

LINCOLN HOUSING COMMISSION
Minutes (Open Meeting)
Wednesday, February 3, 2021 7:00 p.m.
Virtual Meeting Pursuant to Gov. Baker's March 12, 2020
Order Suspending Certain Provisions of the Open Meeting Law

Present:

(Commission members) Victoria Benalfew; Rachel Drew; Evan Gorman (Vice Chair); Allen Vander Meulen (Chair).

Not present: Keith Gilbert.

(Staff) Elaine Carroll (Housing Administrator).

Invited participants: Abigail Butt, Director of the Lincoln Council on Aging; Paula Vaughan, Director Town of Lincoln Planning Department; Liz Rust, RHSO.

Chair Allen Vander Meulen called the meeting to order at 7:06pm.

Death of Former HC Chair Pam Gallup

At the start of the meeting, Allen announced the passing of Pam Gallup, former Chair, longtime friend, and diligent co-worker on the commission this past Sunday (January 31, 2021). He noted her many years of service to the Commission's mission of preserving and increasing the availability of Affordable Housing here in Lincoln. Among many other things, she was the driving force behind the development and approval of Lincoln's Affordable Accessory Apartment program, the final piece of which – a property tax rebate – was recently approved by the State Legislature.

Executive Session

At 7:08 pm, Allen Vander Meulen made a motion to enter into Executive Session per MGL C. 39, s23B Exemption 1: "to comply with a general or special law to protect individuals' privacy under C. 214, and/or public records law: and return to open meeting. Evan Gorman seconded the motion. Roll Call: Allen – aye; Victoria – aye; Rachel – aye; Evan – aye. Others authorized to stay: Abigail Butt, Paula Vaughn, Liz Rust and Elaine Carroll

At 7:32pm the Commission returned to Open Session.

RHSO Report (Liz Rust)

Ms. Rust reported on the RHSO's recent activities, based on the RHSO's recently distributed quarterly report. With respect to activity on behalf of Lincoln, the RHSO has been very busy with the resale of Affordable Condominium units here in town – ensuring that the sales agreements are in line with requirements to remain on the town's Subsidized Housing Inventory. This can be quite a challenge, since the income "window" for potential buyers is extremely narrow, complicated by the age and condition of the units, as well as the very high Condo fees at Battle Road Farms, where most of the town's Condominium Affordable Units are located. There are also five different versions of the Deed rider used to preserve a unit's status as "Affordable" – these riders have been updated over the years, but can be updated for a particular unit only when the unit sells, which can be decades – hence the multiple versions currently in use here in town.

Also, the RHSO is auditing all of the Condominium units to ensure that the owners have not refinanced or taken out loans based on their equity in their home without the town's approval – which would be a violation of the Deed rider.

Allen raised the question of the status of corrections for several mistakes on the town's "SHI Inventor." These errors had been identified by Pam Gallup in her recent review of that inventory, which is posted on the RHSO website; and an email with her findings sent to Paula Vaughan and Liz Rust. Liz asked that Pam's email be re-sent to her and Paula so that they can review and address the concerns. Allen said that he would do so.

There were a number of minor questions from Commission members and from Abigail Butt about the status of various Affordable units here in town, particularly the Affordable units in the Flint Building at The Commons; and the status of the 15 affordable units at Oriole Landing.

New Housing Choice Law

Rachel Drew had been tasked with making a presentation on this topic in this evening. Liz Rust and Paula are also familiar with the new law, and so were invited to stay and provide additional input.

In summary, the most significant items that could impact Lincoln include:

1. For any proposed zoning change or granting of a permit to allow by-right multi-family housing, mixed use development or accessory dwelling units zoning no longer requires a 2/3rds vote (at a Town Meeting or a "Special Permitting Authority" [such as the Planning Board or ZBA?]) but a simple majority.
2. There must be a "district of reasonable size" in which multi-family housing is permitted by right within a half mile radius of any MBTA transit station – whether bus or train stations.
 - a. A density of 15 units per acre is required within this "reasonable sized zone." (The ½ mile radius area around Lincoln Station is currently at 1.3 units/acre.)
 - b. The DHCD is working on rules and regulations to define what this means and implement it.
 - c. This is considerably larger than the area currently being considered by SLPAC.
3. Unless we conform, we could lose access to many state grant programs.
4. There will be a "Housing Choice Program" administered by DHCD. Communities will qualify to be part of the program if 5% of their building permitted units issued within the last 5 years are affordable. We can also qualify if we have 3% and have adopted 5 of the 11 "Best Affordable Housing Practices."

At this point there were a number of questions about several sets of affordable apartments on the town's SHI and exactly when they were added to the SHI; including those at Oriole Landing and The Commons.

AAA Program Status

Allen gave an outline of the AAA Programs main points and current status for the benefit of the newer members of the Commission, Liz Rust, and Paula Vaughan.

Exactly how the administrative tasks related to the AAA Program will be handled was never explicitly defined. With the RHSO now available, they would seem to be the logical choice for doing

these sorts of things (managing the Lottery & ready renter's list, Affirmative marketing, lease qualification and recertification, etc.)

Liz Rust noted that a number of documents and plans need to be drawn up to support all this, and asked what had been done in that regard. (Loan Documents, Lease Document, Marketing Plan, etc.)

Allen said that we need to go back to the Housing Trust to see if the funds they originally set aside for this program in the Spring of 2017 (\$125,000; enough for 5 \$25,000 grants) is still available. If it is not, then the program probably is not viable.

We will work with Kathleen O'Donnell to finish creating the necessary legal documents, both because she is a subject matter expert in this area, and because she has a much quicker turnaround on work requests than does the Town's Legal Counsel. She was also working closely with Pam on these documents back in 2017.

The specifics of Pam Gallup's negotiations with DHCD are also a bit uncertain. Liz Rust will contact the lawyer at DHCD who worked on this with Pam (Margaux Claire, whom Liz knows) and see if she has any information.

Paula Vaughan noted that the Planning Board is considering modifying the Zoning Bylaws to drop the 10 year waiting period on new construction before an Accessory Apartment permit can be applied-for. (This would be of help to the AAA program, and will require a Town Meeting vote.)

Status Reports

Mouse situation / 75 Tower Road

Aardvark Pest Control Services has said they will come in and do an inspection and evaluation for \$150.00. Allen will contact them to arrange this. Allen has left a message with Gary's Wildlife Services (who focus more on pest exclusion rather than eradication & removal) to follow up on his previous conversation with them, and is waiting to hear back on arranging for them to come and give a quote on sealing the foundation against further intrusion. The commission verbally agreed with this plan, no vote was taken.

The tenant's stove was unsafe due to mouse damage (chewing through a control board & nesting in the insulation). It has now been replaced, and all holes in the area that Gerry O'Doherty could find have been sealed. While the stove was inoperable, the tenant's food costs were much higher than normal. In recognition of this, the commission decided to forgo half of the tenant's rent for the coming month. Evan Gorman made the motion, Victoria Benalfew seconded. Roll Call vote: Evan – aye; Rachel – aye; Victoria – aye; Allen – aye. The motion passed unanimously

Lease Parking clause

Allen reported that Kathleen O'Donnell has submitted a revised "template" lease with the new parking clause included, which will allow us to tow unlicensed or inoperable vehicles left on the properties. The new lease will be used beginning with the next round of recertifications in May/June. Even if a tenant refuses to sign the lease (say, if they object to a rent increase), they will still be obligated to comply with the remaining terms while their objection is being reviewed / adjudicated.

Rent Freeze

In reviewing all rent increases since the State mandated a Rent Freeze this past April, only three of our tenants would have had a rent increase since the freeze went into effect:

- In the first case, the Commission had already granted a compassionate freeze at the tenants older rate due to COVID-related hardship;
- In the second case, the recertification was not completed until November, and so was not enacted;
- In the third case, the tenant is already challenging the rent increase for other (in our Housing Consultants' and Legal Counsel's opinions, invalid) reasons.

In all three cases, the tenants never paid the increased rate, so the issue is moot at this point in time.

ADA Compliant Apartment

Allen reported that Elaine checked with the Town inspector, and out ADA-compliant apartment on Sunnyside does not require that a second entrance have a ramp. Therefore, no further action is needed.

Sunnyside Kitchen Renovation

Evan expressed concern that we've exceeded the \$10,000 limit for the kitchen renovation at 26 Sunnyside. (The large bills for plumbing and electrical work were not anticipated.)

It turns out that we are still OK. The majority of the bill was still for Gerry's time, which was done under the terms of our contract with him for general maintenance of our properties. The additional work (material purchases, subcontractors) is well under the \$10,000 limit.

Approval of Minutes

Rachel Drew moved to approve the Open and Executive Session minutes of our January meeting. Evan Gorman Seconded. Roll Call vote: Victoria – aye; Evan – aye; Rachel – aye; Allen – aye. The motion passed unanimously.

Adjourn

Evan Gorman moved to adjourn. Victoria Benalfew Seconded. Roll Call vote: Victoria – aye; Evan – aye; Rachel – aye; Allen – aye. The motion passed unanimously. And the meeting was adjourned at 8:35pm.

Approved: March 3, 2021