

NEWTON HOUSING PARTNERSHIP

Newton Housing & Community Development Program
492 Waltham St., West Newton, MA 02465. Phone 617-796-1156. TDD/TTY 617-796-7089

January 2007 MEETING MINUTES DRAFT

Date: January 10, 2007
Time: 7:45 a.m.
Location: City Hall, Room 202

Members Present: Phil Herr, Josephine McNeil, John Wilson, Jeanne Strickland, Andrew Franklin, Henry Korman, Maritzie Rudden and Carol Ann Shea, Bart Lloyd

Members Absent: Lynne Sweet, Ellen Feingold, Kay Khan, Nancy Andersen, Deb Crossley, Liz Kirsch, David Stein, Dan Violi

Guests: 254-262 Derby Street development team

Staff: Steve Gartrell, Trisha Kenyon Guditz and Margaret Siciliano

Minutes prepared for the Housing Partnership by Trisha Kenyon Guditz, Housing Development Coordinator.

December minutes: Minutes from the December 2006 Housing Partnership meeting were approved with one change on page 3 requested by Henry Korman. (The December 2006 minutes have been corrected.)

Disability Audit results: Margaret Siciliano, Housing Development Planner, summarized the results of the *Disability Discrimination Audit of the Housing Market of Newton, Massachusetts* by the Disability Law Center dated January 2007. The audit, the only study of its kind in the country, revealed significant barriers to equal housing opportunities for individuals with disabilities across all disability categories. Overall, evidence of discrimination was found in 48% of the 52 paired tests conducted. The audit was designed and conducted using a group of subject testers from six different protected disability categories, each of whom was paired with a nondisabled control tester. Tests were conducted to reveal discrimination relative to differential or unequal treatment and failure to provide reasonable accommodation or reasonable modification.

Henry Korman, Chairman, Fair Housing Task Force, provided a context for the disability audit summary by explaining that the disability discrimination testing was part of an overall effort to expand and improve the City's Analysis of Impediments to Fair Housing Choice. He reminded the members that the genesis of the Fair Housing Task Force was to widen the lens on fair housing issues in the City and begin to understand that obstacles to fair housing include more than housing affordability. He explained that after the audit results are publicly released at the Mayor's press conference on January 16, next steps include an education campaign targeting the real estate industry

and a follow-up audit of new construction and recent rehabilitation projects to determine if they are in compliance with Architectural Access Board (AAB) requirements. This audit would require additional financial resources that the Task Force is prepared to seek. He added that it is important to improve the City's internal capacity to review plans for AAB compliance.

Josephine McNeil said that important policy issues are embedded in the process to be compliant with AAB requirements and asked where the responsibility for compliance lies within the City. She added that certain characteristics of a building project (e.g. the use of federal funds, for example) trigger different requirements. She asked if the Housing Partnership wanted to ask for more robust requirements even if a specific project did not trigger particular access requirements.

Josephine McNeil asked if there was an inventory of the need for accessible units.

Henry Korman responded that there is data from housing and service providers on the need. A statewide registry of accessible units helps identify the inventory.

Phil Herr stated that Lowell Haynes (a planner in the Planning Department's community development division) reports that often AAB compliance is not met. He added that AAB compliance is a complicated issue.

Steve Gartrell said the City is looking at the issue of who is responsible for enforcing AAB requirements. He said that the Commissioner of the Inspectional Services Department (ISD) plans to get training for his staff and that the Director of Health and Human Services (HHS) is responsible for coordinating with City Departments including ISD and the School Department on access-related issues. The City's ADA/Section 504 Coordinator is a staff position in the HHS Department.

Conflict of Interest memo update: Steve Gartrell updated the members on the status of his conflict of interest memo reporting that he needed to submit a letter to HUD seeking clarification before the Housing Partnership could discuss the issue further.

Local Preference: Henry Korman provided a summary of the policy discussion related to developing a uniform and consistent local preference statement. He explained that the Fair Housing Task Force had started reviewing all the operational local preference policies in the City (inclusionary zoning, Community Preservation Act, first time homebuyer programs, etc.) about six months ago. The Task Force wanted to develop a local preference policy that, ideally, all stakeholders would use (e.g. Planning Department, Community Preservation Committee, Newton Housing Authority, Board of Aldermen---for special permits for inclusionary zoning projects). In addition to being employed uniformly, the Task Force wanted the policy to meet 40B/Local Initiative Program requirements so that units could be counted on the MA Department of Housing and Community Development's Subsidized Housing Inventory. Henry explained that the Task Force wrestled with whether there should be a local preference policy since the members did not want to give weight to Newton's demographics (principally white and affluent) and reinforce discriminatory behavior or patterns of segregation. Ultimately, the task Force agreed that it was not politically feasible to not have local preference guidelines.

Phil Herr stated that having a local preference is an appropriate action to take and not entirely due to political pressure. He then said that since there wasn't a quorum, the members couldn't vote to

accept the recommendation from the Fair Housing Task Force to approve the local preference policy.

254- 262 Derby Street continued: Steve Buchbinder updated the Housing Partnership on the changes to the plan since the last NHP meeting in December. The plan now includes a sidewalk, which the members requested at their previous meeting, the driveway has been narrowed from 18 feet to 16 feet at the entrance and unit one, the front building, has been pushed back. In addition, all the units will have sprinklers. The project still includes eight total units, four of which can be made adaptable.

John Wilson remarked that the privacy of the units (on the exterior) has been delineated and retained.

Josephine McNeil asked if there were any plans, beyond an energy audit, to make the development comply with Energy Star requirements. The team responded that this is an issue that has not been examined yet.

Phil Herr asked if there were any provisions for handicapped ramps if needed and wondered how wheelchairs would access the units (visitability). The members said that the team needs to look at making sure the sidewalk is accessible throughout the site.

The team said that floor plans of the units, which were not available at the meeting, would be distributed to the members who were interested in reviewing them.

The members asked Phil Herr to modify his draft letter to the Zoning Board of Appeals (ZBA) based on the work the development team accomplished since the last meeting. With the conditions noted, the members voted to approve the letter to the ZBA.

Josephine noted that sustainability should be part of the member's purview since reducing operating costs helps with ongoing affordability.

Phil Herr and Josephine McNeil urged the Housing Partnership to consider asking developers to make efforts beyond meeting state and local building codes relative to sustainability (for future projects).

The meeting was adjourned at 9:30 a.m.