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Members

Ted Hess Mahan, Chair
Vacant, Vice-Chair
Kathy Laufer
Esther Schlorholtz
Josephine McNeil
Donna Rigg
Tatjana Meschede
Judy Korzenowski
Alexandra Weiffenbach
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CITY OF NEWTON, MASSACHUSETTS

Fair Housing Committee

MEETING MINUTES

Date: November 3, 2021

Time: 8:00 a.m.

Place: Virtual (Zoom)

Members Present: Theodore M. Hess Mahan, Chair

Kathy Laufer
Josephine McNeil
Esther Schlorholtz
Judy Korzenowski
Donna Rigg
Alexandra Weiffenbach
Ellen Tanowitz

Members Absent: Tatjana Meschede

Staff Present:

Malcolm Lucas, Housing Planner
Jini Fairley, ADA/Sec. 504 Coordinator
Hattie N. Kerwin Derrick, Director of Community
Engagement & Inclusion

Public Present:

Councilor Pamela Wright
Councilor Alicia Bowman
Councilor Julia Malakie
Mark Dooling
Fredrico Arellano
Armand Mackay
Laurance Lee, Rosenberg, Freeman and Lee

Malcolm Lucas, Housing Planner served as recorder, Ted Hess-Mahan, Chair called the meeting to order at 8:00 a.m.

1. Approval of October 2021 meeting minutes

- THM discussed the approval of the October 2021 meeting minutes and asked if everyone had any comments. KL



motioned to approve the October minutes and ES seconded.
JM abstained. October meeting minutes are approved.

2. Fair Housing Goals Project Review

- **50 Jackson/383 Boylston^a**

- THM introduced Laurence Lee. THM stated that they discussed continuing project reviews and for making the presentations shorter and to direct the developers to keep their comments specific towards the fair housing criteria. THM asked if Laurence Lee was prepared. Laurence Lee stated that project has since changed and wanted to explain the affordable unit component to the Committee. THM reminded Laurence Lee about being concise and handed the discussion over to Laurence Lee.
- Laurence Lee introduced his team to the Committee and stated that this is a project that he has brought forth to the Committee earlier this year that consisted of a 12-unit projected at 383 Boylston Street and 50 Jackson Street. Laurence Lee stated that they went before the Land Use Committee and they received strong feedback from abutters and the neighborhood. The result of that the developer had to reduce the size of the number of units, from 12 to 9 and asking for a special permit. Since that has happened the affordable unit requirement has changed. The provision in the ordinance has a special provision for smaller projects that the developer can choose to pay a cash payment to the City which his client is electing to do on this project. The amount is around \$521,000 based of the formula in the ordinance. The concerns from the abutters and neighborhood were about the size of the project. He also explained that his client went through an Urban Design Commission review twice and on both occasions, they received great feedback and offered to forward the presentation if the Committee was interested.
- Fredrico Arellano gave a detailed overview of the project. He spoke about the difference and points of the project from the comments and concerns of the different Commissions. because changes needed to take place to accommodate the affordable/accessible units.
- THM stated that TM has some concerns of the new information of the project particularly the removal of the affordable unit. The payment in lieu (\$521,000) is not enough for affordable housing in Newton now. THM stated that he did not know the actual cost but it may be around this amount to create affordable housing and posed the question to the planning department. THM stated that he also did not blame the developer for reducing the number of units and stated that this was the reality of the special permitting process. THM just wanted to know the process of the payment in lieu.
- Laurence Lee stated that in the case of payment, the ordinance states it must be distributed equally between the Newton Housing Authority and the City of Newton and must be used for the creation of deed restricted units affordable to households at or below 80% of Area Median Income. KL stated that she and TM shared the same opinion that Newton needs a variety of housing in Newton but the payments that is going to the City in lieu of an affordable unit is probably a quarter to a third of the amount that this unit would sell for. She stated even though that is the ordinance there does not seem that there is a fairness in terms of allowing for a variety of income levels to have access.
- JM asked if the developer choose not to do the analysis using the committee's ranking system because there is not an affordable unit. JM stated that she thought that they were supposed to focus on fair housing issues and thought that this did not happen in this discussion that is why she asked the question. JM stated that if they are going to have projects that are offering cash payments as opposed to an affordable unit that the

Committee needs to come up with a different criterion. THM stated that he is not sure how to answer and he believes that this is a great project otherwise especially with accessibility, according to their criteria minus the affordable unit since the developer will pay the payment in lieu which he is also disappointed about. THM stated that he also was disappointed that council did not push back on the neighborhoods concerns and stated that it is hard enough to create affordable housing and all the work that is put into it by the City. The developers were asked what the price levels are going to be for these units, and they stated that they would not know because he would not know the market at the time they would be offered for sale. KL asked for a ballpark. KL stated because of the current market it may be around 1.5 million dollars because they are high end. JM stated that if the Committee will be reviewing projects that are offering cash as opposed to a unit then the Committee should come up with different criteria. JM then asked where they came up with the 521K amount was based on. THM stated that the formula is in the ordinance and asked Laurence Lee to explain. Laurence Lee stated that this was a specific formula and stated that the City instituted this around 2 years ago based off strong research to make it a balanced ordinance and that it makes it financially feasible to not hinder projects because it is very expensive. The City implemented this specifically for smaller projects. He stated that the number is not something that was just presented or made up.

- THM stated that he wanted to push back on JM's comments and stated he thinks that new criteria do not have to be created and they have exactly what the Committee needs from a Fair Housing standpoint, whether it meets or exceeds fair housing goals. THM stated that this project exceeds the current criteria's goals minus the affordability aspect of the development.
- THM still thinks that the project should be reviewed, and their comments should be added. He also stated that he thinks this will provide an opportunity to make it be known that the special permitting process could be an impediment to the creation of affordable housing.
- Laurence Lee stated that obviously they do not have an affordable unit but pertaining to the other criteria he feels that it exceeds all the rest. He also stated that he can agree with THM about the special permitting process is very challenging and lengthy particularly for projects this size. He feels that these smaller projects are compared to the larger projects, and he does not think that it is a fair comparison, and their margin of error is that much smaller. He stated that this development company does not have the luxury in having the backing of a large consortium like the Washington Place project that has commercial space that doesn't count towards the affordable housing numbers. Also, the commercial rents are making up the cost to developers' bottom line for the affordable units that are in the bigger developments. He stated that more of the pushback was from the neighborhood's standpoint. Laurence Lee stated that balancing the Committees interest versus the neighborhoods and City Councils' interest many revisions were made. When this happens, it creates various risks for developers especially when they do not know if they will receive a special permit. Developers spend so much money on these processes in the hopes that the special permit is accepted, and they also must project out three years to hope these units sell and the market does not crash. Laurence Lee stated that people are not aware that there is a lot involved in this process so these types of decisions can satisfy everyone. They would have loved to do the first iteration that was presented but the process brought them here. Lastly, he asked that the Committee could they make their recommendations and comments and hoped that they like this project and hoped that this will not be a barrier to do so for this project to be approved. THM stated that he would work with Laurence Lee and asked him what is the timeline that he would need the information. Laurence stated

about a week. THM stated that the Committee needed more information to reach a consensus.

- AB commented that the automatic doors installed in units are heavy and that a 94-year-old resident was having an issue in another building and wanted to make it known to the developers. AB also stated that the footprint and massing of the building did not get reduced and there is a storm water problem, she would like to see more open space. Laurence Lee stated that they specifically addressed the massing concern with the Urban Design Commission, and they responded that the massing was still appropriate for the nine-unit building.

3. Upcoming Events

- **League of Women Voters of Newton, “The League Presents: Newton’s Housing Boards & Committees”**

- THM stated that he and Lizbeth Heyer, Chair of Newton Housing Partnership have been asked by the LWVN to participate in a zoom meeting to talk about what their committee does. THM asked to put the link on the FB page. The recording is tonight. THM stated that he is excited about this because there seems to be some interest in what the committee does and so they could strategize on how to get the Fair Housing Committee’s message out.

4. Fair Housing Committee goals for 2021-2022

- **Diversity, Equity, and Inclusion**

- There was not any discussion.

- **Bring in a Fair Housing Attorney to talk to committee about purpose and goals**

- There was not any discussion.

- **Updates on AI/Consortium Fair Housing Testing**

- There was not any discussion.

- **Resolution to request that developers report annually on minority rentals**

- There was not any discussion.

- **Use of ARPA Funds**

- FHC has been invited to participate in these upcoming meetings to see the use of these funds and that KL offered to participate in these meetings. So, there will be multiple staff and committees that will participate in these meetings and wanted the public and the Committee to know that the FHC will participate.

- **Collaborate with Human Rights Committee on Fair Housing Complaint Process and Form**

- There was not any discussion.

5. Creation of Nominating Sub-Committee for new Committee Member/Vice Chairperson

- THM asked HKD about the process because there was someone interested. She responded that the interested party would need to fill out an application and she does not remember seeing an application for this committee. She stated that the Chair and the staff will

interview, and she would be able to help. She stated that she would follow up with an email explaining the process and could help us walk through it.

- THM asked if anyone on the committee would volunteer to be a Vice Chair. THM asked to create a subcommittee for nominating new members and the Chair and Vice Chair positions. HKD stated that there is open meeting law and if there were more than two people the committee meeting would have to be public. THM stated that he was aware of the law and recommended that two members will make up the subcommittee. DR and AW volunteered. THM thanked them. JF stated that Rosemary Larking's position was very important to this committee because a part of the FHC's mission is to have a member of the Commission on Disability participating on the Fair Housing Committee. JF invited someone from the nominating committee to recruit someone from the COD. THM ask JF to send him an email with the listing for committee members.

6. Creation of Nominating Sub-Committee for April 2022 Recipient of Sheila Mondshein Fair Housing Award

- THM asked who from the committee would like to volunteer for next year to see who the next recipient will be. ES and THM stated that they will do it.

7. Fair Housing Committee Literature

- THM stated that at the Harvest Fair he saw that the HRC had literature and thought that the committee will need some type of information that explains what the Committee does and have information to pass out as well as to post on the website and to put on Facebook. THM asked for someone from the Committee to prepare content. ET stated that she could do it. No one else volunteered.

8. Reminder: Please complete doodle poll for change of date and time of monthly meeting

- This topic will be tabled. THM explained that he talked with TM this past week and she stated that next semester she will not have a class on the 1st Wednesday of a month and that she will be able to participate in meetings in 2022. ES asked if the December meeting will remain the same and not change. THM stated that the time and day of the week will not change. ET asked ML if the meeting will go back to being in person and THM stated that he did not know as did ML. HKD stated that the Committee could stay virtual up until April 2022 and we will see if the law changes. HKD did state that most committees are staying virtual for ease of access. HKD stated that the conferences room in the City are set up for hybrid if people feel a need to come in for in person meeting. ET stated that she was just curious and stated that she was fine either way.

9. Next meeting Wednesday, December 1, 2021 (Subject to change)

*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
