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Mayor

Barney Heath
Director of
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Malcolm Lucas
Housing Planner

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

Fair Housing Committee

MEETING MINUTES

Date: May 1, 2024

Time: 8:30 a.m.

Place: Virtual (Zoom)

Members Present: Esther Schlorholtz, Chair

Donna Rigg, Vice Chair

Alex Weiffenbach

Steve West

Josephine McNeil

Members Absent: Judy Korzenowski

Tatjana Meschede

Staff Present:

Malcolm Lucas, Housing Planner

Jini Fairley, ADA/Sec. 504 Coordinator

Lara Kritzer, Director of Housing and Community
Development

Public Present:

Sharyn Roberts, League of Women Voters Newton

Randy Block, Council

Rena Getz, Council

Henry Korman, Klein Hornig

Kathy Luce, Maloney Properties

Julia Malakie, Council

Debbie Piltch, Maloney Properties

Pam Wright, Council

Malcolm Lucas, Housing Planner served as recorder, Esther Schlorholtz, Chair, called the meeting to order at 8:30 a.m.

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



1. Approval of March 2024 minutes

- Upon a motion by JM, SW seconded the motion. The March 2024 minutes were approved 4-3-0, with two members absent and one abstention. ES noted that there will not be April minutes because of a question related to posting requirements and the low member attendance. Subsequently the meeting materials were shown to be posted correctly. She thanked Councilor JM for her correction to the March meeting materials. PW expressed concern about accessing the meeting through the on-line calendar; Councilor JM said that it was accessible through the Electronic Posting Board.
- ES thanked AW for her membership and her contribution to the work of the committee, representing the Newton Housing Authority, and members shared in their appreciation of AW. AW thanked the committee and will inform the committee about her replacement.
- ES acknowledged the recent death of Phil Herr, the former chair, vice chair and longtime member of the committee. Members expressed their appreciation of his leadership and dedication.

2. Presentation & Discussion on Resident Experience Training

- ES introduced Debbie Piltch, Vice President, and Kathy Luce, Executive Vice President and Partner from Maloney Properties, that specializes in large mixed use, affordable, and mixed income housing. ES stated that she worked with Maloney Properties through her career for many years and stated that they have great skill and knowledge and is thankful for them that they are sharing. ES also introduced Henry Korman, who is of Counsel at Klein Hornig and will be the presenter at the Fair Housing for Policy Leaders training that the committee is holding on June 18.
- ES provided background for the presentation, stating that the committee has had discussion on the City of Cambridge study on bias and exclusion, in affordable housing, mixed income, homeownership, and rental housing. This discussion has sparked interest in how the City of Newton could be involved to help develop more inclusionary experiences for residents of Newton's affordable and mixed income housing. ES stated that one of the ideas that came up was to focus on a training program that will be for landlords, owners, property owners, property managers, leasing agents, and other interested parties. ES stated that in the study, tenants identified that a large proportion of property management of market rate units are the source of bias.
- HK stated that he is retired and now of counsel with Klein Hornig, but his practice dealt with affordable housing and community development and with regulatory compliance which included a significant focus on fair housing and civil rights. HK stated that he is currently working with the committee on training policy leaders in Newton who have responsibility for oversight of housing matters. He is working with ES and TM on the fair housing training for which the targeted audience includes City Councilors and city staff. HK stated the training will focus on basic concepts, what are the legal responsibilities and where did the legal obligations arise, who is protected by civil rights and fair housing laws.
- HK stated the second piece of the training will focus on core municipal activities that affect fair housing and where the city has significant responsibilities, and this will include architectural access and fair housing planning activities. This will also include funding and related actions for municipal entities involved in oversight, grantees, CPC funding, Housing Trust funding, and others.
- DP spoke next and stated that she and KL have discussed a training that would mirror what HK just spoke about and then she gave her background. DP stated she started as a fair

housing attorney who represented low-income people and discrimination cases in the disability field. She worked with the Disability Law Center. DP stated that she has been working in this field for over 20 years and stated that Maloney is an incredible company and that they are committed to fair housing. She stated that she does work across the county with the National Affordable Housing Management Association. She also stated that she is part of the technical assistance collaborative with VAWA (Violence Against Women Act) implementation for HUD.

- DP stated that the training will depend on what the FHC wants to focus on. DP stated that they will also have to look at the laws of language access and reasonable accommodations. She said that Maloney Properties is strongly committed to fair housing, and they have worked with and offered training to many housing providers. She said that their goal has been to figure out how to get owners and agents to adopt and fully integrate fair housing into what they do. She said that one topic that owners and agents especially need to learn about is how to make the lottery accessible to people not only for affirmatively furthering fair housing, but also how that works in practice, for example for people with disabilities or with language access barriers. She discussed concerns about tenant screening issues. ES briefly described the work of the committee's subcommittee on lotteries and lease-ups that has been discussing lottery and tenant screening barriers and ways to reduce those. DP said that it is important to include information on the basics of fair housing, changes as they arise, and she gave specific examples of the bias testing done by Suffolk Law, giving examples from their discrimination testing program, and other cases. ES noted Suffolk Law offers training for real estate professionals in Newton. DP stated that for them to do an effective training, they will need to know what Newton's current policies are and that the FHC should narrow down what they are looking for. DP also stated that this may be a long-term training that will focus on different avenues in a series.
- KL stated that they will create a program that establishes a baseline training and agreed with DP that this may be a long-term commitment. She thinks it is critical that owners and practitioners should be a part of it, and it should be on an annual basis.
- ES thanked the presenters for their many insights and stated that she wanted to highlight the key issues that were discussed for further clarification and to add more context before she opens the discussion to the meeting. (1) She acknowledged that the state lottery process is about to be changed, streamlined and updated, and that this is a critical part of the training process for the target audience to learn about how to comply fully. (2) She agreed that the trainers need to understand all of Newton's policies related to fair housing and the lottery, selection, and marketing processes that are required and followed by both the city and the state. (3) She highlighted the recommendation that these trainings include housing providers that work in Newton, including property owners. (4) She identified the importance of anti-bias training ideas and the complexity of it. (5) She highlighted the need for ongoing trainings. (6) She said that it is valuable to get developers/owners of large and small properties with affordable housing components to the table. ES said that all of this is important and will take time. She asked how the committee can take action to improve the resident experience for tenants and homeowners who live in or move into the city. She said that is the focus of what the committee is trying to do.
- DP stated in order to start it has to be broken down as to why the experience is what it is. She also stated that some of it is customer service and bias against low-income people and people with disabilities. And the FHC would have to look at what is the root of the negative experience. Basic customer service and bias are the issues and are intertwined. DP stated that the vast majority of fair housing complaints are around disabilities and reasonable

accommodations, almost 50%. DP stated that this has more to do with attitudes because of the preconceived notions about people with disabilities and suitable accommodations. DP reiterated that this type of training should be a series of how to, and how to get people to change. She discussed bias training dimensions. She noted that some bias is poor customer service, in addition to behaviors. She said biases not only affect admissions but also the lottery, language access, and many other factors. She noted for the committee that some of the feeling of isolation, as identified by JM, felt by tenants is a sense of feeling different and separate in the community, and not only behaviors and customer service. She said that needs to be incorporated into what the committee does and training programs.

- ES stated that from the conversation so far, she recommends that these trainings should be to a broader audience than just one or two large developers. ES stated that she thought that it should also include the smaller, newer developers who are engaging for the first time and that the larger developers would be highly welcomed. DP asked ES how the FHC engages with the community to get buy-in with their objectives. ES explained the FHC is a volunteer committee that was appointed by the mayor, and they work with the city's planning and development department. ES stated that they have a variety of programs, including advising the city on affirmatively furthering fair housing, its policies and practices, and advising on planning for the use of federal, state and local funding sources. She stated the trainings are the main way that they have been reaching out to broader audiences, beyond the website, the annual award program, comments to the City Council on zoning and other matters and advising on fair housing characteristics of new housing developments seeking permits. ES stated that meetings are posted online, and the City includes information on fair housing and resources for the committee and the city on its webpage. ES stated that meeting with various entities like Cambridge representatives and them about the Cambridge bias study is part of their search to advance the knowledge of the community and to help inform the committee on how to engage leaders and residents.
- HK stated that he thinks that it would be helpful if the FHC would design a program for people who provide housing and that the FHC should be clear about how much they want to do. He stated that this would be more like a year's training curriculum. HK stated that the FHC should also consider the audience in terms of the industry. ES stated that, based on capacity, she believes we should work on best practice training to improve the residents' experience for mixed use and affordable rental and homeownership. HK stated that the FHC should decide (1) Priorities (2) Audience (3) Bandwidth of the committee to start.
- JF said she applauded the presenters and their acknowledgement that people with disabilities experience high levels of discrimination. She said that the study commissioned by the committee with the Disability Law Center in 2005 showed that people with disabilities experienced more than 50% discrimination in the testing results. She discussed her particular and serious concerns about property managers and some of their discriminatory actions against tenants, particularly related to reasonable accommodations and evictions. She talked about how difficult it is to get people help to prevent evictions, and the causes for the evictions often being discriminatory in nature. She said that the City cannot help people to the degree needed, and that the City generally refers cases to the Massachusetts Commission on Discrimination which is a lengthy and complicated process. She said that she hoped another training program could be aimed to address discrimination by property managers. ES thanked JF and said this is an important issue that the committee should incorporate into a training program.

- ES thanked DP, KL, and HK for coming to present to the FHC and stated that this discussion will continue in future meetings and will be added to the upcoming agendas. She asked them if they are willing to continue the discussion and to help with the design of this training.

3. Inclusionary Zoning Ordinance Discussion

- ES stated that this discussion has been postponed from a previous meeting, and the documentation has been distributed to the committee for review. She informed the committee that Newton is doing a five-year review of inclusionary zoning policies and recommendations. ES also stated that the city is hiring RKG Consultants to do the review. ES would like the FHC to include their recommendations, priorities, and issues that they may have that could be valuable to the consultants as they do their analysis. ES acknowledged that SW and JF have participated in the ideas on the IZ and invited them to comment.
- Councilor PW offered that the City Council would like to see the recommendations from the committee when they are ready and will be prepared to consider incorporating those into their recommendations. ES thanked her for the offer and said the committee needs to work more on the recommendations but will be pleased to offer those after the next meeting.
- SW stated that the IZ ordinance is now maintaining a seven-unit threshold, and the planning department is considering lowering this threshold. He suggested that it would likely make sense to also lower the number of units at which developers can opt for the payment-in-lieu formula rather than building affordable units on site. Using the same approach as the current one for 7, 8, or 9 units, he suggested there would be a new formula of 0.6 times Total Development Cost (TDC) for a 6-unit property, 0.5 times TDC for a 5 unit, and so on. He said that the proposed way developers choose may be the easier way because it lowers the number by changing the multiplier against the ratio.
- SW offered another idea which relates to the issue with tear downs and replacing them with properties that are much larger and more expensive, therefore, reducing existing middle-income housing as an affordable option. He said that possibly a fee could be charged that would compensate the city for the loss of the tear downs, but he said he discussed this idea with an attorney and that charging such a fee could be considered taxation that would not be allowed. He said that there are many questions related to the efficiency of inclusionary zoning and that fees-in-lieu or requiring that developers build an affordable unit that has a cost to the developer passes along the cost to other homeowners or to other people in the development. He said that is why some argue it is not very cost effective. He said that a more efficient way is that people pay their taxes to the federal government and indirectly support the Low-Income Housing Tax Credit which is a much more efficient way to build affordable housing, although it is limited in scope. ES stated that inclusionary zoning is not the main path to produce affordable homes, but it is one of the routes used to leverage private sector funding. ES stated that there used to be substantial public funding to build affordable housing, but public funding has dropped significantly, and therefore, it is important that the private sector builders continue to be incented to build. However, she stressed that changes to the ordinance need to continue to make development feasible or it could negatively affect building housing. SW agreed.
- ES said that in the interests of time, she proposes to draft a list of priorities based on what was heard and will prepare a letter for the committee's comment that would be drafted

and forwarded to the city/planning department with the committee's recommendations. Further discussion at June 2024 meeting. There were not any objections.

4. Fair Housing Training Plans Update

- ES stated that the Fair Housing for Landlords and Tenants training with Suffolk Law will be postponed until the fall due to AW's departure from the Newton Housing Authority. She said that the training was planned around encouraging more housing authority tenants to join the seminar, and that, without AW, that would be difficult to accomplish. She noted that, as we have discussed, on June 18th HK will be presenting on Fair Housing Training for Newton Policy Leaders. Lastly there will be continued discussion on the Cambridge resident experience study and design of that training in the future.

5. Fair Housing Project Reviews

- This topic was postponed.

6. Subcommittee Updates

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

- No updates, the sub-committee is waiting on data at this time.

- **Membership & Nominating Sub-Committee**

- No updates, DR reminded other members to give suggestions and recommendations if they had any.

- **Fair Housing Award Sub-Committee**

- ES reminded the committee of the Sheila Mondshein Award Ceremony on May 13th at 4pm. The FHC will be honoring Deb Crossley and Vicky Danberg.

7. 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, family status, 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**

Next meeting Wednesday, June 5, 2024

*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