

ARTICLE 9

MOTION OFFERED BY THE PETITIONERS AND RITA MC NALLY, TMM2

Additions **bold and underlined**, deletions ~~struck~~

VOTED: That Town authorize and empower the Select Board, on such date and in such manner as required by the House Clerk, to file a petition for legislation to authorize the Town to levy a real estate transfer tax, which will be considered in the legislative session opening on the first Wednesday in January in the year 2020, provided that the General Court may reasonably vary the form and substance of this requested legislation which shall be within the scope of the general public objectives of this petition.

WHEREAS Brookline is one of the state's wealthiest towns with a median household income, of \$111,289 one of the highest in Boston's inner-core and the median for married couples with dependent children is approximately \$260,756. Elderly women living alone earn \$32,519 per year.

WHEREAS Brookline has the highest median home price of any community in the Commonwealth, at \$892,959 and the average market rent is approximately \$3,435.

WHEREAS affordable housing is further compounded and complicated by a combination of regional housing demand and constrained supply.

WHEREAS housing owned and or sponsored by the Brookline Housing Authority (BHA) is a necessary resource for sustaining demographic diversity and for sustaining the supply of affordable rental housing in Brookline, and the BHA's properties are in need of significant capital repair, and the BHA in 2018 initiated an extensive Preservation Initiative to renovate its properties.

WHEREAS in view of limits on Brookline revenue growth, there is likely insufficient funding from existing sources for **sufficient** affordable housing purposes after meeting the Town's existing operational and infrastructure ~~maintenance~~ commitments.

WHEREAS the Town of Brookline's Land Bank Study Committee has researched a real estate transfer fee to expand Brookline affordable housing, among the possible purposes. Since the State House, however, will be considering transfer fee legislation for Somerville and Cambridge beginning in January 2020, it is urgent that the Town file its petition at the beginning of this upcoming legislative session so that Brookline may join this official conversation prior the scheduling of the session's hearings.

WHEREAS the Real Estate Transfer Fee, as recommended, to fund the Brookline affordable housing trust fund is equitable, very low impact, and inexpensive to administer.

WHEREAS a real estate transfer fee would be in line with the direction neighboring communities including Concord, Cambridge and Somerville are moving to employ a Real Estate Transfer Fee to create affordable housing.

WHEREAS this type of fee is appropriate to fund ~~housing and clearly defined non-recurring purposes~~ **expenditures**.

WHEREAS a real estate transfer fee earmarked for the affordable housing trust is well suited to operate within the Town's organizational structure and financial policies, and is specifically adapted to and compatible with the unique combination of long established urban and suburban neighborhoods and commercial districts in Brookline.

THEREFORE, the Town of Brookline hereby requests that the Legislature grant the Town of Brookline authority to levy a real estate transfer fee of the portion of ~~the~~ **any** purchase price exceeding \$500,000 upon the transfer of the purchase price of non-exempt real estate transactions, not to exceed ~~1.0 % is to be paid by the seller and not to exceed 1.0% to be paid by the buyer~~ **2.0% in aggregate to be paid by buyer and seller**. Any agreement between the purchaser and the seller or any other person with reference to the allocation of the liability for the fee shall not affect such liability of the purchaser to the Town. The Town may define by bylaw what constitutes a controlling interest and the calculation of the fee.

And that the Town ~~shall~~ **may** authorize certain transfers of real property interests be exempt from the fee including: transfers to the federal government, the Commonwealth, the Town, and any of their instrumentalities, agencies or subdivisions, including the Brookline Housing Authority; transfers to the Brookline Improvement Corporation; transfers of real property subject to an affordable housing restriction; (transfers made without additional consideration to confirm, correct, modify or supplement a transfer previously made; and transfers to a charitable organization, as defined in clause Third of section 5 of chapter 59 of the General Laws, or a religious organization, provided, however, that the real property interests so transferred will be held solely for the production of affordable housing.

~~And the Town may not, by bylaw or otherwise, eliminate or reduce any exemption set forth in this in this law.~~

And that the Town ~~shall~~ **may** use existing property tax collection and billing methods. The fee shall be paid to the Town. The Town shall have such remedies to collect the fee as provided by law with respect to the collection of real property taxes. The Town may, by by-law, adopt additional requirements, exemptions, and regulations to implement or enforce said fee, consistent with this act.

And that the Town ~~shall~~ **may** through policy, regulation and or by-law require prioritization of projects that employ sustainable practices which focus on increasing the efficiency of resource use — energy, water, and materials — while reducing building impacts on human

health and the environment during the building's lifecycle, through better siting, design, construction, and use.

And that the Town may through policy, regulation and or by-law require prioritization of projects that employ mixed income and mixed-use development as characterized as pedestrian-friendly development that blend two or more residential, commercial, cultural, institutional, and/or industrial uses.

And that the Town shall through policy, regulation and or by-law require prioritization of projects, including renovation projects, that preserve and or expand the supply of housing affordable for low income renter households, and give particular consideration for such projects owned and or sponsored by the Brookline Housing Authority (BHA).

And that the Town shall require a copy of the deed or other instrument evidencing such transfer and shall be accompanied by: (i) an affidavit signed under oath or under the pains and penalties of perjury by the purchaser and seller attesting to the purchase price; (ii) the applicable fee owed or, if applicable, an affidavit of intent to seek one of the permissible exemptions, as described above for that property by the purchaser; and (iii) the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from said fees. Upon receipt of the transfer fee or satisfactory evidence of exemption, the Town or its designee shall promptly thereafter issue a certificate indicating that the fee has been paid or that the transfer is exempt from the fee. The Norfolk Registrar of Deeds shall not record or register a deed unless the deed is accompanied by such certificate.

And that the Town's appropriation of funds into the Municipal Affordable Housing Trust Fund under the provisions of MGL Chapter 44 Section 55 C, shall be limited to financing affordable housing and reasonable amounts for personnel and other costs.

And that the Town ~~shall~~ **may** prepare and issue an annual report that: (i) identifies fee receipts; (ii) quantifies affordable housing programs funded, including type and purpose; and (iii) evaluates the impact of said affordable housing programs, including but not limited to, to the extent reasonably possible and permitted by applicable law, the number and demographics of individuals and families served as well as measures of housing stability and wealth generation in the community.

And that this Act shall only become effective by a majority vote for a question on a Town election ballot.

ARTICLE 31



Town of Brookline
Massachusetts

Department of Public Works
Engineering & Transportation Division

TRANSPORTATION BOARD
CHRISTOPHER DEMPSEY, CHAIR
JONATHAN KAPUST, PE
VICE CHAIR
CYNTHIA LEE
NANCY MOORE
ALI TALI, PE

November 18, 2019

Brookline Select Board
Brookline Advisory Committee
Brookline Town Meeting

RE: Warrant Article 31 Recommendation

Per Chapter 317 of the Acts of 1974, the Transportation Board for the Town of Brookline is the local governing body that has authority to make rules and regulations regarding the movement of vehicles, bicycles, pedestrians, and micro-mobility devices on the public way. As a community immediately outside the City of Boston, with both an urban and suburban mixture, we have worked hard to enact sustainable transportation regulations and support complete streets based programs that lead to a strong multi-modal transportation system that encourages the use of public transportation, walking, cycling, and micro-mobility devices over single occupancy vehicle commuting. Town Meeting has overwhelmingly supported these safety related, sustainable transportation initiatives for the last decade continuously voting to invest in and fund bike and pedestrian infrastructure projects.

Over the last 15 years the Transportation Board has been working to advance bicycle and traffic calming projects to slow down motor vehicle speeds and make the roadway safer for pedestrians and cyclists in order to make the community more walkable and bikeable. The Board has also supported initiatives to improve public transportation including the Rte 66 Improvement project, transit signal priority on the MBTA C-line, and new technology for direct point to point services like Bridj. Additionally the Board has supported and played an early role in introducing bike share

and pushing for the adoption of a parking & transportation demand management for town and private employees to incentivize use of ‘alternative’ modes of transportation and reduce reliance on single occupancy vehicle trips, and investing in senior transportation programs to ensure equity in our transportation system. In addition to this work, the Select Board has separately adopted a Complete Streets Policy, a Climate Action goal of carbon neutral by 2050, and micro-mobility share pilots. The reasoning behind all of these initiatives has been to create a multi-modal, climate friendly transportation system that seeks to create a mode shift by prioritizing ‘alternative’ modes of transportation in order to reduce congestion by moving people away from single occupant motor vehicle trips in personally-owned, gas powered motor vehicles.

Warrant Article 31 seeks to bring these separate initiatives together into one overarching town-wide healthy & sustainable transportation goal that will allow the Town to prepare for the carbon neutral deadline of 2050 and adequately address the threat of climate change that all elected and appointed officials and Town staff need to focus on. Specifically it establishes a climate action 2050 mode shift goal and interim 2030 goal of

- Work towards a 2050 goal of a “75/25” sustainable transportation mode split, where approximately:
 - 75% of trips are by human power (e.g. foot, bike, wheelchair), electric micromobility (e.g. e-scooters, e-bikes, e-wheelchairs), or electric shared rides (e.g. electric public transit, electric car-pools), and
 - 25% of trips are by single-occupant or single-passenger electric cars or trucks;
- Work towards a 2030 “30 + 30” interim goal, where approximately:
 - 30% of the progress needed to meet our 2050 mode split goal is achieved, and
 - 30% of motor vehicles registered in Brookline are electric.

In order to achieve these goals it calls on the Town, as a whole, to

- 1) Prioritize safe, space-efficient, and energy-efficient movement of people and goods over the movement and parking of private vehicles when designing and improving our public ways, with particular focus on high-traffic routes, connectivity and directness. This should be accomplished in a manner that gives particular consideration to equity of access and safety for (i) people of a broad range of ages, abilities and financial means, and (ii) use of healthful and sustainable transportation modes.
- 2) Demonstrate, pilot, and evaluate new public way configurations that improve travel conditions to enable everyone to use healthful and

sustainable transportation modes and reconfigure street usage for temporary events (such as “open streets” and “Park(ing) Day”) to demonstrate the community benefits of utilizing road space for people.

- 3) Align our planning and zoning regulations with our historical streetcar-, biking-, and walking-centric (less automobile-dependent) development pattern. Implement “transportation demand management” policies to realign incentives towards utilization of healthful and sustainable transportation modes.
- 4) Encourage transition of motorized travel to electric vehicles and operating behaviors that eliminate local greenhouse gas emissions, including support for increased electric vehicle charging. This should be accomplished with particular consideration for avoiding any conflicts or interference with healthful and sustainable transportation modes, or with improved travel facilities for these modes.

Although not prescriptive on how to best achieve this mode split goal actions taken under the auspices of Warrant Article 31, it will have an impact on the transportation modes available to our disabled community members. The Town’s Complete Streets Policy states “The needs and safety of the town’s most vulnerable users shall be given special consideration during project planning. Users may be considered vulnerable by virtue of their mode of transportation, such as bicycling or walking, or because of their age or ability”. The Transportation Board pledges to incorporate the needs of our most vulnerable residents in all ‘sustainability’ related plans, whether they be sight or mobility impaired pedestrians, handicap residents who commute via adaptive bikes, those who require services such as the RIDE, and those who require handicap parking spaces in our commercial or residential areas. We strongly encourage other Boards, Committees, and Commissions taking action to do the same.

Additionally it requests that the Town create a new Sustainable Transportation Planner or Engineer position to work within the Transportation Division to help the Town achieve these goals. From the Transportation Board’s perspective, this is a crucial part of ensuring successful implementation of Warrant Article 31 because while other departments in Town have all seen increases in their staffing levels over the last 10 years, the programs/duties/projects that the Transportation Division has taken on has increased dramatically with no corresponding increase in technical staff. This is in spite of an annual request by individual members of the Transportation Board, the Board’s advisory committees, and transportation advocates each budget season. The result is that the office cannot meet the demand of any additional programming or project development to successfully meet the goals of Warrant Article 31 without the addition of a Sustainable Transportation Planner/Engineer position. The Board supports Warrant Article 31 with the understanding that the Commissioner of Public Works will allow this new staff person to work on existing programs, such as Complete

Streets designs, Traffic Calming projects, Pedestrian & Bike Improvements, EV Charging, etc. that all fall under the banner of ‘sustainability’.

Therefore, the Transportation Board, by a unanimous vote, recommends that the Select Board, Advisory Committee, and Town Meeting vote to approve Warrant Article 31 and commit to the creation of a new Sustainable Transportation Planner/Engineer position in the Department of Public Works Engineering & Transportation Division as part of the FY2021 budget.

Sincerely,

A handwritten signature in black ink, reading "Christopher A. Dempsey". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Christopher Dempsey, Chair
Brookline Transportation Board