



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
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CITY OF NEWTON, MASSACHUSETTS

Fair Housing Committee

MEETING AGENDA

Date: June 5, 2024

Time: 8:30 a.m.

Place: Virtual (Zoom)

Members Present: Esther Schlorholtz, Chair

Donna Rigg, Vice Chair

Judy Korzenowski

Josephine McNeil

Steve West

Members Absent: Tatjana Meschede

Staff Present:

Malcolm Lucas, Housing Planner

Jini Fairley, ADA/Sec. 504 Coordinator

Lara Kritzer, Director of Housing and Community
Development

Public Present:

Andrae Downs, Council

Beatrice Flores, Newton Housing Authority

Julia Malakie, Council

Sharyn Roberts, League of Women Voters Newton

Pam Wright, Council

Danielle, Public

Malcolm Lucas, Housing Planner served as recorder, Esther Schlorholtz, Chair, called the meeting to order at 8:32 a.m.

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

1. Approval of May 2024 minutes

- Upon a motion by DR, SW seconded the motion. The May 2024 minutes were approved 3-2-1, with one member absent and two abstentions.



- ES welcomed all the attendees. She introduced BF, who is the new director of administration at the Newton Housing Authority. ES expressed appreciation that BF is in process of applying to become a member of the committee, as the representative of NHA.

2. Inclusionary Zoning Ordinance Discussion

- ES introduced the discussion on Inclusionary Zoning (IZ). She thanked LK for the opportunity to comment on priority areas that the committee recommends should be reviewed by the Department of Planning & Development through its consultant, as part of the city's required five-year review of IZ.
- ES referred members to the draft memo included in the package for the meeting. She thanked SW and JF for working with her to prepare the draft and provide valuable comments in preparation for the committee's review.
- ES noted that, at the last meeting, some members of City Council invited the committee to share recommendations with them once we have finalized it.
- JM suggested that in Paragraph 2 of the introduction, where it says that the committee focuses on ways to affirmatively further fair housing, there should be a fuller explanation of what the committee's role is. JM recommended further review of the role of the city in ensuring that we adhere to fair housing laws and expressed concern that our process for putting into place steps and actions that ensure there is going to be fair housing adherence need further review by the city and the committee. ES said she would more fully describe the work of the committee in the document and suggested a further discussion about JM's concerns at another meeting. She referred to the sixth agenda item on the fair housing resource list that provides some information on what the city and the committee do currently.
- ES said that the recommendations in the draft memo are divided into three categories: affordability, accessibility, and enhancement of city oversight and data collection. She discussed the strong interest by the committee, often expressed in meetings, to create housing for lower income populations at 30% and 50% or less of Area Median Income (AMI). She said the first recommendation includes reducing the average AMI of all current affordable units from 65% AMI. She discussed the second recommendation to decrease the IZ threshold below 7 units, and the third bullet which proposes creating an option for developers to opt for the in-lieu payment, using the same formula as the current formula, if the units are reduced below seven. She said that all the recommendations will be contingent on a full analysis by the consultant of feasibility.
- Councilor PW asked where the new threshold would be. She asked if it would refer to single family homes, or two to four-unit properties. ES said that all the analysis would be based on financial feasibility, noting that it could remain at 7 units. She said that the committee does not want to disincentivize new development in Newton that will create housing opportunities and encourage new affordable housing. Councilor PW said that this threshold will be reviewed at ZAP, with the threshold maybe down to four, where there might be a payment in lieu of building for 4 to 7 units. ES said that the draft recommendation was identified by the committee to encourage the feasibility analysis of the threshold. SW agreed, saying that he had heard from city staff that this was a topic that will be considered to determine if it makes financial sense. He said that for any of those lower thresholds, a lot of developers would not be good at managing these kinds of units over the long term, so that a payment in lieu made to the Housing Trust would be better for them.
- Councilor AD asked for clarification on the recommendation. She said that what she has learned at the Land Use committee indicates that the IZ percentage is making it harder to

build housing, period. She said that she would like to know if the threshold of 7 units is too high and if we need to adjust it to get more housing in the first place. ES said that the analysis of feasibility is key, and that the committee's proposal is aimed to create more affordable units with changes to IZ, but only if feasible. Councilor AD cited high costs and said that if costs and interest rates go down, then more analysis could be done. Councilor PW said that ZAP is looking at this and they have discussed it with the consultant. She said they have asked whether the current number is right, or it should be adjusted. ES said she would improve the initial statement in the memo to more strongly encourage feasibility analysis. The committee agreed to change the language in the second bullet to include an analysis of lowering "or increasing" the threshold from seven units.

- Discussion on the fourth bullet to recommend a new option to create more Tier 2 homes for families at 110% AMI was reviewed. Committee members questioned this as a priority, and all agreed to remove it from the list.
- SW reviewed the fifth bullet and said that he would do a further review of this recommendation to create Accessory Dwelling Units (ADU) for the next draft to be presented to the committee. He noted this was an attempt to respond to the many teardowns occurring in the city. He discussed the importance of ADUs to provide affordable units and said that even if the ADUs are not income-restricted, this is a way to allow more lower cost units to be built. Councilor PW noted that the state is currently considering a housing bill that will require ADUs by right in all communities. SW said there is a strong market for ADUs and JK said she completely agreed from the real estate perspective, describing the market interest she has observed in both building and occupying these units. JM cautioned that people often don't know what they are getting into when becoming landlords and JK agreed with her concerns. Counselor JM said that after the state passes its new ADU legislation, changes will also need to be made to the city's ADU ordinance. SW said that he would do a rewrite of the recommendation and change the income restriction requirement.
- JF recommended that the first bullet be revised to specifically state that the goal should be to lower the average AMI from 65% to 55% and the committee agreed, contingent on feasibility.
- The committee discussed the section of the memo on accessibility. Questions were raised about the appropriateness of adding these requirements to IZ and whether this should be a separate discussion. JF reviewed federal and state accessibility and fair housing requirements. She discussed the need for accessible and deeply affordable housing. The committee agreed to retain the first bullet on considering more ways to increase the number of affordable and accessible units for very low-income households. There was agreement to retain the second bullet regarding ADU units, unless the bullet under affordability also changes. It was decided to remove the third bullet because this was not specifically an IZ issue and would most likely be an issue for special permit consideration.
- ES presented the section on enhancing city oversight and data collection. She discussed the importance of ensuring that the affordable homes built through IZ need to be maintained over the long term, as owners are obligated to do. She said that IZ developers of smaller properties have less expertise and experience with managing the city's affordability requirements and that the first bullet refers to ensuring the city has an effective reporting and data collection system to ensure that affordability and accessibility requirements are complied with over the years. She said the second bullet recommends an idea that we have discussed at committee in the past regarding the establishment of a city-approved compliance and certification agency that developers/owners and their agents would be able to contract with to ensure ongoing compliance. She said this would not be mandatory but would be an option to be used by owners/developers. She discussed

other communities in the state that have experienced problems with losing affordable units that were produced through zoning ordinances, and that this has meant the loss of these affordable homes as long-term assets of those cities. She discussed the last bullet in this section describing the importance of having a systemized, annual data collection process. She discussed the recommendation of the committee's subcommittee on lotteries and lease-up for the city to provide data that could be used to evaluate fair housing issues to identify barriers to access for protected classes. JM said that she does not know whether the subcommittee has come up with a specific recommendation. She said that there is pushback for anything that will cost money. LK said that a number of owners/developers work with companies like SEB to carry out the compliance responsibilities. ES asked about smaller developers doing so and noted that a representative of SEB had encouraged the proposal. LK noted that there are few projects under 9 units that trigger IZ. They tend to give payments in lieu. She said that asking developers to put more money into the system is concerning because it is already expensive to develop affordable housing. She said that staff have been working hard over the last year to collect and organize the City's affordable housing data. She said that because it is an extremely hard and long process to develop in Newton, she would be reluctant to recommend additional costs placed on developers. She said that she is concerned that we are trying to fix problems that may or may not exist and would love to have our consultant look at this and reach out to developers themselves to ask these questions. It was agreed that all share the goal of ensuring the city has a long-term way to ensure affordability compliance and maintain the affordable housing stock to benefit low- and moderate-income households.

- ES said that SW, JF and she will work on making revisions and have that available for the next meeting. We will wait until our July meeting to finalize it.

3. Fair Housing for Policy Leaders Training

- ES said that the fair housing training for policy leaders is coming up June 18th at 4:00 pm and she hoped that people will attend. She discussed that ML is sending out the invitations. JM asked what is being done to encourage policy leaders, such as City Councilors, the ZBA, and Planning & Development, to attend the training. ES said that ML is circulating it to our mailing list which includes all city policy leaders, department heads, commissions and committees. Councilor PW suggested sending it to the city council president and asked if it will be recorded. ES said that it will be recorded and available on the city's website for about two months. Councilor JM recommended that it is good to have a pre-registration option so that the event can get on electronic calendars and the Zoom access can be added easily. ES said that the city has taken over the registration process and they do not offer this option at this time.

4. Discussion on Resident Experience Training

- ES said that we will have further discussion on this topic at our next meeting. She particularly wanted the committee to consider the recommendation that JF offered of the serious issues with some property managers and their treatment of people with disabilities seeking reasonable accommodation and who are affected by evictions.

5. Endorsement of Act to End Housing Discrimination (S.2566)

- ES presented the proposal regarding the endorsement of the Act to End Housing Discrimination. She thanked Hattie Kerwin Derrick for bringing it to her attention. ES reviewed aspects of the proposed law and the entities which have already endorsed it. JM said it is probably too late to be meaningful and said we should address recommendations

in a timelier manner. ES said that our only option is to deliberate in meetings and that those are monthly. SW made a motion to endorse the Act and JK seconded the motion, with all members agreeing to the endorsement.

6. Fair Housing Resource List

- This topic was postponed.

7. Fair Housing Project Reviews

- This topic was postponed.

8. Subcommittee Updates

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

- The award ceremony was well-attended including by the mayor, city councilor Albright, members of the committee and many members of the public.

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, 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, July 10, 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.