



Ruthanne Fuller
Mayor

Barney Heath
Director of
Planning & Development

Malcolm Lucas
Housing Planner

Members

Ted Hess Mahan, Chair
Kathy Laufer, Vice-Chair
Esther Schlorholtz
Josephine McNeil
Donna Rigg
Tatjana Meschede
Rosemary Larking
Judy Korzenowski
Alexandra Weiffenbach
Ellen Tanowitz

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CITY OF NEWTON, MASSACHUSETTS

Fair Housing Committee

MEETING MINUTES

Date: April 7, 2021

Time: 8:00 a.m.

Place: Virtual (Zoom)

Members Present: Theodore M. Hess Mahan, Chair

Kathy Laufer, Vice Chair

Josephine McNeil

Esther Schlorholtz

Judy Korzenowski

Donna Rigg

Ellen Tanowitz

Alexandra Weiffenbach

Tatjana Meschede

Members Absent: Rosemary Larking

Staff Present:

Malcolm Lucas, Housing Planner

Jini Fairley, ADA/Sec. 504 Coordinator

Eamon Bencivengo, Housing Development Planner

Hattie N. Kerwin Derrick, Director of Community
Engagement & Inclusion

Public Present:

Councilor Pamela Wright

Councilor Alicia Bowman

Councilor Julia Malakie

Hannah Cross, Newton Housing Authority

Laurence Lee, Attorney

Mark Dooling, Architect

Fredrico Areliano, Architect

Judi Barrett, Barrett Planning Group LLC

Catherine Dennison, Barrett Planning Group LLC



Malcolm Lucas, Housing Planner served as recorder, Ted Hess-Mahan, Chair called the meeting to order at 8:30 a.m.

1. Approval of January, February, and March's meeting minutes

- THM motioned to approve the minutes. KL moved and ES seconded for January and February meeting minutes, AW abstained. January and February minutes are approved. March will be put off until May because more review needs to be done.

2. 383-387 Boylston Street Developer Presentation

- THM introduced Laurence Lee, Rosenberg, Freedman & Lee LLP. Mr. Lee stated that he went to two DRT meetings, Urban Design Committee and Newton Historical Commission. He explained that the developer will be demolishing two commercial buildings and replacing it with one building consisting of 12 residential units with an underground parking lot. Each unit will have 3 bedrooms and two of the units will be affordable. Mark Dooling started the presentation. Fredrico Areliano went into intricate details about the location and development as well.
- Mr. Areliano then spoke about the two affordable units. Affordability – Two out of twelve condominiums will be affordable, Accessibility – All common areas will be accessible, and all of the condominiums will be group 1 and could be adapted if needed according to MAAB standards. Visitability & Proximity – He stated that the building is in a very dense area and transportation is available. Discriminatory Impact – Mr. Areliano stated that he believed that there was no impact present.
- KL asked if unit 104 was one of the affordable units and asked what was the other one. Mr. Areliano stated unit number 202 is the other unit which is directly above 104. They are both corner units facing the south and west bring in sunlight and both have balconies. KL asked if both the affordable units are the 1200 square foot units. He stated yes. JF asked if there are any town houses and asked if the first-floor town housing units are group one. He stated both units are town houses and group one. JF asked if they will be for sale or rent. He stated they are for sale. JM asked if they were all three bedrooms, he said yes and stated that they could come back to talk about the prices and condo fees. JM said that she is delighted that the units are 3 bedrooms.
- JM asked the range of pricing and what are the cost of the affordable units. Laurence Lee stated they did not get to that point yet; they are working on getting a special permit. JM asked how do developers have to do percentages when it come to the condo fees to keep the price from escalating. Mr. Lee said that the percentage is based on fair value. JM asked if it could be done on square footage because it was done in the past. He stated it is based on fair value and it depends on the type of housing. JM expressed concern with the condo fee saying that the affordable units can get overpowered by the market units. JM asked who will make that determination. Mr. Lee said that it will be on the petitioner on how much they sell the market units for and that data comes in at that time. It will be based on those values.
- KL Asked about the fair housing grid to grade themselves and asked to get it. Laurence Lee stated that he needed it and will complete it. ET asked will there be assigned parking. Laurence Lee stated that each condo unit will receive a parking spot. JF asked can the developer work with the owner if they need a group two A unit initially. Federico stated they are working on that and could be made compatible. JF asked about the automatic doors. JF wanted the developer to think about this before so it is not a

problem later. JF asked if it is not a pet friendly building make it at least a service pet friendly policy.

3. Barrett Planning Group Presentation – Local Preference

- THM introduced Judi Barrett who stated that the City hired them to look at the effectiveness of their local preference policy in Newton and whether it is ~~fit~~-fitting the City's needs. She stated that she also looked at what other cities are doing. The study focused on three developments in Newton that were recent and she explained that it was a very limited scope study. The projects that her group ~~we~~ looked at were Trio (Washington Place), Hancock Estates and Austin Street. The tasks were:
 - Review the AFHMP of each project
 - Review lottery data for size and make up, and local preference and general pools
 - Review and Compare lease ups and lottery results
 - Consult with lottery agents and developers
- Judi Barret asked Catherine Dennison to explain her findings. They started with Trio. She broke down the data and showed the committee the data. There were 610 applicants for 25 units and 31% of those applicants had local preference. So out of this the percentage comes to 76% for local selected tenant. Overall the local preference is working and getting this category into units from a surface level. Then, she discussed the racial and ethnic minority households.
- Catherine D. stated that Austin Street had similar data as Trio. The proportion of local minority applicants and the proportion of rent-ups stays about the same between applications and lease ups. The local non-minority percentage doubled. The white household are getting the benefit of the local preference more than minorities. There were 132 applications for 23 units.
- Hancock Estates had 415 applicants for 13 units. There were not any non-local white households selected in the initial lease up. The Hancock Estates data was very telling that the local preference in Newton was helpful to applicants who had preference. There was a A large proportion of local applicants. This could happen because local applicants could be pulled from the non-local pool giving second opportunities to applicants.
- Takeaways: The demand for affordable units in Newton is very high. More than 1100 applicants for only 61 units. Less than 30% of applicants came from local applicants and about 73% (around 850) were non-local applicants. The second takeaway is that in some communities where their local pool is less diverse than the greater metropolitan statistical area, there is a preliminary lottery that balances and supplements that local pool with more minority applicants so that it matches the area overall. This was not needed for the three projects because the local pool was about 49% minority applicants so there was not any rebalancing or supplementing. The third takeaway is that the minority proportion in the non-local pool is 20% larger than the local pool. The percentage was closer to 70%.
- Judi B. stated that they can't solve this problem for Newton, and they can't even answer the question of what Newton can do. She laid out what the City can do then posed some city policy questions for Newton to think about

- What does Newton want the local preference to accomplish?
 - Do you think that overall, the policy meets the City's expectations?
 - What advantages do you see in keeping the policy substantially as-is?
 - What are the downsides? Unintended consequences?
 - Like any public policy, local preference involves cost and benefits. What are the costs? The benefits? Do the benefits outweigh the cost?
- Judi B. talked about the next steps in completing the report and giving an outline to the City after the presentation was complete. She opened it up for questions. JM stated that we need to understand what happens when people are selected and what are the things that keep people from not being selected. She wondered about the low-income applicants if whether if they had vouchers and if that is a factor in the property management's selection process. She stated that this may give some comfort when it comes to the tenants' ability to pay rent and thought this question should be asked. JM stated we need to look at the tiers in Newton's inclusionary zoning and how many people would fit and who fits into the affordability tiers. This needs to be broken down to different income levels. She asked whether inclusionary zoning is achieving diversity. Judi B. got clarification and asked is JM speaking about the ~~cost~~ pricing of the units. She stated that the point about the vouchers is a good one and that they could reach out to SEB. Catherine B. stated that they have some data for some developments and not all and she could reach out to get data on that.
- KL stated that they have been trying for half of a year to get the data and was happy that they got it because the committee was not getting any response. KL stated that people who have very low income are not having access to the fully accessible units if they are on SSI and that is their only source of income because they are disabled and that may also be true for others who have very low income families. She stated that JF brought up this issue numerous times. KL stated if we are developing ~~unit~~ the units that are at 80%, we are not getting the kind of diversity that we would get, if we had units that were priced at the lower AMI. She said she is surprised by the racial and ethnic breakdown showing more diversity than she expected and stated that is good. ES stated ~~in~~ trying to understand the reasons for these issues is challenging, but it would be valuable to require lottery agents to identify the reasons that applicants did not proceed to a successful conclusion. ES gave examples of some potential obstacles related to the requirement for first and last months deposit funding and scrutiny of the credit history of the tenants. ES stated that we need more granular data to be able to understand how to identify what the fundamental issues are for those tenants. ES also stated that if we had the ability to collect information from ~~to~~ interviewing tenants moving forward that would be valuable to see what is really going on with them and to make the process better.

4. 429 Cherry Street – Marketing and Lottery

- BH stated that staff sent the committee information in respects to the marketing for this unit and stated that this packet was sent to DHCD. He said we must follow a checklist and he is happy to respond to any question that the Committee has.
- JM stated that she has more comments than questions. She gave a background about how this started about 3 years ago under the new inclusionary zoning when there were some concerns raised dealing with Austin Street. She immediately noticed that the advertisements did not include that vouchers were accepted. She stated that it was in

the application but not the marketing materials and it was corrected. Since then she started checking the ads for affordable housing. She stated that she found an error in the Baystate Banner. She stated that she contacted them to let them know. She felt that the lottery agent did not catch the mistake. She asked BH do the ads themselves comes to the planning department for review. BH stated that ~~we~~ planning staff review the composite marketing strategy on where they are going to advertise to make sure they hit the requirements but do not look at the finished ads in papers or online. He stated that the paper got it wrong. JM thinks the monitoring agent is responsible to see the information is being presented correctly. The City should have a process to see at least what goes out. The bigger issue is with DHCD. Their policy states that they require a 60 day-marketing period but the ads need to run at least 2 times. She feels that the lottery agent could decide not to run an ad until the last two weeks of the marketing period- which she feels it is a violation of fair housing. JM would like to move that the City of Newton send a letter to DHCD asking for an explanation for why on one hand, there is a 60-day marketing period and the ads are required as a part of the marketing but there is not a date stipulated by which at least the first ad has to run. ES seconded. THM did a roll call. Unanimous all present and voted.

5. Fair Housing Month

- THM talked about the workshop that is sponsored by the Consortium and talked about the resolution passing in City Council. He talked about drafting the letter. THM also discussed Shelia's award. JM stated that they set up criteria for how a person gets selected.

6. Other Business

- THM talked about the Committee discussing a new Chair and Vice Chair and stated that people should come to him or ML if interested. THM recognized DR for posting information on the City's website for the committee.

Meeting Adjourned @ 10:am

7. Next meeting Wednesday, May 5, 2021

*Supplementary materials are available for public review in the Planning Department of City Hall (basement) the Friday before the meeting. For more information contact **Malcolm Lucas at 617.796.1149**. The location of this meeting/event is wheelchair accessible and Reasonable Accommodations will be provided to persons with disabilities who require assistance. If you need a Reasonable Accommodation, please contact the city of Newton's ADA/Section 504 Coordinator, Jini Fairley, at least two business days in advance (2 weeks for ASL or CART) of the meeting/event: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711