BIFDC's review process has serious implications for credibility in the process, building trust with residents of protected classes and community organizations, and incentivizing community engagement. For example, while some DotNot4Sale members believe that this new tool can strengthen their advocacy, another member believed after attending the coalition's educational workshops that the AFFH review process may be too burdensome for them to engage with; she believes it requires significant research that should be acted on by them soon after the developer files a proposal and AFFH Assessment in order to stop or change the project before it is approved by the BIFDC and sent to the BPDA Board. Interviews with BIFDC members revealed that many projects are actually getting several chances to resubmit their AFFH Assessment

forms and that AFFH review is lasting over several months for many projects. The unclear BIFDC review timeline has increased confusion and skepticism about engaging with the new process and can undermine its goals.

Lack of access to AFFH assessments forms and information about BIFDC reviews have been significant barriers for community understanding and response to proposed AFFH interventions so far. Without this information, advocates lack the tools to be meaningfully informed about developers' and city officials' decision-making or make their case for better interventions in a way that lends them credibility and impact. Concerns about transparency are tied to the BPDA and its history of exclusionary decision-making.

Insufficient Fair Housing Experts on the BIFDC

Although AFFH review has brought fair housing voices to the development review table, advocates nevertheless expressed significant concern about how the BIFDC agency currently operates. Only one-two of the five BIFDC members have fair housing expertise and knowledge. This undermines the agency's ability to apply a fair housing and equity lens when reviewing projects. Although BIFDC members did not describe disagreement amongst themselves in recommendations they make to developers to be particularly problematic so far, advocates identified BIFDC members' ad hoc and non-transparent way of arriving at determinations as problematic and "ripe for disconnect that may not serve AFFH well." Advocates anticipate that there will be conflict among members when they're trying to make AFFH determinations. BIFDC members each view the process through different lenses and advocates are concerned that there is no procedure in place for reconciling differences in opinion about whether intervention plans actually further AFFH.

Institutional Capacity

A key constraint to AFFH review implementation is limited institutional capacity. In its first year the BIFDC is tackling as much development as it can, focusing on all the large projects of 50,000 square feet and above with a residential component. Although BIFDC members did not allude to this, advocates are concerned there is insufficient BIFDC and City capacity to appropriately review the ever-growing queue of proposals, train internal and external stakeholders on this process, follow up with developers and advocates, and holistically monitor implementation. Advocates believe that they need to make more demands of the BIFDC, but BIFDC members are already shouldering heavy workloads in their own agencies apart from conducting AFFH reviews.

In year one, key engagement and AFFH review officials —namely BPDA project managers responsible for sharing public comment with the BIFDC and developers and staffing public meetings— are showing signs that they are still in early learning stages about this new process. In spring 2022 an advocate argued at a Dot Bay City public meeting that the project does not satisfy AFFH. The project manager and developer, however, told her to bring her concerns to McCarthy on the BIFDC because she is the person who works on AFFH, instead of listening to her comments and considering them for proposal revisions. Public meetings are a critical element of AFFH review, but this project manager seemed to be uncertain about its goals and how their own job responsibilities fit into it. This is problematic because it has potentially stifled discussions and advocacy about housing inclusion and anti-displacement in important spaces such as public meetings and conversations with project managers. Further, community advocates do not know who to

direct their inclusion and anti-displacement concerns to. Unclear communication channels have been a barrier to effective community engagement and AFFH development review.

Training BPDA and City staff, developers and the community requires additional staffing capacity at the City. McCarthy's capacity is already limited as she reviews the projects and completes various other policy compliance duties outside of BIFDC purview in addition to distributing all BPDA-related filing documents and information to other BIFDC members and training development teams on an ongoing basis. It is unclear whether project managers and other officials are receiving comprehensive, adequate training on the intent of AFFH, the AFFH Article 80 process, and staff responsibilities relating to it; it is unclear which steps have been taken to increase City staffing to accomplish these goals. Advocates are alarmed that there is not yet an official full-time staff person on the BIFDC solely dedicated to overseeing this work.

6. Year 1 of Implementation: AFFH Community Organizing

This chapter describes the first year of implementation focusing on advocates' activity to increase meaningful community engagement with and impact on AFFH review of proposals. It explains how advocates are defining channels for meaningful engagement and impact with this new process. It then discusses CAC advocates' overarching organizing strategy to make implementation more effective. It describes advocates' range of activities around community education on AFFH review up until March 2022. It then describes how AFFH advocacy and engagement is going for the Dorchester Bay City project, highlighting several challenges. Lastly, it examines advocates' intentions for monitoring and influencing developers' AFFH plans.

Advocates interviewed from the CAC, BTC, and CTAB groups described meaningful engagement and impact by community advocates and protected class members in AFFH development review in various ways. Meaningful engagement, as shown in Figure 8, takes the form of making informed comments and advocacy statements at public meetings, submitting evidence-based public comment, directly advocating and speaking with BPDA project managers and elected officials, and participating on Impact Advisory Groups (IAGs).

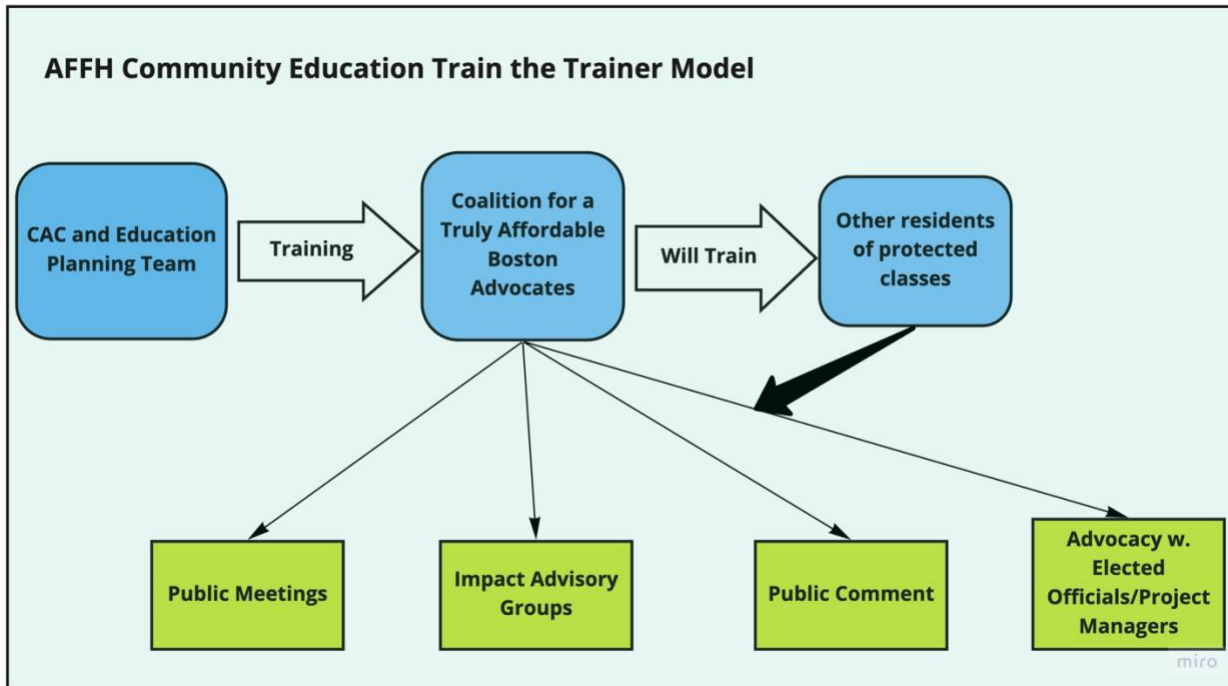


Figure 8: AFFH Community Education Train-the-Trainer Model (by Andrea Duarte)

Five-Pronged Long-term Advocacy Strategy

The community coalition is implementing a five-pronged long-term strategy to engage community and increase accountability and effective implementation. The first is educating advocates and members of protected classes about this tool and helping empower them to use it. This also involves increasing community capacity to monitor implementation on a project-by-project level. The second is training city councilors and advocating for them to strengthen enforcement. The third is conducting an equity audit of the BPDA to evaluate outcomes of approved projects, review BPDA staffing and processes, and provide evidence-based recommendations for changes the BPDA should make. The fourth is exploring legal action when development approvals are out of compliance with AFFH review or the broader Affirmatively Furthering Fair Housing Executive Order. Lastly,

their organizing strategy will use media coverage to bring attention to problems in AFFH development review and pressure officials to implement stronger enforcement.

Many people who attend public meetings on general development issues have little access to specific knowledge of project proposals and make comments based on anecdotal information which often gets dismissed as ‘emotional’ rather than driven by ‘factual’ information. Arguments for affordability and access to opportunity for marginalized groups that are not directly supported by project proposal information and quantitative data about neighborhood conditions are more easily disregarded by decision-makers. Some advocates believe that AFFH development review responds to this challenge by ‘democratizing’ information on projects and neighborhood context, making it easier for more people to access the same information as developers, and requiring developers to provide information about displacement risk and community profiles. Advocates’ engagement efforts thus far are focused on empowering each other to understand and use these new pieces of information. They assume that it is harder for developers and city officials to dismiss people’s arguments for inclusive development and anti-displacement interventions when they are supported by data from the City and developers themselves.

A working group of advocates from BTC, the CAC, and a few CTAB groups, have been planning and facilitating educational workshops in partnership with the OFHE and on their own. While the long-term goal of advocates’ organizing campaign is to broadly educate and empower concerned residents to speak for themselves, many advocates believe that ultimately it is staff and volunteers in Boston’s housing justice organizations already involved in development advocacy who will be doing most of the AFFH review advocacy, leading, and representing members of protected classes. Work schedules, English

proficiency, confidence level, and fear of public visibility due to immigration status are among the challenges to resident participation in public meetings, public comment submission, IAG groups, and conversations with project managers or city councilors. The working group's long-term strategy, as Figure 8 depicts, is to build a train-the-trainer model that can grow city-wide and eventually effect broader change without these original advocates' involvement. This group believes it can help other advocates and residents understand the new review process and help them use the AFFH tools in their own advocacy and storytelling with City officials and developers.

This advocate working group aims to train and advocate to city councilors about AFFH development review. City Councilors are influential stakeholders in AFFH enforcement because they are separate from the BPDA and DND, and they are the body who created this AFFH development review policy. Councilors are also the body who can call hearings to increase visibility of the process and publicly review its progress. The City Council has started taking a greater activist and leadership role in development issues. Councilors have a prominent platform to assess decisions by the BIFDC and BPDA board. The Council can call up different members of the BIFDC and BPDA to public hearings and exert the pressure on City agencies, officials, and the Mayor to increase effective enforcement.

Lawyers who understand fair housing law are powerful partners to advocates to help strengthen enforcement. Councilor Edwards, its leading legislative champion, is no longer on the Council, but advocates continue working with Councilor Bok, a fair housing expert and major partner to Edwards in the passing of the policy. They have advocated to Councilor Liz Breadon's office to take this seriously as her district now has a significant

number of proposed projects undergoing review. They are also targeting at-large Councilor Ruthzee LeJeune, a Black lawyer who has partnered with Harvard Legal Aid Bureau and City Life and worked avidly on displacement issues. A couple of councilors attended the coalition's educational workshop in December and advocates discussed inviting all the city councilors to the workshops.

The fair housing equity audit of the BPDA is part of the 200-page Assessment of Fair Housing that the Wu administration adopted, and activists are advocating for an external fair housing organization to plan and oversee the audit. CAC advocates suggest that the audit can examine decision-making and administrative entities like the Zoning Board of Appeals, Zoning Commission, BPDA staff and BPDA documentation to evaluate what resources and changes are needed to make fair housing one of the BPDA's universal operating principles. Advocates argue that the auditor should analyze different approved projects, their outcomes, and evaluate how they included or excluded different community groups and how they address Boston's housing needs. Advocates believe that the time to do this BPDA audit is ripe, with Mayor Wu's support, the City's adoption of the citywide AFH, a newly appointed Chief of Planning, and the ever-growing list of developments being proposed throughout Boston. They believe the equity audit can surface recommendations for ways to better resource the BPDA and change procedures in engagement, education, transparency, and monitoring. Advocates are inviting each other and residents to be part of the campaign to pressure city officials to conduct this audit.

Fair housing advocates are exploring the use of data and other strategies to argue for deeper accountability to the mandate of AFFH. Developers have been filling out the AFFH assessment forms, but many have not complied with the scope called for by AFFH;

many have been putting forward minimalist interventions, for example building just one or two percent more IDP units. Advocates aim to utilize new data and legal framework available through AFFH review to push developers to go farther in their equity interventions and reduce instances such as those where developers committed to building only 13 percent IDP units, claiming margins were too tight to include more affordability, and then flipped the development, selling it for millions. There have been many questions about developer claims of infeasibility to build more affordable units. Advocates hope that with effective AFFH review oversight, the City can shift developers away from these historically minimalist patterns.

GBLS and Turner, who has been an attorney with GBLS since 1986 and has focused on a range of eviction, subsidized housing, and fair housing cases, have been crucial partners of BTC and members of the CAC. They have suggested effective legal language for the zoning amendment and continue to play a crucial role in writing testimony and helping community advocates identify legal obligations such as the AFFH Executive Order. GBLS and other advocates are connecting with fair housing advocates in national coalitions to inform their strategy, learning about measures being implemented in other areas and the outcomes obtained. Turner suggested that strong fair housing language in federal agencies' administrative guidance can help bolster legal cases in local courts to strengthen Boston's AFFH review.

Advocates described media coverage as a last-resort tool for pressuring city officials to act in accordance with the mandate of AFFH. Advocates believe that media pressure would be particularly effective since officials' and the City's reputation are at stake, as Boston is the first in the country to integrate fair housing into zoning.

AFFH Community Education

Advocates have focused much of their efforts in year 1 on community education and training. One advocate stated that “It almost feels like if we don’t do [these workshops] now then the whole city of Boston will be turned into Manhattan, and it will be too late.” Advocates want the workshops to educate communities about AFFH and how to use its tools. The workshops are a first step in learning about the AFFH tools, which advocates stated are powerful but ineffective if not utilized by those whom they are intended to serve.

Workshop Goals

A goal of the workshops is to help community members push developers and the City to go beyond just combatting housing discrimination to building truly inclusive, integrated neighborhoods by applying a civil rights lens to development review. Another intent is to gather feedback about how the new AFFH development review process can be made better. These workshop trainings are connecting CTAB organizations to advocates with expertise in AFFH, including Kathy Brown who is an AFFH CAC member and long-time Executive Director of BTC, Lincoln Larmond who is an AFFH CAC member, Consultant at BTC, and longtime civil rights advocate in Mattapan, Marly Frederique who is Senior Organizer at BTC, and the Office of Fair Housing and Equity.

The trainings' most important objective is effectively educating people on how to use and interpret information so that they can make their own counterarguments to the BIFDC and developers. The BIFDC can then weigh the narratives of the developer and the community. Advocates hope that community members will be able to make arguments that proposals would accelerate displacement, or too little to mitigate it or remedy past discrimination, based on their lived experience, data in the AFFH reports, *and* what the developer has (not) selected as AFFH interventions. Residents will be able to give more specific examples to support their concerns and bring more evidence to their arguments; the trainings aim to show residents how to use data in the tool to achieve this.



Figure 9: Invitation Graphic for AFFH Review Educational Workshop (BTC, CAC, OFHE)

Planning and Outreach for CTAB AFFH Educational Workshops

The Menino administration introduced Impact Advisory Groups (IAGs) in 2000 to assist the BPDA in designing appropriate interventions to mitigate social and environmental impacts of projects on surrounding communities and provide a framework for greater public involvement. However, neither the BPDA nor other city agencies have ever offered trainings about how to navigate development review and its technicalities to

community members who are appointed to IAGs. Although there was some disagreement around whose responsibility it is, some advocates took it upon themselves to provide this education. They have taken a similar, but more expansive proactive approach to conducting AFFH development review trainings, organizing these workshops and engaging city agencies like the OFHE and City Councilors to provide meaningful education and ensure effective implementation of this new process.

In 2021 a cross-functional team of advocates and nonprofit professionals convened to plan outreach and educational strategies. AFH CAC members began a series of conversations with City Councilors Lydia Edwards and Kenzie Bok and some members of the CTAB about conducting trainings on this new process. Edwards and Bok held the first training on the AFFH review process in Spring 2021 for Fenway Community Development Corporation staff. Advocates found this to be a helpful introductory training in framing the issues and helping attendees understand the zoning amendment's intent but agreed that they needed to develop more focused trainings to dive deeper into parts of the tool and how to use each one to build community power in Article 80. Jason Desrosier, then Community Engagement Coordinator of the Allston-Brighton CDC who had already led Article 80 and IAG community trainings, became involved in the workshop planning and collaborated with others such as Cassie White and Richard Giordano of the Fenway CDC.

This group of advocates from the CAC (including GBLS advocates), Boston Tenant Coalition, and Coalition for Truly Affordable Boston have been meeting to plan training and engagement efforts for AFFH review and discussing recommendations for improving it. From March 2021 to March 2022 this group held three virtual AFFH educational workshops in partnership with the OFHE. The first two were held in mid-December 2021

on Zoom for one-and-a-half hours and had 16 participants and the third was held in late February 2022 for one hour. Attendees included workshop organizers, CTAB advocates from organizations like DotNot4Sale, Reclaim Roxbury, MA Affordable Housing Alliance, Asian CDC, Fenway CDC, Allston-Brighton CDC, and The Neighborhood Developers, a UMass Boston Professional Union member, and a few residents (including an IAG member).

In the early phase, CAC and BTC advocates are focusing their workshop recruitment, education, and engagement on CTAB groups that are already working on development advocacy and the neighborhood groups that are already going to Article 80 meetings. These advocates work in geographic areas with higher displacement risk. This prerequisite of targeting areas where groups are already organized and engaging with the BPDA, city councilors and the Article 80 process ensures that organizing efforts build on existing coalitions and community power. The CAC and BTC are using CTAB to reach their partners in housing justice and are also organizing with the Right to the City coalition. There is some overlapping membership between these two coalitions, and they hope to apply to grant funding together.

Cassie White, Lead Community Organizer at Fenway CDC who has been involved in designing AFFH review educational workshops, educational materials, and conducting outreach, acknowledged that because organizing is focusing primarily on these groups, there is a danger that they may miss some populations that are being negatively impacted by development and should be engaged in this work but have not yet navigated development advocacy spaces. For example, some large developments are being proposed in Charlestown but there seems to be a lack of awareness of or connection to organized

community groups there focused on deepening affordable housing and housing access for various protected classes.

Workshop Curriculum and Content

Popular Education Framework of the Workshops

Community-led AFFH educational workshops and advocates' organizing campaign are designed around a popular education framework. Workshop attendees—paid advocates and unpaid residents and volunteers—are both students and teachers. Advocates of various overlapping coalitions are helping teach each other where and how to use this tool most effectively. Workshop facilitators are explaining AFFH review to attendees but also using their feedback and experiences to shape future trainings and concerns they voice with City officials in their advocacy. The feedback and experiences of the broader coalition of advocates and residents engaging with various projects is especially important in identifying implementation challenges, enforcement gaps and inconsistencies, and is instrumental to informing which policy changes should be advocated for by the CAC.

Importance of Coalition-Building for Education

Doing this organizing and education as a coalition with advocates from various neighborhoods has been important and advocates agreed that they wouldn't be able to do any of it without collaboration and coalition-building. Working as a coalition has brought together diverse perspectives that relay differences in development and impacts of development across neighborhoods. They each bring in different types of expertise and learn from each other to make the trainings more effective and helpful. Larmond brings a lot of expertise on AFFH and the CAC's work, and the CDCs and community-based organizations bring in a neighborhood-specific perspective of what BPDA meetings look like for them and how it is most useful for local residents. Advocates interviewed agreed

that the BTC is an effective coordinator of this work and keeps the pieces moving on the zoning amendment and larger AFH work.

Topics Covered

In BTC-CAC-OFHE trainings, advocates, including Marly Frederique, Dwain Tyndal, Lincoln Larmond, and Jason Desrosier, discussed the background and relevance of the affirmatively furthering fair housing policy framework to Boston's current crisis of displacement and exclusionary development, Boston's history of exclusionary zoning practices, and the importance of increasing residents' knowledge and engagement to pressure public and private institutions to build integrated neighborhoods. They then explained how the AFFH zoning amendment emerged and the different parts of this new development review process. They walked through the process of looking up a project on the BPDA website and an example of an AFFH assessment form submitted for a project currently under review; this included explaining its neighborhood profile using the HHCCP tool, some examples of the types of interventions that may or may not constitute AFFH compliance, and examples of arguments that can be presented to the BPDA and BIFDC using data in the tools. They explained ways community members can provide comments, which criteria to look for, and potential alternative AFFH interventions.

AFFH Proposal Case Studies Used in Workshops

Workshops are helping educate advocates about using the AFFH regulatory framework to support higher expectations for more truly affordable and family-sized units. For example, the developer in one Brighton proposal planned to provide 13 % of units at below-market rate and most as studio-sized units but Desrosier reiterated that this was not AFFH-compliant because this percentage of affordable units proposed and their size do not

match the incomes or family sizes of nearby residents, therefore exacerbating displacement risk. In an East Boston proposal, a developer partnering with a CDC is better able to provide more units at 60% AMI and below and project-based vouchers. Desrosier explained that this plan goes in the right direction but still has much room for improvement, as its 16% below market rate units is still not much greater than 13%, and 60% AMI is still inaccessible to many families at risk of displacement in East Boston. He used the Boston Displacement Risk and Income Restricted Housing maps to highlight high displacement risk in East Boston and shortage of income restricted housing there. To respond to disagreement about whether AFFH plans go far enough to meet AFFH standards and set higher goals, attendees were encouraged to evaluate plans based on where they land on a spectrum and collective analysis of the documents.

Participant Engagement During Workshops

Each group was assigned a facilitator and a recorder, who documented group feedback and questions. Discussion questions included what questions do you have, does the developer satisfy the requirement to affirmatively further fair housing and sufficiently address displacement or exclusion – if not why? Do you suggest other options? If the requirement is satisfied, which conditions indicate that? and What support would you need to feel more comfortable using the tools of the AFFH Assessment form? Groups then reconvened and reported back on the one biggest takeaway each group had about the AFFH review process.

Activity in the breakout groups at the trainings consisted mostly of answering attendees' questions about the AFFH review process. Many did not yet feel prepared enough to answer discussion questions and make determinations about whether the

developer in the given case satisfied housing inclusion and anti-displacement requirements. Attendees needed more time to review the materials to feel comfortable making this determination. One important question that was clarified is that all developers subject to AFFH review must submit AFFH plans. Many questions were about the enforcement mechanism of this new process—who is the judge of whether projects affirmatively further fair housing, who is on the BIFDC monitoring agency. Attendees asked about how they find out if a project has been reviewed or when it will be reviewed by the BIFDC and BPDA, to which a facilitator responded that they can reach out directly to the BPDA representative on the BIFDC or directly to CAC members to say the project is not aligned with AFFH. They also asked if there is a way to appeal BIFDC determinations that are not aligned with the community's position to which organizers responded that there is no way to do this at the moment; attendees similarly asked whether they must accept what the developer proposes and how can they offer alternatives. One attendee expressed fear that AFFH review could drive the middle class away from Boston and that she didn't want some residents to benefit at the expense of others.

Building Advocates' Impact During Workshops

The CAC and workshop planning team are viewing AFFH review implementation as an ongoing campaign. They conveyed to attendees that the AFFH review policy still needs improvement but that the training forums are meant to disperse information about the new tool to empower community members to use it and together continue figuring out how to best use it and advocate for improvements. Workshop organizers encouraged attendees to familiarize themselves with the resources, assessment forms, community profile tool, and displacement risk index map to conduct their own thorough analysis and

assess how the projects are fitting in with their own communities and whether developers are doing enough to mitigate displacement. They can cite the project unit mix compared to neighborhood demographics as an indicator of displacement or exclusion to argue for alternatives that are better aligned with neighborhood demographics and integrated neighborhoods.

Training facilitators presented criteria of a community definition of “Affirmatively Furthering Fair Housing” advocates can use to evaluate developers’ AFFH plans; these criteria are shown in Figure 10. They should also identify mix of bedroom sizes, how many additional IDP units beyond the minimum are proposed, how many IDP units onsite, are the unit AMIs inclusive of nearby residents’ incomes, does the project address displacement risk even if building on a non-residential area, and does the project build in access for protected classes that have been historically excluded in that neighborhood.

DOES IT FOLLOW OUR CRITERIA FOR OUR DEFINITION?			
AFFIRMATIVELY	FURTHERING	FAIR	HOUSING
Does this development project take into consideration the historical and present context of displacement and exclusion and address the housing disparity within the community?	Does this development go beyond the bare minimum in addressing the risks of displacement and exclusion?	Does the target demographic for this development meet the needs of those marginalized in your community and are they a protected class?	Does this meet the qualification of accessible housing standards that your community needs?

Figure 10: Community definition of AFFH, slide from educational workshop, February 24, 2022

One of the major goals of the AFFH zoning amendment, as advocates argue, was to create tools to empower communities to have conversations and a space to address their concerns about inequities and disparities in new developments and existing neighborhoods. Workshop facilitators pointed out several ways advocates and concerned residents can interface with the AFFH review process to raise concerns about development and advocate for AFFH interventions. First, they can visit the BPDA's website to access the AFFH assessment, scoping determination, and other information about the development and submit public comment. Workshop facilitators presented a sample public comment letter (see Figure 13 in Appendix) to attendees and promised to send them a template they can use to write public comment for AFFH concerns. Second, they can contact the BPDA Project Manager assigned to the development to voice concerns with AFFH assessment plans and obtain any missing AFFH filing documents and information relating to them. Advocates should also contact their elected officials to voice concerns about AFFH compliance and encourage their advocacy to developers and in policy evaluation. Third, they can attend and voice their concerns at BPDA public meetings for the development.

Turner suggested to advocates that they should think about this tool in terms of an integration assessment: "if we want to create healthy neighborhoods in Boston, we want them to be diverse in terms of race, economic [background], disability etc." She encouraged advocates to think in a bigger scope than the AFFH document and that it is important to create a record for what people's concerns are and what is their vision of the neighborhood.

Neighborhood-Level Workshops and Education

CAC and BTC members Kathy Brown and Lincoln Larmond held a training for the Jamaica Plain Neighborhood Council (JP NC) Housing and Development Committee that Brown sits on to help this group understand that the new AFFH development review process is another tool the Neighborhood Council can use when going through their own Article 80 checklist for projects they are reviewing in Jamaica Plain. Although the BPDA still has final approval power, the JP NC is a powerful legal body that is part of the development process in the JP neighborhood. The Housing and Development Committee makes recommendations to the full Council for projects submitted to the BPDA. The JP NC requires projects to have at least 25% IDP units to receive NC approval. The JPNC's Article 80 checklist to evaluate proposed projects includes units for lower income ranges, green and healthy housing, and good jobs. They are hoping to add AFFH to the Committee's checklist. Some members stated that their list already had too many criteria, but Brown reaffirmed to them that this is the law. In this way the City's AFFH review process is helping provide guardrails, criteria, and structure for other existing development advocacy community bodies in the city to integrate AFFH standards into their advocacy.

Dwain Tyndal, CAC member and Executive Director of Alternatives for Community and Environment in Roxbury, gave what advocates reported to be a powerful presentation on AFFH at the February 2022 citywide Homes for All/Right to the City Assembly. He discussed ways groups can take action to force the City to require more truly affordable housing in new developments, in which he emphasized that the AFFH law gives groups representing protected classes of people the ability to sue the BPDA and other city agencies for violating AFFH requirements.

IAGs and AFFH Review

Desrosier provided IAG members in Allston and Brighton with education about how AFFH review works and how it can help with their advocacy through workshops in Allston Brighton CDC's People's Planning Initiative (PPI). Desrosier had been involved with three projects undergoing AFFH review in Allston Brighton and worked with IAG members and other advocates to review the AFFH documents with them so they could understand how to use them. A valuable outcome he had already witnessed was that residents are playing a role in making the AFFH review process more transparent for the neighborhood. They know that AFFH is part of the development review process now, understand why it's important and when they don't see an AFFH assessment published online, they bring attention to it and call on the development team to post it. DesRosiers transitioned out of AB CDC in April 2022 but had planned to add an AFFH workshop to PPI's programming. He and other advocates have hoped to bring PPI 'road show' workshops that include AFFH segments to other Boston neighborhoods.

All advocates interviewed agreed that many IAGs citywide have historically been homogenous, inequitable spaces. There has been a tendency to nominate to IAGs high profile community members who are abutters to developments. A public hearing held in April 2021 highlighted many of the deficiencies of IAGs, including lack of training for IAG members and lack of transparency in nomination processes and operations. Larmond feels he has done more to impact change in development as an individual than on the IAGs he has served on. He believes that PPI bootcamps at Allston-Brighton CDC have been effective at changing IAG membership in the neighborhood, helping IAG members understand their

role, and changing power dynamics in IAGs. However, most are not structured that way and often aren't "empowered to take on the role that they should serve," as Larmond argues.

IAGs, as Larmond stated, need "diversity of opinion, diversity of knowledge and willingness to be an advocate" even more than diversity of identity. People who are capable and willing to make principled challenges to proposals and exercise pushback for more equitable outcomes are essential to a healthy IAG process, but they are often not the ones chosen because of perception that they are creating more work, slowing down the process, and may be oppositional to the elected officials who nominate them, Larmond suggests.

People's Planning Initiative

Up until April 2022, PPI was providing Allston Brighton residents with planning and development trainings, including:

- An Article 80 training which discussed the four components of Article 80 and how to engage in the Art. 80 process, e.g., public meetings, IAGs, public comment
- An Impact Advisory Group bootcamp which discussed roles and responsibilities of IAG members
- A community planning training which discussed how to influence the community planning process through organizing; and
- An Affordable Housing 101 training which discussed what is affordable housing, different kinds of affordable housing, and how more of it can be provisioned through other policies and means.

Desrosier had also been doing 'roadshow' trainings for different community organizations in recent years, including one on Community Benefits for the Jamaica Plain Neighborhood Council, trainings for the Madison Park Community Development Corporation, Asian CDC, and a few other organizations, with two others planned for Egleston Main Streets.

The goal of this program is to educate and empower community members of Allston-Brighton to better understand the development process and become more comfortable and prepared advocates. PPI's work is about "providing information to residents and leveling the playing field." It is about building power and a knowledge base with IAG members. Participants learn about what zoning is and how it works, then go on to learn about Article 80 in Boston's zoning code, and about IAGs as a mechanism for advocacy in the process. Advocates, in and outside IAGs, need to understand the broader Article 80 project review process and systems to understand how AFFH project review is situated within them. AFFH review education fits nicely within the People's Planning Initiative because it builds on PPI's existing trainings, which all build on each other.

While some have been frustrated with the pace of the trainings, PPI has so far helped more Allston Brighton residents become aware of AFFH review and development in these neighborhoods and build knowledge and political power to influence development review and advocate for their needs. Because of PPI, Councilor Breadon often contacted Desrosier for suggestions on IAG nominations. PPI has also helped build skillsets and confidence for writing public comment, but it has largely focused its advocacy on IAGs and project managers, who have varying levels of influence and effectiveness in moving projects forward in ways that are helpful for the community.

PPI Outreach

So far, PPI attendees most engaged in AFFH review advocacy include three white residents, one of whom is a homeowner, one Spanish-speaking resident, and one renter. Many residents whom PPI engages are either IAG members or interested in becoming members. An upcoming development project usually triggers residents' interest in the

trainings when an IAG must be formed. Desrosier worked closely with local Councilor Breadon and trained the people who she nominated for the IAGs. Some residents attend the IAG training to learn more about IAG responsibilities before they notify an elected official that they would like to serve on the IAG and make that commitment. PPI has brought in young renters and Spanish-speaking residents into development advocacy conversations and increased outreach to Chinese-speaking communities. Desrosier stated that when he started at the CDC it was the same five to ten homeowners engaged in IAGs and advocacy but now Allston Brighton members skew much younger and include people who are not native English speakers; he believes that age has shifted much more than racial and ethnic representation so far, however.

In 2022 four community ambassadors— Black, Chinese, Russian and Latina residents— joined Allston Brighton CDC’s leadership institute to represent protected classes, attend BPDA public meetings, recruit others to attend, educate other residents, and eventually co-facilitate PPI workshops. They connected with organizers in the CTAB coalition and increased their leadership abilities, one expressing that it was a great opportunity to practice his English. This was an important opportunity to build leadership, relationships, and social capital of protected class members in the neighborhood, build protected class members’ capacity to advocate in development review spaces, and increase learning about AFFH review tools.

Building Relationships on IAGs

Desrosier worked with IAG candidates to read the filing documents, assess neighborhood profiles, and determine how all the pieces fit together. He also worked to help them build relationships with each other. Before the pandemic he held coffee meetings

with residents where they came and asked questions about development and community issues, worked on writing letters or public comment together, and met other concerned residents. Part of these workshops' impact has been connecting people who are new to this advocacy work with respected leaders in the community to challenge the exclusionary behaviors and influence of 'gatekeepers' or 'neighborhood defenders' in public spaces.

This focus on relationship-building and connecting new people with those who are already out there navigating the system helps change power dynamics in IAGs and other development advocacy spaces such as public meetings and public comment submission. It helps new people come in, trust the system more easily, and build comfort advocating in these spaces. Sometimes, as Desrosier observed, 'neighborhood defenders' (Einstein et al., 2019) territorial aggression can intimidate or discourage newer residents from advocating for themselves and their needs; his workshops, mentorship, and connecting residents with each other help reassure them that their voice matters even though they are not lifelong residents of a neighborhood or this country and helps build their leadership and involvement.

Desrosier had already started seeing IAG members become more engaged and interested in AFFH advocacy. He believes that AFFH has been adopted by a growing coalition of community members in Allston-Brighton and that they are going to get stronger AFFH plans from developers because of this. Some homeowners have pushed back against AFFH review and advocacy. However, having white homeowners, who are progressive and supportive of inclusive neighborhoods and affordable housing, as part of the coalition has been helpful because they can leverage their relationships with appointed and elected City officials. As Desrosier stated, having multiple groups advocating together

and coalition-building often makes advocacy easier and makes things move faster. Some homeowners already have relationships with the local BPDA project manager which is helpful in pushing for certain AFFH interventions from the developer, getting better transparency and communication with the development team, and advocating for the concerns of protected class IAG members.

Dorchester Not for Sale's Engagement with AFFH Review for Dorchester Bay City

While Allston Brighton's PPI has heavily focused on building resident advocacy capacity on IAGs, Dorchester Not for Sale (DN4S) is heavily focused on building residents' agency to speak at Article 80 public meetings, especially about housing and jobs in large projects or master planning initiatives. Planning and development dynamics in Dorchester are slightly different from those in Allston Brighton or East Boston. DN4S has tried to engage the CACs and IAGs but hasn't historically been part of those spaces and members have never been nominated for IAGs when they applied for it. DN4S has met with the City, including mayors and BPDA, about projects and invited them to join DN4S community meetings. They have sometimes met with City Councilors but haven't had much advocacy support from their respective Councilor.

DN4S members view speaking at public meetings as taking action together. On Zoom during the pandemic, they have been taking action together by having clear and unified talking points based on what they learn together and generate as collective demands. Over community dinners and meetings, they dive into presentations from the city, do research, and political education on development concepts, assess demographic

data of project sites, and produce demands to meet residents' needs. They do workshops on topics like AMI and how it is calculated and apply it to determine what they want to see in an incoming development based on what residents know about AMI, and Boston and Dorchester AMI.

Covid impacted DN4S' organizing work in that it was difficult to meaningfully bring in new people given limitations on gatherings. Virtual BPDA public meetings throughout the pandemic have facilitated people's abilities to attend meetings while simultaneously juggling other responsibilities such as cooking dinner or watching their kids. However, attendees' roles are more limited in virtual meetings; members cannot hold signs and it is sometimes harder to stay connected and engaged for the entirety of a meeting. Some believe that the virtual meetings are equally hostile and that the goal in them is similarly to shepherd the developer through the presentation instead of hearing and prioritizing residents' feedback.

DotNot4Sale members have recently focused their advocacy on Dot Bay City and provided feedback for how AFFH trainings can be made more helpful. DN4S members who attended the AFFH educational workshops are excited about having more tools for pushing for what their community needs, and the trainings have made AFFH review feel real to them, but they still feel that they need more support in implementing this tool and using it in their organizing. The AFFH assessment document still feels overwhelming, inaccessible and it's unclear what to do with it for many. Chou wants more clarity on how they can use the tools to make their case on deeper affordability, who to make their case to, and how this new process fits into the broader Article 80. She also requested that trainings discuss how developers' responses compare to what the community "standard" is.

Dot Bay City is a 20-building, 36-acre project that is concerning many local advocates and BIPOC residents. Lessons from Dot Bay City's AFFH review process so far highlight the importance of inclusive community engagement, particularly in deliberating and reconciling disagreement about preferable housing inclusion interventions and defining displacement. Dot Bay City is not required to comply with AFFH because of the timing of its filing but officials recommended it undergo AFFH review due to its size. So far, however, the development team's AFFH plan has fallen short and advocates' engagement with it has been challenging. In public meetings the developer had argued that because there is only a parking lot at the site within the ¼ mile project radius, there is no displacement risk and therefore they do not have to commit to an AFFH plan. This example highlights flaws of the policy echoed by several advocates; it is unclear how the policy is defining displacement, how the BIFDC is evaluating anticipated project impact, and how the City is enforcing commitments to AFFH interventions. Advocates argue the policy does not adequately account for or address displacement-risk and exclusion at proposed undeveloped sites, and this seems to be a loophole for some developers in escaping or reducing the scope of AFFH interventions they commit to. Dot Bay City is building a new neighborhood on an empty site which will very likely impact surrounding property values and housing costs.

Advocates have also expressed some disagreement over what they consider to be "AFFH" in Dot Bay City's AFFH plan. The developer is opting to contribute \$10,000,000 to the Massachusetts Affordable Housing Alliance (MAHA) for affordable homeownership units. The developer told the community that they cannot "rent-reduce their way out of poverty" but some DN4S advocates argued that affordable rental is equally important and

that communities should not have to choose one or the other. Some CTAB advocates believe that this is a significant contribution and AFFH anti-displacement intervention while others don't think it goes far enough for a development of this size—arguing that 66% of its on-site housing should be affordable to a range of incomes rather than the proposed 15%. Carolyn Chou, one of the core DN4S organizers, Executive Director of the Asian American Resource Workshop, and Dorchester resident, argued that community stability is what's most important and that "homeownership doesn't always mean stability for community or individuals." While she acknowledges that advocates will often not receive all the interventions they ask for, she advocates that City officials and developers apply a wholistic vision for developments that includes all residents and centers the needs of those most adversely impacted rather than giving some residents a relatively small piece on the margins.

Some advocates and BIFDC officials expressed concern that certain proposed interventions may have a weaker impact on inclusion, anti-displacement, and desegregation than others. Onuoha stated that he often raises questions about developers who wish to just contribute to the City's affordable housing fund for building affordable units elsewhere as their AFFH intervention, as is the case in Dot Bay City. While the fund was designed to increase financing for affordable housing, it can be misused when it allows developers to build all homogenous housing in a neighborhood. This intervention can still promote segregation and gentrification.

DN4S advocates have voiced opposition to Dot Bay City's review process so far, arguing that its engagement process has been dominated by and disproportionately responsive to privileged voices. In order to advocate for a more effective community

process and secure more inclusive commitments to affordability, good jobs, and other community resources DN4S organized and delivered to Mayor Wu a petition that called for a six-month pause on Dot Bay City's review. The petition was fed into the public comment so that when people signed it with their notes they had the option to send it directly to the project's public comment inbox and several City officials. DN4S believes it is important to build in more time to collaboratively design a project that better incorporates needs of nearby residents of protected classes and goes farther to mitigate their displacement.

Future Plans for Meaningful Inclusive Engagement and Impact

Community Monitoring of AFFH

In year one of implementation, advocates believed they could not yet go to the BIFDC to argue against BIFDC determinations because most projects have not yet made it to the end of AFFH approval. They won't know how hard they need to push back until more get approved and have therefore been waiting to ramp up some of their organizing efforts. They believe that when projects start getting approved with non-AFFH standards, they will be able to work with a list of proposals that were out of compliance and will have more information about gaps and weaknesses in this process. They anticipate there will be cases where the BIFDC has approved a development, a community member later reaches out to them in disagreement, and advocates would then review the proposal and advocate for them with the BIFDC.

Currently, CAC advocates only have capacity to review and monitor the controversial proposals residents bring to their attention. These scenarios have not played out yet, but advocates anticipate they will as more proposals proceed in the review and approval pipeline. Advocates will likely get involved in reviewing controversial proposals

for interventions not being selected, which should be, and recommendations for the BIFDC. At this time, they plan to monitor and dissect the BIFDC's AFFH comments to developers by reading proposals' scoping determinations; while scoping determinations are published far along in a project's review and this may jeopardize how much time advocates have to push back, it is currently the only means to learn about the BIFDC's comments. Advocates expressed that they seek to hire someone to serve as a 'watchdog' for developers and the BIFDC because they do not feel confident that the BIFDC is presently a watchdog for AFFH or housing inclusion.

BTC has applied and received grant funding to hire a part-time organizing consultant who will track and monitor all proposed projects going through AFFH review alongside other community advocates. This consultant will work with other CTAB advocates to help them draft fair housing comments and recommendations for AFFH assessment plans to submit to the BPDA for specific projects. These model public comments and AFFH Assessment responses will ideally reflect what advocates collectively believe to be inclusive interventions that meet AFFH standards and will be presented to the BPDA and BIFDC so that these points are in the record as the proposal is being reviewed. The consultant will also work on the overall functioning of the amendment and with the community committee that is identifying and recommending AFFH review policy changes. The organizing consultant would work with an advisory committee of advocates and lawyers who would assess possible legal challenges with development projects.

Advocates are still learning what kind of power the BIFDC has in slowing the review process and if and how developers have been using the BIFDC's comments in proposal revisions. Former Councilor Edwards encouraged advocates to initiate outreach to

developers to discuss AFFH plans in advance of PNF filing. However, advocates have been taking a different approach and first waiting to see what developers publish in their AFFH assessments and what gets published in scoping determinations to then respond afterward. Limited staffing capacity, competing responsibilities, skepticism, and limited knowledge of the AFFH review process for some have been some barriers preventing advocates from taking this proactive approach with developers.

Improving Educational Workshops

In coming months advocates are planning to continue their multi-pronged organizing campaign. This includes improving their educational workshops based on reflections and participant feedback about past ones. Workshop facilitators heard from some participants that they left trainings feeling overwhelmed with the amount of information they received in a short one-hour window. Balancing timing and content has been one challenge for the workshop planning group. To contend with this challenge, advocates are considering designing a training series instead of squeezing fair housing and zoning amendment history and workshopping an AFFH assessment review into single workshops. People can choose to attend the pieces they are most interested in. While they could potentially lose participants between workshops, some believe that advocates do not need to attend all the training segments to be able to use the tool, and multiple sessions provide participants more opportunity to process information and ask questions. Advocates are also planning to provide separate trainings targeted to elected officials, tailoring content to different audiences as some pieces will be more helpful to certain stakeholders than others. Advocates have also discussed distributing a resource kit along with pre-recorded trainings to provide even greater opportunity for individuals to access,

revisit, and process content at their own pace. They plan to distribute a toolkit containing a guide of AFFH review and links to different parts of the AFFH documents such as the HHCCP tool etc. The toolkit would include sample public comment letters discussing AFFH concerns.

Language Access

Another challenge so far has been language access in educational workshops. Trainings have only been held in English so far because organizers were still piloting them and working out planning logistics. They aim to hold future trainings in other languages, include interpreters, and involve people who speak languages represented in the community. Because AFFH review is tied to zoning, its language is difficult and not all of it will translate directly, such as concepts describing IDP and housing profiles and terms like land holdings and land trusts. Organizers must be thoughtful about translating carefully so that information and context is not lost. There are also community members who are not literate in their native language. Advocates are planning to dedicate significant time designing this language justice piece so that protected class members who are English Language Learners and also disproportionately burdened by speculation-driven housing insecurity, and who face greater barriers to advocating in public processes, also have access to this information.

To contend with language access challenges, they hope to have people who are native speakers of the language craft the curriculum in that language, according to Desrosier. He has already implemented this approach in translating educational content for Allston Brighton CDC community planning PPI workshops. He had a line item in his budget for hiring and compensating native speakers in languages represented in Allston-Brighton

to help with organizing and advocacy work, including translating talking points and training curriculum. Advocates would similarly work with residents to simplify the AFFH development review curriculum into simpler English and then produce translations from the simplified version.

A Message from Former Councilor Edwards

In future trainings, advocates plan to include a special video message from former City Councilor and now Senator Lydia Edwards, who championed the zoning amendment in the council, effectively partnered with advocates through it, and is well-respected by Boston's housing advocates of color. Facilitators envision that Edwards' words of encouragement to advocates about their integral role in the process will help build credibility and mobilize their engagement. In the video, Edwards tells advocates that they should obtain the AFFH documents and begin talking to developers from day one about how they are going to achieve AFFH housing inclusion standards. She suggests it is important for advocates to outreach to developers early on and take a proactive role to demand meetings from them to discuss AFFH, because developers often don't learn about the AFFH review process until they dialogue with City officials—who are forced to maintain a certain level of neutrality in these discussions that advocates are not. Edwards believes that hearing it from community advocates early on can help transform developers' culture. They can supplement information in AFFH historical analyses with their own stories and provide faces and names for who will be impacted by the interventions. Advocates can initiate outreach to developers to encourage developers to check-in with them—representatives of the protected classes, before submitting their AFFH materials. Advocates can also call on city councilors to pressure developers to meet with advocacy groups.

Future Tailored, Neighborhood-Level Trainings

Workshop organizers intended for the first workshops to be general introductions to the zoning amendment to their broader CTAB network and plan to hold individualized workshops for specific community groups that focus on developments under review. They are targeting trainings for developments where the tool can have a large impact. Advocates confirmed from the first training that participants are interested in discussing AFFH assessments for proposals in their own neighborhoods. These trainings would dive deeper on how to use the tools to measure a development's impact on that neighborhood's most vulnerable residents. In tailored trainings, they plan to review the existing AFFH plan, answer questions about it, collectively write a list of critiques, and potentially write a comment letter, contact the development's IAG, or take another advocacy action. They want to get community members to a point where they can use the tools, critique the process, and work together to advocate for stronger enforcement and policy changes. Their goal is to strengthen advocacy in large projects first, such as Dorchester Bay City and Harvard Research Enterprise Campus, both neighborhood-sized mixed-use developments. They are also targeting Reclaim Roxbury, groups in East Boston, and the Fenway.

City-Community Partnerships

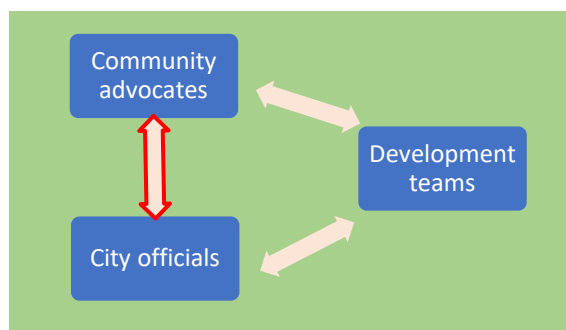


Figure 11: Partnerships (by Andrea Duarte)

The City's lack of involvement in training the community about AFFH review is a gap advocates identified. While most advocates interviewed agreed that advocates generally should step forward where the City is not doing the education and outreach, they showed different opinions about the degree to which City officials should be involved in training the community versus how much of this responsibility advocates should take on themselves. Several advocates believed that government also needs to have "skin in the game" with this process. As Larmond argues, the City government cannot claim that it cares about housing equity and fair housing if it has this new regulatory process but plays no part in ensuring it is fully utilized and enforced. White argues that actively engaged residents are beneficial and necessary to the process, but the City should take more ownership over the process and not place excessive burden on residents to make sure they are getting fair and equitable housing in their neighborhoods. It is exhausting for residents, who can least afford to, to take time to go to all the public meetings and constantly push back on developers who often don't make the changes that are asked of them.

When asked about the role of government versus community and their relationship in AFFH review, interviewees identified city-community partnerships, namely taking joint action in designing and facilitating trainings, taking joint action in conducting outreach for meetings and engagement activities and facilitating residents' ability to participate, more frequent communication with advocates, and decision-making that incorporates advocates' feedback. As Chou argues, "it's important that community organizations and organizers have a strong role in working with the City to implement some of this." Advocates ultimately believe that the effectiveness of AFFH review hinges on engaging residents of

protected classes, listening to them, and strengthening the BIFDC to do strong, accountable reviews so as to not place excessive burden on advocates and residents.

City officials echoed a similar sentiment about the role of partnerships in effective AFFH review implementation. McCarthy expressed that having more people monitoring AFFH review and providing officials more feedback, comments, and input on the process itself and outcomes AFFH is trying to achieve creates a stronger product in the end. She stated that “working with community groups on education, outreach, and engagement with the process does help to strengthen policies like this overtime” even if it takes time to implement the changes that they suggest. Onuoha is already playing a role in partnering with advocates on AFFH review education and believes that AFFH review will ultimately help communities and developers work better together. While relationships between communities and developers can often be described as “combative” and hostile, it is not always the case. He believes that when they come together and have a common understanding of needs and how to grow a community and are working toward a common goal, they often create products that are creative, groundbreaking and address many competing issues, including housing choice and greenspace. As Onuoha argues, however, advocates and City staff must push to make this happen.

Year 1 Conclusion

In this first year of policy implementation, BIFDC officials and advocates have begun building out capacity for this new process. AFFH review has begun changing conversations between city officials and developers toward designing projects that are accessible to lower income residents. BIFDC officials flagged developers’ minimalist approach to designing housing inclusion interventions as their leading challenge. However, advocates described

an array of challenges that are undermining their ability to meaningfully participate in AFFH review of proposals and build communities' capacity to advocate effectively using this tool. These include difficult access to projects' AFFH plans, little transparency about or connection to the BIFDC review process, limited BIFDC and community capacity to monitor all projects, and limited capacity to educate the broader community about AFFH review.

Educating community, developers, and city officials is a critical early step for activating this tool, but steps toward building capacity in this arena so far have been insufficient. Interviews suggested that the BIFDC and community advocacy coalitions have been operating in separate spaces with infrequent communication. This has a direct impact on how both groups are navigating disagreement in determining 'does this project go far enough for AFFH' and 'which interventions would be best to recommend to developers.' This disconnect and disagreement seems to be an initial challenge for both officials and advocates and can impact the scope of AFFH interventions that get approved.

PART III:

Recommendations & Future Inquiry

7. Recommendations

So far, this thesis has discussed the challenges of AFFH review in its first year, namely many developers approaching it in a minimalist way, limited transparency of the BIFDC process and community access to the BIFDC, missing AFFH information, and limited capacity to educate all three stakeholder groups about this new process. This chapter will discuss 11 recommendations for increasing meaningful community engagement and impact in AFFH review. It begins with an overview of the rationale and assumptions that collectively guide the recommendations and an introduction to each. The remainder of the chapter elaborates on each recommendation.

One of the major themes that emerged from several advocates and BIFDC members is a desire to develop effective structures for collaborative education, goal setting, and planning. Advocates and some city officials interviewed agree that they need a multimodal way of getting thoughtful community input to inform housing development strategies. Transforming planning processes, including comprehensive planning, to embed a deeper equity agenda which then guides development review is one way to increase collaborative goal setting and make AFFH review more effective. These long-term changes, however, heavily rely on overhauling the BPDA.

AFFH review can benefit by anchoring deeper partnerships between officials and advocates, including collaborating to train community, developers, and City staff, collaborating on outreach for meetings and IAG nominations, collaborating to identify creative solutions for financing deeper housing affordability, and collaborating to define and evaluate metrics for AFFH review; this involves inviting fair housing advocates to decision-making meetings and bodies for AFFH review and integrating their

recommendations for AFFH plans into BIFDC decisions. More frequent dialogue with neighborhood advocates can inform more inclusive and equitable decision-making and highlight which interventions members of protected classes believe best fit their needs.

Deliberative Spaces

Many of the recommendations I propose aim to foster opportunities for deeper deliberation and communication between city officials and advocates. Archon Fung's democracy cube centers structures for deliberation and negotiation as conducive to helping community members determine what they want individually and collectively, to facilitating thoughtful agreement, understanding persistent disagreement, and learning about new alternatives that can advance community values (Fung, 2006). Many public meetings and engagement structures historically have not aimed to integrate participants' preferences into a collective direction but have been a channel for officials to gather participants' individual perspectives and separately consider them at a later date (Einstein et al., 2019; Fung, 2006). In its first year, AFFH review seems to be happening in this direction. BIFDC members, advocates, and developers seem to be operating in separate spaces with little consistent deliberation across stakeholder groups except for the written deliberation happening between the BIFDC and developers.

Since there will be disagreement and variation about what constitutes housing inclusion for any given project—both between the community and City officials and within the community itself—deliberation with impacted communities is important in determining whether and how certain interventions should be prioritized over others for a given project. Community feedback can also help ensure that interventions are aligned with and tailored to neighborhood-specific features such as: groups experiencing displacement

risk, language needs of local English Language Learners, condition of existing housing stock, costs of land and construction, and project size.

In deliberative engagement settings that employ two-way communication with community members, consensus is built based on collective-rationale and evidence-based arguments (Fung, 2006). For advocates and residents to build consensus on preferred AFFH intervention plans, reconcile tradeoffs, or change preferences, they need access to AFFH plans and materials that clearly explain intervention alternatives and their tradeoffs. Getting community trained on this process, using AFFH tools and data, and exploring alternative AFFH intervention plans can help community groups and individuals deliberate in an informed way and consensus-build to present unified pushback and recommendations to developers and the BIFDC. Intentional structures for two-way communication help community members be part of the deliberation alongside the BIFDC, instead of the BIFDC deliberating on its own as it has been doing.

Recommendation		Time Frame		Stakeholder Group		
		Short-term	Intermediate	City Role	Advocate Role	Partnership
1	Increase online access to AFFH plans, projects under AFFH review, and other AFFH information.	*		*		
2	Convene an inter-institutional team to design and deliver 3 AFFH development review curriculums for: City officials, developers, community.	*				*
3	Open BIFDC meetings to the CAC or community advocacy groups representing protected classes.	*				*
4	Develop a list of standards for the BIFDC to use to guide their determinations and recommendations.	*				*
5	Use/elaborate on community definition of AFFH & plot projects on a spectrum based on these criteria to inform community prioritization of AFFH interventions & advocacy targets.	*			*	
6	Advocate for another fair housing expert/community advocate on the BIFDC. Hire a full-time BIFDC staff.	*				*
7	Allocate line items in City budget for city and community AFFH development review trainings.		*	*		
8	Allocate staffing, training, software for mapping AFFH and residential projects under Article 80 review.		*	*		
9	Require “lead” AFFH-trained BPDA project managers or CEMs to train other BPDA staff in AFFH review.		*	*		
10	Integrate PPI curriculum, including IAG bootcamps, into AFFH community training.		*		*	
11	Partner with neighborhood CBOs from AFH process to pilot AFFH Article 80 meetings.		*			*

Figure 12: Recommendations (by Andrea Duarte)

Recommendations Overview

Working within the system as it is, I recommend that community advocates and city officials take the 11 actions discussed in this chapter to make AFFH review more effective and equitable. These recommendations are those that advocates presented during interviews (#1, 3, 4, 6, 7, 10, 11) and a result of my own analysis of the challenges they identified (#2, 5, 8, 9). Figure 12 outlines actions advocates and officials can take to build meaningful education of advocates and community, city officials, and developers. It also includes measures for greater transparency, more inclusive and intentional recruitment and deliberation in development review spaces, and greater impact of protected class members' advocacy on BIFDC decisions. Partnerships between City officials and advocates are central to these recommendations. Partnerships should contribute to mutual learning between officials and advocates. Figure 12's last column identifies steps that I suggest advocates and city officials collaborate on.

Short-term recommendations are those that I suggest officials and advocates target first and immediately. These will lay the groundwork for the intermediate recommendations for more expansive training on the AFFH review process within one to two years when the City's next fiscal year budget is drafted and allocated. Later recommendations build on earlier ones. First, I recommend that City officials begin by increasing and facilitating online access and visibility to information about projects undergoing AFFH review so that advocates and other residents have information they need to assess projects' impact on them and influence AFFH plans.

Second, I recommend that a working group of City officials and advocates convene to design three sets of AFFH review curricula and begin teaching them: to officials,

developers, and community. Third, I recommend that the CAC or advocates appointed by it regularly attend BIFDC meetings, and these officials and advocates can use this space as a learning opportunity about the review process and how the community is defining AFFH. Once advocates and BIFDC officials have had the chance to experience each other's approaches to AFFH review, they should collaboratively develop a list of standards the BIFDC will use to inform its determinations and recommendations to developers. Fifth, advocates can develop their own classification system for assessing projects' housing inclusion compliance using specific examples and use this to inform which AFFH interventions they collectively advocate for. Sixth, I recommend that advocates prioritize pushing for another fair housing expert on the BIFDC in their advocacy to help deepen the BIFDC's agenda toward more extensive housing inclusion interventions.

My intermediate recommendations target funding toward staffing and resources to expand training and monitoring for AFFH review, both in the City and advocacy groups; they also target expanding community trainings on AFFH review by integrating AFFH workshops into PPI curriculum and bringing PPI to other neighborhoods. Lastly, once City officials and advocates have had more opportunity to regularly learn and deliberate together about AFFH review, I recommend that City officials partner with advocates and developers to pilot AFFH-focused meetings for all projects undergoing AFFH review.

Overarching Elements

I argue that two overarching factors can facilitate implementation of the recommendations I propose. First, CAC advocates have been given the rare opportunity to share power with the mayor in monitoring and enforcing city-wide policy implementation through the AFFH Executive Order. The CAC and advocates it appoints should use this

innovative participatory platform on the AFH monitoring committee to call for equity-driven staffing, resources, and participatory planning processes across departments that can help deepen capacity for community-led AFFH review.

Second, adjusting the BPDA's timing for project review to make it less deferential to developers can facilitate the actions I propose. Some advocates believe the 30–45-day comment period is too short for people to become informed enough about AFFH review to meaningfully advocate in the process. BPDA staff should move more slowly to ensure all AFFH documentation is available and accessible, build residents' understanding of projects' impact, bring a broader representation of people into the process, and build positive relationships and trust with residents.

It will take time to properly train all key stakeholders on AFFH review. Extending the length of comment periods by about six months can give advocates, officials, and developers more time to build the infrastructure, staffing capacity, and understanding to fulfill housing inclusion goals on large-scale projects. It is important to carve in time for this capacity building so that exclusionary projects like the Sea Port do not continue to get permitted despite this new process meant to prevent this level of exclusionary development. I argue that the potential outcomes of implementing these measures below heavily outweigh the costs of longer review periods and higher allocation of resources.

1. Communications and Transparency Measures: Increase online access to AFFH plans, projects under AFFH review, and other AFFH information.

Currently, there is no simple way to generate the list of projects under AFFH review. This list should be tracked and shared with advocates to keep them aware of updates and facilitate their ability to understand AFFH development activity and tailor their AFFH trainings, outreach, and advocacy efforts. Many advocates expressed a desire for this list. I recommend that BPDA officials increase and facilitate online access and visibility to information about projects undergoing AFFH review. City officials can implement communications changes to the AFFH review process that can facilitate community navigation, transparency and information-sharing. This includes creating an online database of projects under AFFH review, creating a filter on the BPDA website to easily generate the list of AFFH-reviewed projects, and creating a weekly email list of AFFH projects and their status updates that community members can sign up for.

Further, when BPDA officials send out a notification email about a development to neighbors, it should include links to the project's AFFH checklist and other relevant AFFH resources on the BPDA website. A project's AFFH plan should be posted as an individual document on a project's timeline webpage, separately from the PNF. Advocates and community members should not have to dig for this document in the PNF as they do now, and the definition of the document should be written in accessible English so that those most impacted by AFFH who are looking for this information can easily find it. Similarly, some advocates have stated that the AFFH assessment form is much shorter than the 1000-page PNF, but it still feels overwhelming and inaccessible. As Chou suggests, I recommend that developers distill and present this information in an additional way that feels clearer

to advocates and general community members, such as PowerPoint presentations like those that developers use for public meetings and scoping sessions; the PowerPoints can focus on the most important sections of the AFFH forms, i.e., Sections 4 and 6 and should be part of developers' presentations at public meetings.

2. Convene an inter-institutional team to design and begin delivering three AFFH development review curriculums for: City officials, developers, and community.

I recommend that city officials partner with a working group of community advocates to co-design and co-teach three curricula for AFFH review: one for city officials, one for developers, and one for advocates and community. Trainings for community so far have been held through a community-OFHE partnership; advocates and City staff should build on this existing partnership for future community trainings *and* trainings for BPDA staff and developers. Having both city officials and trusted community advocates present at community trainings builds greater credibility in the process and in ensuring information is delivered and feedback gathered in a helpful way. Having all three groups be part of training design and delivery helps provide tailored education about both AFFH and equity components and BIFDC process components; BIFDC components had been missing from community trainings so far and advocates had many outstanding questions about BIFDC operations. Trainings for all three stakeholder groups should set new expectations for who is responsible for implementing equity work, and designing and delivering training content collaboratively can help achieve this. Trainings should set the tone that community advocates' knowledge is equally valuable as City officials' for AFFH review implementation and recognize advocates' work and involvement as part of a healthy, effective political and

development review process. Remaining connected with advocates can help inform and strengthen officials' implementation of equity-driven processes and AFFH housing inclusion recommendations.

City officials and advocates can partner to build the curricula for training city officials, community members, and developers and deliver trainings in ways that legitimize community advocates as stakeholders in AFFH review, especially during trainings provided to developers since so far there has not been partnership even between OFHE and BPDA for designing and delivering developer trainings. BPDA, OFHE officials, and fair housing advocates should convene to jointly draft curriculum and train developers since BPDA officials are not fair housing experts. Partnering with some community advocates can help city officials adapt language of the trainings for community so that the technicalities of the AFFH review process and its tools do not alienate certain resident groups and ultimately deem them less legitimate stakeholders.

Collaboratively crafting and delivering curriculum presents an opportunity for innovative partnerships and channels for collaboration and meaningful mutual learning. City-community partnerships in trainings and other parts of AFFH review implementation are also important because they can help both community groups and City officials educate developers on possibilities for partnering with the BHA and CDCs and other entities to finance more deeply affordable income-restricted and subsidized housing into projects, especially on neighborhood-sized planned development areas; bringing in and legitimizing community organization expertise can help achieve deeper levels of housing inclusion, both in informing engagement processes, affordable housing financing strategies, and recommendations to put forward to developers.

When co-facilitating trainings, advocates will need to be strategic about which stakeholders deliver which segments of the trainings. Some advantages of community-advocate – led trainings are that they can make direct asks to further mobilize other advocates and residents. Where city officials may need to be more neutral in their trainings and dialogue with advocates and residents, community advocates can frame information such as standards and room for pushback on filed AFFH plans or BIFDC determinations through a more activist lens that seeks to mobilize resident voices.

3. Consider opening BIFDC review meetings to the CAC or community advocacy groups representing protected classes.

I suggest that officials and advocates consider opening the BIFDC's review meetings to the CAC and/or some of the 60 community organizations who participated in Boston's AFH process. This is one option for increasing community voice and impact in AFFH review and collaboration through meetings. Many advocates emphasized the need for a direct line of communication with the BIFDC. They are concerned that without this channel, the scope of policy implementation will be limited. Having all BIFDC meetings be open to the public or at least the CAC, who is the citywide body overseeing implementation of the AFFH Executive Order, can directly increase transparency and community engagement in AFFH review. The organizing consultant hired by advocates to monitor AFFH review can be designated to attend these meetings if CAC members' capacity is already limited.

Advocates may have more complete perspectives on how housing inclusion interventions the BIFDC is recommending to developers would impact members of protected classes and can have ideas for diversifying funding streams to deepen unit

affordability that City officials may have not thought of on their own. It is also helpful for advocates to know how City officials on the BIFDC are reading the HHCCP maps and using the AFFH data to inform their decisions and recommendations and to fill any blind spots in city officials' decisions. It is equally important for City officials to educate advocates and residents about the types of data the maps provide so residents can make informed arguments about the projects and their impact on them, and attending these meetings would provide this learning opportunity.

4. Develop a list of standards for the BIFDC to use to guide their determinations and recommendations.

As advocates suggest, I recommend that the CAC, community advocates and an external fair housing auditor together with BIFDC members develop a list of standards for the BIFDC to use to 1) inform their determinations about whether a project proposal and its AFFH plan actually further housing inclusion and integration and 2) guide recommendations about which interventions should be adopted to further inclusion and integration. These guidelines would provide additional guardrails for navigating disagreement and deliberation on the BIFDC. The guidelines could also inform how the BIFDC determines what level or number of affordable units can be considered to be building inclusion and integration for a given project. Using these guidelines could ensure the BIFDC is looking at more than AFFH assessment forms/checklists to make decisions and recommendations about AFFH compliance and would provide more structure, transparency, and accountability in its determinations, making the process less ad hoc than

it has been. The BIFDC and advocates could use the same rubric of standards to evaluate projects if advocates believed the BIFDC's rubric fully captured their standards.

5. Use or elaborate on community definition of AFFH and plot projects on a spectrum based on these criteria to inform community prioritization of AFFH interventions and advocacy targets.

As projects begin to be approved, community advocates can use previous examples and chart or document them on a spectrum from non-compliant to strong AFFH. They may also use projects in Roxbury and Nubian Square as strong examples to advocate for. Determining which combinations of interventions constitute strong housing inclusion for a given project should be the result of deliberation between the three stakeholder groups and center voices of community advocates of protected classes. While there is no formula to make determinations about whether projects are AFFH compliant, community members can think of AFFH as a spectrum, as Desrosier suggested to advocates in the educational workshops. There may be slight variation in these criteria by neighborhood depending on local differences in demographics, displacement risk, etc., but a rubric and spectrum that plots examples of strong projects can be useful tools to help guide advocates, City officials, and developers in envisioning and recommending alternatives. This classification tool and its examples can also guide evaluation of approved proposals and help train city officials, developers, and community members on AFFH review.

Examples for Envisioning Alternatives

Advocates can utilize their own four-part AFFH definition (see Figure 10, pp. 106) presented in the educational workshops or develop a more elaborate one to produce a rubric with criteria to evaluate proposals and set their own community standards for AFFH

and housing inclusion compliance. The BPDA Housing Policy Manager suggested that having more examples of successfully reviewed and approved AFFH plans could help inform developer learning and improve its effectiveness. Examples can also inform BIFDC, OFHE, and BPDA officials' work and communities' organizing strategies by having positive cases to reference, build on, and deliberate about. Stakeholders cannot look to other cities for lessons and examples on this process because Boston is the first to implement it. While there are not yet exemplary AFFH proposals that can be used as "good models," I suggest that stakeholders—including advocates, City officials, and developers— can look to other processes in the city that may be implementing AFFH but not be labelled as such in order to inform their AFFH plans. These models can be helpful for both developers as they design projects and advocates as they create their own AFFH intervention plans that they believe would constitute AFFH for a given project and that they would advocate for.

One of the existing structures BIFDC officials, developers, and advocates can reference is Nubian Square's own inclusive-anti-displacement development standards for new development on public land in Roxbury, which Armani White claims is going very well. Reclaim Roxbury's Nubian Square process for reviewing RFPs on publicly-owned land—which requires 2/3 affordable units—is different than that of city-wide development on privately-owned land because acquisition costs are often lower on public land, making deepening affordability and other features easier; community and city groups also have more control over public land than they do over private parcels. It may be challenging to reach two-thirds restricted housing for low- and moderate-income residents on all private developments. However, if advocates and city officials invite community development corporations and other groups familiar with affordable housing finance into deliberative

spaces and play a role in shepherding opportunities for private-nonprofit developer partnerships, similar to that of East Boston CDC and Davis Companies in the Bremen Orleans project, this 2/3 goal could become more in reach.

6. Advocate for another fair housing expert or community advocate on the BIFDC.

Hire a full-time BIFDC staff.

I recommend, as advocates and OFHE Director Onuoha expressed, that the City consider expanding BIFDC membership and appoint more fair housing experts and/or appoint community representatives. I suggest that this can include a CAC member(s), advocates who participated in the AFH engagement process, or officials furthering equity goals in other city agencies, such as the Office of Housing Stability. I recommend advocates conduct further inquiry together with officials about who these additional members would be and consider prioritizing this in their AFFH advocacy goals. According to Turner, a fair housing expert is a person “who is completely familiar with all of the law on fair housing, and very familiar with how data is used in direct and indirect ways to assess fair housing.” They are able to evaluate entities involved in planning and development to determine whether projects are complying with fair housing concepts, using the Obama administration definition of AFFH which was based on decades of case law.

Different modes of communication in engagement strategies and ways of arriving at decisions have variable impacts on inclusiveness of outcomes but who is on decision-making bodies is equally important. Advocates expressed that they try to use public meetings to impact project proposals but that their influence in these meetings is sometimes very limited. Making participation more diverse and accessible, opening up

BIFDC meetings, and expanding spaces for deliberation is insufficient to make AFFH review realize its full potential. How the BPDA is weighing and using community feedback is important to ensuring residents are getting equitable housing in their neighborhoods. Having greater representation on the BIFDC can heavily impact the body's decision-making about inclusive housing interventions.

Advocates repeatedly expressed concerns that there are currently not enough fair housing experts on the BIFDC. Many question how far the BIFDC will push developers to meet AFFH standards, given that AFFH review is a BPDA process and the agency's historic deference to developers. If residents are participating only to have their feedback ignored in BIFDC decisions, they will be discouraged from contributing their time and efforts.

Increasing fair housing and community membership on the BIFDC means giving those who are most impacted by the policy or who are close to those communities more power and control over determinations and recommendations to developers so that AFFH review is not implemented in a minimalist way. It is a form of participatory governance that can deliver higher policy effectiveness because members of protected classes and advocates who work with them have deeper local knowledge that can inform which AFFH interventions can be most helpful for certain neighborhoods and potential unintended consequences. Membership on the BIFDC grants fair housing advocates greater authority and legitimacy as stakeholders in development review and can help reinforce accountability to the goals of AFFH.

7. Allocate line items in City budget for city and community AFFH development review trainings.

Advocates believe that the more people know about and understand the AFFH tool and engage developers on it together, the more likely this process will result in meaningful changes. In some neighborhoods, there are community groups who are very engaged with residents such as Reclaim Roxbury, DN4S, and Allston-Brighton CDC. However, neighborhoods that have no organized housing justice community groups or connection to CTAB may get left behind. As Larmond suggests, I recommend that the City allocate a line item in the BPDA or other city agency budget for City officials to train the community on this new process or consider funding community groups like those in the CTAB or BTC to do this work alongside officials. Advocates and decision-makers should conduct further inquiry to assess opportunities for contracts between the City and community groups to do this work so that there is accountability throughout and serious commitment to making sure education happens. Partnerships between community advocates and officials in implementation should be present from the beginning, starting with training about the AFFH review process and its tools. All relevant stakeholders must receive appropriate training on this new process, including BPDA project managers, community engagement managers, other City staff, developers, advocates, and residents for it to yield its intended impact. This requires modifying job responsibilities and increasing staffing at the BPDA and OFHE, which requires additional funding. This additional funding should also cover hiring a full-time, preferably fair housing expert, official to staff the BIFDC.

Relying just on advocacy organizations, that have strong connections to residents but stretched capacity, to train community members may result in more limited outreach and training than if the City played a part in some of this work. A couple advocates believed

that this is a current limitation of their role and that implementation is more likely to achieve the scope they need if it is a City-driven initiative. It is especially important for the City to play an active role in making sure community AFFH education happens so that populations in certain geographic regions of the city are not left out.

While advocates like Larmond and A. White strongly argued in favor of the City funding community groups to support education and outreach work in partnership with City officials, not all advocates readily argued for the same. BHA Chief of Staff Wool acknowledged that community groups need additional funding for organizing work but need to be wary of how this funding stream could alter who they are beholden to and constrain their work in different ways. Wool believes that helping with translation and conducting deeper stakeholder engagement on major planning efforts are ways the City can play a role in authentically engaging residents. The City is both a “public engagement entity” and a “regulator.” As an experienced city official and community advocate, Wool flagged that these two roles of municipal government can at times complement but also clash with each other.

8. Allocate staffing, training, and software for mapping AFFH and residential projects under Article 80 review.

Similarly, I recommend that with additional funding, the BPDA allocate staffing, software, and training to regularly map data about AFFH reviews and all new residential projects throughout the City. One of the most useful aspects of AFFH review advocates emphasized is that it provides them with the same information that developers and city officials have so they can produce and advocate for their own AFFH plans. Comprehensive

neighborhood- or citywide- maps tracking developments under AFFH review can help provide advocates, residents, City officials and developers with a wholistic view of development in Boston and help visualize and evaluate progress being made or not made toward meeting AFFH goals. This type of City-wide mapping and visualization tool has been missing from BPDA evaluation and transparency measures but can help inform decision-making and recommendations for AFFH plans for all stakeholder groups and be a powerful education tool.

Maintaining a map of city-wide proposed and approved development that tracks affordable units, bedroom sizes, disability-accommodating units, and other features is a critical tool for all three stakeholder groups to make informed decisions about project design and recommendations not only using neighborhood-level data but citywide data about new and existing housing to demonstrate gaps in affordability and housing choice for new development. It can be used by advocates and city officials as a platform for making issues visually and spatially quantifiable and even more politically actionable; it can also help residents identify problems in their neighborhood and visually mark where fair housing issues are clustered to convince city officials of the urgency to address issues in particular regions. This tool can be particularly helpful in tracking which AFFH interventions are being proposed in developments across the city, how interventions are being distributed geographically, and where there may be geographic gaps in certain types of interventions. This is an essential tool for transparency, and evidence-based planning and review.

One example of a mapping directory BPDA officials can use as a model is a geospatial directory that had been utilized by AB CDC's PPI program. This map was

produced by a community planning intern who imported development and neighborhood demographic data from google sheets into Tableau. It was ultimately taken down because the CDC did not have sufficient capacity to regularly update it once the intern left. However, BPDA officials can draw important lessons from this community-generated tool on how to build their own directory and its significance for building greater transparency and community agency to understand development activity and advocate in an informed way. AB CDC's directory tracked in-review and approved developments by address, stage in Article 80, number and type of residential units, number of affordable units, number of parking spaces, number of bedrooms, IAG members, and community benefits for each project to provide detailed and simple to read visuals of development corridors. This was a helpful educational tool for advocates and PPI participants to geographically visualize and understand gaps in residential development and to more easily pull data to support their arguments.

9. Require “lead” AFFH-trained BPDA project managers or CEMs train other BPDA staff in AFFH review.

I recommend that the BPDA build a system for internal AFFH review training for staff such as Article 80 project managers, Community Engagement Managers, and others that builds on existing institutional knowledge and experience. It is City officials' responsibility to build unheard populations' capacity to participate in public processes and to build equity into outcomes and in access to the processes that generate those outcomes. City officials' ability to educate, build the capacity, and facilitate engagement of protected classes hinges on officials receiving proper training themselves on AFFH review and

agencies building the institutional capacity and resources to meet these goals. They should be thoroughly familiar with the history, significance and process of AFFH review, how to use its tools to conduct displacement analyses, and understand the BIFDC review process and how it is evolving, so that they can then meaningfully train and educate community members on these aspects and answer their questions. Training for city officials on AFFH review should also include sensitivity training on working with members of different protected classes, historical background about issues and barriers they face, and engagement strategies tailored to meet various needs.

The BPDA and other city agencies must implement structures for cross-training on this review process and on broader equity goals. As mentioned earlier, I recommend a working group of OFHE, BPDA staff and community advocates train BPDA project managers and other staff in AFFH and AFFH review. BPDA projects managers who are identified as having strong understanding of the process can then help train other project managers and BPDA staff. Project managers are responsible for helping developers navigate the Article 80 review process, staffing public meetings and relaying public comment. They should be fully trained in this review process so that they do not defer to other officials in public spaces and can themselves be shepherds and advocates of AFFH. Some BPDA project managers, such as some who serve Nubian Square planning and development, seem to have more fruitful relationships with advocates and residents of protected classes. BPDA project managers in Nubian Square helped facilitate the development of RFPs that build in AFFH community-defined criteria for Nubian Square development prior to the AFFH zoning amendment; these project managers who have worked closely with Reclaim Roxbury and advocates of color in Roxbury and are

knowledgeable in inclusive engagement processes and development outcomes can share their equity learning with other project managers and help build project manager capacity in engagement processes, AFFH review trainings, AFFH guidance to developers, and AFFH review enforcement.

The BPDA's recently hired CEMs can play a role in engaging with protected class members and teaching their own colleagues such as Article 80 project managers best practices for engaging with specific needs of different communities. CEMs can also help educate colleagues about equity practices and anticipated benefits of deeper, equitable engagement of protected class members and build colleagues' support for changing BPDA operations. CEMS can play a critical role in connecting with community advocacy groups and building trust and credibility during development of AFFH curriculum and enforcement of AFFH review.

10. Integrate PPI curriculum, including IAG bootcamps, into AFFH community training. OFHE speaks about fair housing rights and their office at portion of community trainings.

I recommend that the AFFH organizing consultant and team of advocates take Allston Brighton CDC's former PPI curriculum and adapt it to various neighborhoods and groups as part of community AFFH training and engagement efforts, and they can partner with City officials—at the BPDA and OFHE—for portions of the trainings. Relationship-building spaces like PPI's workshops and coffee hours can be an especially helpful component of AFFH review engagement in historically exclusive neighborhoods that are seeking to become more inclusive of protected class populations. It is equally important for neighborhoods that may not already have organized housing justice groups.

Advocates can conduct mini trainings on pieces of AFFH tools like the community profile map and data, let residents go away and digest it on their own and later follow up with coffee hours to answer their clarifying questions on a one-on-one basis. Coffee hours can be an additional engagement tool for advocates or city officials to answer questions and build relationships and confidence using AFFH tools; they provide another venue for education, input, and deliberation about AFFH interventions outside of meetings and workshops. These spaces are important because they help build relationships, which is even more powerful for advocates and residents than knowing all the complexities of the AFFH review process, as Desrosier argues. It is important for those who are implementing the PPI model for AFFH review education to know that it is, as Desrosier noted, an “investment in people.” It takes time for people to understand how the process works and be comfortable and confident using it.

Further, the OFHE staff can attend portions of these trainings in order to simultaneously train community members about the fair housing rights of protected class members since some residents still don’t know the OFHE exists; this can help frame, increase awareness of, and legitimize issues of inclusive development as a fair housing and legal issue. Chou stated that the only people she has heard talk about AFFH review at public meetings (outside of educational workshops) is BPDA staff. She was concerned that many members of protected classes aren’t aware of the OFHE’s existence or involvement in AFFH review. Greater OFHE involvement and partnership with the BPDA in public-facing spaces of education and project review could give the AFFH review process more credibility, build more trust and encourage greater engagement.

Impact Advisory Groups

As some advocates argued, projects' impact advisory groups are one opportunity for regular AFFH and housing inclusion advocacy with the developer. I recommend that community advocates include IAG bootcamps and AFFH education in PPI-style workshops in other neighborhoods. This can help build allies and relationships among populations of different levels of privilege. It can build relationships with public officials, help change IAG membership, and increase equity and AFFH advocacy on IAGs. Wool believes that it is acceptable both to make existing structures like IAGs more inclusive or replace them if they are considered an inadequate way for the City to field inclusive input. If IAGs become spaces that are more representative of Boston neighborhoods and have more members of protected classes who are willing to push back and be advocates for AFFH and inclusive housing with the help of PPI-style community trainings, IAGs can be another way to build community impact on AFFH through the duration of a project's review period.

11. Partner with neighborhood CBOs to pilot AFFH Article 80 meetings. Partner with some of the 60 CBOs from AFH engagement to outreach about development meetings.

I recommend, as several advocates have argued, that the City pilot AFFH-focused public meetings into the review period of all projects that are subject to AFFH review. While the impact of public meetings and community engagement in them varies, Boston advocates have identified Article 80 public meetings as one of the primary channels for community impact in AFFH review. Changing how Article 80 public meetings are structured and how developers and BPDA officials envision their purpose could help provide greater opportunity for meaningful engagement with members of protected

classes, deeper discussion on AFFH, and greater effectiveness of AFFH review. Turner stated that advocates have asked that there be “specific meetings about fair housing issues, as opposed to having fair housing issues addressed at a larger meeting where there’s only enough time for so many speakers, you can’t necessarily get access to be able to speak and there’s a whole bunch of competing issues.” Fair housing is a broad concept and can encompass many overlapping issues on its own, but constraining it into other public meetings sets it up as an afterthought and does not give fair housing the space it requires for meaningful understanding and discussion.

I recommend that the City partner with the 60 community organizations who informed Boston’s Assessment of Fair Housing to facilitate AFFH meetings in the Article 80 process for each development in addition to meetings they already hold. The City invites people in the ¼ mile radius of proposed developments to public meetings to discuss their concerns. While formally adding these meetings would likely be a long-term change that requires formal approval channels and amending the zoning code, City officials, advocates, and developers can begin by piloting these meetings in the short-run to test out this change. I suggest these AFFH public meetings be held during the developer’s pre-file stage or at the beginning of a project’s public comment period. They should be moderated by individuals who have been trained in fair housing law. They can be spaces for meaningful education, input, and deliberation about AFFH review for projects. I suggest that the developer, a BIFDC agency member (possibly the full-time official who is hired to staff the BIFDC), project manager, and the organizing consultant (hired to monitor projects alongside advocates) attend these meetings. The meetings would be dedicated just to bringing all stakeholder groups—developers, community and advocates, and BIFDC agency

reviewers— together to have focused discussions about affirmatively furthering fair housing in the developments. There is currently no other space in Article 80 that requires all of these stakeholder groups to convene to discuss fair housing issues.

This type of meeting could help catalyze learning about the AFFH review process, challenges for meeting community demands, and creative strategies to resolve these challenges and expand the scope of developers' AFFH interventions. These meetings can be a space for deliberation where fair housing advocates, residents, City officials, and developers use AFFH educational materials, share their views and reasoning with each other, and can help community members and advocates develop and explore their preferences in a more informed way. Having all of these stakeholders in the room can be beneficial for communicating about options and alternatives for meeting deeper affordability or higher bedroom counts; City officials, CDC affordable housing developers, and community advocates can together inform developers about alternatives—finance and otherwise— they can take to meet AFFH goals, regulatory limitations around alternative AFFH interventions, and provide developers and the BIFDC with a direct sense of which alternatives communities of protected classes most prefer.

These meetings are an opportunity for mutual learning among the three stakeholder groups about each other's work and process and for increasing transparency about the various moving pieces involved in development review. They can be another space for City officials to set an example for developers about intentional, proactive engagement with advocates and legitimizing advocates as stakeholders in the review process. These meetings can also be a reinforcement to developers in helping them understand the nature of what they're doing through AFFH review and why and an opportunity for City officials to

play a part in shepherding more constructive communication between developers and communities of protected classes.

Meeting Format

In order for public meetings and engagement processes to be accessible and compliant with AFFH, they must be held in accessible, inclusive formats. As some advocates suggested, the City should allow for both virtual and in-person participation while allowing virtual attendees the same opportunity to meaningfully engage with others who are physically present. Interpretation at meetings, preferably by native speakers who are fluent in both the language and subject matter, is another measure that is critical for building access to deliberation and advocacy spaces in neighborhoods with larger populations of Limited English Proficient residents who face displacement risk.

Recruitment

I recommend, as do some advocates, that the City identify organizations, particularly those who serve protected classes and have already been involved in the AFH, and work with them to spread the word about development meetings. Increasing meaningful engagement and impact by community advocates and members of protected classes in AFFH review begins with doing inclusive recruitment and outreach for engagement activities. Some advocates explicitly suggested that City officials should partner with community organizations to do more intentional outreach for public meetings and other Article 80 community-interfacing activities. As advocates argue, City agencies have capacity to reach a broader scope of residents than do most community organizations. While City officials may not have capacity to door-knock or phone call as DN4S and Reclaim Roxbury do in their outreach, officials can mail notifications and information regarding

developments to people's addresses that they easily have on file, do more flyering, and even vigorously pin flyers to people's cars as they do with parking tickets.

Advocates such as Larmond and Armani White believe that neither the City nor community groups should do the outreach work on their own. While it may be faster for the BPDA and city agencies to do so alone, it risks leaving more people out. Partnering with community groups can help identify a greater diversity of residents of protected classes who are at risk of displacement or have faced housing discrimination. Partnering with community organizations for outreach may also help boost attendance for those not typically attending public meetings because residents are often more likely to attend meetings if asked to do so by those they trust. City officials can reach out to advocates in community organizations who then encourage their constituents to attend.

This outreach to community organizations can build on the engagement and partnership of City officials, the CAC, and network of 60 community organizations during the 2017 community outreach process for the AFH. These 60 organizations planned, outreached, and facilitated community meetings for the AFH in collaboration with the CAC and City's AFH team. They can be contact points for developers and BPDA staff when outreaching about trainings on AFFH review, public meetings, and AFFH meetings on development review for projects. While it may not be necessary or feasible for all of them to be deeply involved in AFFH review advocacy on all projects, these organizations have already been identified as proxies for reaching residents of protected classes and already have experience working on AFFH-related outreach with the City. They should continue to be invited and involved in AFFH review educational workshops, engagement, advocacy, and collaboration with developers and City officials.

8. Conclusion

This thesis has made the important contribution of documenting the first year of AFFH development review implementation from the perspective of some BIFDC members and community advocates. Boston's AFFH review process has begun changing conversations between city officials and developers. So far advocates have been the ones carrying out meaningful engagement activity with AFFH review, namely through educational workshops and mentoring. While community members are the experts on housing inclusion, my interviews revealed that much of the effectiveness of AFFH review relies on how well City officials and decision-makers set up the institutional structures to engage advocates in this process and on building intentional structures for mutual learning and education. This is an innovative tool that can prompt other innovative processes relating to development and planning in order to achieve its intended impact. These intentional changes will require funding, expanded staffing, thoughtful training, and time to realize but can transform who benefits from development outcomes and processes.

Archon Fung's framework classifies deliberation and negotiation as the most intense form of communication in engagement spaces (Fung, 2006)—where participants use educational materials and share their views and reasoning with each other to develop and explore preferences. The AFFH review process has equipped community, city staff, and developers with the tools to make engagement processes more deliberative. The recommendations advocates and I propose can help foster these kinds of spaces. Effective equity planning also requires planning staff to recognize fair housing advocates' work as part of a healthy, effective political process (Bates, 2018). This research provides early

indications that AFFH review may be implemented more deeply by deploying channels for meaningful engagement that legitimize advocates' feedback and cultivate mutual learning.

Next Steps for Further Inquiry

I purposefully limited my thesis to the experiences and perspectives of BIFDC officials and certain community actors. While this revealed extensive helpful insight, it limited the project in several ways. Subsequent research should assess the perspectives of other important actors I was not able to interview and should document and research the next phases of implementation. This includes developers' experiences and challenges with AFFH review so far, a deeper analysis of training they are receiving, and their perspectives about engaging with historically unheard communities. It is also important to hear the perspectives of other city actors such as the BPDA's Article 80 project managers who are frontline BPDA staff in community engagement, and of the BIFDC representative from the Office of Housing. Interviewing other community actors such as other civil rights advocates of color on the CAC and CDC project managers involved in developing affordable units for projects undergoing AFFH review can illuminate a broader array of community groups involved in AFFH review implementation and how their roles can contribute to increasing implementation effectiveness.

Subsequent research can also study and evaluate the next phases of implementation. For engagement practices, this includes observing Article 80 public meetings, IAG meetings, and comment submissions—as more people begin using this tool in their advocacy—to assess strengths and gaps in how advocates, residents, and BPDA staff are using and interpreting the AFFH tools. For general policy evaluation, once a substantive number of proposals has been approved by the BIFDC and BPDA board,

subsequent researchers can conduct an evaluation of these projects; this includes analyzing finalized AFFH plans, scoping determinations, and LOIs, to assess the scope of interventions receiving approval and the revision trajectory of strong projects.

Lastly, while my research suggested that AFFH review can incubate new opportunities for collaborative goal setting on projects, it also suggested potential for incubating new opportunities for affordable housing development partnerships—to increase projects’ inclusiveness and affordability. Future research that identifies these opportunities can help elevate potential strategies for building stronger AFFH plans and inclusive projects.

Appendix

Boston's Article 80 Review Process

Stage 1. Developers begin by holding pre-file meetings with the BPDA and voluntary community outreach and then the Article 80 process begins when they file a Letter of Intent, which provides details about the proposed project such as its location, use, size, possible zoning relief. The LOI submission triggers the nomination process to create an Impact Advisory Group (IAG), which is a citizen review board appointed by local elected officials to help the BPDA determine appropriate mitigation for social and environmental impacts that the project may introduce. Developers then submit a Project Notification Form (PNF) with the BPDA—a public document that thoroughly describes the project's features and is reviewed for comments by City agencies and the public. Developers must complete and include an Accessibility checklist, Smart Utilities checklist, and now an AFFH Assessment plan within their publicly available PNF.

Stage 2. After submission of the PNF, the proposal is reviewed by the BPDA and various city agencies, and a 30-day public comment period is held. Public comment includes a community meeting, a meeting with the IAG, and a scoping session that the IAG is part of. During this time the Boston Interagency Fair Housing Committee— a body created under the zoning amendment— conducts ongoing AFFH review of the proposal. The BPDA then reviews the PNF, comments from City agencies, and public comments, and may issue a Scoping Determination. The Scoping Determination describes the issues identified by these 3 parties that the developer must study further and provide improved mitigations for; if the BPDA determines that the PNF did not surface any concerns among the three parties, then it recommends the PNF for a meeting and approval by the BPDA board. If a Scoping Determination is issued, the developer must conduct detailed technical analyses that respond to the issues identified by the BPDA and submit them in a Draft Project Impact Report (DPIR). After the DPIR is filed, a public comment period of 30, 45, or 75 days is held conditional to project size and location. The BPDA, City agencies, and the public then review the DPIR and the BPDA issues a Preliminary Adequacy Determination if there are still areas and impacts the developer needs to provide further analysis on; the developer submits these analyses in a Final Project Impact Report (FPIR) for review by the

BPDA, City agencies, and the public (30, 45 or 75-day public comment period after FPIR is filed) and the BPDA then issues a final Adequacy Determination that requires BPDA Board approval. If the DPIR is deemed adequate, then it is recommended for approval by the BPDA Board. The BPDA Board ultimately decides to approve a project, not approve, or approve it with certain conditions during a public meeting.

Stage 3. After the BPDA Board approves the proposal, public Zoning Commission and Board of Appeals hearings are held if applicable. For certain projects, Cooperation Agreements that list specific public benefits agreed to, Affordable Housing Agreements, Boston Residents Construction Employment Plan, and a Development Impact Project Agreement are then drafted and signed. The BPDA then reviews design of the proposed project. The developer then provides stamped construction drawings and receives a Certificate of Compliance and Consistency. Lastly, the developer receives a building permit and begins construction.

Stage 4. During the construction and completion phases or 6 months before the building is leased or sold, the Office of Fair Housing and Equity and BPDA agree on and sign an Affirmative Fair Housing Marketing Plan; this plan discusses the developer's plan for outreach, marketing, and tenant selection of housing units to the surrounding community and protected class members who have been historically excluded from that neighborhood—in order to provide maximum opportunities for people protected under fair housing laws. The OFHE begins affirmative marketing of the units six months before construction is complete. Lastly, a certificate of Completion is issued when the building is leased or sold.

BPDA Contact	Dear Aisling Kerr,
Introduce yourself and state your position.	I have lived in the Fenway for over 20 years and am an active member of the Fenway CDC. I am writing to you regarding the project on 121 Main Street. I would like to raise some concerns that the proposed development is not adequately meeting Affirmatively Furthering Fair Housing (AFFH) requirements.
What are your specific concerns? What do you propose as a solution?	Of the 100 total units in the proposed building, only 13 are proposed to be set aside under the Inclusionary Development Policy at 60AMI. The additional 6 units set aside at 80-120AMI are insufficient to address the existing racial exclusion of the Fenway. According to the racial exclusion map, the residents of the project area are 62% White, compared to 45% across Boston. Additionally, we know that in Boston there is a large racial wealth gap: the wealth for a Black household is an average of \$8 compared to an average of \$247,000 for a white household. Therefore, a proposed development that is out of reach for many Black families in Boston is furthering racial exclusion. I strongly recommend that the developer consider lowering the additional 6 IDP set aside units to an income level at or below 60AMI.
How does this impact you or your neighborhood?	One of the values that I hold for my neighborhood is our racial diversity, and I hope that this project can be amended so that it helps to foster, instead of hindering, the racial diversity and equity of our neighborhood.
Signature and name	Sincerely, Jane Smith

Figure 13: Sample of AFFH Public Comment Letter Presented at AFFH Educational Workshop (by Advocate Working Group)

Fair Housing History

One of the most contentious points of debate regarding fair housing has been interpretation of the Fair Housing Act's goals and policy objectives or what is meant by 'fair housing'—what scholars refer to as the dichotomy of 'community development or affordable housing advocacy' and 'integrationist advocacy.' Some believe that these 'camps' within the fair housing and civil rights movement are complementary (Jennings, 2021; Li, 2016) while others believe they are competing and in tension, a tension that undermines the policy's ability to maximize positive outcomes for residents of protected classes (Dawkins, 2018; Goetz, 2018; Iglesias, 2017). Scholars define the integrationist movement as advocating for strategies targeting integration and opening up access to majority White neighborhoods for BIPOC residents, while the community development movement has been identified as advocating for strategies that build housing, improve conditions and

increase investment in neighborhoods that have had historically a majority Black residents (Dawkins, 2018; Goetz, 2018).

The integrationist or “open housing” movement originated in the 1940s from advocates who wanted to eliminate racially discriminatory zoning ordinances, housing practices and racially concentrated poverty; they were committed to desegregating and dismantling low-income public housing projects, which often developed into “racial ghettos” (Dawkins, 2018). The community development, originally “Black power,” wing of the civil rights movement originated in the 1950s in opposition to the integrationist goal of dismantling existing communities of color (Dawkins, 2018). African American leaders in cities such as New York and Chicago advocated for the construction of more public housing in African American neighborhoods to build housing close to jobs and maintain existing Black political and social capital (Dawkins, 2018). There has been significant disagreement in Congress and municipalities about the best alternatives and policy actions required to increase integration and some still believe that eliminating discriminatory practices in the private housing market alone is sufficient to increase integration (Dawkins, 2018).

There seems to be a consensus that while both of these approaches and frameworks address critical needs and important values, it is the perceived scarcity of funds and resources that aggravate tensions between these groups and mobilize community advocates and officials toward prioritizing one over the other (Dawkins, 2018; Goetz, 2018; Iglesias, 2017). The spatial strategies for fair housing, and the ‘opportunity costs’ of building affordable housing in one area versus the other, is where significant debate happens between the camps of community development advocates and fair housing advocates (Goetz, 2018). Conflicts between the two sides result in inefficiency, avoidable litigation, and suppression of the density and scale of housing projects that are produced (Iglesias, 2017). Some scholars, such as Edward Goetz, are wary of methods or means taken toward reaching integration. They argue that integrationist goals can intentionally restrict choice for members of protected classes in order to in order to achieve a certain level of integrated spatial arrangement of households and avoid resegregation (Dawkins, 2018; Goetz, 2018).

AFFH Rule

For decades, municipalities receiving HUD grants were required to complete analyses of impediments to fair housing (AIs) and verify they were taking actions to affirmatively further fair housing, but HUD didn’t require receipt of the AIs and did not review many of them (O’Regan, 2019). The Obama administration’s 2015 AFFH rule, repealed by Trump administration in 2018, was meant to address many of these accountability flaws. It required municipalities receiving HUD funding to conduct Assessments of Fair Housing using fair housing planning and evaluation tools, data, and maps provided by HUD. It required municipalities to conduct a rigorous comprehensive public engagement process and set strategies and measurable goals for affirmatively furthering fair housing. The rule required assessments be submitted to HUD for review,

and HUD ultimately decided whether they were sufficient. The Biden administration reinstated Obama's 2015 rule to re-implement the FHA's AFFH requirement according to the Obama administration's AFFH definition and all of the above items, except it did not make completion of AFHs mandatory for HUD grant recipients; under the current AFFH requirement, recipients of HUD funding must "submit certifications that they will affirmatively further fair housing in connection with their consolidated plans, annual action plans, and PHA plans" (*Affirmatively Furthering Fair Housing*, n.d.). HUD doesn't require recipients to complete any type of fair housing planning such as AFHs to support these certifications but provides a voluntary fair housing planning framework and technical assistance for those who wish to complete AFHs, Analyses of Impediments to Fair Housing Choice (AIs), and other types of fair housing planning that they may have already prepared or begun preparing in previous years.

Although the new interim rule does not make AFHs mandatory and it is unclear how rigorously HUD will review submitted AFHs, the new AFFH rule may still increase transparency and potentially community engagement in fair housing implementation for those who do opt into the process by providing uniform datasets and maps to municipalities and the public—key tools for identifying housing discrimination and setting more actionable goals (O'Regan, 2019; Steil & Kelly, 2019).

Integrating Fair Housing in Institutional and Community Culture

Civic engagement is at the core of work that is necessary to build inclusive communities, including comprehensive planning, assessments of fair housing, serving English language learners, affirmative marketing plans and tenant selection, and increasing access to housing and opportunities (Un, 2018). All of these efforts should begin with outreach to individual residents and households in a district in addition to the organizations that serve or represent various communities (Un, 2018). The Obama Administration's 2016 AFFH (Affirmatively Furthering Fair Housing) rule mandated that localities receiving HUD funding establish Fair Housing Advisory Councils to advise cities on housing needs and solutions. Advisory committees can involve residents in their work and help them connect with local government to advocate for their needs. Advisory committees can help increase local awareness of fair housing, assist the municipality in identifying needs, and increase accountability in addressing needs of protected classes. Residents' involvement in these committees, public hearings, and research contribute to leadership development and help residents learn how to advocate within municipal government and how to educate other residents about government processes (Un, 2018). Commissions can also review municipalities' proposed policies and programs to help guarantee they are accessible to all people.

In addition to exclusionary regulatory frameworks, African Americans and Latinx residents in the Metro Boston area cited fear that they will not be welcome in a community as a reason for members of their racial/ethnic group missing out on housing (Un, 2018). Communities must couple inclusionary policies and housing development with intentional messaging of welcoming and inclusion to dismantle historic segregated living patterns. Human rights commissions throughout Massachusetts have undertaken various fair housing efforts to integrate fair housing practices into cities' operations and culture. They include educating members of protected classes about their fair housing rights, providing trainings and educational materials to landlords, tenants, real estate professionals, city staff and volunteers doing housing, planning, land use, and human services work (Un, 2018). Fair housing educational flyers can be posted at town hall, on City websites, at City events, and in city mailings such as water bills. Committees can partner with school districts and local arts councils on projects to promote diversity and awareness about fair housing issues, in which they invite fair housing advocates and researchers. Municipalities can celebrate holidays that embrace members of protected classes and table at local events for education and outreach. Human rights commissions have also conducted outreach and education through media by writing monthly op-eds and letters to the editor about efforts to support fair housing and housing inclusion (Un, 2018). Faith-based organizations offer another space for discussions, leadership development, and action on inclusion and equity (Un, 2018).

References

- Affirmatively Furthering Fair Housing*. (n.d.). HUD.Gov / U.S. Department of Housing and Urban Development (HUD). Retrieved June 21, 2022, from <https://www.hud.gov/AFFH>
- American Planning Association. (2019, May 14). *Planning for Equity Policy Guide*. American Planning Association. <https://www.planning.org/publications/document/9178541/>
- Arnstein, S. R. (1969). A Ladder Of Citizen Participation. *Journal of the American Institute of Planners*, 35(4), 216–224. <https://doi.org/10.1080/01944366908977225>
- Bates, L. K. (2018). GROWTH WITHOUT DISPLACEMENT: A Test for Equity Planning in Portland. In N. Krumholz & K. W. Hexter (Eds.), *Advancing Equity Planning Now* (pp. 21–43). Cornell University Press. <https://www.jstor.org/stable/10.7591/j.ctv43vr3d.6>
- Boston Fair Housing regulations*. (2016, May 13). Boston.Gov. <https://www.boston.gov/departments/fair-housing-and-equity/boston-fair-housing-regulations>
- Brown, K., Jennings, J., Larmond, L., & Terrell, R. (2021, February 18). Fair Housing and Zoning: Toward a New Boston? *Shelterforce*. <https://shelterforce.org/2021/02/18/fair-housing-and-zoning-toward-a-new-boston/>
- Calder, V. (2016). Fair Housing: Regulation is Not the Answer. *Harvard Kennedy School Review*, 16, 7–11.

City of Boston Assessment of Fair Housing. (2022, January 20). Google Docs.

https://docs.google.com/document/d/1A59pPt03h1bnTfL_HptUjPjZkIPrlqfV59dXurFUBEg/edit?usp=sharing&usp=embed_facebook

Coalition for a Truly Affordable Boston. (n.d.). Coalition for a Truly Affordable Boston.

Retrieved March 25, 2021, from <https://www.affordableboston.org>

Connolly, B. J. (2016). Promise Unfulfilled? Zoning, Disparate Impact, and Affirmatively Furthering Fair Housing. *Urban Lawyer*, 48(4), 785–837.

Dawkins, C. (2018). Toward common ground in the U.S. fair housing debate. *Journal of Urban Affairs*, 40(4), 475–493. <https://doi.org/10.1080/07352166.2017.1310595>

Einstein, K. L., Glick, D. M., & Palmer, M. (2019). *Neighborhood Defenders: Participatory Politics and America's Housing Crisis*. Cambridge University Press.

<https://doi.org/10.1017/9781108769495>

Einstein, K. L., Glick, D. M., & Palmer, M. (2020). Neighborhood Defenders: Participatory Politics and America's Housing Crisis. *Political Science Quarterly (Wiley-Blackwell)*, 135(2), 281–312. <https://doi.org/10.1002/polq.13035>

Fung, A. (2006). Varieties of Participation in Complex Governance. *Public Administration Review*, 66, 66–75.

Goetz, E. G. (2018). Introduction: ALTERNATIVE APPROACHES TO REGIONAL EQUITY AND RACIAL JUSTICE. In *The One-Way Street of Integration* (pp. 1–16). Cornell University Press. <http://www.jstor.org/stable/10.7591/j.ctt1w0dc3c.4>

Hu, B. (2021). *A "Civil Rights Amendment" to Boston's Zoning Code: Using Fair Housing Language to Address Displacement and Exclusion*.

- https://www.academia.edu/51017134/A_Civil_Rights_Amendment_to_Boston_s_Zoning_Code_Using_Fair_Housing_Language_to_Address_Displacement_and_Exclusion
- Iglesias, T. (2017). Affordable housing, fair housing and community development: Joined at the hip, we need to learn to walk together. *Journal of Affordable Housing & Community Development Law*, 25(2), 195–202.
- Jennings, J. (2021). Fair Housing and Zoning as Anti-Gentrification: The Case of Boston, Massachusetts. *Journal of Affordable Housing & Community Development Law*, 30. <https://sites.tufts.edu/jamesjennings/files/2021/08/articles-fair-housing2021.pdf>
- Krumholz, N., & Hexter, K. W. (2018). Conclusion: THE FUTURE OF EQUITY PLANNING PRACTICE. In N. Krumholz & K. W. Hexter (Eds.), *Advancing Equity Planning Now* (pp. 263–282). Cornell University Press. <https://www.jstor.org/stable/10.7591/j.ctv43vr3d.17>
- Kusakavitch, K. (2021, September 1). Boston Agency Announces Community Engagement Team. *High-Profile Monthly*. <https://www.high-profile.com/boston-agency-announces-community-engagement-team/>
- Li, B. (2016). Now Is the Time!: Challenging Resegregation and Displacement in the Age of Hypergentrification. *Fordham Law Review*, 85(3), 1189.
- Milkman, A. (2021, April 28). *Why Participatory Planning Fails (and How to Fix It)*. Next City. <https://nextcity.org/urbanist-news/entry/why-participatory-planning-fails-and-how-to-fix-it>
- National Fair Housing Alliance. (2021, December 1). *2021 In-Service / Day 1—Panel, The Fair Housing Implications of Zoning and Land Use Reform*. <https://www.youtube.com/watch?v=rAURWlnKGng>

- Palmy David, N., & Buchanan, A. (2020). Planning Our Future: Institutionalizing Youth Participation in Local Government Planning Efforts. *Planning Theory & Practice*, 21(1), 9–38. <https://doi.org/10.1080/14649357.2019.1696981>
- Steil, J. P., & Kelly, N. (2019). Survival of the Fairest: Examining HUD Reviews of Assessments of Fair Housing. *Housing Policy Debate*, 29(5), 736–751. <https://doi.org/10.1080/10511482.2018.1524444>
- Thompson, M. M., & Arceneaux, B. N. (2018). PUBLIC PARTICIPATION GEOGRAPHIC INFORMATION SYSTEMS: A Model of Citizen Science to Promote Equitable Public Engagement. In N. Krumholz & K. W. Hexter (Eds.), *Advancing Equity Planning Now* (pp. 243–262). Cornell University Press. <https://www.jstor.org/stable/10.7591/j.ctv43vr3d.16>
- Un, K. (2018, February 1). *Civic Engagement for Fair Housing*. MAPC. <https://www.mapc.org/resource-library/civic-engagement-for-fair-housing/>
- Walsh, M. J., & Golden, B. (2014). *A Citizen's Guide to Development Review under Article 80 of the Boston Zoning Code*. Boston Redevelopment Authority. <http://www.bostonplans.org/getattachment/610ddaf1-a547-4eb9-bb22-4d0938f354f6>
- Whittemore, A. H. (2021). Exclusionary Zoning: Origins, Open Suburbs, and Contemporary Debates. *Journal of the American Planning Association*, 87(2), 167–180. <https://doi.org/10.1080/01944363.2020.1828146>
- Wu, M. (2019). *Fixing Boston's Broken Development Process: Why and How to Abolish the BPDA*. Office of Boston City Councilor At-Large Michelle Wu. <https://www.michelleforboston.com/plans/abolish-bpda>