

FAIR HOUSING COMMITTEE

October 7, 2009 Meeting Minutes Approved November 14, 2009

Fair Housing Committee members in attendance: Sheila Mondshein (chair), Nadine Cohen, Phil Herr, Josephine McNeil, Esther Schlorholtz

Staff: Bev Droz, Trisha Kenyon Guditz, Robert Muollo, Jr.

1. Review and approval of previous minutes

The committee approved the August and September minutes, as revised.

2. Membership issues and FHC webpage

Sheila began by confirming that Ms. Lischinsky is unable to join the Fair Housing Committee due to health reasons.

Sheila continued by stating that Rob Caruso, Co-Chair of the Mayors Committee for People with Disabilities, will ask if a member from that committee would be able to serve as liaison member to the Fair Housing Committee as well. Sheila will keep the Fair Housing Committee informed of any updates.

Sheila also informed the Committee that Marianne Ferguson asked to resign because of long-term schedule conflicts. It was noted that Ms. Ferguson is able to officially resign once a written letter is sent to the Chair of the Fair Housing Committee and the Mayor, as per the Statement of Mission and Organizational Structure.

The committee then discussed where potential new members could be recruited from. Josephine will speak with Amy Sangiolo to inquire about the possibility of a representative from the Asian American community and Sheila will then contact Roberta Rosenberg.

Nadine also suggested that the Committee call the Disability Law Center for recruiting purposes. Sheila agreed but thought that getting someone from the MCPD first would support joint action by the two Committees on Newton-specific issues. Also, the FHC's organizational document speaks of having a representative from the MCPD.

Regarding the Fair Housing Committee Webpage:

Robert explained to the Committee that currently no information exists on the City's website that provides information about the Fair Housing Committee. Robert presented draft content to the

Committee, which included the Fair Housing Committee's mission, roles and responsibilities, links for minutes and agendas, and a membership list.

Nadine suggested listing the names of the members on the membership list but not addresses and also adding language in the section of the webpage about the filing of a complaint, reminding webpage visitors that if a discrimination claim is not filed within 300 days of the act, the complainant will lose their rights. The Committee agreed on both points.

3. Activities for FHC for FY2010 (CDBG funds)

Sheila gave the Committee a rough list of proposed fair housing activities for use of Fair Housing Committee FY10 funds. Sheila asked if the Boston Fair Housing Center currently has sufficient capacity to conduct fair housing training. Nadine said that various board members at the Boston Fair Housing Center are available to conduct fair housing training, and that the Massachusetts Commission against Discrimination is also knowledgeable in fair housing issues as well. The opinion was expressed that Lawyers Clearinghouse attorneys may not have appropriate expertise on fair housing.

Phil described the potential design issue for accessibility surrounding the development at 192 Lexington Street and Trisha gave a brief update to the Fair Housing Committee on the issue, saying that progress is being made toward a resolution.

Nadine and Phil then discussed the necessity for accessibility in housing developments in the City. Trisha said the City lacks overall expertise in accessibility laws and stated that experts she has been in contact with at both the state and federal level have explained that access laws and regulations are very complex.

Nadine noted that it is important for accessibility issues to be flagged or identified early, and that there is no adequate process currently in place within the City. Phil added that there has been very little movement in this area for years. Both Sheila and Phil agree that a systemic approach must be taken and that training at the City staff level alone would not resolve the issue.

Regarding number two on the proposed activity list for FY10, which states; *"Provide fair housing training on familial status discrimination to City officials and housing decision makers,"* Sheila will change the language from *"familial status training"* to *"general training."*

Josephine suggested that the lessons learned from the Westchester County Case should be a significant topic in training sessions for the Board of Alderman, Zoning Board of Appeals, and other City officials. Nadine said that there may be this type of training through the Boston Bar Association Individual Rights Committee, with which she is working. Nadine and Sheila will follow up on fair housing training that integrates the Westchester County case.

Josephine noted that training should be recurring for those groups that underwent training during the FHIP grant activities because of subsequent staff turnover.

Regarding number six on the proposed list of activities for FY 2010, which states; *“Provide fair housing training on ongoing basis to real estate agents (and recommend a signed fair housing form for them to use for property listings),”* Esther asked the Committee whether signing such a form could give rise to some liability. Josephine suggested speaking to realtors first. Nadine suggested structuring a form to simply say that the realtor office will comply with Fair Housing Law. Phil reminded the Committee that it is just an idea at this point and further discussion is needed.

Bev suggested that a revised list of activities for FY10 is emailed to Committee members for more extensive feedback. Sheila will edit and prioritize the list with a timetable and then email it to Committee members for feedback.

4. Discussion on Consolidated Plan needs assessment and strategies sections

The Committee received both the draft Accessibility Needs Section of the Needs Assessment and the Housing Strategies section of the Consolidated Plan before the meeting for review.

Phil asked that a fifth need of building capacity to prevent the creation of future fair housing-related problems be added beginning on page 145, and suggested adding a heading with the language “guidance and enforcement system” for this need. He also said that the topic needs to be addressed more fully in the plan.

The Committee then discussed this section’s description of the City’s current system for accessibility compliance including the responsibilities of the Health and Human Services Department.

Trisha said that the exact wording can be worked on by Staff and that the Fair Housing Committee will receive the revisions back for discussion at the next meeting.

At the first sentence of the bottom paragraph of page 145, the words *“federal and state fair housing laws, Section 504 of the Rehabilitation Act (Section 504),”* will be added following the words *“to assure compliance with.”*

Regarding the draft Housing Strategies section of the Consolidated Plan:

Trisha explained to the Committee the draft Housing Strategies section of the Consolidated Plan, including the matrix format that HUD requires.

Josephine believed that identification and utilization of resources to accomplish strategies should expand beyond city - held resources and that a strategy be developed that the City work with agencies to look more comprehensively at available resources.

Trisha and Josephine suggested that the HUD format limits the ability to address the needs and strategies of the community in a holistic manner. Esther suggested finding ways to include specific community needs and strategies and incorporate them into the HUD format.

Phil suggested dropping “*consider*” from the first and second strategies, and start from “*target*.”

Sheila wondered why steps #5, 10 and 12 of the Fair Housing Action Plan are the only steps referenced in the fair housing strategies. Sheila believed that the strategy for fair housing spoke to more steps in the Action Plan, such as #3, #8, and # 11 and that it should not be limited to just steps #5, 10, and 12.

Trisha agreed and will reassess what steps from the Fair Housing Action Plan should be referenced in the draft Housing Strategies section of the Consolidated Plan.

5. Discussion of AI for FY 2011 – 15

Due to time constraints, the Analysis of Impediments to Fair Housing for FY11 – 15 will be tabled for next month’s meeting. Phil suggested structuring the discussion using a different format than one presented by Robert that just lists the impediments and actions.

6. Question regarding neighborhood approval requirement for housing funding applications

The question posed to the Committee asked when it is appropriate to seek neighborhood input and when a notice can just be sent to the neighborhood when a housing development is proposed. Trisha explained that no distinction is presently made regarding specific protocol in this regard in the City’s current application form for developers to follow. Trisha will provide the One-stop and the CPA application at the next meeting.

7. Other matters (Westchester County law suit settlement information on fair housing website; request concerning Privacy Act issue; David Norton appearance at next meeting)

Sheila asked the Committee if they want David Norton, the City’s Zoning Enforcement Agent, to appear at the next meeting or wait for a later date. Esther suggested that the group needs to be better educated on the City’s compliance process before anyone comes in and doing so will help crystallize questions for David. City Staff will provide the Fair Housing Committee with input on the City’s compliance process at November’s meeting and David Norton will be asked to attend a Fair Housing Committee meeting in the future.

Sheila reported that an individual who raised an issue concerning a violation of her Privacy Act rights by the Newton Housing Authority has received a written response from HUD agreeing with that individual. Sheila has not seen the letter from HUD personally and will confirm the facts before advising the person about filing a fair housing complaint, which the individual is considering. Josephine wondered if there was a venue in the City that handles Privacy Act issues and asked if privacy would fall under the purview of the Human Rights Commission. Sheila will get a copy of the letter. Both Phil and Esther agreed that a supportive response from the appropriate committee to the Newton Housing Authority should follow if the letter is definitive.

Regarding Westchester County lawsuit settlement information on the Fair Housing Website – Sheila and Rob will follow up on this item after the meeting.

The meeting was adjourned.