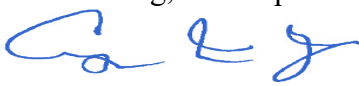


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**TO:** Matthew Leming, City Councilor (*By Electronic Mail Only*)

**CC:** Nina Nizarian, Chief of Staff  
Alicia Hunt, Director of Planning, Development & Sustainability

**FROM:** Carolyn M. Murray 

**RE:** Resolutions Relative to Linkage Fee Ordinance

**DATE:** March 5, 2024

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As requested, I have reviewed the three resolutions you intend to file with the Council this week:

1. A Resolution to Add Affordable Housing to the Linkage Fee Structure;
2. A Resolution to Request Linkage fee Updates in Medford from the Community Development Board and Request a Progressive Formula for Their Update; and
3. A Resolution to Bring Medford's Linkage Fee Ordinance in Compliance with the State's Act Establishing the Ordinance.

In my opinion, these resolutions are consistent with the enabling act, Chapter 488 of the Acts of 1989, An Act Establishing a Linkage Exaction Program in the City of Medford (the "Act"), with one potential exception. In the second to last paragraph of the second resolution identified above, you request that the Community Development Board conduct a study on a progressive linkage fee formula "such that a new study every three years in not necessarily required." In contrast the Act, at Section 2(B)(5) requires that "the level of exaction shall be reviewed at least every three years." Accordingly, if your resolution results in the Community Development Board developing a formula that only warrants review every five or ten years, for example, then I recommend that the Act be amended to be consistent with the increment of review.

In my further opinion, if either the first or the third resolution is adopted by the Council, Section 94-10 of the City's Ordinances will have to be amended to incorporate the linkage fee for affordable housing, similar to how the ordinance currently provides for parks and recreation and other facilities. You have also proposed to amend Section 94-10 of the Ordinances to change references to the Office of Community Development contained within the existing Ordinance to the Office of Planning, Development, and Sustainability to clarify the current name of the department with authority to promulgate rules and regulations or to study changes in the amount of linkage fees. In my opinion, the City may wish to review this matter further in light of the current organizational structure of the department. I note that the Act at Section 2(B)(5) currently requires the "office of community development" to study and recommend changes to linkage fees. Moreover, Chapter 2, Article III, Divisions 8 and 9 of the City's Charter and Article IV, Division 11 of the City's Ordinances establish the Community Development Authority, Community Development Board, and Office of Community Development, respectively. To avoid confusion, I do not recommend amending Section 94-10 to incorporate

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the new name of the Office of Planning, Development, and Sustainability until such time as the Charter and the Act are also amended to reflect the updated name of the department. Lastly, I note that the Community Development Board's Linkage Rules and Regulations also reference the Office of Community Development.

Similarly, you have inquired as to whether Section 94-10 of the Ordinances should be amended to change the periodic reviews of linkage fees from "no more than every three years" to "at least every three years." I agree that Section 94-10 should be amended in order to be consistent with Section 2(B)(5) of the Act.

Finally, you have asked about a formula with an automatic escalating clause that might serve to avoid having to study the fees at least every three years. In my opinion, this is possible and refer you to Chapter 302 of the Acts of 2022, whereby the City of Watertown adjusts increases in its linkage fee to the Consumer Price Index, but still reviews the fees every five years.

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