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## CITY OF NEWTON, MASSACHUSETTS

### Fair Housing Committee

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October 11, 2012

Alderman Ted Hess-Mahan  
Chairman, Land Use Committee  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02549

Setti D. Warren  
Mayor

Candace Havens  
Director  
Planning & Development

Robert Muollo, Jr.  
Housing Planner

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Ald. Ted Hess-Mahan  
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Kathy Laufer  
Josephine McNeil  
Esther Schlorholtz

Subject: The Station at Riverside draft Inclusionary Housing Plan

Dear Alderman Hess-Mahan:

As you requested, the Newton Fair Housing Committee has considered from a fair housing perspective the Inclusionary Housing Plan submitted by the developer of The Station at Riverside.

Following its discussion of the proposed unit type distribution at the residential portion of the development, it is the Committee's opinion that the distribution of bedroom sizes provided is not likely to have a negative adverse impact on families with children. The Committee believes that the features of this transit-oriented development, with office, retail, and parking use as well as residential use, and an Intermodal Commuter Facility, are not likely to attract a large number of applicant families with children.

In addition to the above comment, we have the following additional comments and/or questions:

- 1) The Inclusionary Zoning Plan and its accompanying exhibits should address the number and types of units which will be made accessible for persons with a disability, and the applicable accessibility standards.<sup>1</sup>
- 2) Exhibit 2 (Marketing and Resident Selection Plan)
  - (a) The Equal Opportunity language set forth should also include gender identity as a prohibited factor.

<sup>1</sup> It is important that persons with mobility impairments be able to both move in and out of their residence and to access the community facilities, job opportunities and public transportation within and near the mixed use development, since such easy access for all persons is at the core of the intent of such a mixed use development. To enable this Committee and others to assess that, it would be helpful were we to be provided with materials making clear where access to each of the buildings in the development will be designed for unrestricted use by those who have mobility limitations, without reliance on such access as through a retail facility that may be available only at certain hours, or a garage.

(b) The first paragraph on "Training" under "Due Process" should be revised to reflect all applicable legal authorities, as follows:

All persons involved with the processing of housing applications for the inclusionary units will receive training on the relevant requirements of and compliance with Title VIII of the Civil Rights Act of 1968, as amended (Fair Housing Act); Section 504 of the Rehabilitation Act of 1973; Title VI of the Civil Rights Act of 1964; Mass. Gen. Laws c. 151B; Executive Order 11063; and Executive Order 13166.

(c) The paragraph on "Documentation" under "Due Process" should conclude with the words "...and shall comply with all applicable legal requirements".

(d) Both the "Documentation" and "Appeals" paragraphs under "Due Process" should indicate that procedures will be available for applicants with a disability who request a reasonable accommodation in order to apply for and be accepted as a tenant.

3) Exhibit 2: Marketing and Resident Selection Plan Page on Eligibility (unnumbered)  
(Paragraph on Household/Apartment Size)

Further clarification is needed, perhaps by the Massachusetts Department of Housing and Community Development, regarding the two person maximum per bedroom rule described in this paragraph. Would that apply, for example, to a couple with an infant? Given the potential for negative impact on families with children, shouldn't there be some provision for an exception where the specific facts would warrant?

4) LIP Regulatory Agreement:

Above the listing of unit type and minimum sizes it states that, "All Low and Moderate Income Units to be occupied by families must contain two or more bedrooms." If correct, that would preclude family occupancy of the majority of the units in the development as proposed, or require the exclusion of some units from consideration as Local Action Units which, if that is actually the case, should be stated now so that the community would know that and its consequence regarding inclusion on the Subsidized Housing Inventory.

If there are any questions about these comments or you wish to discuss them further, please feel free to contact me at [sheilamond@yahoo.com](mailto:sheilamond@yahoo.com) or committee staff person Robert Muollo at [rmuollo@newtonma.gov](mailto:rmuollo@newtonma.gov) or (617) 796-1146. Thank you.

Very truly yours,

Sheila H. Mondshein  
Chairperson, Newton Fair Housing Committee

Cc: Candace Havens, Director, Planning and Development Dept.  
Linda Finucane, Associate City Clerk  
Stephen Buchbinder, Esq.