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Boston is setting an example on fair housing. Will other communities follow?

By
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The City of Boston has taken steps to reverse patterns of housing discrimination, but its initiatives won't be enough without regional support.



Highland Terrace, on Gerrish Ave., a newer affordable housing development in Chelsea.

It's an old story, but no less infuriating than ever: Greater Boston doesn't have enough affordable housing, and most of the communities in the region have made the problem worse through restrictive zoning and persistent NIMBYism. The biggest exception has been the City of Boston itself, which boasts a greater share of subsidized, affordable housing than nearly any large US city. Now the city is taking another step that ought to pressure, or maybe even shame, its laggard neighbors into action.

Last week, the Boston City Council passed a new housing rule, formally approved by the Boston Planning and Development Agency on Thursday, that will require developers of large properties in the city to analyze the impact of their projects on fair housing — that is, whether a new apartment building or condo complex will help or hinder efforts to build racially and economically integrated neighborhoods — and make plans to ensure that their developments advance housing accessibility. If the city's whiter, wealthier suburbs can't follow suit, you have to wonder — what are they afraid of?

Boston's new measure is known as Affirmatively Furthering Fair Housing, or AFFH, and is based on an Obama-era federal rule that sought to strengthen the 1968 Fair Housing Act by requiring jurisdictions to assess their patterns of segregation and housing discrimination and offer solutions to address them. The Trump administration initially delayed implementing the rule, and eventually repealed it when the president used it as part of his fear-mongering reelection campaign, baselessly claiming — with blaring dog whistles — that it would “destroy” the suburbs.

But Boston has carried on with its task to affirmatively further fair housing and officially adopted the Obama administration's rule into its zoning code, even though it's no longer federally required. Now, large-scale developers in the city will be required to assess the impact their projects will have on housing discrimination and displacement, much as they do for traffic or the environment, and, crucially, offer solutions to minimize harm and advance fair housing.

Surrounding municipalities and the Legislature should take note. Boston shouldn't be the only place people in need of housing assistance can turn to. If apartment developers in Boston can be held to fair housing expectations, so can builders of large-lot suburban McMansions. In fact, without a broader AFFH framework that is applicable to the entire region, Boston's new requirements are likely to fail, and not because the city's new rule doesn't go far enough, but because demand for subsidized housing is just that high.

Building more affordable housing in the areas around the city would effectively act as a pressure relief valve, easing the demand in Boston while fulfilling the goals of the Fair Housing Act by desegregating the region. If communities don't step up on their own, Beacon Hill could pass its own version of the Obama-era AFFH rule and require that other jurisdictions do what Boston is now doing: Assess their patterns of housing discrimination and come up with tangible plans to reverse them. Though the incoming Biden administration is likely to reinstate the rule at the federal level, a state-focused approach would be insulated from the next political gyration in Washington.

There are also other measures the Legislature can take to support the City of Boston in its effort to advance fair housing standards. Because Massachusetts' home rule law limits local governments' power over their own affairs, especially when it comes to taxation, Boston has been constrained in finding ways to increase its affordable housing funds. For instance, the city submitted a home rule petition over a year ago asking Beacon Hill to grant it the ability to

adjust its linkage formula — which is used to determine the fees large-scale developers have to pay into a fund for affordable housing and job training — but the legislation has yet to pass. On issues like this one, what, exactly, are legislators waiting for?

Segregation in America never came to an end, and in some places it even got worse. Now, the pandemic has hit communities of color particularly hard, putting them at risk of facing even more housing discrimination. But the coronavirus, and the housing crisis it has fueled, has also provided the country with an opportunity to reimagine its zoning codes and fair housing standards. Boston has started to seize that opportunity, and it's now time for the state to follow suit.