



CITY OF SOMERVILLE, MASSACHUSETTS  
CLERK OF COMMITTEES

July 6, 2021

REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Lance L. Davis	Chair	Present	
Mark Niedergang	Vice Chair	Present	
Ben Ewen-Campen	Ward Three City Councilor	Present	
Matthew McLaughlin	Ward One City Councilor	Present	
Jesse Clingan	Ward Four City Councilor	Absent	

Councilor Clingan attended the Confirmation of Appointments and Personnel Matters meeting and was not able to attend the Legislative Matters meeting.

Others present: Lauren Racaniello-Mayor's Office, Charles Breen-Fire, Chris Major-Fire, Christine Andrews-OSPCD, Ted Louis-Jacques-Veterans, Julie McKenzie-Law and Oliver Sellers-Garcia-Office of Sustainability and Environment.

**Approval of the May 20, 2021 Minutes**

<b>RESULT:</b>	<b>ACCEPTED</b>
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**211954: Requesting adoption of MGL c48, s59A, authorizing the Fire Department to Provide Mutual Aid.**

Assistant Chief Major stated the city has been doing this since 1981 as part of the Metro Fire within Rte. 128 belt and is up for renewal.

<b>RESULT:</b>	<b>APPROVED. [UNANIMOUS]</b>
<b>AYES:</b>	Davis, Niedergang, Ewen-Campen, McLaughlin
<b>ABSENT:</b>	Clingan

**212131: Requesting, with Councilor McLaughlin, approval of an amendment to Ordinance 2-309.5, the Veterans Commission Ordinance, to permit Hero Square dedications for both living and deceased service members who served during wartime.**

Mr. Louis-Jacques stated this request would allow the city to recognize people while still living. He also stated that recognizing heroes while still living amongst us helps the veteran community as well as boosts families and friends.

**RESULT:**

**APPROVED**

**211679: Amending the Domestic Partnership Ordinance as attached and as further necessary to address issues in the existing version.**

Chair Davis received feedback from the solicitor's office as well as an outside legal advocate organization. He stated that there is additional information he would look into and has also asked for some feedback from others, for which he is still waiting. He noted that this issue is still a priority but he wants to get it right before taking the committee's time discussing it further.

**RESULT:**

**KEPT IN COMMITTEE**

**211812: Proposing an amendment to Ordinance 2-123 that would require notification to this Council of claims against the City filed at the MA Commission Against Discrimination.**

The chair received feedback from the city solicitor's office. Chief Labor Counsel McKenzie explained that MCAD complaints during the investigation stage have a high level of confidentiality and are not public. This is codified in the regulations. The complaint will become open to the public once a decision is made. She recommended that the proposed amendment be revised to provide that the existence of MCAD claims will only be shared with the city council after the information becomes public.

Chair Davis asked if the solicitor's office considers the city councilors to be merely members of the public despite the roles and obligations established by statute that clearly establish otherwise. Chief Labor Counsel McKenzie stated the city councilors have some authority but not supervisory or disciplinary authority. She also stated that complaints of discrimination arise out of employment relationship in the workplace involving supervisory interactions that are not statutory role of day to day management of the workplace. When the city receives the complaint, it investigates the complaint. The chair noted that a previous opinion of the solicitor's office concluded that the city council is considered part of the "employer" for purposes of the anti-discrimination statute and that the current opinion appears to be in direct conflict with that prior opinion.

Councilor Ewen-Campen stated that for the record it is important for city councilors to have this information, which is important if they are asked to make decisions about the subject. He also asked if there is a case of discrimination where no finding is reached. Chief Labor Counsel McKenzie explained that, upon receiving a complaint, MCAD will make an initial assessment of the allegations. Then the complaint is assigned to an investigator and they make document requests for information from the city. Councilor Ewen-Campen asked if the process happens in a reasonable timeframe. Ms. McKenzie stated it's better than it has been in the past but that the timeframe can be significant. Councilor Ewen-Campen expressed concern with that scenario as the information may no longer be relevant after a long process for it to become public.

Chair Davis asked if there is a scenario with an ongoing proceeding where the mayor could request an executive session to brief the city council on the matter. Ms. McKenzie was not able

to answer the councilor's question and stated it was probably a policy question vs. a legal question. Chair Davis noted that the mayor frequently requests executive session to discuss legal proceedings with the council and share non-public information and that this scenario does not appear to be any different.

Ms. Racaniello will check with solicitor's office for availability for Thursday night's meeting.

<b>RESULT:</b>	<b>DISCHARGED W/NO RECOMMENDATION</b>
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**211811: Proposing an ordinance that would require the Mayor to annually submit to this Council a report on the status of housing.**

Ms. Racaniello stated OSPCD could not attend tonight's meeting. She had some feedback after talking to OSPCD last week. OSPCD is taking a look at the requests to see if they already have access to this information, who collects the information and if there are any challenges with obtaining the information to provide more feedback for future conversations. The chair will put this back on the agenda after the city councilor recess in September.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**211952: Requesting adoption of the attached Rental Registration and Energy Disclosure Ordinance.**

Ms. Andrews gave an overview for the committee. This ordinance would create Somerville's first rental registry. The request for an ordinance was put forth by Councilor Mbah to provide a comprehensive list of properties and to educate property owners. This would give the city an opportunity to identify rental properties. Additionally, it will help with better cost of living and information that may not be known during a standard walk through of the property.

Ms. Andrews asked that the committee review the memo attached to the agenda item to allow for a discussion after the recess.

Councilor Niedergang commended Ms. Andrews for the excellent memo. He also asked about exemptions for units of owner-occupied property. It was stated there are exceptions if they have more than four renters in an owner-occupied unit or single-family home. Councilor Niedergang also asked about the timing of this ordinance. Ms. Andrews stated she will look into moving the date, but the date was set after careful consideration and to get maximum buy-in with a soft roll out, and time of year for students to coming back to the area for school. Councilor Niedergang suggested the deadline be moved to before December, maybe August 15 or July 15<sup>th</sup>. An earlier date will give people an opportunity to benefit from this ordinance if moving in September. There was a discussion about the requirement for a local representative if the owner lives more than a 25 mile radius. Ms. Andrews noted that the concept came from other cities, like Boston, which has long standing policy and addressing absentee landlords. The registry would provide the city with local point of contact about the property and to address any emergencies of the properties. Councilor Ewen-Campen asked if this would require a HRP (Home Rule Petition) and, if not, why not, because he would like to model other ordinances in a way that does not require a HRP if possible Ms. Racaniello was not able to speak to this and will speak with the law office for further discussion.

**RESULT:**

**KEPT IN COMMITTEE**

**211818: That this Council consider amending the Demolition Review Ordinance to extend the maximum demolition delay period that the Historic Preservation Commission can impose on buildings of historical value from 12 months to 18 months.**

This was request was previously completed.

**RESULT:**

**WORK COMPLETED**