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Esther Schlorholtz, Chair
Donna Rigg, Vice-Chair
Judy Korzenowski
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CITY OF NEWTON, MASSACHUSETTS

Fair Housing Committee

MEETING MINUTES

Date: October 4, 2023

Time: 8:00 a.m.

Place: Virtual (Zoom)

Members Present: Esther Schlorholtz, Chair

Donna Rigg, Vice Chair

Judy Korzenowski

Josephine McNeil

Tatjana Meschede

Alexandra Weiffenbach

Steve West

Members Absent:

Staff Present:

Malcolm Lucas, Housing Planner

Jini Fairley, ADA/Sec. 504 Coordinator

Lara Kritzer, Director of Housing and Community
Development

Allison McIntyre, Housing Development Planner

Public Present:

Julia Malakie, Council

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.

To view meeting documents, [click here](#).

1. Approval of September 2023 minutes

- Due to the committee not receiving the agenda until today approving of the September minutes will be deferred until November 2023.



2. Update on Suffolk Law Discrimination Testing

- ES summarized Shaylin Davis Iannaco's written summary to the committee and stated that Newton is the lead of the WestMetro HOME Consortium which is made up of 13 surrounding communities and all of those communities are a part of the Suffolk Law University's housing discrimination testing program. There will be 130 tests conducted and each Consortium community will have 10 tests done each over a two-year period. Currently there have been 35 tests, and out of those tests seven have been found with evidence of discrimination which is 20% as of now. ES noted that this percentage is substantially less than the previous studies that have been over 50%. Six of the tests were based on income discrimination (vouchers), at 17% of the total. The last one was found to have evidence of race-based discrimination which is less than 1%.
- ES stated that there has been some improvement in the performance overall compared to the past studies commissioned by the FHC and Suffolk Law, but we have not seen the final results of the whole test. ES stated that the important thing to understand is that all the tests that found evidence of discrimination have been from large realty companies. Three out of six of the tests that found income-based discrimination were from the same large realty company. The communities that were tested and found to have evidence of discrimination are Belmont, Brookline, Newton, Waltham, Watertown and Wayland.
- ES stated that Suffolk Law will follow up with enforcement agencies like the Attorney General's office. ES then opened this discussion for questions or statements. TM wanted clarification if this study was based on rental units only and not ownership. ES stated that it was only rentals. ES also noted that the study does not include people with disabilities. TM asked who provided the funding. ES responded that the HOME Consortium used their administrative fees. She recognized the Consortium for allocating these scarce and limited funds for the study. She thanked SDI for providing the summary for the committee.

3. Annual Training for Real Estate Professionals

- ES stated that Kelly Viera, Suffolk Law, gave an excellent and well-received training on Fair Housing for real estate professionals in January 2023, and stated that she has been in touch with her and her colleague Paige Stopperich. ES stated that she is pleased that they will do another training for the FHC this upcoming January 17, 2024, at 8:30 AM. The training will be virtual and open to the public. The trainers asked for recommendations. The comments from the last training were to spend more in-depth time on what real estate professionals should do to improve. ES said that another recommendation she made is that the companies that employ real estate professionals should maintain, as a best practice, a standard Fair Housing policy that staff must acknowledge and with which they agree to comply. Along with training on the policy, monitoring, and enforcement, the companies can then better ensure that employees comply with the policy. She said that she recommended this approach before the last training, but that the trainers could not consider it at the time because HUD, which funds the training program, must approve changes to the training program to incorporate such a change. She noted that this approach can help employees to comply better with Fair Housing laws and it can help companies if they have liability issues with employees who do not comply. She said she hopes that HUD will approve this recommendation. JM recommended that the Chamber of Commerce should be reached out to be invited, she stated that they might be interested in this.

- ES stated in addition to the Real Estate Professional training that the landlord and tenant training is moving forward also. Suffolk Law staff are also interested in doing this training and there is not a fee for this as well because HUD funds them to carry out the training. ES and AW have been communicating and trying to pursue trainers, so they are both excited that it can be done by Suffolk staff. ES summarized what she discussed with Suffolk staff. 1. What is Fair Housing and who are the protected classes? 2. What is the duty to provide reasonable accommodation for a person with a disability? 3. What are examples of housing discrimination? 4. How to file a complaint and to answer questions. Committee members asked for clarification on why the training for landlords and tenants will be a joint one, which groups will be invited to co-sponsor the training, the appropriate time of the program, and who will be invited. AW said that the Newton Housing Authority has substantial numbers of landlords and tenants who should be invited to participate.

4. Village Center Zoning Overlay 3.0 update

- ES stated that this review meeting has occurred and briefly summarized what this is about. She stated that this update is intended to comply with the MBTA Communities Law. ES stated from a fair housing perspective the committee is disappointed in terms of the effects on potential affordable housing developments and feels that the proposal is watered down based on the reduction of heights and setbacks, as well as various elements. ES acknowledged the work that Planning and especially the city council members have done to try to address all the complex issues that are involved especially with all of the various community input.

5. Housing Navigator Data Collection status

- ES recapped what this was about and reminded the committee about the presentation that happened some months ago with Jenifer Gilbert, Director of the Housing Navigator. This is a non-profit organization that is affiliated with the State to effectively advertise and ensure that all rental lotteries and available units by lottery or new leasing are up to date. During that meeting they agreed to work with the City of Newton to add its Inclusionary Zoning and other affordable housing to their database. ES stated that she believes the city has already started with an initial discussion with staff at the Housing Navigator and submitted some data. ES said that Housing Navigator has agreements with several communities that have come up with similar working agreements which have improved their database and hopes that Newton will be included. AM stated that Planning has been coordinating with Housing Navigator staff and that Planning is working on making sure that complete data is given for the properties that are in Newton. ES noted that the Newton Housing Authority has already established a relationship with the Navigator.

6. Cambridge Resident Experience Study follow-up

- ES stated that some progress has been made mostly with discussions on how to proceed and asked if someone on the committee would participate and take leadership on this topic. No member responded. ES said that she will continue to work with LK to plan next steps. She referred to TM's summary of the study that was done by the Case Western Reserve and encouraged the committee to refer back to this document if needed. She stated that it would be great to have someone from the City of Cambridge to have a further discussion

with the FHC and that she was working with LK on having Chris Cotter who is their housing and community development director to see what the best avenue and best forum for people would be to learn about it. JM asked if the City Council will be involved. ES responded that Council President Albright continues to be involved and is interested in the committee's follow-up, including especially how training programs can be carried out for property managers, market-rate tenants, affordable tenants and homeowners in mixed income and affordable developments.

7. Lottery Data Collection Update

- ES made the FHC aware that TM made an update to the data collection spreadsheet and it is included in the meeting materials for reference. TM stated that the finalized spreadsheet is not significantly different from the last one that was used and that they have actually tested and collected from management companies. She said that the subcommittee has received good responses and it collected great data that they could share with the City and the full membership of the FHC.
- TM stated that the subcommittee thought about collecting data from more recent developments and has had conversations with the City about this data request that the subcommittee is proposing. The subcommittee's data includes race, disability, and public subsidy (voucher status) that are protected by fair housing. The subcommittee would like to encourage the City to look at the data sheet and reach out if there are any concerns and questions about what the subcommittee is proposing to do. ES said that the City already has pending lottery data requests with these developers/owners and hopes that there will be further discussion at the FHC about how to integrate the Fair Housing data request from the subcommittee into the City's existing data request. She said that it is valuable to collect this data to help identify barriers to successful occupancy through the lottery process for protected classes. She said the data so far shows that there is a disproportionate negative impact by race, disability, and public subsidy.

8. Subcommittee Updates

- **Lottery Results & Lease-ups Sub-Committee**
- **Membership & Nominating Sub-Committee**
- **Fair Housing Award Sub-Committee**
- **Fair Housing Literature Sub-Committee**

9. 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

10. Next meeting Wednesday, November 1, 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