



Ruthanne Fuller
Mayor

Barney Heath
Director of
Planning & Development

Malcolm Lucas
Housing Planner

Members

Esther Schlorholtz, Chair
Donna Rigg, Vice-Chair
Judy Korzenowski
Josephine McNeil
Tatjana Meschede
Alexandra Weiffenbach
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CITY OF NEWTON, MASSACHUSETTS

Fair Housing Committee

MEETING MINUTES

Date: September 6, 2023

Time: 8:00 a.m.

Place: Virtual (Zoom)

Members Present: Esther Schlorholtz, Chair

Donna Rigg, Vice Chair

Josephine McNeil

Alexandra Weiffenbach

Judy Korzenowski

Tatjana Meschede

Members Absent: Steve West

Staff Present:

Malcolm Lucas, Housing Planner

Jini Fairley, ADA/Sec. 504 Coordinator

Lara Kritzer, Director of Housing and Community
Development

Shaylyn Davis, Housing Program Manager

Allison McIntyre, Housing Development Planner

Public Present:

Alicia Bowman, Council

Brian Engler, Principal, SEB Housing

Sharyn Roberts, League of Women Voters Newton

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

1. Approval of August 2023 minutes

- Upon a motion by DR, TM seconded the motion. The August 2023 minutes were approved 6-0-0.



2. Review of City Oversight of Affordable Housing Marketing, Lottery, and Leasing/Sales

- Shaylyn Davis-Iannaco, Housing Program Manager, introduced herself and shared a chart that showed the ten-step process for City and State review of affordable housing marketing plans and lotteries. She informed the FHC about changes that need to be made in the timeline of the development process that were previously given by housing staff. She stated, after having conversation with the Planning and Development team, that the initial estimate that the review process was close to four to six months is actually around six to nine months before marketing. The developers submit the final packet draft to the Certified Executive Office of Housing and Livable Communities (EOHLC) agent and Newton City staff for review. This packet has the Affirmative Marketing Plan, Resident Selection Plan and lottery information. Housing staff reviews and works with the developer to make the necessary changes to be in compliance with EOHLC. Once finalized the packet gets sent to EOHLC for their approval. Once approved the developer hires a certified lottery agent that preps the necessary application materials and documentation requirements for people to apply for the new units that are available. These documents are sent to housing staff to post on the city's website and to get the word out to several avenues the City uses to help promote affordable housing in Newton. The lottery agent oversees the application process and the lottery for the leasing agency for the development. The leasing agent screens the lottery winners based on their management policies and procedures.
- ES asked what type of projects go through this process. She stated that this process seems to only fit 40B and the Special Permit projects that require State approval. SDI stated that most of these projects currently go through the State process and those units are added to the Subsidized Housing Inventory (SHI) list. SDI stated most IZ projects will have a special permit to clarify more to ES. SDI stated that she has not experienced an IZ unit that has not gone through this process with the state.
- Councilor Bowman stated if the village zoning passes there will be many more units by-right that will go through the City review process. ES asked that City staff clarify what review role EOHLC will have when affordable units will be built in IZ units that are by-right and do not require special permits that then kick-in a state review. JM asked if the housing staff monitor where the marketing ads will be placed. SDI stated that there is not a requirement. JM stated that she thinks this should be part of the development review step. TM asked about lottery and unit turnover data and can it be shared with the FHC when housing staff receives it. SDI stated that could be a possibility and she will look into it.
- ES summarized questions raised by the Lottery and Lease-up subcommittee on the Bristol Waban Condominium lottery application materials. She said that the specific language in the application that raised concerns included the statement that applicants will not be informed when they have an incomplete application. The sub-committee strongly felt that applicants should have the right to know deficiencies so that they have the opportunity to submit completed applications and participate in the lottery. ES stated that the City's policy on handling incomplete applications is not clear overall and asked that planning staff follow up to get more clarification and consider having the language changed to allow notification to lottery applicants of deficiencies. SDI stated that she will investigate this. ES also said that subcommittee members had concerns related to some of the language used in the application materials regarding sexual orientation and people with disabilities.

- ES summarized additional recommendations for improving the review process. She said that it is important for the City to more completely review the final lottery application materials to ensure that they comply with the quality standards of other state-approved documents. She asked that FHC members be added to the lottery notification list that ML maintains so that they can get information about the lotteries. She recommended that the City's ADA/504 coordinator be involved in the earlier stages of project review that the Planning Department carries out to ensure that the accessible, and affordable and accessible affordable units are thoroughly reviewed early enough to inform the developers of the City's concerns with placement, size, etc. She said that this should occur significantly before the building permit application is submitted.
- JM recommended that the city staff should inform themselves with HUD's lottery lease up data on algorithms because there is new information. She said that some language issues and policies are discriminatory in this area and need to be paid attention to. She said she will forward the link to the information.

3. Recommendation for Enhancing Newton's Oversight of Deed Restricted and City-supported Affordable Housing

- ES has been working on this recommendation to identify the gaps that have been identified by various groups. ES stated that the city is building new inclusionary zoning units that do not have a state review component. The smaller developments have less experienced developers than the ones who do larger developments, so the committee would like to recommend that a solution similar to that for the bigger development is available for the smaller ones. A former committee member, David Hedison, managed a mechanism for smaller projects in his work at Chelmsford Housing Authority. This mechanism helped with compliance and this document and idea was submitted to the committee for review. ES made some edits to this mechanism to fit Newton and she has also spoken with Brian Engler, SEB, about how some municipalities manage developments. ES asked the committee if there are any comments on this proposal before Brian Engler logs on for his presentation and stated that the first step is to present this mechanism to Barney Heath, Planning and Development Director, for his consideration of implementation and have further discussions through this method.
- Brian Engler, SEB introduced himself and thanked the FHC for giving him the opportunity to come out and speak. He stated that municipalities should recognize that they have leverage over developers and management companies in ensuring that the necessary certification and recertifications work on an ongoing basis for any projects that are built under a special permit or under the LIP program with DHCD in 40Bs. This leverage/language is in the regulatory agreements stating that municipalities have the authority and should collect annual reports from developers or their property management companies. He stated that his company always encouraged towns or cities to have oversight of affordable housing programs because they ensure that developers/owners/property managers of properties are implementing the program accurately both in the initial phases and over time. He stated that this is a lot of work and administration for the City to oversee. He stated that in his experience property management could overlook this type of management due to turnover and lack of experience because it is not easy work.
- BE talked about how some municipalities hire organizations like them or RHSO that create databases, tracking systems and anything else that is required but there is a fee that is

associated with the work of these organizations. This proposal will help ensure that the work is being completed and it will hold property owners/managers accountable. BE suggested a method the City could use to ensure better compliance which would include sending annual requests for data to each owner/management agent to provide the required data on each of the affordable housing units, including income certifications and other required reporting. He said if they do not report on each of the units or provide inaccurate information, this will help the City to identify problems where they need to intervene.

- JM asked how developers are likely to react to paying fees or hiring consultants to cover the oversight costs. BE said that he does not believe the annual per unit fees will be of major concern and noted that developers/owners are already obligated to carry out the functions, so they may appreciate having an option to carry out the required work by a certified entity or entities.

4. Subcommittee Updates

- **Lottery Results & Lease-ups Sub-Committee**

- TM stated that the subcommittee is in the process of defining the data elements and she was happy to hear Brian Engler's presentation because it gave the committee more ideas to think about and once they incorporate these ideas and test the updated tracking sheets with the most recent development that are in Newton.

- **Membership & Nominating Sub-Committee**

- DR stated that Nancy Kritzman is interested in joining the Fair Housing Committee and that she is coordinating with ML to show her how to apply. DR then asked if the committee had any suggestions to let her know.

- **Fair Housing Award Sub-Committee**

- **Fair Housing Literature Sub-Committee**

5. Fair Housing Committee Priorities Discussion

FH Protected Groups

- **Promote housing choice for diverse populations to advance Affirmatively Furthering Fair Housing (AFFH), with focus on race/ethnicity, public subsidy, and disability**
- **Promote Diversity, Equity, Inclusion and Belonging in Newton**
- **Promote effective processes/practices for new affordable homeownership and resales**
- **Promote improved practices for real estate professionals to achieve more housing choice for diverse populations**
- **Identify and work to overcome barriers to successful tenancies and to improve processes/practices for tenant selection in lottery and market rate multifamily rental housing**

Learning/Teaching

- **Enhance FH literature and website information and access for the public**

- Promote FH training for real estate professionals, landlords, tenants, the public and committee members

Data and Analysis

- Promote data collection on multi-family rental and new homeownership occupancy
- Enhance Project Review of Housing Developments to advance AFFH
- Support AI/Consortium Fair Housing Testing and FH testing in Newton

Collaboration

- 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 Commission on Fair Housing Complaint Process
- Contribute to Newton's FH-related plans
- Address committee membership appointments with representation from Human Rights Commission and legal counsel with FH specialty

6. Next meeting Wednesday, October 4, 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