

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, FEBRUARY 11, 2013

7:45 PM
Room 202

ITEMS SCHEDULED FOR DISCUSSION:

Re-appointment by His Honor the Mayor

#25-13 DANIEL GREEN, 46 Glen Avenue, Newton Centre, re-appointed as a member of the CONSERVATION COMMISSION for a term to expire January 2, 2016.
(60 days 03/23/13) [01/03/13 @ 1:59 PM]

Re-appointment by His Honor the Mayor

#332-12 DANIEL GREEN, 46 Glen Avenue, Newton Centre, re-appointed as a member of THE CONSERVATION COMMISSION for a term to expire October 25, 2015.
(60 days 01/04/13) [10/25/12 @ 10:51AM]

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

#316-12(2) COMMUNITY PRESERVATION COMMITTEE recommending the
(#55-13) appropriation of four hundred seventy-five thousand dollars (\$475,000) to the Planning and Development Department to continue the Newton Homebuyer Assistance Program as described in the proposal amended in December 2012.
[01/25/13 @ 12:33 PM]

Discussion of Zoning Reform Phase 1 with the Planning Department and the Code Studio Zoning Reform consultant.

Public Hearing assigned for February 25, 2013:

#316-12(3) DEPARTMENT HEADS HAVENS, LOJEK AND ZALEZNIK requesting
(#53-13) amendments to the **City Zoning Ordinance**, Chapter 30, Sections 30-11, 30-13, 30-19 and 30-21 as needed to establish parameters regarding parking requirements and maximum number of seats consistent with the Sidewalk Café Ordinance. [01-30-13 @ 5:15 PM]

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Trisha Guditz, 617-796-1156, via email at TGuditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

ITEMS NOT YET SCHEDULED FOR DISCUSSION:**REFERRED TO PUB.FAC, ZONING&PLANNING, PROG & SERV COMMITTEES**

- #316-12 DEPARTMENT HEADS HAVENS, ZALEZNIK, LOJEK requesting amendments to **Sec. 26-30. Licenses for cafe furniture on sidewalks.** to streamline the procedure allowing businesses to place café furniture on public sidewalks. [09/24/12 @ 3:17 PM]
- #152-10 ALD. BAKER, FULLER, SCHNIPPER, SHAPIRO, FISCHMAN, YATES AND DANBERG recommending discussion of possible amendments to **Section 30-19** of the City of Newton Ordinances to clarify parking requirements applicable to colleges and universities. [06/01/10 @ 4:19 PM]
- #391-09 ALD. DANBERG, MANSFIELD, VANCE AND HESS-MAHAN requesting an amendment to §30-19 to allow payments-in-lieu of providing required off-street parking spaces when parking spaces are waived as part of a special permit application.
- #260-12 ALD. YATES proposing amendments to Sec. 30-19 to increase the vitality of village centers without adverse impacts on the residential neighborhoods around them. [08-17-12 @ 1:01 PM]
- #406-12 ALD. JOHNSON requesting a discussion to review City of Newton Zoning Ordinances Chapter 30-20(h)(6) regarding campaign signs, and the failure of candidates to comply with current removal requirements. [11/19/12 @ 9:24AM]
- #328-12 DINO ROSSI, 362 Watertown Street, Newton, requesting that the current Table A in Section 30-15 of the City of Newton Ordinances be replaced with the Sliding FAR Scale Table that was presented by the FAR Working Group in their Final Report [10/26/12 @ 11:08 AM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #322-12 HIS HONOR THE MAYOR submitting the FY14-FY18 Capital Improvement Program pursuant to section 5-3 of the Newton City Charter. [10/09/12 @ 2:38 PM]
- #308-12 ALD. HESS-MAHAN & ALBRIGHT requesting a discussion with the Mayor's office and the Planning & Development Department of policies, procedures, and criteria relating to determinations concerning expenditures of Community Development Block Grant (CDBG) funds. [10/09/12 @ 3:59 PM]
- #282-12 ALD. JOHNSON, CROSSLEY, DANBERG, SANGIOLO requesting quarterly reports, starting the last month of the quarter beginning December 2012, Re-implementation of *Ramping Up: Planning for a More Accessible Newton*. [09-09-12]

REFERRED TO ZONING & PLANNING, LAND USE & FINANCE COMMITTEES

- #273-12 ALD. CROSSLEY & HESS-MAHAN requesting a restructuring and increase in fees for permits charged by the Inspectional Services Department and fees charged by the Planning Department and City Clerk to assure that fees are both sufficient to fund related services provided and simple to administer.
[09/10/12 @ 1:17 PM]
- #220-12 RECODIFICATION COMMITTEE recommending that the table in Sec. 30-8(b)(10)a) be clarified with respect to “lot width,” “lot area,” or “lot frontage.”
- #219-12 RECODIFICATION COMMITTEE recommending that Sec. 30-5(b)(4) as most recently amended by Ordinance Z-45, dated March 16, 2009, be amended to reconcile the apparent discrepancy relative to the definition of “structure.”
- #218-12 RECODIFICATION COMMITTEE recommending that Sec. 30-19(g)(1) be amended to clarify “sideline” distance, which is a reference to an undefined concept.
- #217-12 RECODIFICATION COMMITTEE recommending that Secs. 30-19(d)(1) and 30-19(g)(1) relative to the number of tandem parking stalls allowed in the side setback (two) and the number of tandem parking stalls (one) allowed in the setback for parking facilities containing less than five stalls be amended to make the both sections consistent.
- #216-12 RECODIFICATION COMMITTEE recommending that the definition of “*Space, usable open*” in Sec. 30-1 be amended by removing the exemption for exterior tennis courts as they are now classified as structures.
- #215-12 ALD. YATES proposing a RESOLUTION requesting that the Planning Department and the Economic Development Commission develop a Main Streets Program following the model of the National Trust for Historic Preservation to revitalize the Newtonville and Newton Centre business districts.
[07-17-12 @2:55PM]
- #214-12 ALD. DANBERG, BLAZAR, SCHWARTZ proposing an ordinance which would enable the city to respond to properties which are so inadequately cared for, often by absentee owners, as to constitute a nuisance, not only to properties nearby but also to the public at large, with the understanding that timely intervention may help prevent the loss of such properties to severe neglect, excess accumulation of trash or unsightly collectables, inside or out, or even eventual abandonment.
[07-09-12]
- #162-12 THE ECONOMIC DEVELOPMENT COMMISSION requesting a one-year moratorium, starting immediately, where no bank shall be allowed to be built or

opened for business on the ground floor of any building in any Business District within the city unless granted a Special Permit from the Board of Aldermen.

[05-17-12 @ 4:18 PM]

- #64-12 ALD. HESS-MAHAN requesting an amendment to Newton Revised Ordinances Sec 30-24(f)(8)b) to clarify the inclusionary zoning preference provisions for initial occupancy of units for households displaced by the development thereof and for units to serve households that include persons with disabilities.
[03-14-12 @8:54AM]

- #48-12 ALD. ALBRIGHT requesting a discussion with the Executive Office and the Planning Department on the creation of a housing trust. [02/10/2012 @ 9:13AM]

- #25-12 TERRENCE P. MORRIS, G. MICHAEL PEIRCE, JASON ROSENBERG, JOHN LOJEK proposing a zoning ordinance amendment to amend section 30-15(c)(3)(b) by inserting the word “*subject*” before the word “*lot*”, the word “*and*” before the word “*such*” and the word “*adjoining*” after the word “*such*” so that the paragraph reads as follows:

(b) if the subject lot was held in common ownership at any time after January 1, 1995 with an adjoining lot or lots that had continuous frontage on the same street with the subject lot and such adjoining lot had on it a single-family or two-family dwelling. [01/30/2012 @ 3:14PM]

- #11-12 ALD. HESS-MAHAN & LINSKY requesting discussion on the implementation and enforcement of the provisions of Section 30-5(c)(1) of the Newton Ordinances which requires that “[w]henver the existing contours of the land are altered, the land shall be left in a usable condition, graded in a manner to prevent the erosion of soil and the alteration of the runoff of surface water to or from abutting properties.” [1/11/12 1:01PM]

- #153-11 ALD. DANBERG, ALBRIGHT, HESS-MAHAN, JOHNSON requesting that Chapter 30 be amended by adding a new Sec. 30-14 creating certain Retail Overlay Districts around selected village centers in order to encourage vibrant pedestrian-oriented streetscapes which would allow certain uses at street level, including but not limited to financial institutions, professional offices, and salons, by special permit only and require minimum transparency standards for street-level windows for all commercial uses within the proposed overlay districts.
[05- 10-11 @3:19 PM]

- #153-11(2) ALD. DANBERG, ALBRIGHT, HESS-MAHAN, JOHNSON requesting the map changes necessary to establish certain Retail Overlay Districts around selected village centers. [05-10-11@3:16 PM]

REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES

#102-11 ALD. HESS-MAHAN, JOHNSON, COMMISSIONER LOJEK & CANDACE HAVENS requesting an amendment to Chapter 17 to establish a fee for filing a notice of condo conversion. [03-29-11 @ 4:55PM]
FINANCE REFERRED BACK TO ZAP COMMITTEE 3/26/2012

REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES

#95-11 ALD. HESS-MAHAN proposing an ordinance requiring that a notice of conversion to condominium ownership be filed with the Inspectional Services Department and that the property be inspected to determine compliance with all applicable provisions of the state and local codes, ordinances and the rules and regulations of all appropriate regulatory agencies. [03-24-11 @ 9:30AM]
FINANCE REFERRED BACK TO ZAP COMMITTEE 3/26/2012

#65-11(3) ZONING AND PLANNING COMMITTEE requesting that the terms “flat roof” and “sloped roof” be defined in the zoning ordinance.

#183-10 ALD. JOHNSON, CROSSLEY AND HESS-MAHAN requesting to amend **Section 30-13(a) Allowed Uses in Mixed Use 1 Districts** by inserting a new subsection (5) as follows: “(5) Dwelling units above the first floor, provided that the first floor is used for an office or research and development use as described above;” and renumbering existing subsection (5) as (6). [06/07/10 @ 12:00 PM]

#154-10(2) ZONING AND PLANNING COMMITTEE requesting to amend **Section 30-1 Definitions** by inserting revised definitions for “lot line” and “structure” for clarity. [04-12-11 @ 11:34AM]

#154-10 ALD. JOHNSON, CROSSLEY and HESS-MAHAN requesting to amend **Section 30-1 Definitions**, by inserting a new definition of “lot area” and revising the “setback line” definition for clarity. [06/01/10 @ 9:25 PM]

#153-10 ALD. JOHNSON, CROSSLEY AND HESS-MAHAN requesting to amend **Section 30-15 Table 1** of the City of Newton Ordinances to allow a reasonable density for dwellings in Mixed Use 1 and 2 districts. [06/01/10 @ 9:25 PM]

#61-10 ALD. CICCONE, SWISTON, LINSKY, CROSSLEY AND HESS-MAHAN requesting a discussion relative to various solutions for bringing existing accessory and other apartments that may not meet the legal provisions and requirements of Chapter 30 into compliance. [02/23/10 @ 2:48 PM]

#60-10 ALD. HESS-MAHAN proposing that sections 30-15(s)(10) and 30-24(b) of the City of Newton Ordinances be amended to substitute a 3-dimensional computer model for the scaled massing model in order to facilitate compliance with recent amendments to the Open Meeting Law and that sections 30-23 and 30-24 be amended to reflect the filing procedures in Article X of the Rules & Orders of the Board of Aldermen. [02/23/10 @ 3:24 PM]

#164-09(2) ALD. HESS-MAHAN requesting that the Planning Department study the dimensional requirements for lot and building size for accessory apartments and make recommendations for possible amendments to those dimensional requirements to the board of Aldermen that are consistent with the Newton Comprehensive Plan. [01/07/10 @ 12:00 PM]

Respectfully Submitted,

Marcia T. Johnson, Chairman

Daniel Green
President, The Green Company

Daniel Green is President and a principal of The Green Company, a Massachusetts-based construction and development firm that creates, designs and builds award-winning residential communities.

Builder Magazine, Professional Builder Magazine, and the National Association of Home Builders (NAHB) have recognized The Green Company with 11 Builder's Choice Design awards (more than any other builder in the country), 14 Best in American Living (BALA) awards, more than 40 National Sales and Marketing awards and 5 business management and customer satisfaction awards.

Green, a third generation builder, graduated from Harvard University and earned his Master's in Business at Duke University's Fuqua School of Business. He is on the board of directors of The Newton Conservators, a local non-profit charged with promoting the preservation of open space and environmentally sensitive areas in the City of Newton, Mass. He also sits on the City of Newton Conservation Commission and City of Newton Community Preservation Committee. He was actively involved in the National Association of Home Builders (NAHB) holding a myriad of appointed positions, including National Center on the Housing Industry trustee and chair of its education subcommittee, as well as Builder Trustee of the National Sales and Marketing Council. He was a member of the Executive Board of the Builders Association of Greater Boston, and was President of the association in 2007. Green is currently a judge and standards writer for the National Housing Quality Award, which is modeled after the Malcolm Baldrige National Quality Award and represents the housing industry's highest recognition for achievements in total quality management.



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

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(#55-13)

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Candace Havens
Director

Community Preservation Committee
FUNDING RECOMMENDATION for
Newton Homebuyer Assistance Program

date: 4 February January 2013
from: Community Preservation Committee
to: The Honorable Board of Aldermen

PROJECT GOALS & ELIGIBILITY

This program provides assistance with down payments and closing costs for first-time buyers who are seeking to purchase a home in Newton and whose annual income is at or below 80 percent of the regional median, in return for a deed restriction that keeps the home purchased affordable to future buyers at that same income level. Since the program was first created in 2001, it has assisted 36 first-time homebuyers. Since 2004, the program has used \$1,677,050 in CPA funding to help 16 households become Newton homeowners. The program is currently on hold because its \$66,000 in remaining grantable funds from past appropriations is less than the current maximum \$115,000 subsidy per household.

The proposal requests sufficient additional funding to assist at least 3 more households and proposes several changes in the program’s rules: increasing the maximum subsidy per household to \$150,000; basing the subsidy for each unit on the buyer’s household size and the corresponding size of home needed, as well as on the buyer’s income and the home’s selling price; and imposing a \$75,000 limit on the buyer’s assets.

RECOMMENDED FUNDING

On 24 January 2013 by a unanimous vote of 6-0 (members Nancy Grissom and Mike Clarke absent), the Community Preservation Committee recommended that the total requested funding of \$475,000 be appropriated to the Planning Department to continue this program, treating all funds as 100% for the creation of affordable housing under the CPA, and allowing all funds to be used for any eligible purpose included implicitly or explicitly in the following summary budget:

Newton Homebuyer Assistance Program	
Fourth Phase of CPA Funding	
Subsidies to first-time homebuyers	\$450,000
Program administration (staff time, advertising, etc.)	\$15,000
Rehabilitation fund (to bring previously subsidized units to current standards for resale)	\$10,000
Total CPA funds requested	\$475,000

(continued on page 2)

website www.newtonma.gov/cpa
contact Alice E. Ingerson, Community Preservation Program Manager
email aingerson@newtonma.gov phone 617.796.1144

SPECIAL ISSUES CONSIDERED BY THE CPC

Though housing prices nationally have fallen in recent years, Newton's affordability gap is as wide or wider than ever. In Newton, median housing prices have remained fairly stable and recently began rising again, while rents have increased significantly. At the same time, regional median incomes have actually fallen.

At the Committee's 24 January 2013 public hearing, several past program beneficiaries and families on the pre-approved list for future assistance spoke in strong support of this program, explaining that homeownership not only provides security against eviction and stability in school and neighborhood friendships for their children, but actually decreases their monthly housing costs compared to renting. No opposition to the program was expressed at the hearing.

Now that the program has been running for well over a decade, some previously subsidized units are being resold, subject to the program's restrictions capping resale prices at affordable levels. The CPC applauded the proposed creation of a rehabilitation fund to provide up to \$2,000 per unit to bring these homes up to current federal housing condition standards, rather than require the low- or moderate-income sellers to cover these costs from the limited equity they have built in their homes. The Committee also supported the other program rule changes proposed.

ADDITIONAL RECOMMENDATIONS *(funding conditions)*

1. The Planning Department will continue publicizing as widely as possible both the program itself and previously subsidized units as they become available for resale, and will continue responding to periodic requests for updates from the Community Preservation Committee and the Board of Aldermen.
2. Any portion of the Community Preservation Fund grant not used for the purposes stated herein will be returned to the Newton Community Preservation Fund.

KEY OUTCOMES

The Community Preservation Committee will evaluate this program based on these key outcomes:

1. Assisting at least 3 more qualified households to become Newton homeowners within the next 18 months, or by any extension of that deadline approved by the CPC.
2. Keeping the program's total administrative expenses within the combined total of remaining funds previously appropriated plus the \$15,000 of new funds requested for this specific purpose.

ATTACHMENTS

(delivered to the clerks of the Zoning and Planning Committee and Finance Committee)

- ♦ PowerPoint presentation to the CPC on 24 January 2013
- ♦ Proposal, including small-scale map and list of units subsidized to date through the program (in compliance with fair housing best practices, exact addresses are not listed)
- ♦ Letters of support



Newton Homebuyer Assistance Program

<i>location:</i>	citywide (<i>see map link below</i>)
<i>goals:</i>	Provide downpayment assistance to low- and moderate-income households for purchasing a home in Newton, in return for restrictions keeping those homes affordable to households at these income levels in perpetuity.
<i>total funding:</i>	\$1,677,050 CP funds appropriated (community housing) \$475,000 CP funds currently requested
<i>contacts:</i>	<p>Rieko Hayashi, Housing Planner Newton Planning and Development Department 1000 Commonwealth Avenue Newton Centre, MA 02459 <i>email:</i> rhayashi@newtonma.gov <i>phone:</i> 617.796.1149</p> <p>Trisha Kenyon Guditz, Housing Program Manager Planning & Development Department 1000 Commonwealth Avenue Newton Centre, MA 02459 <i>email:</i> tguditz@newtonma.gov <i>phone:</i> 617.796.1156</p>

Proposal Review & Appropriations

31 March 2003	CPC funding recommendation, phase 1
17 May 2004	Board order, phase 1 : appropriation \$500,000
7 November 2005	proposal, phase 2 presentation, phase 2 (including photos)
3 March 2006	CPC funding recommendation, phase 2
20 March 2006	Board order, phase 2 : appropriation \$208,250
21 May 2008	proposal, phase 3
28 May 2008	presentation, phase 3 (including photos)
23 June 2008	CPC funding recommendation, phase 3
6 October 2008	Board order, phase 3 : appropriation \$968,800
4 April 2012	pre-proposal, phase 4

revised 14 December 2012	proposal, phase 4 originally submitted 2 November 2012, with all attachments and initial letters of support; revised version includes minor program design changes
14 January 2013	additional letters of support (including Newton Housing Partnership and United Citizens for Housing Affordability in Newton)
24 January 2013	PowerPoint presentation to the CPC
4 February 2013	CPC funding recommendation

Project News

June 2008	map of all cases assisted, 2003-June 2008 for an updated map through early fall 2012, see proposal, phase 4
August 2011	program funds used to purchase additional affordability for a unit previously restricted using non-CPA funding
November 2012	updated map of all cases assisted through 2 November 2012

NEWTON HOMEBUYER PROGRAM



Request for Funds from the
Community Preservation
Committee

January 24, 2013

NEWTON HOMEBUYER PROPOSAL



PROPOSAL REQUEST:

- 1) \$475,000 to continue funding program
- 2) Increase subsidy from \$115,000 to \$150,000

PREVIOUS FUNDING RECEIVED:

2008	\$968,800
2006	\$208,250
2004	\$500,000

NEWTON HOMEBUYER PROPOSAL



\$475,000 includes the following:

\$450,000	Homebuyer Assistance
\$15,000	Housing Administration
\$10,000	Rehab Fund

Increase maximum Subsidy from \$115,000 to \$150,000*

*Maximum subsidy allocated will be based on bedroom and household size.

BACKGROUND



- Program is 12 years old (CPA funded since 2004)
- 36 Households assisted
- Total CPA funds expended : \$1,514,520.53
- Applicants assisted per year: 3 households
- Average Household size served: 2.3 people
- Pre-approved applicants: 6 / Balance: \$66,623.00

WHAT IS THE NEWTON HOMEBUYER PROGRAM?

- Assists low- to moderate-income households purchase an affordable home in Newton
- Funding assistance of up to \$115,000
- Helps to reduce the purchase price of a home
- Properties assisted become deed restricted as affordable properties.

WHO IS ELIGIBLE?

- Buyer must meet Federal income guidelines – For example, \$47,150 for a one-person household and \$53,900 for a two-person household.
- Be a first time homebuyer
- Have pre-approval for a 30 year fixed rate mortgage
- Be purchasing a home in Newton

HOW DOES THE PROGRAM WORK?



- Staff determines if buyer is eligible
- Buyer finds property
- Funding determination based on minimum required to get purchase (monthly housing costs) at or below 33% of household's monthly income
- Amount of assistance depends on purchase price, income, savings and mortgage

SAMPLE CASE



Sales Price	\$239,000
-Mortgage	-\$122,500
-Downpayment (5%)	-\$11,950
Subsidy Amount	\$110,000

Final Purchase Price	\$129,000
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JUSTIFICATION FOR SUBSIDY INCREASE



- **Housing prices have increased while income has declined**
- **Program is serving one and two person households**
- **An increase will enable 3+ person households to participate in program and create a more diverse applicant pool**

BENEFITS OF REFUNDING PROGRAM



- **Program provides affordable homeownership opportunities for low and moderate income households – *2008 Comprehensive Plan priority***
- **Program increases the racial and socioeconomic diversity of the City – *5 year Consolidated Plan priority***

**CONDO PURCHASE IN
NEWTONVILLE**



**CONDO PURCHASE IN
TWO FAMILY HOME IN NEWTONVILLE**



**CONDO PURCHASE IN
TWO FAMILY HOME IN NEWTON
CORNER**



**CONDO PURCHASE IN
NEWTON CENTER**



NEWTON HOMEBUYER PROPOSAL



\$475,000 includes the following:

\$450,000	Homebuyer Assistance
\$15,000	Housing Administration
\$10,000	Rehab Fund

Increase maximum Subsidy from \$115,000 to \$150,000*

*Maximum subsidy allocated will be based on bedroom and household size.



Setti D. Warren
Mayor

**Newton, Massachusetts Community Preservation Program
Fy12-13 FUNDING REQUEST**

PRE-PROPOSAL PROPOSAL

(For staff use)
date rec'd:
*Revised
proposal
14 Dec 2012*

For full instructions, see www.newtonma.gov/cpa or contact:

Community Preservation Program Manager
Newton Planning and Development Department, 1000 Commonwealth Ave., Newton, MA 02459
aingerson@newtonma.gov 617.796.1144

You may adjust the space for each question, but do not use more than 1 page to answer all questions on this page.

Project CONTACTS	<i>Name, title, mailing address, email, phone, fax, & website if there is one.</i>		
<i>Rieko Hayashi, Housing Planner City of Newton Housing Office Newton Planning and Development Department rhayashi@newtonma.gov 617-796-1149</i>	OTHER CONTACT <i>Robert Muollo Jr., Housing Planner City of Newton Housing Office Newton Planning and Development Department rmuollo@newtonma.gov/617-796-1146</i>		
Program TITLE	<i>Newton Homebuyer Program</i>		
Program LOCATION	<i>Scattered sites within Newton boundaries.</i>		
Project BUDGET	<i>CP FUNDS TO BE REQUESTED:</i> <i>\$475,000 (including administrative expenses and rehabilitation fund)</i>	<i>Proposed Cases:</i> <i>3 cases for one year</i>	<i>Maximum Subsidy per unit:</i> <i>Currently \$115,000 Proposed Subsidy: \$150,000</i>
SUMMARY	<i>Explain project goals & why funds are needed. For multi-project "programs," describe how individual projects were chosen & prioritized.</i>		

The City of Newton’s Homebuyer Assistance Program, established in 2001, is currently assisting qualified low-moderate income households to purchase a home in Newton by providing two forms of assistance: Buydown assistance toward reducing the purchase price of a property and assistance towards downpayment or closing costs. In return, the City records a permanent deed restriction on the property ensuring that the property remains affordable to households at the same relative income level in the future. Funds are allocated on a first come, first served basis to income-eligible applicants who have received bank pre-approval for a mortgage. Household Assets will be limited to \$75,000.

Staff is requesting \$450,000 in buydown and downpayment/closing cost assistance that will assist approximately three new first time homebuyers, \$15,000 for program administration, and \$10,000 for a new rehabilitation fund. **The total request is \$475,000.**

Grants to Homebuyers: The program currently offers maximum buydown assistance of \$110,000 and up to \$5,000 toward downpayment or closing costs. The average income for applicants currently on the waiting list is \$42,852. With the current maximum subsidy, such a household can afford a purchase price of approximately \$290,000. Therefore, the program has mainly served 1 or 2 person households. Attachment A shows that there are currently only 4 units with 3 bedrooms listed for sale in Newton under \$300,000. An increase in the subsidy to \$150,000, for households requiring a 3 bedroom or larger, would allow the program to serve a greater diversity of household types. The subsidy limit for households requiring a 1 bedroom would remain at \$115,000 and for 2 bedrooms would be increased to \$125,000.

Program Administration: The program’s administrative costs include advertising and materials, but the primary cost is staff time to work with the buyer from application to closing, inspecting units both before initial purchase and periodically to ensure they are maintained, reviewing proposed improvements, and managing pricing, marketing and other aspects of the resale process.

Rehabilitation Fund: Some of the program’s earliest assisted units are now being re-sold to new, income-eligible buyers. The new rehabilitation fund will provide a maximum of \$2,000 per unit to bring older units up to current, higher property standards upon resale. This additional funding is necessary because homeowners assisted by the program build limited equity and typically, neither they nor the new buyers can afford to make these necessary upgrades themselves.

HOW WILL CP FUNDS BE USED?		HISTORIC RESOURCES	OPEN SPACE	RECREATION LAND	COMMUNITY HOUSING
Check all that apply.	acquire				
	create	not allowed			✓
	preserve				
	support	not allowed	not allowed	not allowed	
	rehabilitate/restore		allowed only if the resource was originally acquired or created with CP funds		

You may adjust the space for each question, but do not use more than 1 page to answer all questions on this page.

CITYWIDE PLANS: List plans by title, year & page(s) where each plan identifies this specific project or its general goals as a priority. See links to plans from: www.newtonma.gov/cpa/program.htm.

With the proposed revision the program will reach a diverse applicant pool consistent with the goals stated in the City of Newton’s Consolidated Plan Five Year Plan for Housing and Community Development, p. 123, “ Supporting and expanding the socio-economic, cultural and racial diversity in Newton”.

As well as **Priority need #2:** Create homeownership opportunities for low-, moderate-, and middle-income residents., as stated in p. 6 of the 2008 Comprehensive Plan.

OTHER FUNDING: What non-CP funds will you use or are you pursuing? List names of other funders, amounts requested, & expected dates of funding decisions.

In the past, the program was funded by three sources: Community Development Block Grant Funds (CDBG), HOME Investment Partnerships (HOME), and local Community Preservation Act (CPA) funds. In response to reductions in Newton’s federal housing funds, the program has relied solely on CPA funds since 2009. Sixteen households have been funded with Community Preservation Act funds.

STEWARDSHIP: How will the project be maintained and funded once CP funds have been spent? (Hint for City-owned resources: “through the regular operating budget” is seldom a persuasive answer.)

The homeowner is fully responsible for funding and maintenance of their property. Housing staff monitor the property on an annual basis to insure that the property is still in compliance with Housing Quality Standards and the terms of the Declaration of Affordable Covenants (deed restriction), and must review and approve all major improvements to make sure they are compatible with the future deed-restricted resale price.

The homeowner must certify annually that they are still using the unit as their principal residence.

The program maintains a database of all homebuyers with breakdowns of Federal funds, CPA funds and personal funds. A cumulative program report will be generated annually from this database, for posting on the CPC’s project webpage.

COMMUNITY CONTACTS: List email addresses and/or phone numbers for at least 3 Newton residents or organizations that can provide feedback on the proposal and its manager’s qualifications. No more than 1 should be a Board member, supervisor, or employee of the project manager.

(See attached letters of support)

TIMELINE				
Project or Program Title: Newton Homebuyer Assistance Program				
Steps (for a project) or Projects (for a multi-project program) <i>For requests over \$300,000, show how funding could be phased over multiple years.</i>	Assistance Required <i>(fundraising, permits, etc.)</i>	Start <i>season/ year</i>	Finish <i>season/ year</i>	Cost <i>estimate</i>
We anticipate completion of 3-4 cases by the end of FY14.				
1. Applicant calls or comes in to meet with Housing Planner to go over application requirements.	Housing Planner to answer questions regarding program and provides first time homebuyer counseling.	January 1	1-2 hours	\$
2. Applicant submits application with all income documentation and pre-approval letter from bank.	Buyer to obtain Pre-approval letter from a Bank.	January 10	1-2 weeks	\$
3. Housing Planner reviews application to determine applicant is income eligible and meets the Newton Homebuyer Guidelines.	Housing Planner to determine eligibility. Buyer to hire a broker and attorney.	January 17th	1 week	\$
4. Applicant finds a property and makes an Offer and notifies the Housing Planner.	Housing Planner ensures purchase price does not exceed 33% of applicant's monthly income	March 17 th	2-4 months	\$
5. The Housing Rehabilitation Construction Manager performs a Housing Quality Standards Inspection after the Homeowner submits a Home Inspection Report	Buyer hires Home Inspector then Housing Construction Manager completes HQS Inspection.	March 21-22	1-2 hours each inspection.	\$
6. If the unit passes inspection, the Buyer may enter into a Purchase and Sales Agreement with a closing date contingent upon meeting all City of Newton and bank requirements.	Housing Planner reviews Purchase and Sales agreement.	March 26	1 -2 days	\$
7. Bank issues letter of Financial Commitment & Housing Planner sends letter of commitment to the buyer. Housing Planner contacts Legal Department to prepare loan documents.	Housing Planner and Legal to prepare loan documents. Bank's underwriter completes loan review.	March 21	2-3 weeks	\$
8. Closing is scheduled once buyer meets all obligations with City of Newton and the bank's closing attorney.		April 11	2 weeks	\$
9. Closing (typically 3-4 weeks after signing of Purchase and Sales Agreement)		April 21	1 day	\$

ATTACHMENTS
See attached Table of Contents.

CPA PROPOSAL FOR NEWTON HOMEBUYER PROGRAM ASSISTANCE PROGRAM

TABLE OF CONTENTS

1. ATTACHMENT A – Supporting Data for Request
2. ATTACHMENT B - Map of Cases
3. ATTACHMENT C – All Units Purchased by Neighborhood
4. ATTACHMENT D – Letters of Support

NEWTON HOMEBUYER ASSISTANCE PROGRAM

Request for Recapitalization of FTHB Funds and Increase of Subsidy November 2, 2012

ATTACHMENT A

Program Background

Total CPA funds spent:	\$1,514,520.53			
Number of Households served:	36 total (16 CPA)			
Average household size:	2.5			
Current Maximum Subsidy (plus \$5,000 toward closing costs):	\$115,000			
Households using maximum:	16			
Average purchase price:	\$259,408.00			
CPA Balance for FTHB funds	\$66,723.42			
Average cases per year	3			
Applicants in process:	6			

Listings from 5/10-10/12 Source: MLS PIN

	3 BR Single Family	3 BR Condo		
200-250,000				
200-300,000	1	2		
300-400,000	5	9		
400-500,000	22	16		

Current Max. Subsidy Amount	80% of median (2010-2011)	Housing Type	Price	70% of median (2010-2011)	Max. Sales Price
\$115,000	3 person-\$58,500	Condo	\$ 355,000.00	3 person-\$52,650	\$ 320,000.00
	3 person-\$58,500	Single Family	\$ 400,000.00	3 person-\$52,560	\$ 370,000.00
	4 person -\$65,000	Condo	\$ 390,000.00	4 person -\$58,500	\$ 350,000.00
	4 person -\$65,000	Single Family	\$ 430,000.00	4 person -\$58,500	\$ 400,000.00

Proposed Subsidy Amount					
\$150,000	3 person- \$58,500	Condo	\$ 390,000.00	3 person-\$52,650	\$ 350,000.00
	3 person- \$58,500	Single Family	\$ 430,000.00	4 person-\$52,650	\$ 360,000.00
	4 person - \$65,000	Condo	\$ 420,000.00	4 person -\$58,500	\$ 390,000.00
	4 person- \$65,000	Single Family	\$470,000.00	5 person -\$58,500	\$ 420,000.00

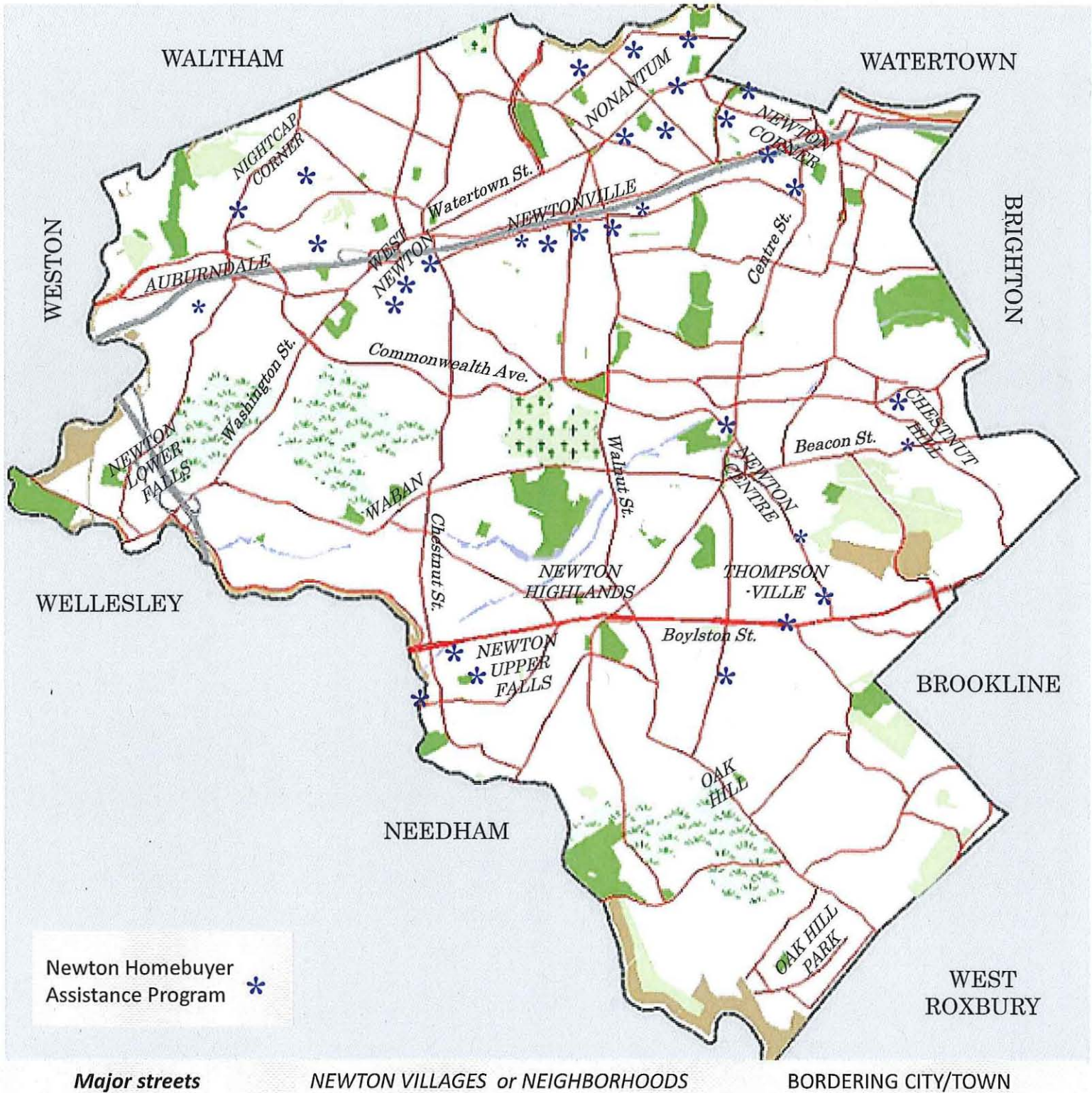
Comparison with Other Communities/ Source: MLS PIN Maximim Buydown Subsidy

Ave. Sales Prices 3 BR Single Family & Condos 4/12-10/12-Source: MLS PIN

Newton				
\$680,687 - Single Family -3BR	\$115,000 (Includes \$5,000 toward downpayment)			
\$591,700 -condo				
Cambridge	\$130,000 plus downpayment of 6% of purchase price.			
\$733,750 - condo				
\$793,100 - condo				
Brookline	Between \$125,000 to \$175,000 depending on size of unit			
\$883,800 - Single Family				
\$585,000 - condo				

Newton Homebuyer Assistance Program

All Cases through November 2, 2012 (Fiscal 2012) –Attachment B



NEWTON FIRST TIME HOMEBUYER ASSISTANCE PROGRAM UNITS BY NEIGHBORHOOD -ATTACHMENT C

Purchase Price	Price Less Subsidy	Funding Assistance	CPA FUNDS	Mortgaged Amount	Buyer's Contribution	Neighborhood	Household Size	No. of Bedrooms
\$249,000	138000	\$115,000	\$115,000	\$119,000	\$19,000	Thompsonville	2	1
\$240,000	130000	\$115,000	\$115,000	\$120,000	\$10,000	Chestnut Hill	3	1
\$239,000	\$124,000	\$115,000	\$115,000	\$106,500	\$17,500	Newton Center	1	1
\$410,000	\$295,000	\$115,000	\$115,000	\$271,550	\$23,450	Newtonville	4	3
\$220,000	\$105,000	\$115,000	\$115,000	\$106,700	\$6,600	Newtonville	1	1
\$310,000	\$195,000	\$115,000	\$115,000	\$209,000	\$11,000	Newton Corner	2	2
\$198,360	\$100,360	\$98,000	\$98,000	\$95,360	\$8,940	Newton Center	4	3
\$257,500	\$162,500	\$95,000	\$95,000	\$162,475	\$2,500	Newton Center	1	1
\$239,900	\$149,900	\$95,000	\$90,000	\$129,900	\$15,000	Newton Upper Falls	1	1
\$199,810	\$104,810	\$95,000	\$90,000	\$66,962	\$37,848	Nonantum	4	2
\$395,000	\$300,000	\$95,000	\$90,000	\$295,000	\$5,000	Nonantum	4	3
\$395,000	\$280,000	\$115,000	\$90,000	\$224,355	\$21,000	Newton Corner	4	3
\$253,750	\$138,750	\$115,000	\$90,000	\$134,250	\$4,500	Newton Corner	1	2
\$253,500	\$138,500	\$115,000	\$68,521	\$126,000	\$12,500	Newtonville	2	2
\$222,306	\$160,306	\$62,000	\$62,000	\$144,274	\$13,696	Newtonville	1	2
\$180,000	\$124,000	\$56,000	\$51,000	\$120,130	\$3,870	Newton Center	1	1
\$185,000		\$50,000		\$125,750	\$9,250	Thompsonville	1	1
\$180,000		\$45,000		\$135,000	\$0	Nonantum	4	2
\$275,000	\$185,000	\$90,000		\$171,250	\$13,750	Auburndale	2	2
\$275,000	\$185,000	\$90,000		\$171,250	\$13,750	Auburndale	3	3
\$200,000	\$105,000	\$95,000		\$100,000	\$5,000	Nonantum	3	2
\$305,000	\$210,000	\$95,000		\$199,750	\$10,250	Newtonville	3	3
\$299,000	\$204,000	\$95,000		\$194,000	\$10,000	Newtonville	1	2
\$330,000	\$235,000	\$95,000		\$228,000	\$7,000	Nonantum	5	4
\$363,000	\$310,000	\$53,000		\$291,750	\$18,250	Chestnut Hill	6	4
\$312,000	\$245,500	\$66,500		\$230,250	\$15,250	Newton Upper Falls	2	2
\$108,288	\$63,315	\$44,973		\$43,315	\$20,000	Auburndale	1	2
\$249,500	\$249,500	\$4,102.08		\$162,500	\$87,000	Nonantum	1	1
\$385,500	\$295,500	\$95,000		\$152,169	\$70,874	West Newton	1	2
\$570,000	\$475,000	\$95,000		\$375,000	\$100,000	Newton Upper Falls	1	5
\$186,960	\$186,960	\$3,682		\$181,352	\$5,604	Newton Center	4	3
\$164,435	\$164,435	\$10,000		\$152,000	\$2,435	Auburndale/W. Newton	3	2
\$226,400	\$226,400			\$201,047	\$25,353	Newtonville	3	3
\$131,982	\$121,982.07			\$108,408	\$15,934	West Newton	4	3
\$118,531	\$118,530.88			\$80,000	\$40,000	West Newton	2	2
\$210,000	\$210,000	\$8,032		\$192,307	\$17,693	Newton Corner	2	3
TOTALS:								
\$9,338,722	\$6,142,249	\$2,666,289	\$1,514,521	\$5,926,555	\$682,103		88	80
AVERAGE:								
\$259,409	\$186,129	\$80,797	\$94,658	\$164,627	\$19,489		2.44	2.2
<i>Diversity (U.S. Dept. of Housing and Urban Development reporting categories)</i>								
Two (2) single Asian households			One(1) Asian two parent household			Ten (ten) two parent households		
Eight (8) single female head of households			One (1) African American/Haitian household			Eight (8) single Caucasian households		
One (1) Native American/African American household			One (1) African American household			Two (2) African households		
			One(1) Asian two parent household			One (1) Latina household		

Board of Aldermen

2012-2013

City of Newton

October 31, 2012



Leslie Burg, Chair
Community Preservation Committee
1000 Commonwealth Avenue
Newton, MA 02459

Dear Ms. Burg:

I write in support of the proposal of the Newton Housing Office requesting Community Preservation funds to increase the subsidy for the Newton Homebuyer Program to a maximum of \$150,000 per unit and to recapitalize the program to serve qualified applicants.

Since 2003, the Newton Homebuyer Program has successfully used CP funds to assist twenty qualified homebuyers in low to moderate income households to purchase affordable homes in Newton by providing buy down assistance to reduce the purchase price in exchange for a permanent deed restriction that limits the resale price to keep it affordable. The increased subsidy is essential in order to serve a greater diversity of households, and allow qualified first-time homebuyers to compete in the housing market. With the current maximum subsidy of \$115,000, homebuyers who currently qualify for the program can afford a purchase price of approximately \$290,000. By comparison, the average sale price in 2011 was \$750,000, and there are currently no three-bedroom homes on the market for under \$300,000 in Newton. The Housing Office is requesting a total of \$475,000, which includes \$450,000 to recapitalize the buydown program to cover current applicants, \$10,000 to start a rehabilitation fund to pay for small repairs (up to \$2,000) which might be required upon resale, and \$15,000 for administrative costs.

An increase in funding for the Newton Homebuyer Program is one of the strategies identified in the Newton/WestMetro HOME Consortium Consolidated Plan for 2010-2015 to address the top housing needs priority for both the City of Newton and the HOME Consortium, to reduce financial and institutional barriers to increasing the availability of affordable housing. Indeed, neighboring towns like Cambridge and Brookline have increased subsidy limits to better enable applicants in their first-time homebuyer programs to compete in a housing market that is similar to Newton's. Recapitalizing the Newton Homebuyer Program and providing additional homebuyer assistance in exchange for permanent deed restrictions to maintain affordability will also help Newton to reach its goal of increasing both the availability and supply of affordable homeownership opportunities.

The Newton Homebuyer Program offers an outstanding return on investment. Since 2003, it has successfully leveraged a little under \$1.3 million in CP funds to make over \$4 million of properties affordable and helped individuals, people with disabilities and families achieve their dream of homeownership in Newton. As a long-time advocate of affordable housing in Newton and of the Newton Homebuyer Program in particular, I strongly urge you and the other members of the Community Preservation Committee to grant the Housing Office's request for CP funds to increase the maximum homebuyer assistance subsidy and recapitalize the program to serve qualified applicants.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Hess-Mahan", with a long horizontal line extending to the right.

Alderman Ted Hess-Mahan

Reiko Hayashi

Housing Planner, City of Newton

Planning and Development Department

Attn: Community Preservation Committee

1000 Commonwealth Avenue

Newton, MA 02459

Sub: Supporting additional Funding for First Time Home Buyers Program

Dear Community Preservation Committee;

I am a beneficiary of a Pre-Approval letter for Newton First Time Homebuyer Program from the City of Newton, Department of Planning and Development in Newton, MA.

As a City Newton is an excellent place to live, raise a family and above all Newton Public Schools are the best that the City of Boston has to offer.

As a first time home buyer to Newton I am supportive of additional funding for the Planning and Development board with the City of Newton, as this will help homebuyers such as me to benefit from such programs.

I recommend additional funding to the First Time Home Buyer Program.

Thank you,

Yours Truly,



Edgar Furtado

40 Maple Street #3

Belmont, MA 02478

10/18/2021

October 14th, 2012

368 Elliot Street Apt 3
Newton MA 02464

The Newton Community Preservation Committee
City of Newton
Massachusetts

LETTER OF SUPPORT
RE: CITY OF NEWTON FIRST HOMEBUYER ASSISTANCE PROGRAM

I write to appeal to the Newton Community Preservation committee for renewal of your support for the City's First Time Homebuyers Assistance program. My family is a first immigrant family; I came to U.S. from Ghana 6 years old and my wife joined me three years later. We recently had a first baby (six months old) and we also have high-school aged niece living with us. We rent our apartment unit, and we have enjoyed our living in this city. We have built good friendship with our neighborhoods and from the various community places and events that we patronize.

With my housing and community development experience and my wife with public health background, we have become aware of some avenues that we can contribute to this community and we intend to explore these opportunities to be responsible residents. However, the realization that we are renters, and that our home at Newton is still temporary, dampens our intentions and efforts toward full engagement in the city.

We have taken the necessary steps toward homeownership in Newton. We have saved money toward down payment, attended first homeownership class, our credit scores are great and even secured pre-approval letter from a bank. The only challenge stopping us from homeownership is that we are now beginning our careers in the U.S. and we don't earn income enough nor have not built enough wealth to sustain mortgage for a 3 bedroom house in Newton. When substantial part of our income goes toward rent, building enough wealth can take a long time. The feasible way to homeownership in Newton is to seek support through the City's first time homebuyer's assistance program.

This committee's assistance toward our first home will help us move from rental to stabilized home in Newton that will be base platform to raise our family in the city, build our careers, grow our wealth and most importantly contribute toward this city. Thank you for considering our appeal and we are counting on your consideration.

Yours Sincerely,



Emmanuel Owusu-Boakye

October 31, 2012

Dear Newton Community Preservation Committee:

November 16th, 2011 was the happiest day of my life (thus far) thanks in large part to the City of Newton's First Time Homebuyer Program. Almost one year ago now, November 16th was the day that I became a homeowner, and since then, my situation in life has improved far beyond what I could have expected or imagined. Without this program's assistance, however, I imagine I would still be struggling to find a safe place to call my own and would not be working at Harvard University, excited about the possibility of applying for a program to earn my Masters degree in Higher Education.

My three-year quest for this American dream began on the corner of Charles Street in Boston, looking at a postage-stamp-of-a-studio unit that was well out of my price range, even at that small size. My search then expanded further and further each weekend to neighborhoods and buildings that I was nervous to look at even in broad daylight, let alone live in for any length of time as a young, professional, single woman. Frustrated along the way, I took a first-time homebuyer course near Danvers, where I had been living with my parents for five years, saving money for my dream. This class exposed me to the possibility of finding a nice place in a safe neighborhood at an affordable price, through affordable housing programs. My search continued, however, for two more years looking at condos at regular market value, participating in a lottery or two (or six or seven) with no luck, or finding myself still in neighborhoods that I would not consider safe, or in communities that were too far away from where I worked at the time: Boston University School of Law.

After coming back home after attending George Washington University, not sure if I wanted to go to law school, I worked administratively at a law firm for a couple of years and watched the legal industry, especially in Boston, melt down around me. With attending law school now out of the question, I then decided to work at one. This would facilitate my transition back into the world of academia that I love. BU Law was a great place to work, providing a rich, stimulating environment on all fronts, except for me financially. I still continued to save money living with my parents (not without its own set of headaches), however, the commute from Danvers and the monthly parking expenses were quite a financial and mental drain. When I was just about to give up my dream and had started looking at renting an apartment, my supervisor at BU, who lives in Newton, mentioned there may be a First-Time Homebuyer Program there worth looking into if I were interested in living in Newton. This changed everything.

Once I reviewed all of the preliminary information online, I thought Newton's First-Time Homebuyer Program was almost too good to be true. Not even needing to invoke my fluency in "Legalese," however, the information available at the City of Newton's website was very clear, very helpful and addressed many of my questions right up front. What I loved about the program initially, and still to this day, was the freedom to choose my own location and find my own property, rather than take my chances (with my horrible luck) in a lottery, or through an affordable resale in an undesirable location. I filled out the application, but not before making contact with an angel: Rieko Hayashi, City of Newton Housing Planner, to ask her some questions I had in order to become more familiar with the process.

Rieko shepherded me through the application, was there for me when I found my dream home, and kept me on track throughout the chaos of coordinating with my lender, my attorney, the seller's broker, and the condo's property manager to get everything in place leading up to the

closing. When my lender tried to delay the closing against the wishes of everyone involved (saying that they did not have all the necessary documents, that I had given them long before) Rieko led the way to help put things back in place while also preparing for the contingency of a delay. Along with help from my attorney, and smart intervention by the seller's attorney to remind the lender of monetary consequences for their delay, the closing took place as scheduled. Her support and flexibility throughout the entire process, that continues to this day, has been remarkable, and it means the world to know that I am not alone in this dream of homeownership.

Bob Waddick, City's Attorney, also saved the day of closing in resolving a problem with filing the closing documents at Land Court. Of the millions of signatures flying around that day, the closing would not have happened without the one that he was able to obtain from the City of Newton to fulfill the Court's strict requirements. He went above and beyond to get this taken care of the same day as closing, where in similar situations the bank's closing attorney had run into years back, it had taken 2-3 days to resolve. Rieko and Bob are two dedicated, knowledgeable, and overall amazing people. What a great team to have supporting such a pivotal program.

Partnering with the City of Newton to own a one-bedroom condo on Crystal Lake has been one of the best decisions of my life, however, homeownership is not without its headaches. Thankfully, though, through Newton's First-Time Homebuyer Program, I was prepared for any headaches that would come my way by taking the program's required First-Time Homebuyer course, and then the post-purchase class which focused partly on repairs and hiring a contractor. Living in a ground level unit on a lake, albeit wonderful, comes with water. In a heavy rainstorm, groundwater from a drain in the laundry room across the hall overflowed into my unit. When the situation arose, I knew what to do right away, and have now begun the recovery process as well as taken preventative measures to guard against a recurrence. This would have been a much bigger disaster had I not been prepared to take immediate action by the City of Newton's First-Time Homebuyer Program and its required courses to take immediate action to solve the problem.

Beyond my own experience, Newton's First time Homebuyer Program is vital to the community. Shortly after I moved into the condo association, elections were held to fill a vacant trustee position. In wanting to give back to the community that has given me so much, I ran and was elected to the position. This summer we held a beautification day to revitalize the property and add to the beauty and serenity of Crystal Lake. In addition, I have begun to volunteer within the community, and give my business to local proprietors as often as I can. It is wonderful to live in such a warm community where I can give back in so many ways.

In return, with a major stabilizing factor in place as a homeowner, I could move on to a new job without fear of a lender questioning a career move. Now working at Harvard, as Assistant to the Chair of a prominent department, for a significantly higher salary than what I was earning at BU, I can finally save significant amounts of money. I can also count on the stability my 30-year 3.625% fixed-rate mortgage to help propel me toward purchasing a single-family home (hopefully in Newton!) someday, after learning all that I can in my journey as a first-time homeowner. Words cannot express how grateful I am for such a life-changing opportunity. Thank you so much.

Best,

Leanne Chaves



CITY OF NEWTON, MASSACHUSETTS

Newton Housing Partnership

December 17, 2012

Setti D. Warren
Mayor

Newton Community Preservation Committee
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Candace Havens
Director
Planning & Development

Re: Request for CPA funds for Newton Homebuyer Assistance Program

Robert Muollo, Jr.
Housing Planner

Dear Community Preservation Committee members:

Members

Bart Lloyd, Chair
Dan Violi, Vice-Chair
Shella Ardery
Mark Caggiano
Andrew Franklin
Phil Herr
Judy Jacobson
Henry Korman
Peter Macero
Josephine McNeil
Hallie Pinta
Jeanne Strickland
Lynne Sweet
John Wilson
Matthew Yarmollinsky

At the Newton Housing Partnership meeting on December 12, 2012 eight of the nine eligible members present agreed to support the request by Newton Housing Staff for \$475,000 in Community Preservation Act (CPA) funding to recapitalize the Newton Homebuyer Assistance Program and increase the maximum subsidy from its current \$115,000 to \$150,000. The Partnership's Policy and Programs Committee and then the full Partnership reviewed and discussed the proposal with Housing and Community Development staff prior to taking this action.

We support and endorse the Program's mission to increase the supply of affordable homeownership opportunities in Newton for low to moderate income households by providing buydown and closing costs assistance to eligible first time homebuyers. Furthermore, The Partnership recognized that the Program addresses a number of priorities identified in the City's Consolidated and Comprehensive Plans including the following:

- "Create homeownership opportunities for low-, moderate-, and middle-income residents," as stated in p. 6, **Priority need #2:** of the *2007 Comprehensive Plan*.
- "Supporting and expanding the socio-economic, cultural and racial diversity in Newton" as stated in the City of Newton's *FY11-15 Consolidated Plan for Housing and Community Development*, p. 123.
- Utilizing existing housing stock in addressing the City's affordable housing needs while maintaining neighborhood character and preserving historic fabric.

1000 Commonwealth Ave.
Newton, MA 02459
T 617/796-1120
F 617/796-1134

The Partnership and Housing and Community Development staff also collaborated to suggest revisions to the final version of the proposal in order to provide greater



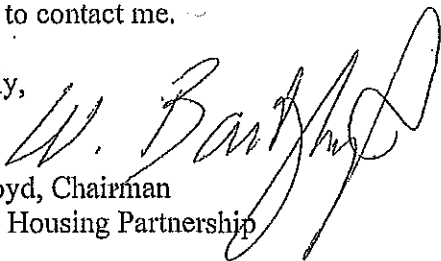
assurance that public funds are maximized to serve the greatest number of low to moderate income households. These changes are:

- Limiting household assets to \$75,000.
- Limiting subsidy to no more than the following limits according to the appropriate household size and composition:

1 bedroom:	\$115,000
2 bedrooms:	\$125,000
3 or more bedrooms:	\$150,000

We fully support the continuation of this program which has been available here in Newton for 11 years now. While increasing the supply of affordable housing, this program has assisted 36 households in their first home purchase. If you have any questions regarding this letter, please do not hesitate to contact me.

Sincerely,



Bart Lloyd, Chairman
Newton Housing Partnership

Cc: Alice Ingerson, Community Preservation Program Manager
Rieko Hayashi, Housing Planner

Newton City Hall
Planning Department - Housing Division
1000 Commonwealth Ave
Newton, MA 02459

To the Community Preservation Committee members,

I'm writing to express my support for the first time Homebuyer assistant program run by the City of Newton.

I believe due to limited financial possibilities my family would never be able to buy a place of our own if we do not have the assistance from above mention program. My greatest hope is that because of this program my family, may be, able to have an affordable place to live. We're currently renting in Newton, and in the current high demand rental housing market it has become extremely difficult to find an affordable housing.

Last year after the birth of my child my landlord raised the rent on us very unexpectedly and although I was extremely sick at the time and my child was only a few days old I had to knock the door of every real estate agency to find us a place which we can afford. But to my shock most of them would tell me right away that there is not such a place with the amount of rent we can afford. It was only a matter of chance that I was able to find the place where we live now on craigslist listed by the owner. The land- lord rented the place to us on discounted rent just because it was not the right time of the year for him to rent on a regular price.

I fear that my family may face the same harsh situation when our lease is going to end in April of 2013. I'm really grateful that such a wonderful program has been run by the City of Newton and hope you continue helping people going through financial hardship have a place to live. Thanks for your afford!

Best regards,

Arian Yusufzai



Maryann O'Connor
101 Hawthorn St.
Newton, MA 02458

November 14, 2012

Dear Community Preservation Committee:

I am writing to express my deepest gratitude to all of you for making it possible for me to purchase my home here in Newton. I have been living in Newton since 1998, raising first one, now three adopted children on my own. As you can imagine, that is no easy feat here in Newton! I am a self-employed bookkeeper and squeak by on a less than adequate income.

For the past three years I had been renting a home in West Newton where the monthly rent was outrageous! I needed help from my family just to get by. When I moved into that house, I only had two children. Then in January 2010, I met a little girl who was brought here from the Philippines by another family who decided that she wasn't the right fit for their family. People tell me my heart is bigger than my wallet, but I just couldn't let them send her back to the Philippines. I adopted her and moved her into my bedroom as we didn't have a spare room.

When the landlord told me they were moving back to Newton and wanted their house back I panicked. I started looking at possible rental units and found absolutely nothing in my price range that would give us the space we needed. My family was no longer able to help me and I was so afraid that I would need to pull my children from their schools and friends to find a cheaper place to live. My kids became very stressed out about the possibility of leaving Newton. I experienced many sleepless nights worrying about uprooting my family after 14 years in Newton.

I can't tell you how overjoyed I was to discover that I was eligible for your Home Buyers Program! Thanks to your program I was able to buy a home that is perfect for us. The kids all have their own bedroom, we have a large yard, and I am enjoying planting flowers and bushes to spruce it up a bit. Believe it or not, my mortgage is \$1200/mo LESS THAN my rent used to be! Literally, you have save my family and I can't thank you enough!!!

I hope this program continues to offer families like mine the opportunity to own a home here in Newton. It is a great place to raise a family.

With sincere gratitude,

Maryann O'Connor

October 22, 2012

Dear Community Preservation Committee,

I am writing to strongly support the continued funding of the Newton Homebuyer Assistance Program.

Growing up in Newton and coming from a lower income bracket family, as property prices continued to increase, so did my hopes of being able to stay in my home city continued to fall. This program has put me in a great position to continue to succeed, especially along my career path working within the city as an athletic trainer for Newton South High School, without having to sacrifice my living situation.

I am extremely grateful for the Planning and Development Department in Newton had this program available. The program helped me throughout the entire process of purchasing my first home. I have a more than comfortable understanding of budgeting for mortgages and other bills without having the fear of living "check-to-check," and having the privilege of being able to continue to save. All of this would not be possible without the program, and even more so your counseling and guidance from start to (beyond) finish. The process was a long, but necessary one for me and other candidates to understand exactly how the program operates to keep first time home buyers from getting in "too deep" and not being able to afford a rushed purchase, making the long process extremely important.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Jordan-Quern". The signature is fluid and cursive, with a long horizontal stroke at the end.

Patrick Jordan-Quern
73 Walnut Street Unit 9
Newtonville, MA 02460

U-CHAN
UNITING CITIZENS FOR HOUSING AFFORDABILITY IN NEWTON

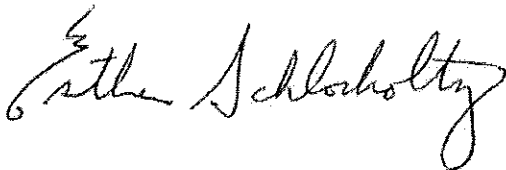
November 2, 2012

Dear Members of the Community Preservation Committee:

We write on behalf of the membership of UCHAN (Uniting Citizens for Housing Affordability in Newton) to support the pre-proposal submitted by the Newton Homebuyer Program on April 3, 2012, as part of an ongoing effort to provide badly needed housing affordable to those whose earnings do not otherwise permit them to move to our City. The economic diversity of our community is a value which we must continue to enshrine not just in words but in commitment of our financial resources.

Thank you for your consideration and for your continuing support of housing affordability.

Very truly yours,



Esther Schlorholtz
Co-Chair
U-CHAN



Josephine McNeil
Co-Chair
U-CHAN

To: Community Preservation Committee

Re: Newton Homebuyer Proposal

January 15, 2013

Dear Rieko,

I'm writing to thank you for your support during the process of obtaining an approval for the First Time Homebuyer Program. Your patience and professionalism have gone a long way to help me purchase a home that otherwise I would not have been able to afford.

I have been a Newton resident for seven years, with my son in his second year at Newton North High school. When my landlord decided to put our apartment for sale, I found myself in a tough situation as I wanted to remain in Newton to allow my son to stay at Newton North. This program has not only helped me to continue living in Newton, but it made the coveted American dream of becoming a homeowner possible.

It is my sincere hope that this program continues to receive the needed support, so that other families are able to realize their dreams.

Regards,

Oksana Zadorozhnyak



LEAGUE OF WOMEN VOTERS NEWTON

PO Box 610207 Newton, MA 02461 · 617-383-4598
Email: info@lwwnewton.org · Website: www.lwwnewton.org

January 14, 2013

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Leslie Burg, Chair
Community Preservation Committee
City of Newton
1000 Commonwealth Ave
Newton Centre, MA 02459

Dear Chair Burg and members of the CPC:

The League of Women Voters of Newton (LWVN) reaffirms its support of the Newton Homebuyer Assistance Program.

Since its inception in 2001, this program has helped 16 households of limited means to acquire permanent, safe housing in many neighborhoods across Newton. The LWVN has supported the CPA funding of this program because of its demonstrated effectiveness and because it addresses the following priorities identified in City plans, including the 2007 Comprehensive Plan:

- Creating homeownership opportunities for low-, moderate- and middle-income residents
- Supporting and expanding the socio-economic, cultural and racial diversity of Newton
- Using existing housing stock in addressing the City's affordable housing needs, while maintaining neighborhood character and preserving its historic fabric.

We urge the committee and the Board of Aldermen to approve the \$475,000 in requested funding, as well as the increased subsidy of \$150,000 per unit (currently \$115,000) to assist an additional three potential homebuyers.

Sincerely,

Anne Borg
Sue Flicop
Co-Presidents, League of Women Voters of Newton



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

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Candace Havens
Director

MEMORANDUM

DATE: February 7, 2013
TO: Marcia Johnson, Zoning and Planning Committee Chair
Members of the Zoning and Planning Committee
FROM: Candace Havens, Director of Planning and Development
SUBJECT: Sidewalk Café Ordinance
MEETING DATE: February 11, 2013
CC: John Lojek, Commissioner of Inspectional Services
Dori Zaleznik, Commissioner of Health and Human Services
Bob Rooney, Chief Operating Officer
Maura O'Keefe, Assistant City Solicitor
Marie Lawlor, Assistant City Solicitor

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Newton, MA 02459

Attached is draft language for a sidewalk café ordinance for the Committee's review. Planning and Law Department staff will be on hand to review with the Committee and to amend it, as needed, based on additional Committee input in preparation for a public hearing on February 25, 2013.

Changes to several portions of the City Code will be needed in order to execute such an ordinance, including the assignment of oversight to Health and Human Services Department and amendments to the Zoning Regulations to clarify that seating allowed by the proposed ordinance will not trigger a special permit requirement; proposed changes to the zoning text will be provided prior to the public hearing. The provisions for sidewalk alcohol service must comply with the guidelines from the Alcohol and Beverage Control Commission (ABCC).

Attachment A: Draft Sidewalk Café Ordinance

ATTACHMENT A

Sec. 26-30. Permits for cafe furniture on sidewalks.

(a) The Commissioner of Health and Human Services, or his or her designee, may grant revocable permits for the placement of certain cafe furniture upon designated areas of the public sidewalk. The Commissioner shall consult with the Fire, Police, Public Works, Inspectional Services, and Planning Departments prior to granting or denying a permit under this section. Permits shall be issued in accordance with the following standards:

(1) Permits may only be granted to the proprietor of the business premises which immediately abuts the sidewalk area affected by the permit. Such cafe furniture may be placed upon the sidewalk only during the business hours of the permitted party. All cafe furniture and trash receptacles must be removed at the end of each business day and, in addition, must be removed at any time upon the request of the Commissioner or his designee when he determines that the public convenience and welfare require such removal.

(2) Permits allow for the placement of tables, chairs, benches, shade umbrellas, and other appurtenances as may be approved or otherwise required by the Commissioner. The number, type and placement of such tables, chairs, benches, shade umbrellas, and other appurtenances shall be subject to the approval of the Commissioner, in consultation with other appropriate Departments of the City, and in conformity with any applicable zoning ordinances. All such tables, chairs, benches, shade umbrellas and other

appurtenances shall be temporarily placed upon the sidewalk surface and shall not be affixed thereto. Any shade umbrellas shall be fastened, weighted and otherwise secured while in use.

(3) Permits may only be granted in those circumstances where the Commissioner of Health and Human Services, or his or her designee, after consultation with the Inspectional Services Department, has determined that the placement of such cafe furniture would not interfere with adequate pedestrian passage upon the public sidewalk at the site, taking into account the flow and level of pedestrian traffic and the location of other fixtures upon the sidewalk including utility poles, newspaper vending boxes and the like. In no event shall a permit be granted in circumstances where the placement of such cafe furniture would result in a pedestrian passageway upon the public sidewalk of less than four feet (4') in width.

(b) As a pre-condition of the issuance of any such permit the commissioner shall require the permitted party to indemnify, hold harmless and defend the City of Newton from any claims arising out of the permitted activity; and the Commissioner shall require the permitted party to provide proof of adequate liability insurance and/or bond, in such form, amount, and with an insurance carrier or surety satisfactory to the Commissioner for the performance by the permitted party of the requirements of the permit and this section.

(c) The term of each permit shall be one year and shall expire on December 31st unless renewed. The fee for each such annual permit shall be one hundred dollars (\$100.00) for the initial issuance of the permit, and fifty dollars (\$50.00) for renewals thereafter. Permits under

this section are transferrable to a successor in interest upon the submission and approval of an application for transfer to the Commissioner.

(d) Upon receipt of each permit application the Commissioner shall consult with the Board of License Commissioners, the Fire, Police, Public Works, Inspectional Services, and Planning Departments for their determinations that the placement of cafe furniture, as described in the application, would not violate existing licensing, zoning and public health requirements, respectively. Approval of the Board of License Commissioners, the Fire, Police, Public Works, Inspectional Services, and Planning Departments are all required prior to the issuance of a permit by the Commissioner of Health and Human Services, or his or her designee, under this section.

(e) All permits granted pursuant hereto must include the following provisions:

(1) That the permitted party shall place exterior trash receptacles in the sidewalk area and, at its expense, properly dispose of the trash deposited therein.

(2) That the permitted party shall be responsible for the clean-up of trash and debris from the sidewalk area and the neighboring area within a radius of twenty-five feet (25') of the sidewalk area affected by the permit.

(f) The Commissioner of Health and Human Services, or his or her designee, shall review all complaints concerning violations of the terms and conditions of any permit issued under this section. The Commissioner may impose a fine upon the permit holder, or revoke or suspend any

permit granted pursuant to this section for any violation of the terms of such permit or the provisions of this section. Prior to the imposition of a fine, revocation or suspension, the Commissioner shall provide sufficient notice to the permit holder of the violations of the terms of the permit, and provide the permit holder an opportunity to be heard during a public hearing on the matter. Violations hereunder shall be subject to a fine of (\$XX) for each violation. Each day that a violation occurs shall constitute a separate offense.

(g) All permit holders shall comply with the requirements of the Noise Ordinance at §§ 20-13 - 20-19. The Commissioner, in consultation with the Police Department and the Board of License Commissioners, may impose reasonable limitations on the hours of operation for permit holders under this section.

(h) The Health and Human Services Department, Inspectional Services Department, and Police Department shall have the authority to enforce this section.

(Ord. No. T-305, 11-1-93; Ord. No. X-175, 05-26-05)



Setti D. Warren
Mayor

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Candace Havens
Director

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DAVID A. OLSON, CMC
Newton, MA 02459

WORKING SESSION MEMORANDUM

DATE: February 8, 2013

TO: Alderman Marcia Johnson, Chairman
Members of the Zoning and Planning Committee

FROM: Candace Havens, Director of Planning and Development
James Freas, Chief Planner for Long Range Planning

RE: Zoning Reform, Phase 1

MEETING DATE: Working Session on February 11, 2013

CC: Board of Aldermen
Planning and Development Board
Donnalyne Kahn, City Solicitor

Phase 1 of the Comprehensive Zoning Reform project kicks off February 11th. A talented team from Code Studio was selected to oversee this process, led by Principal Lee Einsweiler. Lee will be meeting with the Zoning and Planning Committee on February 11th to introduce himself, describe the capabilities of his firm and to answer any questions the Committee may have about his approach to overseeing Phase 1 of the Zoning Reform efforts.

Phase 1 is focused on enhancing the usability of the existing ordinance with discussions around ways to make it easier for the average resident or business owner to use. This will include reorganization, the use of illustrations, tables, and indexes, and the clarification of inconsistencies. The new ordinance will be web-enabled with links between sections to facilitate use of the ordinance and is expected to be complete by this summer.

Phase 2 of the zoning reform project is scheduled to begin in the fall of this year. At that time, further consideration will be given to its underlying policies and the ways in which our ordinance could best execute the goals of the *Comprehensive Plan*.

About Code Studio

The following is an excerpt from Code Studio's website as a means of introducing the firm and Lee Einsweiler:

Code Studio was founded to focus on quality place-making strategies—moving plans from imagination to implementation. Over the years, members of Code Studio have been involved in planning and code initiatives in over 50 communities across the country. Together, we have worked on a diverse set of projects, including zoning, subdivision and unified codes for cities and counties; form-based codes for special areas such as downtowns and corridors; design standards for commercial and residential development; and downtown, corridor and small area plans.

Code Studio pursues planning and implementation work that yields vibrant, mixed use, walkable communities through creative urban infill, redevelopment and incremental change. Our work ranges from quick revisions of existing codes to paradigm shift in a community's approach to development regulation. While not directly aligned with any planning movement, the firm is well-versed in smart growth, new urbanism, sustainability and green building issues.

LEE EINSWEILER, PRINCIPAL

Lee has been involved in planning, zoning and plan implementation in a variety of settings over the past 25 years. Lee sharpened his skills in the preparation of zoning and subdivision regulations across the country, and has been personally responsible for over 50 code projects, including the complete revision and adoption of over 20 codes. His combination of conventional zoning know-how and new code approaches are rare in the profession, and his ability to facilitate the consideration and adoption of new zoning serves his clients well.

Other Members of the Consultant Team

Joel Russell, Land Use Attorney and Planning Consultant with Joel Russell Associates, Northampton, MA.

Jay Wickersham and Bennet Heart, Attorneys with Noble & Wickersham LLP, Cambridge, MA.

Jason Schrieber, Principal with Nelson Nygaard Associates, Boston, MA