



Ruthanne Fuller
Mayor

Barney Heath
Director of
Planning & Development

Malcolm Lucas
Housing Planner

Members

Esther Schlorholtz, Chair
Donna Rigg, Vice-Chair
David Hedison
Judy Korzenowski
Josephine McNeil
Tatjana Meschede
Ellen Tanowitz
Alexandra Weiffenbach

1000 Commonwealth Ave.
Newton, MA 02459
T 617/796-1120
F 617/796-1142

www.newtonma.gov

CITY OF NEWTON, MASSACHUSETTS

Fair Housing Committee

MEETING MINUTES

Date: March 1, 2023

Time: 8:00 a.m.

Place: Virtual (Zoom)

Members Present: Esther Schlorholtz, Chair

Donna Rigg, Vice Chair

David Hedison

Josephine McNeil

Ellen Tanowitz

Alexandra Weiffenbach

Members Absent: Judy Korzenowski

Tatjana Meschede

Staff Present:

Malcolm Lucas, Housing Planner

Jini Fairley, ADA/Sec. 504 Coordinator

Linda Walsh, Commissioner of Health and Human Services

Public Present:

Alicia Bowman, Council

Pam Wright, Council

Julia Malakie, Council

Sharyn Roberts, League of Women Voters Newton

Steve West

Malcolm Lucas, Housing Planner served as recorder, Esther Schlorholtz, Chair, called the meeting to order at 8:00 a.m.

1. Approval of February 2023 minutes

- Upon a motion by DH, JM seconded the motion. The minutes for January 2023 were approved 6-0-0.

2. Affirmatively Furthering Fair Housing HUD Comment



- ES stated that it is time for public comment and that she believes that the deadline is in April 2023 and mentioned that JM has recommended the committee to provide a comment. ES also stated that she attended CHAPA's Fair Housing Committee presentation, and the discussion was an overview of the AFFH Rule and what it will be about. ES stated that CHAPA distributed the handout from Klein Hornig LLP. ES then asked JM to comment about the background information.
- JM stated that the article from Klein Hornig LLC document was good for background. JM stated that it is really important that commenting on the proposed AFFH message gets to the public, especially the City Council, so that they could be aware. JM also feels that the City Council should be part of the public engagement process.
- ES stated that she has had discussion with Barney Heath and Amanda Berman about the process and they will be implementing the public engagement process once the regulations take effect. According to the proposed rules, large jurisdictions will first implement the process. Next will be smaller jurisdictions like the City of Newton and the 13 communities that make up the WestMetro HOME Consortium. ES stated that Boston will be working through the implementation before it comes through Newton and stated that Newton's implementation will be a longer timeframe.
- DH stated that housing authorities will be tiered over a period of time as well from largest to smallest but the timeframe for implementation was unclear. ES discussed more of the city's role and stated that the city will be implementing a lot of public input. ES mentioned that during Trump's administration, when the AFFH rule was proposed to be substantially weakened and the City of Newton continued with implementing it anyway, the committee appreciated their efforts working with the FHC. ES stated that she will draft a letter for the committee to review for April's meeting. JM asked how they would get the message out to the general public and ES asked JM to put a draft together. ES stated if JM could put a draft together, then we will work to share it. DH stated the Newton Housing Authority should be included as well.
- ES asked if anyone from the committee had any questions or comments on the article and she pointed out some things that stood out and stated that the article emphasized public participation and transparency. ES stated that the equity plan seems more feasible than what was required in the past. She also stated that the administrative complaint process is positive and allows more direct comment by the public. Lastly ES stated that she was interested in the notion of the balanced approach that is included in the document which is regarding place-based and mobility strategies. Place-based is focused on investing in high poverty neighborhoods and mobility strategies are focused on creating more options for affordable housing in areas of opportunity.

3. Presentation on Fair Housing Complaints - Newton Health and Human Services Commissioner Linda Walsh

- Linda Walsh, Commissioner of Health and Human Services, introduced herself and stated that she has been associated with the Human Rights Commission for around twenty plus years and stated that she chaired it for many years, so she knows it pretty well. She stated that because she is the commissioner now, other staff have taken on responsibility to staff the commission. LW spoke about the partnership the commission has with the City's Legal Department, which are the executive offices partners and complaints are reviewed by

Health and Human Services staff. She then began to explain the complaint process. LW stated that complaints could come through the mayor's office, or any city staff. LW stated that the city does not get many complaints and we have tried to understand why from what we may see anecdotally in the community. When the city does receive complaints, they are contacted by one of several people from the Health and Human Services staff and there is a complaint form that gets filled out or completed online electronically. She stated that the staff helps people fill out the forms so that they get all of the information they need. LW stated that they rarely mediate and gave one example when they did. She also stated that their ordinance is really old and not accurate and needs to be updated. The city's legal department has said that the city cannot subpoena witnesses and investigate complaints. LW then spoke about Sheila Mondschein and her work with the commission and FHC. She was a lawyer who did pro bono work, and she did spend time with people when she served. Since she has passed, this work no longer happens. LW stated that when they do get a serious complaint, it is forwarded to MCAD after they have exhausted all other resources their department can handle and if they can't get anywhere at MCAD, the complainant is asked to call them back to brainstorm to see what can be next. The Health and Human Services Department has monthly meetings with the Newton Police Department and the police department reports any hate or bias incidents during these meetings.

- LW thinks the Human Rights Commission is most effective in educating the public. LW then stated that their forms and contact information are on their webpage and when there is a complaint, their departments have several staff members who sit down and assess to see what is next. LW said that in general they have limited options and they refer complainants directly to MCAD.
- DH stated from his experience he sees a lot of complaints filed for either housing disability discrimination or perceived discrimination. DH stated what can help is educating the landlords on matters by making a phone call to find out what is a reasonable accommodation to inform them before a discrimination claim is filed. DH then stated that some landlords would like to learn what their responsibility is and thought that regular education forums for both landlords and tenants would be valuable.
- ES stated the MCAD process can take up to seven years on average to complete. LW stated that she did not know the process was that long. JF stated that she has had clients that dealt with MCAD and there have been issues with cases being dropped so she doesn't have a lot of confidence in this process. LW stated that if there is any way that a dispute could be resolved without sending it to MCAD, her department will try. She stated between departments and relationships with the housing authority and schools, sometimes just a phone call from the city works or when the Commissioner calls from Health and Human services, this could work to shift attitudes. ET stated that MCAD is overloaded, and housing court is a better route. She said that Health and Human service should direct complaints to housing court if there are issues. ET stated that a complaint would get better resources and a better response time. LW said that she would consider pursuing that approach.

4. Subcommittee Updates

- **Lottery Results & Lease-ups Sub-Committee**
 - JM said there are no updates at this time.

- **Membership & Nominating Sub-Committee**

- DR welcomed DH to his appointment on the FHC and introduced Steve West and stated that he is in the process of applying. DR stated that she is working with the Commission on Disability to get a member from their committee and stated they may have some interest within a few months. She said that ES, JF and she participated in a recent meeting of the Commission on Disabilities.
- ES thanked ET for her service and stated if she could recommend someone, that would be very helpful. ET stated that it is a tough decision, but she can't give the time the committee deserves due to work obligations. She stated maybe in a few years she will reconsider.
- ES stated that ML forwarded information related to the composition of the FHC to DR and herself from the former chair THM. THM stated that the Committee membership is a mayoral decision and does not have to go to City Council to make any changes. ES stated she feels that the 11-member composition is a good number but that getting participants from the other commissions has been tough. ES stated that the committee could have a deeper conversation about membership.

- **Fair Housing Award Sub-Committee**

- ES stated that the awards ceremony will be on May 4th at 4pm in the War Memorial at City Hall. The ceremony will be in person and on zoom and the timing will be less than an hour. The honorees will be Ted Hess-Mahan and Kathy Laufer. ES asked members if they would like to say a few words and to let her know if there is any interest. ES stated the Mayor will be present and will give the awards.

- **Fair Housing Literature Sub-Committee**

5. Fair Housing Committee Priorities Discussion

- **Promote housing choice for diverse populations to advance Affirmatively Furthering Fair Housing (AFFH), with focus on race/ethnicity, public subsidy, and disability**
- **Identify and work to overcome barriers to successful tenancies and to improve processes/practices for tenant selection in lottery and market rate multi-family rental housing**
- **Promote improved practices for real estate professionals to achieve more housing choice for diverse populations**
- **Promote effective processes/practices for new affordable homeownership and resales**
- **Promote data collection on multi-family rental and new homeownership occupancy**
- **Promote FH training for real estate professionals, public and committee members**
- **Enhance Project Review of Housing Developments to advance AFFH**
- **Support AI/Consortium Fair Housing Testing and FH testing in Newton**
- **Collaborate with Related Newton Commissions and Committees to increase affordable housing for households of various sizes and lower incomes and to encourage increased funding for affordable housing**
- **Promote affordable housing production in coordination with other City commissions and committees**

- **Support federal, state and city initiatives that promote AFFH**
- **Collaborate with Human Rights Committee on Fair Housing Complaint Process**
- **Contribute to Newton's FH-related plans**
- **Enhance FH literature and website information and access for the public**
- **Address committee membership appointments with representation from Human Rights Commission and legal counsel with FH specialty**
- **Promote Diversity, Equity, Inclusion and Belonging in Newton**

6. Next meeting Wednesday, April 5, 2023

*Supplementary materials are available for public review in the Planning Department of City Hall (basement) the Friday before the meeting. For more information contact **Malcolm Lucas at 617.796.1149**. The location of this meeting/event is wheelchair accessible and Reasonable Accommodations will be provided to persons with disabilities who require assistance. If you need a Reasonable Accommodation, please contact the city of Newton's ADA/Section 504 Coordinator, Jini Fairley, at least two business days in advance (2 weeks for ASL or CART) of the meeting/event: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711