

NEWTON FAIR HOUSING COMMITTEE

Newton Housing & Community Development Program
1000 Commonwealth Avenue Newton, MA 02459. Phone 617-796-1156. TDD/TTY 617-796-7089

June 2, 2010 Meeting Minutes

Fair Housing Committee members in attendance: Sheila Mondshein (Chair), Phil Herr, Josephine McNeil, Esther Schlorholtz, Doug Sweet

Fair Housing Committee members absent: Nadine Cohen, Henry Korman, Susan Paley

Staff: Robert Muollo, Jr., Trisha Guditz

Materials Distributed to Members:

- June Agenda
- Draft May Minutes
- "Integrating the "Guidelines for Uniform Local Resident Selection Preferences in Affordable Housing" Matrix

The meeting began at 8:11 a.m.

1. Review and approval of May minutes

The FHC noted that the following corrections were needed for the May minutes: the minutes did not reflect that Esther was present at the meeting; the date of the deadline for the Architectural Access RFP was May 28th, not May 21st and a time of adjournment needed to be added at the end of the last page. The minutes were approved as revised.

2. Status report on: FHC appointments, Section 8 landlord program, responses to architectural access consultant proposal, and local resident selection preference implementation

Regarding FHC appointments, Robert spoke with the Executive Office; he should be hearing about the status of Girard's appointment in a week. Regarding the Section 8 landlord program, Robert said that planning is on hold while a key member of the task force was away on vacation. The task force will reconvene during the summer and is still hoping for an event in September.

Esther recused herself prior to the discussion regarding the responses to the

architectural access consultant proposal due to the fact that she is a board member of the Metropolitan Boston Housing Partnership. Sheila reported that MBHP was the sole respondent to the RFP. When asked if the RFP garnered any interest from other organizations, Trisha said that one organization asked for and received additional information, but no other questions were received by housing staff.

Josephine asked if there was a set price. Trisha said the maximum price was \$25,000. Following discussion, Phil moved to approve MBHP's proposal, Doug seconded and the motion passed with 4 yes votes and 1 abstention. The FHC agreed that they wanted to meet with the MBHP consultant prior to the start of work.

Regarding local resident selection preference implementation, Phil made the point that the City's housing program documents should be clear when Appendix C of the Fair Housing Action Plan is applicable for that particular program and when it is not and furthermore that all contradictory language should be removed from the documents.

As an example, Phil said that the City's inclusionary zoning housing plan guidelines need to be updated to reflect the updates recently made to the inclusionary zoning ordinance. This means including specific language about the City's fair housing policy and that the document needs to refer the applicant to Appendix C for further guidance.

Esther suggested that after the changes in the housing program documents are made, they should be shown to the FHC for their review.

Josephine asked whether a local residency preference is actually being required for all projects and if so what the developer's reporting burden would be. She questioned whether a local preference was feasible for two unit projects. Staff will contact DHCD to see how DHCD has dealt with local preference and small developments. Staff will also review the language used in Appendix C and consider whether any revisions are necessary to clarify its purpose.

3. Question regarding neighborhood notification requirements for housing Development

Josephine said the City's requirement of notification to abutters and Aldermen may have fair housing implications because opposition to the project may be based on the project type or whom the project will serve, such as affordable housing or for persons who are developmentally disabled.

Trisha said the lender, in this case the City, has an obligation to conduct some outreach around the project. Sheila raised the point that not in my back yard (NIMBY) opposition by residents to housing itself is not a violation of fair housing law because of the constitutional right of free expression unless there is interference or coercion. However, if official action is taken on that basis that opposes the project or negatively affects it

there may be a violation. Phil asked if Department of Mental Health or Department of Developmental Service projects are required to notify the neighborhood or Ward Aldermen. Trisha said they do not.

Phil suggested that rather than the City requiring the developer to notify the neighborhood and Ward Aldermen, the City should instead advise the developer to conduct such notification. Esther also suggested that Aldermen should be notified that they do not have the right to make changes, as these types of projects are by-right. Another option would be to notify just the Aldermen, not abutters.

4. Brainstorming session on next year's work plan- including training and public information programs and other possible activities

Sheila said that HUD is expected to soon be releasing new fair housing rules and guidance on the affirmative duty to further fair housing, although the exact date of their release is unknown. This information will dictate much of the content of the specific program planned on that subject. Josephine pointed out that it is important to reach out to boards, commissions and decision makers. Because little time remained to discuss other training and public education programs for next year, Sheila and Robert will develop some brainstorming topics for next month's meeting.

The meeting adjourned at 9:43 a.m.