



CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR
MARTIN J. WALSH

**EXECUTIVE ORDER
OF
MAYOR MARTIN J. WALSH**

An Executive Order Relative to the Zoning Board of Appeal

Pursuant to the authority vested in me as Chief Executive Officer of the City of Boston pursuant to St. 1948, c. 452, s. 11, and every other power hereto enabling, I hereby order and direct as follows:

ARTICLE I. Purpose.

The Zoning Board of Appeal (the “Board”) plays a critical role in determining what development is approved in the City of Boston. Because these decisions affect the nature and success of our community, it is important that the Board conduct itself in a manner that supports public confidence in its proceedings by avoiding apparent or potential conflicts of interest. The Board is already subject to the robust provisions of G. L. c. 268A, to which all City employees are obligated to conform their conduct, and to additional conflict of interest requirements of St. 1956, c. 665, s. 8, as amended, governing the City of Boston Zoning Board of Appeal. Among other things, these statutes prohibit Board members from participating in proceedings related to: projects in which they had an interest in the two years before any application to the Board; and projects seeking the same type of relief in the same district as is sought by any project in which a board member has an interest. In order to further support the effective implementation of those existing obligations, to further promote public confidence in the Board, and to further reduce the potential for conflicts of interest by promoting greater transparency, and improving the overall efficiency and functioning of the Board, related agencies, entities and processes, the following requirements are imposed.

ARTICLE II. Policy.

1. Ethics and Transparency

- A. At the time of appointment to the Board, each member shall disclose all properties or projects in which they or their business associates have business dealings, ownership interests, or investments, and which are likely to be, before the Board for any reason. Board members shall disclose any additional such property or project as soon as they become aware that such property or project may come before the Board for any reason. For the purposes of this disclosure requirement, a “business associate” includes any individual, company, or organization with which a member or alternate is acting together



to pursue a common business purpose, including partners in a partnership, co-owners of a business, outside employers, or co-members of an LLC.

- ~~B. In addition to the two years prohibition set forth in St. 1956, c. 665, s. 8, as amended, Board members and alternates are prohibited from participating in or deciding any appeal involving a project or property in which they held an ownership interest, or received compensation for services rendered, within five years before the date the appeal was filed with the board.~~
- C. In addition to limitations imposed by G. L. c 268A, Zoning Board of Appeal members and alternates shall be prohibited from having any subsequent business dealings concerning any project on which they voted, including purchasing, lending, investing, or performing construction, architectural, marketing, sales or brokerage or other services for compensation, for two years after the date of any vote on the project. Prior to accepting appointment to the Board, all members and alternates shall acknowledge this restriction.
- D. Zoning Board of Appeal members and alternates will submit annual statements of financial interest to the City Clerk's Office.
- E. Upon appointment or re-appointment to the Zoning Board of Appeal, members and alternates will undergo comprehensive ethics training, as well as training in Board processes, the Boston Zoning Code, and principles of zoning law. Board staff will be similarly trained, with said training to be updated bi-annually. The Office of Human Resources, in conjunction with Corporation Counsel, will develop these trainings.
- F. The Inspectional Services Department is hereby directed to petition, or to coordinate with the Boston Planning and Development Agency to petition, the Boston Zoning Commission to amend, within 180 days, Article 80 (or other relevant provisions) of the Boston Zoning Code to lower the threshold for requiring disclosures of ownership and beneficial interests in a property or project from the current 100,000 square foot threshold so as to extend it to apply to all or a substantial majority of non-homeowner projects. Such petition shall specify that such disclosures shall also identify, including but not limited to, architects, attorneys, consultants, real estate brokers, engineers, planners, or surveyors employed on the project who earn or are projected to earn \$10,000 or more, and that such disclosures are provided to the Board.
- G. The Executive Secretary of the Zoning Board of Appeal shall, within 120 days, schedule a business meeting for the Zoning Board of Appeal to consider the creation of any written policies or protocols which, in the judgment of the Board, would facilitate the efficient, predictable conduct of its proceedings and decision making. Any such policies and protocols will be filed with the City Clerk.

2. Modernization, Function and Efficiency

- A. The Department of Innovation and Technology (DoIT), in conjunction with the Inspectional Services Department (ISD), is instructed to:


- a. Enable on-line application and payment for permits and petitions to ISD within 180 days of this order;
- b. Post physical and electronic link addresses to the Board, with instructions for residents to submit written and/or electronic testimony within 180 days of this order; and
- c. Enable electronic submission of plans within 18 months of this order; and
- d. Enable email notification of notice to hearings, deferrals and new hearing dates to those who sign up for email notice within 18 months of this order; and
- e. Enable the electronic circulation of plans and petitions to be heard by Zoning Board of Appeal members prior to the hearing date within 18 months of this order; and
- f. Update and improve the existing online subscription list for residents and other interested parties to receive updates on projects within specific geographic zones; and update and improve the existing database such that it is searchable and contains all pending applications, deferrals, and decided petitions, including the decisions themselves, within 18 months of this order.

B. The Inspectional Services Department is instructed to:

- a. Work in conjunction with the Mayor's Office of Language and Communications Access, to ensure the provision of translation services, including through assistive technology and/or staff to ensure effective conveyance of technical discussions, at Board hearings within 45 days of this order; and
- b. Designate an ombudsperson to answer questions and inform members of the public about Board procedures and the process by which they can provide testimony, within 45 days of this order.

ARTICLE III. Effective Date.

This Order and the policy it announces shall take effect immediately.
SIGNED THIS 24th DAY OF FEBRUARY, 2020.


Martin J. Walsh
Mayor of Boston