



HOUSING COMMITTEE

COMMITTEE MEETING

~ MINUTES ~

Wednesday, March 6, 2024 12:00 PM Sullivan Chamber

The Housing Committee will hold a public hearing to discuss the appointments of Elaine DeRosa and Victoria Bergland to the Cambridge Housing Authority, CMA 2024 #12 and CMA 2023 #238. In addition to the appointments, the Housing Committee will review and discuss any necessary edits to the zoning language that would allow unrelated people to live together in the City of Cambridge, POR 2024 #9 .

Attendee Name	Present	Absent	Late	Arrived
Burhan Azeem	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	12:08 PM
Marc C. McGovern	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12:03 PM
Sumbul Siddiqui	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Jivan Sobrinho-Wheeler	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Ayesha M. Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

A public meeting of the Cambridge City Council’s Housing Committee was held on Wednesday, March 6, 2024. The meeting was Called to Order at 12:00 p.m. by the Co-Chair, Councillor Siddiqui. Pursuant to Chapter 2 of the Acts of 2023 adopted by Massachusetts General Court and approved by the Governor, the City is authorized to use remote participation. This public meeting was hybrid, allowing participation in person, in the Sullivan Chamber, 2nd Floor, City Hall, 795 Massachusetts Avenue, Cambridge, MA and by remote participation via Zoom.

At the request of the Co-Chair, Clerk of Committees Erwin called the roll.

- Councillor Azeem – Absent*
- Vice Mayor McGovern – Absent*
- Councillor Siddiqui – Present/In Sullivan Chamber
- Councillor Sobrinho-Wheeler – Present/Remote
- Councillor Wilson – Present/In Sullivan Chamber

Present – 3, Absent – 2. Quorum established.

- *Vice Mayor McGovern was marked present and in the Sullivan Chamber at 12:03p.m.
- * Councillor Azeem was marked present and remote at 12:08p.m.

Co-Chair Siddiqui offered opening remarks and shared that the Call of the meeting was to discuss the reappointments of Elaine DeRosa and Victoria Bergland to the Cambridge Housing Authority, CMA 2024 #12 and CMA 2023 #238. In addition to the appointments, the Housing Committee will review and discuss any necessary edits to the zoning language that would allow unrelated people to live together in the City of Cambridge, POR 2024 #9. Present at the meeting from the Community Development Department (CDD) was Jeff Roberts, Director of Zoning and Development and Chris Cotter, Housing Director, who was joined via Zoom. Present from the Law Department was Acting City Solicitor, Megan Bayer, who was joined by Andrea Carrillo-Rhoads, Assistant City Solicitor. Co-Chair Siddiqui noted that Mayor Simmons was also present.

Co-Chair Siddiqui opened Public Comment.

Minutes Acceptance: Minutes of Mar 6, 2024 12:00 PM (Committee Reports)

Linden Huhmann, 71 School Street, Cambridge, MA, LGBTQ Commission, offered comments of support, feedback, and suggestions for the proposed language in POR 2024 #9.

Co-Chair Siddiqui noted that the first order of business would be to discuss the reappointments of Elaine DeRosa and Victoria Bergland to the Cambridge Housing Authority. Co-Chair Siddiqui shared that Michael Johnston, Executive Director for the Cambridge Housing Authority, joined via Zoom along with Victoria Bergland and Brenda Downing, Deputy Executive Director.

Co-Chair Siddiqui recognized Vice Mayor McGovern, Mayor Siddiqui, and Councillor Wilson who all shared their support for Elaine DeRosa and thanked her for all the work she has done for the City and for the Cambridge Housing Authority. Co-Chair Siddiqui recognized Michael Johnston who shared his excitement for continuing to have Elaine DeRosa a part of the Cambridge Housing Authority Board of Commissions. Co-Chair Siddiqui recognized Elaine DeRosa who thanked everyone for their kind words and support and shared that she is happy to continue her work with the Board of Commissions.

Co-Chair Siddiqui recognized Councillor Wilson who made a motion to forward to the full City Council the reappointment of Elaine DeRosa to the Cambridge Housing Authority for a five-year term with a favorable recommendation.

Clerk of Committees Erwin called the roll.

Councillor Azeem – Yes

Vice Mayor McGovern – Yes

Councillor Siddiqui – Yes

Councillor Sobrinho-Wheeler – Yes

Councillor Wilson – Yes

Yes – 5. Motion passed.

Co-Chair Siddiqui recognized Mayor Simmons, Vice Mayor McGovern, and Councillor Wilson who offered comments of support for the reappointment of Victoria Bergland and expressed their gratitude for all the work she has done and will continue to do. Co-Chair Siddiqui recognized Michael Johnston who shared that Victoria Bergland has been a wonderful addition to the Board. Co-Chair Siddiqui recognized Victoria Bergland who shared that she is grateful that she has been recommended to be reappointed and thanked everyone for their support.

Co-Chair Siddiqui recognized Vice Mayor McGovern who made a motion to forward to the full City Council the reappointment of Victoria Bergland to the Cambridge Housing Authority for a five-year term with a favorable recommendation.

Clerk of Committees Erwin called the roll.

Councillor Azeem – Yes

Vice Mayor McGovern – Yes

Councillor Siddiqui – Yes

Councillor Sobrinho-Wheeler – Yes

Councillor Wilson – Yes

Yes – 5. Motion passed.

Co-Chair Siddiqui recognized Co-Chair Azeem who thanked City staff for their quick response to the Policy Order and shared that he looks forward to the discussion and the proposed

language. Co-Chair Siddiqui noted that in addition to the presentation, there was also a memo included in the Agenda Packet from CDD and the Law Department in response to POR 2024 #9.

Co-Chair Siddiqui recognized Jeff Roberts who gave a presentation titled “Family Definition in Zoning”. The presentation was provided in advance of the meeting and included in the Agenda Packet. The presentation offered an overview of why definitions are important, terms used to define and regulate housing, and review of “degree of kinship”, how zoning is enforced, issues within the language, proposed objectives within the language, proposed definitions, proposed system, what is currently allowed for principal and accessory uses, and how it is enforced. After the presentation, City staff were available to respond to questions and comments during the Committees discussion.

Co-Chair Siddiqui recognized Co-Chair Azeem who shared that he is happy with the proposed changes. Co-Chair Azeem asked if instead of defining nonprofit in the family group, would it be possible to define lodging groups as for profit to help make it clear. Jeff Roberts responded that they were not necessarily concerned about profit when defining ordinance language, more concerned about distinguishing the difference between what is considered a household living space versus a rooming space. Megan Bayer responded as well sharing that the Law Department can look further into adding lodging groups as profit into the language and provided additional information related to the legal aspects of the ordinance language and definitions. Co-Chair Azeem echoed a comment made during public comment regarding lease structures and if staff could respond. Megan Bayer was able to respond and explained what the process could look like and what may factor into proposed language that reflects different lease structures.

Co-Chair Siddiqui recognized Councillor Sobrinho-Wheeler who had a question regarding the elimination of “Group Quarters” from the language and what that language was initially used for. Jeff Roberts responded and shared that at this time he does not know the history of that language and that “Group Quarters” is not mentioned anywhere else in the Zoning Ordinance.

Co-Chair Siddiqui recognized Vice Mayor McGovern who referenced packet page 30 and asked if the proposed definition for “Lodging House” would help concerns raised in a previous Zoning Petition, Allene R. Pierson et al., that was in Ordinance Committee November 29, 2023 and has recently expired. Jeff Roberts responded and shared that the idea was to help clarify the definition and help address the previous concerns on how uses are defined in this proposed language. Jeff Roberts noted that this language creates a clearer set of definitions and categories.

Co-Chair Siddiqui recognized Co-Chair Azeem who offered suggestions on how the proposed language can move forward. Jeff Roberts added that CDD and the Law Department will take the feedback and suggestions from the discussion and work to try and incorporate language into a revised draft.

Co-Chair Siddiqui recognized Co-Chair Azeem who made a motion to forward the proposed Ordinance language from CDD to the full City Council with a favorable recommendation.

Clerk of Committees Erwin called the roll.

Councillor Azeem – Yes

Vice Mayor McGovern – Yes

Councillor Siddiqui – Yes

Councillor Sobrinho-Wheeler – Yes

Councillor Wilson – Yes

Yes – 5. Motion passed.

With no further business, Co-Chair Siddiqui adjourned the meeting at 1:03p.m.

Attachment A – One written communication.

Clerk’s Note: The City of Cambridge/22 City View records every City Council meeting and every City Council Committee meeting. This is a permanent record. The video for these meetings can be viewed at:

https://cambridgema.granicus.com/player/clip/674?view_id=1&redirect=true

A communication transmitted from Yi-An Huang, City Manager, relative to the re-appointment of Elaine M. DeRosa as a member of the person as a member of the Cambridge Housing Authority Board of Commissioners.

A communication transmitted from Yi-An Huang, City Manager, relative to the appointment of Victoria Bergland as a member of the Cambridge Housing Authority (CHA) Board of Commissioners as the resident Representative for a term of 5-years.

That the Community Development Department report back with any necessary edits to the attached zoning language that would allow unrelated people to live together in the City of Cambridge

A communication was received from Jeffrey Roberts, Director of Zoning and Development, transmitting a response to Policy Order 2024 #9.

A communication was received from Jeffrey Roberts, Director of Zoning and Development, transmitting a presentation relative to the definition of family in the Zoning language.

Erwin, Nicole

Attachment A

From: Linden Huhmann <lindenhuhmann@gmail.com>
Sent: Tuesday, March 5, 2024 6:34 PM
To: City Clerk
Subject: Public Comment for Wednesday, March 6 Housing Committee Meeting
Attachments: 2024-03-06 Housing Committee Linden Huhmann public comment.pdf

I've attached my public comment on POR 2024 #9 for tomorrow's Housing Committee meeting.

Best,

Linden

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Linden Huhmann
Pronouns: they/them

Minutes Acceptance: Minutes of Mar 6, 2024 12:00 PM (Committee Reports)

Several members of the LGBTQ+ Commission's Housing Working group reviewed the proposed zoning language and the slides in the agenda packet with support from Florrie Darwin of the Affordable Housing Trust Board, who generously shared her experience with ordinance language with us. We focused on the parts of the language that relate to housing inclusivity for diverse household and family structures.

We've previously written on the need for a zoning policy that is more inclusive of diverse household and family structures (see attached letter) and we appreciate CDD's and the City Council's responsiveness to our concerns. It's clear that much thought and care went into the proposed zoning language, and we feel that the proposed changes will make Cambridge a more welcoming and inclusive place for LGBTQ+ and other households. We have two pieces of feedback to share with CDD and the Housing Committee, which we believe would add clarity to the proposed language but not change its meaning.

1. Upon re-reading the definition of family, several people reported being confused about the word "nonprofit" in "single nonprofit housekeeping unit" and felt that "single housekeeping unit" might be clearer. We recognize that the word "nonprofit" was in the pre-existing language; would CDD be able to provide more information about the intended meaning of the word "nonprofit" in this context?
2. Multiple members of the working group raised potential concerns about the case where residents of a household have individual leases with the homeowner (who may be an owner-occupant), while functioning as a single household and sharing bills, food, and activities together (often referred to as a "co-op" or "intentional community"). We felt that the proposed ordinance language could be ambiguous as to whether this house would be considered a lodging house, but that a small edit could clarify this.

In a living situation like the one described, while we believe the entire house would count as a "single nonprofit housekeeping unit" and thus meet the criteria for "residential household", it seems possible that the residents of each room could *also* be interpreted to be a "single nonprofit housekeeping unit" and thus "residential household". This leads to potential ambiguity with the lodging house definition, which starts with "A residence in which rooming units are separately rented to residential households".

We believe a small edit (in bold below) to the proposed definition of lodging house could address this ambiguity: *Lodging House (also known as Rooming House or Boarding House). A residence in which rooming units are separately rented to residential households; in which occupants of different rooming units may share bathroom, kitchen, eating, or living facilities; and in which the residents do not live together as a single nonprofit housekeeping unit.*

We find it important to ensure that households that are a single housekeeping unit are not subject to lodging house rules because the requirement to be licensed as a

lodging house can present significant barriers to such households living together. Getting a lodging house license involves direct costs (such as initial fees, business certificate costs, and annual fees)¹ and indirect costs and other overhead (daily bathroom cleaning for shared bathrooms²; a building-department-approved setup that may include proper fire extinguishers, exit signs, automatic fire systems, sprinklers and smoke and carbon monoxide detectors and could require extensive renovations to an existing home³; and annual inspections³). Additionally, lodging houses are not allowed in many areas of Cambridge where residential households are allowed⁴ and the punishment for operating an unlicensed lodging house can be as severe as three months' imprisonment².

Many thanks again to CDD and the City Council for their work on this important issue and for taking our feedback into consideration.

¹ <https://www.cambridgema.gov/iwantto/applyforahotellodgingorinnholderlicense>,
<https://cambridgema.viewpointcloud.com/categories/1096/record-types/6565>

² <https://www.masslegalhelp.org/housing/lt1-chapter-15-rooming-houses.pdf>

³ <https://masslandlords.net/laws/lodging-house-rooming-house/>

⁴ <https://www.cambridgema.gov/CDD/zoninganddevelopment/Zoning/Maps>



CambridgeMA.gov/LGBTQPlus

LGBTQ+ Commission

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Co-Chairs
Bill Barnert
Frank Arce

September 19, 2023

Dear Cambridge City Council Members,

I am writing to you on behalf of Cambridge's LGBTQ+ Commission, whose mission includes promoting policies and practices that have a positive effect on the health, welfare, and safety of persons who live, visit, or work in the City of Cambridge with regard to sexual orientation, and gender identity and expression. **We write to urge you to remove the language in Cambridge's zoning code that limits the definition of family to persons within the second degree of kinship, as shown in Attachment 1.**

Most housing in Cambridge is for families. The Cambridge Zoning Ordinance states that "four or more persons who are not within the second degree of kinship shall not be deemed to constitute a family", making such groups of people ineligible for most Cambridge housing. Zoning policies that limit the number of unrelated people who can live together have origins in racism, classism, and anti-LGBTQ+ sentiment¹ (Attachment 2). They also don't reflect actual household composition. The same attached article notes: "Although 44 percent of households in the U.S. were composed of married parents and their children in 1965, just 19 percent were in 2020, according to the Population Reference Bureau. Much of the rest of the country lives with roommates, in multigenerational households, or with long-term partners they're not married to."

The Cambridge LGBTQ+ Commission is concerned with this policy's impact on LGBTQ+ individuals and households in Cambridge. The Commission supports housing opportunities for chosen family, intentional communities, co-ops, and other groups of more than three unrelated people living as a single household. Co-ops and intentional communities are often disproportionately home to queer people, and many queer people have family structures that don't fit the zoning policy's narrow requirements of legal or biological relatedness. Uneven and selective enforcement of zoning policies such as Cambridge's can result in queer households in particular being targeted. Examples of this are provided in the article in Attachment 2. Disproportionate enforcement of such policies against queer



¹ <https://www.theatlantic.com/family/archive/2023/05/zoning-laws-nuclear-modern-family-definition/674117/>

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households has been experienced by at least one member of the LGBTQ+ Commission while living in another U.S. city.

This zoning restriction causes real harm. We have heard from LGBTQ+ Cambridge residents whose households do not meet the Zoning Ordinance’s definition of family that the experience of their household not being eligible for almost all reasonable housing options in Cambridge makes them feel devalued and unwelcome in the city. We have also heard stories of how this zoning restriction damages individuals’ relationships with their landlords and with the city. A few examples of this include:

- A household kept their fourth resident secret from the landlord, experiencing anxiety and hiding the housemate in the closet when the landlord came to their home.
- A landlord was illegally not providing heat to a nine-person household, but the household was afraid to reach out to the city to learn more about their options because they were afraid the city would remove them from their housing due to having more than three unrelated residents.
- A household was afraid to complete the city census because they feared the city would remove them from their housing due to having more than three unrelated residents.
- Multiple households of more than three unrelated people had difficulty finding a place to live in Cambridge because landlords would not rent to them due to the Zoning Ordinance.

This zoning restriction is not needed. The LGBTQ+ Commission’s Housing Working Group discussed the current ordinance with staff of the Inspectional Services Department (ISD) and Community Development Department (CDD). They were told that the restriction on more than three unrelated people living in “family” housing has not been enforced within recent memory, that there are no plans to begin enforcing this policy, and that the ISD staff did not see a future need to enforce this policy. Additionally, Somerville is working to remove its analogous zoning policy² (Attachment 3). Given that Cambridge has not enforced this policy in recent memory and has no plans to enforce it going forward, this policy is not needed. Given that it is not needed and has demonstrated negative impacts on Cambridge residents, this zoning restriction should be removed.

The LGBTQ+ Commission asks that you partner with us to make Cambridge a more welcoming place for LGBTQ+ individuals and households by amending the language in the zoning code to be more inclusive of our LGBTQ+ community members. Thank you in advance for your support.

Linden Huhmann
on behalf of
The Cambridge LGBTQ+ Commission



² <https://somervillema.legistar.com/LegislationDetail.aspx?ID=5090664&GUID=93765EE3-E624-4AAD-AD9F-1173C47026D7>

Attachment 1

Proposed change to the definition of "Family" in the Cambridge Zoning Ordinance

https://library.municode.com/ma/cambridge/codes/zoning_ordinance?nodeId=ZONING_ORDINANCE_ART2.000DE

Family. One or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit. ~~;~~ provided that a group of four or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

~~Notwithstanding the definition in the preceding paragraph, a family shall be deemed to include four or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the "Fair Housing Amendments Act of 1988." Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family in the first paragraph of this definition.~~

Attachment 2

Subscribe



FAMILY

Where Living With Friends Is Still Technically Illegal

Across America, some places still outlaw living with people who aren't your relatives.

By Michael Waters



Illustration by Paul Spella / The Atlantic. Sources: Shutterstock; Getty.

MAY 22, 2023, 7 AM ET

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Minutes Acceptance: Minutes of Mar 6, 2024 12:00 PM (Committee Reports)

Updated at 4:15 p.m. ET on May 23, 2023.

You might say communal living runs in Julia Rosenblatt's family. Her parents met in a six-unit house shared by college students and anti-war activists in Portsmouth, New Hampshire, in the 1970s and lived there until shortly before her birth. In high school, Rosenblatt heard stories about the commune and fantasized about the lifestyle, she told me. So when, as an adult, she decided to move into a house with 10 other people—her husband, her two kids, and six of her friends, plus one of their children—it wasn't a big surprise to her family and friends. In 2014, Rosenblatt chose a nine-bedroom mansion in a wealthy enclave of Hartford, Connecticut, which cost, in total, a little less than half a million dollars. She knew the house was technically meant for a single family, but she didn't think much of it. Her group was living together—sharing the living room and bathrooms; collectively preparing meals—much like a typical family.

A few months after moving in, Rosenblatt found a cease-and-desist letter in the mail from the city, demanding that the 11 of them vacate their house. The charge was an obscure zoning violation: Rosenblatt's group had broken the definition of *family* in Hartford. More than two unrelated people, according to laws buried deep in the city code, could not live together under the same roof. Neighbors, Rosenblatt learned later, had filed a complaint after seeing the number of cars parked outside of her house.

Rosenblatt went to court, and eventually, in 2016, the city dropped its case against her. But laws like Hartford's are widespread across the U.S., though they are unevenly enforced. A study from last year found that 23 of the 30 largest American metro areas placed limits on the kinds of groups who could buy or rent a single-family home. Most of these statutes define *family* as people related by "blood, marriage, or adoption." Though some places permit additional "unrelated persons" (usually two to five) to live under the same roof, others don't allow any at all. Yet this does not reflect how a lot of Americans live. Although 44 percent of households in the U.S. were composed of married parents and their children in 1965, just 19 percent were in 2020, according to the Population Reference Bureau. Much of the rest of the country

lives with roommates, in multigenerational households, or with long-term partners they're not married to.

For decades, “definitions of family” clauses have sculpted who is allowed to live with whom across America, entrenching the nuclear family through housing law. At times, these clauses have also become convenient vehicles for NIMBYism: Neighborhood groups have deployed them to block queer and extended-family households from forming. Limited definitions of *family* are all over the legal system. Laws for domestic violence, rent control, insurance, and—as I’ve written about before—inheritance rely on narrow understandings of the term, which often prioritize biological and marital relationships, and relegate other kinds of relationships. Yet efforts to reform zoning laws have also charted a better way to consider kinship in modern America—one based on how people act together and care for one another.

ADVERTISEMENT

There are few good statistics on how often people are blocked from living together because they are not considered family. Some cases start with a complaint from a neighbor to a city’s zoning-enforcement officer, which might bubble up into a more serious sanction. Lincoln, Nebraska, which allows only families related by blood, marriage, or adoption, plus two unrelated people, to live together, sees about 20 to 30 complaints a year, according to the *Lincoln Journal Star*.

RECOMMENDED READING



What Will Happen to My Music Library When Spotify Dies?

JOE PINSKER



The Problem With HR

CAITLIN FLANAGAN



When Parents Try to Do It All, They Do It Poorly

EMILY OSTER



Bryan Wagner, the president of the American Association of Code Enforcement, told me that the enforcement of these rules appears to be “variable” across the country. He speculated that college areas would field more complaints than quieter residential communities. But in his 10 years working as a code-enforcement official in the city of Westerville, Ohio, “I can probably count on two hands the number of complaints I’ve received alleging over-occupancy violations,” he said.

Complaints from neighbors do trickle in, though, and their outcomes sometimes feel cruel. In 2016, the town of Wolcott, Connecticut, refused to allow a group home for people with disabilities to open. A resident of Bar Harbor, Maine, fought the development of a home for seasonal workers (last year, the resident lost the case). Perhaps even more egregious, in 2006, an unmarried couple with three kids—including one from a partner’s previous relationship—in Black Jack, Missouri, were denied an occupancy permit for their home because the town’s zoning ordinance effectively banned unmarried couples from living with more than one child. (The couple sued and the city eventually settled with them.)

In several cases, the weight of these laws has fallen most heavily on immigrant families living in multigenerational households. After the city of Manassas, Virginia, passed a law in 2005 that restricted single-family households to only “immediate relatives,” zoning-enforcement officers largely wielded it against Latino households. In Cobb County, Georgia, 95 percent of investigations into violations of family-based zoning also focused on Latino residents. A similar pattern has appeared in the cities of Waukegan and Cicero in Illinois.

How zoning legislation became concerned with the definition of *family* probably traces back to a Berkeley, California, real-estate developer named Duncan McDuffie. In 1916, McDuffie successfully lobbied the city to implement one of the earliest forms of single-family zoning laws, which restricted development to stand-alone homes only, as opposed to duplexes or apartments. Single-family zoning, he argued, would “prevent deterioration and assist in stabilizing values” in the city. Another effect—this one largely unstated—was that it would prevent Black residents from moving into developments adjacent to his properties. McDuffie’s properties included stipulations that they not be sold to nonwhite residents, and citizens soon petitioned to use the new regulations to stop a Black-run dance hall from opening nearby.

In other words, single-family zoning was exclusionary from the start. But the term *family* was not. Zoning laws spread across the U.S. in the 1920s and ’30s, but Kate

Redburn, a historian at Columbia Law School who has written about these laws, told me that it was surprising “to find how willing courts were to interpret the term *family* and these statutes extremely broadly.” Courts kept an open mind: Sorority sisters and temporary roommates, for instance, had little trouble living together in houses meant for single families. Michigan’s supreme court even remarked in 1943 that “the word ‘family’ is one of great flexibility.”

From the March 2020 issue: The nuclear family was a mistake

By the end of the 1960s, however, the rising political power of homeowners and a growing fear of communes encouraged local governments to restrict the word’s definition. “One of the ideal ways to respond to that moral decline in their view is to legislate the ideal social force, and that’s going to be a nuclear family,” Redburn said. In 1976, Grosse Pointe, Michigan, wielded its ban on unrelated people living together to order out a pair of men—whom press reports implied to be gay, according to Redburn—from their home. Even foster parents were affected: Newark, New Jersey, convicted several of them because they had too many “unrelated persons”—meaning their foster children—in their home.

Parallel to these efforts, restrictive definitions of *family* were entering other parts of the law. When states began passing domestic-violence statutes, for instance, they largely excluded same-sex couples, and in some cases even unmarried partners, from protection. A similar phenomenon has played out in rent-control and accident-insurance cases, where people who consider themselves family are surprised to find that they don’t meet the legal definition—and therefore can’t receive insurance coverage or inherit a rent-controlled apartment.

Today, definitions of *family* are slowly expanding again—and, in some ways, becoming even more capacious than those from the early 20th century. Recently, a court in New Jersey recognized that half-siblings who didn’t share a home but who were frequently together at family functions counted as “household members” in the context of domestic violence. In zoning law, too, some officials have attempted to purge definitions that, in many cases, have not been updated since the 1960s: In recent years, both Iowa and Oregon have done away with family-based occupancy limits.

Other cities have chosen to update their laws in a more interesting way—measuring family based on how people *act* together. These so-called functional-family rules allow groups who do traditional household acts, such as making meals together and sharing expenses, to count as a family, regardless of biological or legal ties. Burlington, Vermont, for instance, allows groups who share furniture, expenses, and food preparation to live together. In Mount Pleasant, Michigan, functional families merely need to prove a permanent “demonstrable and recognizable bond.” In its rent-stabilization laws, New York City defines a family member as any person “who can prove emotional and financial commitment, and interdependence” with the main tenant—wording so expansive that, late last year, a New York court suggested that people in polyamorous relationships should qualify as family.

Cory Doctorow: This is what Netflix thinks your family is

Gradually, definitions of *family* focused on mutual care are entering other parts of the law. In its sick- and family-leave policy, for instance, Colorado now allows workers to take time off to care for any “person for whom the employee is responsible for providing or arranging health- or safety-related care.” Solangel Maldonado, a law professor at Seton Hall University, also pointed me to the rise of “de facto parent” legislation, which recognizes parentage based on action—for example, for an unmarried partner of the biological parent. Roughly two-thirds of states have these laws on the books, either by court mandate or explicit legislation. “It is very much this idea that families are not created necessarily by blood or by law, but rather by what people do for each other,” Maldonado said.

In the context of zoning, functional-family rules are still a half measure. In the midst of a housing crisis, why restrict living arrangements to any kind of family at all? Still, though in many cases imperfect, these definitions are clearing a path toward a bigger, vital idea: A person’s relationships with their loved ones, irrespective of biological or marital ties, can and should be enshrined in law.

The article originally misstated that the couple in Black Jack, Missouri, were forced from their home.

Minutes Acceptance: Minutes of Mar 6, 2024 12:00 PM (Committee Reports)



Attachment 3

City of Somerville

Mayor Katjana Ballantyne

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File #: 23-0052 Version: 1

Type: Order Status: Sent for Discussion

File created: 1/9/2023 In control: [Land Use Committee](#)

On agenda: 1/12/2023 Final action:

Enactment date: 1/12/2023 Enactment #: 214762

Title: That this City Council's Committee on Land Use work with the Director of Planning, Preservation and Zoning to draft an amendment to the Zoning Ordinances to remove the prohibition on more than four unrelated adults living together.

Sponsors: [Ben Ewen-Campen](#), [Judy Pineda Neufeld](#), [Willie Burnley Jr.](#), [Jesse Clingan](#), [Lance L. Davis](#), [Beatriz Gomez Mouakad](#), [Charlotte Kelly](#), [Matthew McLaughlin](#), [Jefferson Thomas \(J.T.\) Scott](#), [Kristen Strezo](#), [Jake Wilson](#)

Indexes: SPCD-Planning & Zoning

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Date	Ver.	Action By	Action	Result	Action Details	Meeting Details	Video
5/4/2023	1	Land Use Committee	Kept in committee		Action details	Meeting details	Not available
3/30/2023	1	Land Use Committee	Kept in committee		Action details	Meeting details	Not available
1/12/2023	1	City Council	Approved and sent for discussion	Pass	Action details	Meeting details	Video

Minutes Acceptance: Minutes of Mar 6, 2024 12:00 PM (Committee Reports)