



October 26, 2017

Mr. Marc Laredo
Chairman
Land Use Committee
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: 400 Langley Road Special Permit Application- Furthering Fair Housing

Dear Chairman Laredo:

This letter is submitted in connection with the Special Permit Application to the City of Newton dated September 11, 2017, by Langley Montrose, LLC for 400 Langley Road, Newton, MA (the "Subject Property"). As proposed, the development will include a mixture of studio, one and two-bedroom units. There are two affordable scenarios being proposed by the developer:

1. Three affordable units are proposed in the new building to meet the Cities IZ requirement and two additional two-bedroom middle-income units are proposed in an existing adjacent building or
2. Four affordable units are proposed in the new building to meet the Cities IZ requirement.

There was discussion at the hearing about if the project was "furthering fair housing" with regard to the types of units since there are not three-bedroom units which I interpreted to be questioning whether it was discriminatory against families or familial status. We have attached as Exhibit 1, the City of Newton Fair Housing Policy taken from its website. To the extent Familial Status is mentioned with regard to discrimination, it is within the context of selling or leasing property. **Attached to the Inclusionary Zoning Plan prepared by our office is an affirmative fair marketing and resident selection plan which we believe meets the requirements of "furthering fair housing".**

Furthermore, according to the City of Newton, "FY11-15 Analysis of Impediments to Fair Housing Choice" June 1, 2010-July 30, 2015" it is my understanding that as a recipient of federal funds for affordable housing, the City of Newton is required to affirmatively further fair housing in its program and policies and its commitments of resources. Fair housing planning consists of three components: (1) conducting an analysis of impediments to fair housing choice or an "AI", (2) identifying actions to eliminate any identified impediments, and (3) maintaining records that identify the City's efforts to affirmatively further fair housing. For the purposes of

this analysis, *housing discrimination* is defined as any actions, omissions, or decisions taken that restrict housing choice or the availability of housing or have that effect on one or more individual of a *protected class*. The protected classes in Massachusetts are:

Protected under both federal and state law:

Color, Disability, Familial status, National origin, Race, Religion, Sex

Protected under Mass Law:

Age, Ancestry, Genetic information, Marital status, Military or veteran status, Sexual orientation, Source of income

Disparate impact occurs where policies, practices, or procedures that appear neutral on their face operate to deny or adversely affect the availability of housing to persons based on their protected class status. Such actions or decisions may also constitute an impediment to fair housing choice.

Furthermore, according to the "Housing Needs Analysis and Strategic Recommendations" City of Newton, Massachusetts June 2016, RKG Associates Inc. there is a need for more housing that is visitable and targeted towards seniors and person with physical disabilities. The apartment flats being proposed at the Subject Property meets these needs. Please see the specific detail noted below and taken from this Analysis:

"As a City that is predominantly composed of single family homes, Newton's current design essentially serves households of similar disposition and stage of life. A diverse population is best served by a diversity of housing choices. In particular, Newton's growing senior population would be well served by increasing the supply of single level, elevator served residences in walkable and transit accessible locations, with design features as outlined in the Council on Aging's Age Friendly Housing Checklist."

"Newtons population is more family friendly, but skewing older than surrounding communities..... the population of empty-nesters, retirees, and senior adults is increasing, potentially generating different housing needs than the City currently offers."

"Newton's empty-nester, retiree and senior adult population is growing substantially which has and will continue to have a notable impact on housing."

"New units should be accessible for seniors and those with disabilities (single-level units/elevators)."

"New housing should be made available for families/people at different stages of life".

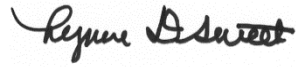
"More multifamily housing should be built".

We believe this development is in keeping with Newtons Housing Strategy.

We look forward to answering any questions you may have on this matter.

Thank you for your time and attention.

Sincerely,
LDS Consulting Group, LLC

A handwritten signature in black ink that reads "Lynne D. Sweet". The signature is written in a cursive style with a large initial "L".

By: _____
Lynne D. Sweet, Managing Member

CITY OF NEWTON

FAIR HOUSING POLICY

ARTICLE V.

HUMAN RIGHTS COMMISSION AND ADVISORY COUNCIL

Sec. 12-50. Policy of the city.

(a) It is the policy of the city to see that each person regardless of race, color, religious creed, national origin, sex, age, disability, ancestry, or sexual orientation, or gender identity or expression, shall have equal opportunity in or access to employment, housing, education, and public accommodations; to assure that each person shall have equal access to and benefit from all public services and licensing; to protect each person in the enjoyment of his/her civil rights; and to encourage and bring about mutual understanding and respect among all persons in the city by the elimination of unlawful discrimination.

(b) *Policy of the city regarding housing practices:*

(1) It is the policy of the city to follow all of the provisions set forth in M.G. L. Chapter 151B (the Massachusetts Anti-Discrimination Law) and 42 U.S.C. § 3601, *et. seq.* (the Federal Fair Housing Act, as amended) regarding non-discrimination in housing practices." (Rev. Ords. 1973, § 2-282; Ord. No. 55, 2-18-75; Ord. No. 79, 7-28-75; Ord. No. 248, 12-5-77; Ord. No. S-140, 12-16-85; Ord. No. X-175, 05-26-05; Ord. No. X-201, 04-03-06; Ord. No. A-44, 09-15-14)