

**Lincoln Housing Commission
Virtual Meeting Minutes
Wednesday, May 5, 2021 7:00 p.m.**

Members Present on Zoom Teleconference: Allen Vander Meulen, Chair; Evan Gorman, Vice Chair; Victoria Benalfew; Rachel Drew; Keith Gilbert.

Others present: Elaine Carroll, Housing Commission Administrative Assistant; Abigail Butt, COA Director; Mike Dolan, IT Manager; Paula Vaughan-Mackenzie, Director, Planning Department

The meeting was called to order at 7:15 p.m. by Allen Vander Meulen.

Tenant Manual Update

In response to questions from Keith Gilbert, Allen explained the Tenant manual is several years old and needed a number of changes to reflect new policies and other changes / corrections. Some of the updates were made by Elaine, and Allen added-in language to reflect new or revised policies (Car Policy and Pet Policy), as well as making sure that the cross references in the manual are consistent with the new lease template.

Allen also added an acknowledgement form which the tenant will need to sign when they receive the manual, and which will be kept in the tenant files maintained by Elaine.

Rachel Drew expressed concern that the Car Policy in the manual (and lease) did not accurately reflect past decisions, since the Commission is concerned that the car a tenant drives may not be registered in their name, which the new lease template and manual say is a requirement. For instance, a car could have been donated or gifted to them, or could be a company vehicle.

Abigail Butt also noted that gifted cars need to be counted as income which will impact a tenant's rent. Allen noted that the Commission has not had a good way of tracking this in the past, but that there is a spot on the rental certification worksheet for the reporting of such gifts.

The Commission agreed that we will need to give our tenants a long lead time to conform to the new parking policy, and will refer those asking for help to the COA.

Abigail agreed, as it will also give the COA plenty of time to work with those who need help to license/repair (or dispose of) their cars. She also suggested that we give a second warning about halfway through the leniency period.

Rachel also raised a concern regarding confusing wording in section 19 of the Tenant Manual which seemed to imply (incorrectly) that any tenant moving out is responsible for the costs of finding a new tenant. (In fact, this is only true if a tenant vacates their apartment prematurely.) Allen agreed to revise the manual's wording.

At this point, Elaine noted that the Town has quite a long Renter Waiting list: about 40 people, of whom 26 are waiting for a one bedroom unit. Many have been on the list for years. The list is not updated until an apartment becomes available, at which time a notice is sent out to all persons on the list are looking for an apartment of the vacant apartment's size.

Status Reports:

1. Housing Trust (& AAA grant confirmation request)

Keith reported that the Housing Trust will meet tomorrow (May 6th), and one of the items on the agenda is our request for the Trust to confirm it's grant of \$125,000 in support of the AAA program that it approved back in the Spring of 2017. Now that all the pieces of the program are falling into place, it seemed necessary after all this time to confirm the funds are still available.

During the course of this discussion, Allen noted that the Planning Board is requesting changes to Lincoln's Accessory Apartment Bylaw at this year's Town Meeting that will better support the AAA program. Paula confirmed this is the case, and stated that the AAA specific language exempts Affordable Accessory Apartments from the limitation on the number of Accessory Apartments that can be permitted within the Town. This was done to ensure that the proposed Bylaw changes do not negatively impact the AAA program.

Abigail noted at this point that CORI checks (which we will be doing on prospective tenants as a service for AAA owners) can be done by the COA at no additional cost to the town.

2. SLPAC (and the Housing Choice Act)

Rachel reported that there has been one SLPAC meeting since the last HC meeting. The next will be on April 20th. SLPAC is currently finalizing and preparing to publicize / distribute a survey that will be going out to the town asking for input on what the priorities should be down in the Lincoln Station area.

The big issue in the last meeting was whether or not the survey (and, by extension, SLPAC itself) would consider the residential portion of the Lincoln station area that is south of Lincoln Road as within the scope of their work - or not. The decision was made to not include those areas in either the purview of the survey or the purview of SLPAC itself.

Paula added that there is already quite a bit of moderate-priced housing in that area: the so-called "Flying Nun" ("Ridge Court") Condominiums; and the Ridge Road Condominiums. It seemed unnecessary to include these already existing moderate-priced units in the discussion about creating more moderate-priced housing in the Lincoln Station area; nor did the residents of those condominiums want their neighborhoods to be included within the scope of SLPAC's work.

In response to a question from Keith, Paula gave a brief synopsis of the possible impact upon Lincoln of the State's newly adopted Housing Choice Act (HCA).

Basically, much of the impact of the HCA will be definition driven, and how neatly those definitions fit into Lincoln's existing Zoning Bylaws will have much to say about how, and how much, the HCA will impact the town. We already have a Bylaw for Accessory Apartments. So, when the HCA says "You need 50% to pass (instead of 2/3rds) at a Town Meeting when voting on a Bylaw to create Accessory Apartments" - We won't be doing that because we already have the Bylaw - so we will still need to approve changes to that existing Bylaw with a 2/3rds vote.

Secondly, our Accessory Apartment Bylaw map well into the State's Accessory Apartment definitions and constraints - and those limits are very fuzzy still. It will take DHCD a while to clarify what all the new language means, and they and the AG will determine how that applies to Lincoln (and to Town Meeting votes).

In Paula's opinion it looks like the law will require us to create more housing "By Right" at a density of 15 units per acre in an area "of reasonable size" within half a mile of the train station - and will require a 2/3rds majority at a Town Meeting vote.

A stumbling block is the "By Right" aspect of the HCA. Lincoln prefers to require special permits, which enables us to have more leverage/control over the process. This is explicitly not allowed under the new law. "By Right" means we could continue to require Site Plan Review and design guidelines, but not a special permit.

Rachel then said all this has introduced a lot of uncertainty in terms of the purview of SLPAC's work and the overlap of their work with regards to the HCA; as well as how to comply with it so that the town does not lose out on access to the grant funding the state will be offering in return for compliance with the new law.

Paula is hopeful that guidance will be coming from DHCD this September. The commission members and Paula also discussed the precarious health of many of the businesses in Lincoln Station, and recent losses of retail tenants in the RLF's mall. Providing some sort of support and increased customer traffic sooner than later is important - which is a primary goal of SLPAC.

Keith noted that RLF's property seems a prime spot for the redevelopment of the property for mixed use (Residential / Commercial). In response to a question, Paula said that the plan for Solar Awnings has been put on hold in light of other development priorities.

3. Council On Aging

Victoria reported that the COA is participating in the WIDE (Welcome, Inclusion, Diversity, Equity) Training that is currently being offered to the Town's Boards and Commissions. (Rachel Drew noted that she and Keith Gilbert are both participating in on behalf of the Housing Commission, and that they should have something to report on it at the next Housing Commission Meeting.)

4. CPC

Evan reported that the CPC's slate of proposals for inclusion in the Town Meeting Warrant is completed, and so they are done for the year. The sum of the funding requested was less than the funds available to the CPC this year. So, unlike last year, none of the approved projects had to be restructured or cut before finalizing the list for the CPC's warrant article at Town Meeting.

Allen reported that he has raised concerns with the James Craig, Chair of the Housing Trust, because at least two housing - related projects (The Emergency Rental Assistance Program and the annual funding for the RHSO) were approved this year without the input or approval of the Housing Trust. - Although the Housing Trust did approve the initial RHSO grant before it was submitted to the CPC in the previous Fiscal Year.

This is a concern because by the CPA law requires that 10% of the CPA funds managed and allocated by the CPC be dedicated to Affordable Housing-Related projects. Each year, the unused balance of that 10% is transferred to the Housing Trust for future use. The issue is that if the Housing Trust is not involved in these decisions, then less money than expected will be transferred from the CPC to the Trust each year, without the Trust having a say in the matter, resulting in less money available when needed for Housing-related needs in the future. Hopefully this issue will come up in the Housing Trust meeting tomorrow night.

Paula asked whether the grant for RHSO funding would have decreased the amount of funds going to the Trust. Allen said he thinks it could, but isn't sure how it is actually being handled.

5. Tenant Status and Maintenance

a. 26 Sunnyside

Victoria reported that - as she related last month - the tenant has accepted taking her husband off the lease. Allen has written the draft of a letter informing her of the rent change, and has had the letter vetted by our Housing Commission Lawyer, Kathleen O'Donnell. We are working on recalculating the tenant's monthly rent with the help of Liz Rust at the RHSO. The one remaining question is the effective date of the rent change, which will require a vote of the Commission.

Victoria Benalfew moved that the effective date of the rent change be made retroactive to January 1, 2021. Rachel Drew seconded. Roll Call vote: Evan, Aye; Victoria, Aye; Rachel, Aye; Keith, Aye; Allen, Aye. The motion passed unanimously.

Abigail Butt mentioned that Victoria's work seems to have helped the tenant to be more responsive to the COA's attempts to help her in other ways.

b. 75B Tower

Evan reported that there was a \$671 repair bill for a toilet replacement.

(Abigail Butt and Paula Vaughan-Mackenzie both left the meeting at this point.)

c. Other Issues?

No other tenant-related issues were discussed.

6. Finances

Allen said the Commission receives a financial statement for the Housing Commission's Revolving Fund about the second week of each month from the Town's Finance department for the month ending prior to the previous month. - i.e., The most recent statement was for the month February, which we received in the second week of April.

As of the end of February, we had about \$119,000 in the revolving fund, and this was after the expenditures for the kitchen renovations at 26 Sunnyside.

In response to a question from Rachel, Allen said that his understanding is that the Commission should keep between \$25,000 and \$100,000 in the fund. If it ever falls below \$25,000 it is to be replenished from the Housing Trust's funds, but this has not happened since Allen joined the commission in 2014. The fund's primary source of revenue is the rental payments from our tenants.

Although several tenants are behind on their rent, and we're about to see a big drop due to the reduction in rent for another tenant, the fund has a healthy balance at the moment. That should not change any time soon, but a single major renovation or repair could substantially impact the balance we have.

In response to a question from Evan, Allen said that there are no major repairs anticipated at present. We have reviewed the list of needs from time to time over the years, and Allen recently touched base with Gerry to confirm this as well. We anticipate a major renovation and perhaps expansion at 65 Tower when the current tenant leaves. He is happy as it stands though, and is unlikely to move in the next few years. So, nothing is expected to be needed soon.

We do have some significant landscaping and driveway repair needs at 75 Tower, but the last time we approached the Conservation Commission on this (in about 2015) they required a detailed Landscape Architect's plan before they'd even consent to hearing a proposal from us. (The entire house is within 50 feet of wetland, so they have jurisdiction.)

Problems at 75 Tower include: (1) Ancient and degraded concrete curbing that causes significant problems for trucks, especially snowplows; (2) Compaction and erosion along the road where hikers of the local trail across the street frequently park the cars - the erosion is due to rainwater sluicing down the Tower Road; (3) erosion and loss of topsoil in most of the front yard.

Rachel proposed that we go back to the Conservation Commission - since it has been some years since we last spoke to them about this - and see exactly what they need from us to evaluate and approve our proposed landscaping and driveway/parking area repairs; then (depending on what the CC asks of us) get estimates for the cost of a proper landscape survey and perhaps a quote from Landscape architects for designing the revisions.

Allen committed to finding his documentation for the proposal from 2015 and get it to Evan. So that Evan can take the lead on this and interface with the Conservation Commission.

Other updates and issues of note

Allen noted that he had accepted the Chairmanship of the Commission last September for one year only. And, with the anticipated increase in workload in his responsibilities outside of the Housing Commission, he will not be able to devote the time to the HC that he has for the past year. Finally, he does not think it healthy for one person to remain Chair for years at a time. Others should take their turns as well. He said we don't need to make a change right now, but just wanted to make sure it was on everyone's radar for this Fall. He doesn't mind continuing as Vice-Chair if requested to do so.

Approval of minutes from April 14, 2021

Rachel Drew moved that minutes from the April 14th meeting be approved as written. Victoria Benalfew Seconded. Roll Call vote: Victoria, Aye; Evan, Aye; Rachel, Aye; Keith, Aye; Allen, Aye. The motion passed unanimously.

Schedule Next Meeting

The commission saw no reason to consider changing the date of the next regularly scheduled Housing Commission meeting, so it remains Wednesday June 2nd at 7:00pm.

Keith Gilbert moved that the meeting be adjourned. Evan Gorman Seconded. Roll Call vote: Rachel, Aye; Victoria, Aye; Evan, Aye; Keith, Aye; Allen, Aye. The motion passed unanimously and the meeting adjourned at 7:31pm.

Submitted By Allen Vander Meulen

Approved: June 2, 2021