



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

August 30, 2018

REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

| Attendee Name | Title | Status | Arrived |
|--------------------|---------------------|---------|---------|
| Mark Niedergang | Chair | Present | |
| Lance L. Davis | Vice Chair | Absent | |
| Mary Jo Rossetti | Alderman at Large | Present | |
| Matthew McLaughlin | Ward One Alderman | Present | |
| Katjana Ballantyne | Ward Seven Alderman | Present | |

Others present: Frank Wright - Law, Eileen McGettigan - Law, Shannon Phillips - Law, Bryant Gaspar - OSPCD, Lauren Drago - OSPCD, Tim Snyder - Mayor's Office, Annie Connor - Legislative Liaison, Peter Forcellese - Legislative Clerk.

The meeting took place in the Committee Room and was called to order at 6:30 PM by Chairman Niedergang and adjourned at 8:04 PM.

Approval of the July 9, 2018 Minutes

| | |
|----------------|-----------------|
| RESULT: | ACCEPTED |
|----------------|-----------------|

206394: That the City Solicitor provide update this Board on drafting a home rule petition to change the name Alderman to City Councilor.

Mr. Snyder and Mr. Wright told the committee that there are 50 incidences where the name of the legislative body would have to be changed, and because this is not a controversial matter, it's expected that a draft should be ready for the city's legislative delegation soon. There are several procedural steps that need to be taken at the state level, and those will take some time due to the legislature having informal sessions. The item must be passed by December 31st of this year,, or it would have to be re-filed again. Mr. Wright noted that the only thing being changed is the name of the legislative body and nothing else would be affected.

| | |
|----------------|-----------------|
| RESULT: | APPROVED |
|----------------|-----------------|

206021: That the City Solicitor draft an amendment to Ordinance 7-46(c) so the non-profit representative on the Fair Housing Commission has to work, but not necessarily reside, in Somerville.

Ms. McGettigan and Mr. Gaspar explained that the amendment was requested to make it easier to get members to serve on the commission, as the existing requirements are too restrictive. Currently, there are 2 vacancies on the 5 member commission. Ms. McGettigan distributed a draft of the amendment for the committee's review. Mr. Gaspar said that this would allow a wider net to be cast when seeking candidates. Alderman Ballantyne expressed concern about 'demonstrated interest' rather than experience and Mr. Gaspar pointed out that the commission is only an advisory board, not a regulatory board, therefore he feels that the change is acceptable. Alderman Rossetti is concerned that the entire commission doesn't have to be Somerville residents and Ms. McGettigan noted that the sponsor of the item (Alderman Ewen-Campen) wanted the income eligible tenant to be a Somerville resident. Alderman Rossetti prefers that 3 commission members live in Somerville. Ms. McGettigan re-drafted the amendment and will submit it as a new item for the BOA meeting on September 13, 2018.

RESULT:

WORK COMPLETED

205464: That the Ordinances be amended to provide fines for violating Ordinance 9-116 Subsection 3 (Construction) of \$100 for first offense and \$300 for each subsequent offense as described within.

Chairman Niedergang relayed information from Alderman Davis regarding this item. Alderman Ballantyne inquired if this might be restricted by state statute and Mr. Wright stated that he believes that \$100 for first offense is fine and that the usual limit is \$300.

RESULT:

APPROVED

203822: That this Board's Committee on Legislative Matters draft appropriate language to require this Board's approval of certain licenses entered into by the City for a term of more than 3 years.

Chairman Niedergang discussed a conversation he had with Alderman White regarding this item. Alderman White's concern is that certain types of arrangements are not contracts, therefore he wants to add the words "or license agreement" to the code. The change is not intended to infringe upon items going before the BOA's Licenses and Permits Committee for approval. Mr. Wright explained that when entering into an agreement to occupy or control state property, the arrangement is called a license rather than a lease. He offered the arrangement for Dilboy as an example to show that the BOA would still have oversight.

RESULT:

WORK COMPLETED

204886: That the City Solicitor and the City Arborist clarify the ordinance requiring tree removal for a new driveway or other construction project.

RESULT:

WORK COMPLETED

206046: That the City Solicitor draft a vacant properties ordinance similar to the one in Arlington.

Alderman McLaughlin explained the ordinance that was passed by the Town of Arlington 6 months ago. The ordinance isn't meant to be extremely rigid, rather, it's a tool to be used to try to eliminate vacant properties. Alderman Rossetti referenced a related item that was also referred to this committee, (#206387: That the Chief Assessor provide this Board with the number of retail vacancies, city

wide.). Mr. Wright informed the committee that the Law Department has begun working on a draft, but the only change made so far was replacing “Arlington” with “Somerville”. Mr. Wright stated that the working draft should not be confused with the department’s official proposal.

Ms. Drago reported that OSPCD looked at real estate listings to assess the scope of the problem, however, the data was inadequate. The data is being 'cleaned' to verify the information prior to it being analyzed. Chairman Niedergang requested that when any data is available, it be sent to BOA members and to the Clerk of Committees. Ms. Connor stated that the City of Cambridge performed an analysis that showed that properties are vacant due to a number of reasons and she encouraged the BOA to review it. Chairman Niedergang asked Ms. Connor to forward the analysis to the BOA. Alderman Rossetti said she appreciates the representative data, but hopes that the Assessing Department will look at the entire city.

Alderman McLaughlin noted that the Arlington ordinance requires property owners to self-report within 7 days or face a fine. He suggested that the fee should at least be equal to the tax break received for keeping the property vacant. The fine would come into play if the vacant property is not registered. Chairman Niedergang requested that the Administration present a draft for the committee to discuss and Alderman McLaughlin asked that it include a fine structure that would not require a Home Rule Petition to be filed. It was noted that fees may only be the amount needed to cover the cost of processing.

RESULT:

KEPT IN COMMITTEE

205801: That the City Solicitor draft an ordinance to require voter registration forms to be displayed and available at Libraries, Public Schools, and the Traffic and Parking Department, and to allow high school students to arrive late to school on any election day if they present proof of voting.

Ms. Philips distributed 2 documents, one of which was a legal opinion stating that 1) allowing high school students to arrive late on election days if proof of voting is presented, and 2) requiring voter registration forms to be displayed in all public school buildings, are matters solely under the jurisdiction of the School Committee and cannot be mandated by BOA legislative action.

Alderman Rossetti asked that Alderman Ballantyne, as the BOA's representative on the School Committee, present the item at the next School Committee meeting.

Alderman Niedergang suggested adding language to section (b) of the proposed ordinance to include City Hall as a third location making voter registration forms available.

RESULT:

WORK COMPLETED

206368: That the Administration present this Board with legal options for granting non-citizen residents the right to vote in local elections.

RESULT:

KEPT IN COMMITTEE

206403: That the City Solicitor draft a home rule petition to grant Permanent Residents the right to vote in municipal elections.

| | |
|----------------|--------------------------|
| RESULT: | KEPT IN COMMITTEE |
|----------------|--------------------------|

199603: Requesting approval of a Home Rule Petition authorizing the City to appropriate funds to assist commercial properties in maintaining and improving exterior storefronts.

This item was withdrawn.

| | |
|----------------|------------------|
| RESULT: | WITHDRAWN |
|----------------|------------------|

199934: That the Supervisor of Inspectional Services create a Rental Registration Program to require owners of 6 or more rental units that are not owner-occupied to annually register those units, pay a registration fee, and provide information to facilitate inspections, notices of violations, and resolution of complaints.

Chairman Niedergang asked the Administration and/or the Inspectional Services Department to inform the committee of their thoughts on this item.

Note: The committee previously discussed this item on April 20, 2017 and received a revised draft from the Law Department on April 27, 2017, in the form of a proposed ordinance. That ordinance was then approved and ordained by the BOA on April 27, 2017.

| | |
|----------------|--------------------------|
| RESULT: | KEPT IN COMMITTEE |
|----------------|--------------------------|

200625: That the City Solicitor review the recently approved Home Rule Petitions for Natick and Framingham re: double pole removals and utility company fines, and report back to this Board.

See #200793

| | |
|----------------|-----------------------|
| RESULT: | WORK COMPLETED |
|----------------|-----------------------|

200793: That the Clerk of Committees request that the State Delegation provide the Committee on Legislative Matters with updates on House #2885 and House #3906.

Alderman Rossetti reported that the city's state delegation responded that the matter was referred for study. She requested that the Administration contact the delegation to get an update on the bills.

| | |
|----------------|--------------------------|
| RESULT: | KEPT IN COMMITTEE |
|----------------|--------------------------|

202313: Assistant City Solicitor responding to #201997 with a proposed amendment of Ordinance 11-71(a) regarding requirements for the construction of conduits and lines.

Chairman Niedergang commented that if the proposed changes were made, the utility companies would be free to change their rates.

| | |
|----------------|-----------------------|
| RESULT: | WORK COMPLETED |
|----------------|-----------------------|

202401: That the City Solicitor draft an ordinance to regulate car rental businesses.

Chairman Niedergang stated that this is already regulated at the state level, so it doesn't make sense to regulate it at the local level.

| | |
|----------------|-----------------------|
| RESULT: | WORK COMPLETED |
|----------------|-----------------------|

203218: That the City Solicitor provide an opinion on whether the city can ban gay conversion therapy and if it can, prepare a draft ordinance.

Alderman McLaughlin reported that this matter might be taken up by the state legislature.

| | |
|----------------|-----------------------|
| RESULT: | WORK COMPLETED |
|----------------|-----------------------|

205492: That the Director of SPCD prepare a report analyzing why the current 20% affordable housing requirement, the \$10.00 per sq ft linkage fee, and other city initiatives are not sufficient to meet the affordable housing needs of the city.

| | |
|----------------|-----------------------|
| RESULT: | PLACED ON FILE |
|----------------|-----------------------|

205789: Housing Programs Coordinator submitting a summary of the Affordable Housing Trust Fund FY18 activity.

| | |
|----------------|-----------------------|
| RESULT: | PLACED ON FILE |
|----------------|-----------------------|

Handouts:

- Fair Housing Comm Amendment (with 206021)
- Amendment to Sec 2-369 (with 203822)
- Draft Ordinance - Voter Registration (with 205801)
- Opinion re Voter Registration (with 205801)