

CITY OF NEWTON

BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, NOVEMBER 19, 2008

Present: Ald. Johnson (Chairman), Freedman (Vice Chairman), Baker, Brandel, Hess-Mahan, Merrill and Sangiolo

Absent: Ald. Parker

Others Present: Mayor David Cohen, Sandy Pooler (Chief Administrative Officer), Bob DeRubeis (Deputy Commissioner, Parks & Recreation Dept.), Bob Jampol (Tennis Coach, Newton South High School), Craig Manseau (Executive Secretary, Elections), Henry Korman (Newton Fair Housing Task Force), Phil Herr (Newton Fair Housing Task Force), Trish Guditz (Planning Dept.), Karyn Dean (Committee Clerk)

Appointment by His Honor the Mayor

#388-08 JANE YOFFE, 99 Littlefield Road, Newton Centre, appointed as a member of the NEWTON CULTURAL COUNCIL for a term to expire on November 1, 2011. (60 days: 1-16-09) [11-29-08 @ 4:31 PM]

ACTION: **APPROVED 4-0 (Ald. Baker, Brandel, Freedman not voting)**

NOTE: Ms. Yoffe said that she has been an actress for many years and was a member of the Newton Country Players many years ago and on all of their committees. She is currently Chairman of the Trustees of the Footlight Club in Jamaica Plain which is the oldest community theatre in the country. She has also been involved in Newton politics and various businesses. The Council takes in area cultural events in anticipation of grant applications. Ald. Hess-Mahan mentioned that the Board passed a Resolution regarding public art that involved discussions with artist "Sidewalk Sam". He thought the Council had been in contact with him and hoped they had. Ms. Yoffe said she hoped that the Council would start to get more involved and perhaps bring more new people on board. The committee voted in favor of Ms. Yoffe's appointment.

#337-08(2) ALD. YATES AND PARKER requesting that the Newton Election Commission merge the Inactive voter list into the Active voter list as soon as possible so that Newton voters will not be inconvenienced during elections. [10-20-08 @ 11:10 AM]

ACTION: **NO ACTION NECESSARY 7-0**

NOTE: Craig Manseau, Executive Secretary of Elections, reported that he met with the Elections Commission earlier that day. He advocated merging the Active and Inactive

voter lists and the Elections Commission unanimously supported the idea. Going forward, there will be one list.

Mr. Manseau said that 44,345 voters came out on election day which was 80% of 55,381 registered voters. Of the 55,381 voters, 5,661 were inactive and 917 of those inactive voters showed up to vote which made them active. Currently, only 8% of voters in Newton are inactive which is incredibly low. There were over 6,085 absentee and special qualified voters which was a very high number and quite a bit of work for the Elections staff. He commended his staff for their fine work. He also felt the Wardens, Clerks and Inspectors did an outstanding job. The voters seemed satisfied and he heard of no significant problems.

Analysis of Inactive Voters

Ald. Sangiolo asked if there could be an analysis of the inactive voters. Several members of the committee agreed that they would like to identify the groups to perhaps discern why they weren't returning their census. Mr. Manseau pointed out that perhaps 2% of that group was probably college students. He also said he felt his office could do a better job of advertising to increase returns and will plan on doing that going forward. The new census will be going out and the active/inactive numbers could change. Mr. Manseau said the aldermen could contact him with any concerns and he could bring them up with the Elections Commission and report back to them. Ald. Johnson asked for the schedule of the Elections Commission and Mr. Manseau said he would get that information to her. An analysis of Active and Inactive voters by Ward is attached to this report.

Volunteers and Polling Locations

Ald. Merrill asked if the student volunteers worked out well this year. Mr. Manseau said that the students from Boston College were outstanding. The students from the high school were also wonderful but their numbers dropped off significantly. He said he felt to get the high school students more invested in the process, there needed to be more education for them and commitment from the schools and teachers in terms of giving them the time to meet their obligations. Ald. Hess-Mahan noted that there had been some concerns from residents about having the polls located at schools. It caused congestion and it also posed a safety concern. Mr. Manseau pointed out that schools were convenient locations and there were limited alternatives. He was certainly open to hearing any suggestions of other options. He supported having schools closed on election day. Ald. Brandel suggested that there be some discussion with the School Committee about this and Ald. Baker said he could give Dori Zaleznik a call. Ald. Johnson suggested that Mr. Manseau start thinking about Newton North High School in case the school isn't a viable option due to construction for the next election.

Ald. Hess-Mahan moved No Action Necessary for this item and the Committee voted in favor.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#398-08 HIS HONOR THE MAYOR requesting to A) appropriate for expenditure a gift of forty thousand dollars (\$40,000) from individuals who have joined together as *the Friends of Newton Tennis*, and B) appropriate the matching sum of forty thousand dollars (\$40,000) from budget reserve to the Parks and Recreation Department to repair the tennis courts at Newton South High School. [11-10-08 @ 4:33 PM]

ACTION: APPROVED 4-0 (Ald. Baker, Brandel, Freedman not voting)

NOTE: Mayor Cohen explained that the tennis courts have needed repair for some time. He had a discussion with Bob Jampol, Newton South Tennis Coach, and the idea came up of raising funds and a matching grant from the City. Coach Jampol was able to raise \$40,000 and he asked the city to match those funds. One of the assistant coaches (Linda Zuker) passed away and they would like to include her name in the signage on the court. The Zuker family donated half of the funds. The Committee was very pleased by the community support and felt this was a great model for projects. The Committee voted in favor of this item.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#399-08 HIS HONOR THE MAYOR requesting to appropriate and expend one hundred thousand dollars (\$100,000) from Free Cash for the purpose of supplementing the snow and ice budget in the Parks and Recreation Department to be broken down as follows: Salaries \$10,000 and Expenses \$90,000. [11-10-08 @ 7:42 PM]

ACTION: APPROVED 6-0 (Ald. Johnson not voting)

NOTE: Bob DeRubeis, Deputy Commissioner of Parks and Recreation noted that this was a request for \$100,000 to supplement their snow and ice budget. Their current budget is \$122,720 with \$91,400 for equipment, \$30,000 for departmental overtime and \$1,000 for other departments. Ald. Sangiolo wondered if this was too little money. Mr. DeRubeis said the median expenditure levels over the past five years were about \$400,000. He felt he would be back before them for more money as the winter went on and he didn't think this was expected to get them through the whole season. Ald. Hess-Mahan said it was his understanding that this item, and the request from DPW for snow and ice money, was to avoid the recurrence of requests over the winter. DPW was requesting \$1.5M.

The Committee asked Sandy Pooler why the requested amount was only \$100,000. He noted that there was a pot of \$1.6M which was in conformity with the new financial policies and tried to match the 5 year median for the snow and ice budget. Last year it all got appropriated to DPW and had to be amended to give some smaller amount to Parks and Recreation. This was to avoid that this year and Parks and Recreation spends a much smaller portion than DPW. Ald. Brandel wanted to get further clarification before

sending this out of Committee. It was decided that the information could be gathered in time for the Finance Committee and the amount could be amended there if necessary.

Ald. Sangiolo moved approval of this item and the Committee voted in favor.

#389-08 ALD. HESS-MAHAN, BAKER AND JOHNSON requesting that the Board of Aldermen adopt a RESOLUTION asking the Mayor to create a Newton Fair Housing Committee as proposed in the 2008 Fair Housing Action Plan so as to support Newton's efforts consistent with that Plan to be a diverse, welcoming community free of discrimination. [11-10-08 @ 4:45 PM]

ACTION: **APPROVED 5-0-1 (Ald. Freedman abstaining; Ald. Baker not voting)**

NOTE:

Fair Housing Task Force

Henry Korman, Chairman of the Fair Housing Task Force presented this item. He said the Fair Housing Task Force was created 3 years ago and is comprised of representatives from the Human Rights Commission, the Housing Partnership, the Mayor's Committee for Persons with Disabilities and also citizens of Newton who are knowledgeable about civil rights and fair housing. Some of these members are national experts on the topic. Their original mandate was to assist the City in completing what was required by the US Dept. of Housing and Urban Development in connection with receipt of CDBG funds and home funds. That obligation was to complete an analysis of impediments to fair housing choice. That requirement obligated the community to do an examination of barriers to fair housing, to develop an action plan to address those barriers, and then to carry out those actions. The document that they completed would become part of an overall consolidated plan that was submitted to HUD for purposes of receiving those funds

Action Plan/Fair Housing Committee

The Task Force has finished its work and a Fair Housing Action Plan is about to be released by the Mayor. (The Action Plan was included in the Aldermen's packet on November 21st. All the information for the Task Force can be found on the City of Newton's website on the Fair Housing page.)

The Plan is very much designed to be collaborative and must work in concert with real estate professionals, social services providers, government representatives, and citizens to carry out plans for education, outreach, and vigilance on enforcement. This all has to be done in a way that honors the concept of openness and welcomes diversity in incomes, disabilities, and all other characteristics protected by civil rights laws. Mr. Korman felt Newton has been a community that has responded to acts of discrimination when they have been revealed. The Resolution would make permanent a Fair Housing Committee. It would enable the community to carry out the work identified in the Action Plan. The

attached Proposal to Create a Fair Housing Committee outlines the mission and purpose of the committee. They would like to create something that isn't terribly formal in much the same way the Newton Housing Partnership functions. They didn't feel the need for a formal commission or ordinance at this time. This will enable them to involve more people throughout the city. Phil Herr and Ald. Sangiolo noted that many of the same people serve on these kinds of committees. Mr. Herr said that some term limits will be placed to encourage wider involvement. Mike Kruse, Director the Planning Dept., has pledged staff support for this new committee. Mr. Korman pointed out that there is no other committee or commission that is solely dedicated to fair housing and he felt it was a significant issue that needed ongoing attention.

HUD Grant

Trish Guditz explained that the grant they received from HUD allowed them to hire one staff person over an 18-month period and funding to run approximately 20 workshops on fair housing for realtors, landlords, providers of loans to first-time homebuyers, etc. They also provided information in Spanish, Chinese, Russian, and English. The grant is completed and the money is spent but it provided a good foundation for continuing that work.

Mr. Korman said Newton was unique in applying for and receiving this grant and carrying out such a comprehensive education program. He said it was very cutting edge work.

Discrimination Audit

Mr. Korman noted that, among other things, they conducted two audits examining the prevalence of housing discrimination in Newton. They discovered that Newton was very much like similar communities in that there were instances of actionable acts of housing discrimination. One audit tested the sale and rental market with respect to race, national origin, family status (children), and whether or not the family receives rental assistance. What they discovered was that in about half the tests, there was evidence of housing discrimination. In another setting these incidences would have warranted enforcement action.

Separately, they conducted an audit with respect to disability. The only other audit of this type was done by HUD in Chicago and it was smaller in scope than the Newton audit. The way the audit was conducted was they would have two people with identical characteristics with respect to qualifications as a renter or buyer such as income, etc., and send one tester in who was a person with a disability and one who was not. They found that in about 50% of the tests, there was evidence of housing discrimination sufficient to warrant an enforcement action. In some of the race testing they did, there were several tests in which the African American or Hispanic tester would have been required to pay about \$3,000 more than the white tester. These outcomes were evidence of discrimination. They also found "steering" in cases of race and even more so in cases of disability. That means the testers would be encouraged to look in other cities or towns, for example. That is also a form of discrimination.

The testing showed that Newton was very similar to other metropolitan Boston communities and other communities across the country. Mr. Korman noted, that the difference in Newton, however, is it's willingness to take action to combat discrimination and make it welcoming to all.

Ald. Freedman moved to approve this item and the committee voted in favor.

Motion to adjourn.

Respectfully Submitted,

Marcia Johnson, Chairman

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State Election (11-4-2008) Voters

WARD	PRECINCT	Active	Inactive	Total Voters
1	1	1454	220	1674
1	2	1521	177	1698
1	3	1411	207	1618
1	4	1266	182	1448
TOTAL		5652	786	6438
2				
2	1	2003	216	2219
2	2	1608	165	1773
2	3	2371	187	2558
TOTAL		5982	568	6550
3				
3	1	1606	134	1740
3	2	1645	111	1756
3	3	1508	170	1678
3	4	1536	154	1690
TOTAL		6295	569	6864
4				
4	1	1587	161	1748
4	2	1562	130	1692
4	3	1548	144	1692
4	4	1537	242	1779
TOTAL		6234	677	6911
5				
5	1	1372	291	1663
5	2	1856	241	2097
5	3	1717	132	1849
5	4	1753	142	1895
TOTAL		6698	806	7504

State Election (11-4-2008) Voters

WARD	PRECINCT	Active	Inactive	Total Voters
6	1	2068	331	2399
6	2	1666	255	1921
6	3	1719	221	1940
6	4	1887	176	2063
TOTAL		7340	983	8323
7	1	1420	167	1587
7	2	1770	178	1948
7	3	760	150	910
7	4	1150	111	1261
TOTAL		5100	606	5706
8	1	1847	186	2033
8	2	1404	124	1528
8	3	1766	200	1966
8	4	1402	156	1558
TOTAL		6419	666	7085
GRAND	TOTAL	49720	5661	55381

FAIR HOUSING TASK FORCE

Newton Housing & Community Development Program
Newton City Hall, 1000 Commonwealth Avenue, Newton, MA 02459.
Phone 617-796-1120. TDD/TTY 617-796-7089

PROPOSAL TO CREATE A FAIR HOUSING COMMITTEE

November 3, 2008

Newton's new *Fair Housing Action Plan* is about to be formally released, marking a milestone in the work of the Newton Fair Housing Task Force, which was created in 2005 by the Newton Housing Partnership. The first step called for in that Plan is creation of a more formally established and appointed committee to replace the Task Force. Accomplishing that is the best possible way of assuring that the effective efforts begun by the Task Force will continue into the future, building on what has already been accomplished (see page 3). The following outlines the background for the proposal.

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CITY CLERK
NEWTON, MA

Background

The creation of the Fair Housing Task Force in 2005 focused attention on the role of fair housing in evaluating Newton's commitment to providing a breadth of affordable housing opportunities. Since its inception, the Task Force has been instrumental in highlighting the importance of fair housing education and outreach and has been a leader in examining the institutional structures that discourage or prevent the achievement of community diversity.

The Task Force was never conceived as a permanent body however, and as the nature of the City's fair housing work evolves from identifying impediments to affirmatively furthering fair housing, the role played in the past by the Task Force needs to be redefined and restructured for the future. A more formally created body needs to be established to provide the long-term vision needed to ensure that policies and practices related to fair housing are interwoven into the operations and activities of the City and into the fabric of this community.

Purpose and Mission

Creation of a Fair Housing Committee can best be accomplished through action by the Mayor, following adoption of a resolution by the Board of Aldermen asking that he do so. That process could be promptly executed, and would assure over time that both the Aldermen and the Mayor are supportive of the action, A parallel process just like that has done the same for the Housing Partnership over the nearly two decades of its existence.

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The Task Force sees that committee having the following purposes and mission:

- Promote, educate and advocate for fair housing activities in the community.
- Assure that City housing activities are carried out with a consistent civil rights focus by key City boards and departments (such as the Housing Partnership, the Housing Authority, the Community Preservation Committee, the Planning and Development Board and the Inspectional Services Department).
- Review and comment on the preparation of relevant City plans or plan updates, including the City's Comprehensive Plan, Consolidated Plan, the City's Consolidated Annual Performance and Evaluation Report (CAPER), and Open Space and Recreation Plan.
- Evaluate and assure consistency in fair housing policy decisions within the City and its programs concerning such matters as local resident selection preferences, affirmative fair housing marketing of City housing programs, development of affordable housing, and civil rights compliance within City housing programs.
- Assist the City in meeting its obligations under Newton's Analysis of Impediments (AI) and accomplishing its fair housing planning objectives (including implementing the Fair Housing Action Plan).
- Assist the City in ensuring that fair housing objectives are identified and integrated across City departments.
- Assist the City in seeking financial resources and establishing outside partnerships to further fair housing objectives.
- Link the work of the City to regional fair housing activities.

Membership

The Task Force suggests that members should be residents of the City appointed by the Mayor for renewable terms of 3 years. The fair housing committee should consist of between 7 and 15 members, three of whom should be drawn from the Newton Human Rights Commission, Mayor's Committee for People with Disabilities, and the Newton Housing Partnership. The balance of the membership should be drawn from among the Newton Housing Authority, realtors, lenders, housing developers, housing providers, landlords, social services providers, and citizen advocates. Among them, the members should include one or more people with an expertise in fair housing and civil rights law, and should reflect the diversity of people who are protected by civil rights laws. Many of the present Task Force members fit those criteria, and have expressed interest in continuing their fair housing efforts as members of a new committee.

Staff Support

Staff support for the Fair Housing Task Force has come chiefly from Newton's Housing and Community Development Program, with occasional assistance from other

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City staff, importantly that of the Health and Human Services Department. Maintenance of that support on an ongoing basis at a level not less than that which has been provided to the Task Force in the past will be needed in order to assure that the Fair Housing Action Plan is to truly be an effective plan of action.

FAIR HOUSING TASK FORCE CHRONOLOGY

April 2005: First Fair Housing Task Force Meeting

April 2006: Revised Human Rights Ordinance adopted by the Aldermen

April 2006: Housing discrimination audit of rental and sales markets by the Fair Housing Center of Greater Boston, Inc.

September 2006: HUD awards Fair Housing Initiatives Program grant totaling \$98,044 to City

January 2007: Disability discrimination audit of the rental and sales markets by the Disability Law Center, Inc.

November 2008: Final Fair Housing Action Plan endorsed by the Mayor

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