

Massachusetts Department of Housing and Community Development Approves Urban Renewal Plan Extensions

August 31, 2016

In August, the Massachusetts Department of Housing and Community Development (DHCD) approved six-year extensions of 14 Boston urban renewal plans, which grant the Boston Planning and Development Agency (BPDA), formerly known as the Boston Redevelopment Authority (BRA), powers of land assembly and disposition. The BRA originally adopted 40-year plans in the 1960s and early 1970s, covering approximately 10% of Boston's land area. As plans began expiring in the early 2000s, the BRA successfully sought extensions of 19 of the 21 then-active plans until April 30, 2015 (subsequently extended to April 30, 2016). In March 2016, the Boston City Council approved six-year extensions of the plans until April, 2022, and added additional oversight by the City Council.

The DHCD's approval also includes additional oversight over BPDA activities under the plans. Specifically, DHCD must have the opportunity to review and comment on any proposed acquisition (including by eminent domain) of unoccupied parcels, or any disposition of any parcels, within any urban renewal plan areas. Further, DHCD must approve any proposed acquisition (including by eminent domain) of occupied parcels within an urban renewal plan area that may result in the displacement of persons or entities. These requirements do not apply to the following:

1. Granting or receiving utility easements;
2. Confirmatory takings to clear title;
3. Tax foreclosures;
4. Conveying non-buildable lots of less than 5,000 square feet to abutting owners;
5. Acquiring an interest in property through discontinuance by the City of Boston Public Improvement Commission, such as air rights transfers or subsurface easements for building projections above or beneath a public sidewalk or roadway;
6. Transferring air rights or subsurface easements acquired under subsection (e) above, provided they do not affect passage on foot or by vehicle over the public way; and/or
7. Transferring a property interest to or from another public entity.

Goulston & Storrs will continue to follow how the BPDA implements these and other new regulatory steps related to the extension of urban renewal plans. For questions about the information in this

advisory, please contact your usual Goulston & Storrs attorney or one of the authors of this advisory.

This advisory should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult your own lawyer concerning your situation and any specific legal questions you may have.

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