



Ruthanne Fuller  
Mayor

Barney Heath  
Director of  
Planning & Development

Malcolm Lucas  
Housing Planner

*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

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# DRAFT MEETING MINUTES

Date: February 2, 2022

Time: 8:00 a.m.

Place: Virtual (Zoom)

**Members Present:** Theodore M. Hess Mahan, Chair

Kathy Laufer

Tatjana Meschede

Esther Schlorholtz

Donna Rigg

Alexandra Weiffenbach

Ellen Tanowitz

Josephine McNeil

**Members Absent:** Judy Korzenowski

**Staff Present:**

Malcolm Lucas, Housing Planner

Jini Fairley, ADA/Sec. 504 Coordinator

Hattie N. Kerwin Derrick, Director of Community

Engagement & Inclusion

Barney Heath, Director of Planning and Development

Eamon Bencivengo, Housing Development Planner

**Public Present:** Councilor Pamela Wright

Councilor Alicia Bowman

Lee Mondshein

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

### 1. Approval of December 2021 and January 2022 minutes

➤ THM discussed the approval of the December 2021 and January 2022 meeting minutes and asked if everyone had any comments. ES motioned to



approve the December minutes TM seconded. 7 in favor 1 abstained. December minutes have been approved. ES to approve January 2022 meeting minutes KL seconded 7 in favor 1 abstained. January minutes have been approved.

## 2. Updates/Reports/Discussions

- **Washington Street West Newton Armory Project**
  - There was not any discussion on this matter.
- **136-144 Hancock Street (Walker Center)**
  - There was not any discussion on this matter.
- **Crafts Street SRG Senior Living/Mark Development**
  - There was not any discussion on this matter.
- **Affordable Housing Trust Committee Membership**
  - BH stated that they would act as a Municipal Housing Trust modeled after all of Massachusetts housing trusts. There will be a funding body for affordable housing proposals. BH stated that the funding source will come from CPA. He stated that it would be a seven-member committee and part of it is statutory. The mayor has to be on the committee, a city councilor, and a member of the CPC. The remaining seats will be for at-large seats for Newton residents. The criteria will be set out in the ordinance as to what kind of background folks would have in order to be considered for the committee. THM asked if there is a criterion listing because when he checked the website there were not any.
  - HKD stated she met with legal and explained that there will be a full description on Planning's webpage. HKD stated that there is a brief description and stated that she thought that the information was sent to the committee recently. THM stated that they have it and was just talking about the public having access to it. JM asked about the composition of the group. She also asked has anybody looked at this from a conflict aspect. She feels that it would be a closed society if they get the usual people, and it needs to be looked at deeply. HKD stated that they are going to look at different people. She also stated that they are looking into trying to ensure that anyone who might go before the housing trust isn't involved or represent someone who might go before the Housing Trust.
- **MBTA Communities Act**
  - JM asked THM is there a role for the FHC. JM stated that there are some items on the agenda that did not get covered last meeting and think that they should focus on things they would have a roll in so they could make decisions that are in their wheelhouse. THM stated that it is a fair housing issue, and he has had a discussion with Planning about the topic and stated that it would not be an extended discussion. THM would like people to be aware of what is going on in the city particularly on this project. THM stated that most items that are on the agenda are updates on previously discussed items so that the Committee will be proactive instead of reactive.
  - Zachery LeMel, Long Range Planning, started his presentation and stated that the MBTA Communities amendment to the State's Zoning Act was part of a large economic development bill that passed last January. It is focusing on just this portion

of MBTA Communities. The law stated that an MBTA community shall have at least one zoning district at a reasonable size in which multifamily housing, which as defined as three or more units, are permitted as-of-right and meets the other criteria in the statute. The statute goes on about the minimum gross density, the location that it needs to be near transit. Developers can't have age restrictions, and it has to be suitable for families. ZL stated that if these communities are not in compliance, they are subject to lose state funding

- DHCD has put out guidelines to explain the requirements and this is the time to submit public comments to them and the state. ZL encouraged the FHC to submit any comments or questions if they had any and referred them to the state website to get any further information.
- THM asked about the terms of the money that Newton could lose including discretionary funding. ZL stated that they did put those numbers together, but he stated over the last 10 years the grants (Housing Choice and Mass Works) they have received add up to millions. THM asked if the committee could have some guidance on how it relates to Fair Housing as well as be a support. THM stated that he is more interested in the review once they have the guidelines and the plan that the city has put together. He stated that he would like the FHC to be involved in this and asked if ZL could point to any specific fair housing issues that the Committee should be aware of with the MBTA Communities Act. ZL stated that he would get back to THM.
- BH stated that there is very little reference to that issue. The only issue that relates is that a developers can't restrict the size of the units in these districts, and you can't make them age restrictive. These were the only two pieces of guidance that came out in DHCD's original guidance that came out on December 15.
- KL stated that PATCH has a good summary of the monies that have been received under these programs over the past few years and most of the funding goes to infrastructure. KL stated that it may be a housing issue, but it impacts other areas of funding for Newton that have nothing to do with housing.
- ES stated that this feels like it is right down what the FHC is doing and is a valuable issue that should be followed up on by the committee. She stated that this item certainly fits into their review of projects, developments. She stated that multifamily housing offers a variety of options to many people. She stated that it is valuable to also comment to DHCD. ET asked if the existing buildings could be used to get to the number of units allowed. ZL said this program does not count the buildings that are already there, but instead will count the number of new units built that are more than what the district currently allows.
- Lee Mondshein asked will there be any outreach in getting this information out because he feels that it will be misinterpreted and cause some opposition. ZL stated that this is open to discussion with interested parties and explained that there is some time for a zoning district to be created and does not need to be in place until the end of 2023. BH agreed with LM and stated that he made a great point and stated that the number of affordable units (about 8000) will capture people and they will have questions about that but explained that this is just a zoning number, not a requirement to build that number of units. BH stated that Newton has not met its capacity so this may be a reason for the community wrapping their minds around the number. BH stated that there is opportunity in Newton and other MBTA

communities but said in order for that to happen, property sales require a willing seller and a buyer, and this process happens over time.

### 3. Discussion re Consultant and Formation of Committee to Follow Up on Lottery Results vs. Lease-Ups

- BH gave an overview, briefly discussed the flowchart provided by Eamon Bencivengo, Housing Development Planner, that describes the process, and stated that it was extremely helpful for him. BH stated that he did not realize the extent to which lotteries, where an applicant received their number, were so preliminary. BH stated that the agent has basic information about an applicant in the beginning. BH stated after this, there are other checks and balances, and applicants must go through this extensive process. He stated that this process bumps people out for all sorts of reasons, including the people that are in the lottery pool that probably had no intention of actually taking a unit in Newton if it was offered to them.
- BH stated because of the shortage of affordable units throughout Massachusetts, people apply everywhere, when there's an opportunity, and sometimes applicants decide to proceed and sometimes they don't for a variety of reasons. BH stated that there are various reasons an applicant does not get chosen to lease up (credit, insufficient income, and criminal background checks) even if you are chosen in the lottery. BH stated at the last Newton Housing Partnership meeting this topic has been discussed as well. BH stated that the Newton Housing Partnership had a representative from the Boston Housing Authority speak to them. The representative who spoke is the head of the Housing Navigator program, a new online system where people can look for affordable housing opportunities. The representative stated that this issue is a systemic issue that needs to be looked at not only in Newton.
- KL stated that she appreciates the flow chart and asked a question about information that can be put on the application that would address the issues of why people are getting knocked off. THM stated that it would be important to keep track of why people are leaving and asked if the city could be involved and if they have any control over it.
- JM answered KL's question about what would be allowed in collecting this type of data. JM stated that she thinks that people would comment that these are barriers, asking these types of questions could end up being discriminatory so she does not think that this would be allowed. JM also stated that the Planning Department has so much on their plate she does not know how they will be able to manage adding this to their list.
- JM stated that Nadine Cohen, GBLS, was at a Mass Housing Coalition meeting on this past Friday, and they did a presentation and spoke about a client who she feels is being discriminated against by virtue of the software that is being used in the screening process for tenant selection. GBLS is going to file a claim against the company and the software. JM thinks that Nadine Cohen should come and speak with the committee. THM asked if JM can ask, JM stated that she would ask.
- JM asked if BH Planning could reach out to Jennifer Maddox, DHCD, about the letter that was submitted to them about the lottery process. BH stated that the follow up should come from the FHC since they drafted and submitted to DHCD.
- JM asked if the Committee could create a subcommittee that she will serve on in terms of the application because she feels that there may be some nuances in the process

depending on who the lottery agent is. She stated it would possibly be a standing committee. JM then asked about the flow chart and the submitting of the ads to planning from the marketing agents- because it did not happen in the past. EB stated this is new and derived from the meeting about Cherry Street two years ago from the FHC's recommendation. He worked to get that information to show the dates. JM stated that is good that this is being done. THM asked if anyone would want to work with JM on this project and KL, ES and TM would. Lottery sub-committee is the title. THM stated that JM motioned to start this sub-committee and ES seconded. All in favor. JM asked if JF could join. JF stated that she will. HKD stated that she will set up a Zoom for this meeting.

#### **4. Subcommittee Updates**

- **Membership Sub-Committee**

- HKD reminded the committee that they need to reserve a space for a Human Rights Commission member and Commission for Disability.
- KL expressed a concern about the delay in recruiting an attorney to the committee who has Fair Housing expertise for quite a while. She stated that if this person would be excluded from participating because we are waiting on members of these other committees to express interest, this is a problem. DR and HKD stated that there is not an attorney in waiting so there is not any exclusion and stated if the committee has an attorney who is interested to have them fill out an application. HKD also stated for the committee to feel free and recruit.
- KL asked who was in the pipeline and HKD stated there were about three people from the Commission on Disabilities and asked JF to speak on it since she staffs that commission. JF agreed and stated that there was a position on the FHC that was held by a Human Rights Commission member and stated that one of the parties from COD stated that they would not be able to participate. JF stated that she will reach out to the others and give THM and ML an update.
- KL stated that she wanted to express that there have been many attempts to reach out to the Human Rights Commission but that there has not been any interest since Shelia Mondshein participated from anyone. KL stated that because the Fair Housing Discrimination Complaints used to go to the Commission, this is even more of a reason to have representation on the FHC. THM agreed and stated that he did not think there is an avenue for people in the city to go to with a fair housing complaint. JM stated that this is something the FHC should be discussing and to be on top of the list.

- **Fair Housing Award Sub-Committee**

- THM stated that he met with ES about the Fair Housing award this year and he consulted Lee Mondshein about recommending selecting Phil Herr as the next recipient of the Fair Housing Award. THM stated that Phil Herr has a lifetime of achievements and participation, providing the city with the invaluable services around planning, fair housing, affordable housing, and community planning. THM stated that he would like someone to move that Phil Herr is nominated and get the committee to vote. ES motioned and THM seconded the motion. All in favor. THM stated that he would coordinate with him. JM stated that THM should check with his family. THM stated he would, and Phil Herr also did not have to be present if there are conflicts, but he would like him to be present. THM also mentioned it could be done on Zoom.

- **Fair Housing Literature Sub-Committee**

- THM stated that he and ET exchanged drafts of fair housing information that they wanted for the website and handouts. ET stated that there is a fact sheet that she drafted and stated that she and THM will meet in February and will report in March with a draft for the Committee to review.

## 5. Fair Housing Committee goals for 2021-2022

- **Diversity, Equity, and Inclusion**

- THM stated that the Committee has discussed about bringing a fair housing attorney, update on fair housing testing, a resolution and request developers report annually on minority rentals. THM stated that the Committee just formed a subcommittee to deal with that use of ARPA funds and stated that they just discussed collaboration with the Human Rights Committee on Fair Housing complaint process and forum.
- KL asked if they could invite the Chair of the Human Rights Commission. THM stated yes that he would be happy to coordinate that. HKD stated that she could work with THM on that.

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

- There was not a full discussion on this matter. It was touched on in the membership sub-committee discussion.

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

- There was not a discussion on this matter

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

- There was not a discussion on this matter.

- **Use of ARPA Funds**

- There was not a discussion on this matter.

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

- There was not a full discussion on this matter. It was touched on in the membership sub-committee discussion.

## 6. Next meeting Wednesday, March 2, 2022

\*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](mailto: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