

BROOKLINE COMMUNITY AGING NETWORK
Livable Community Advocacy Committee (LCAC)
October 16, 2023

Attending: Susan Granoff (Chair), Neil Gordon (Guest Presenter), Alec Lebovitz (Guest Presenter), Ruthann Dobek (Guest Presenter), Carol Seibert (Notetaker), Kelley Pope, Janet Gelbart, Harry Friedman, Diana McClure, John Seay, Yolanda Rodriguez, Anne Meyers, Maureen Mayotte, Rebecca Stone, Peggy Maguire, Jill Schiff, Marion Freedman-Gurspan, David Trevvett, Katie Hope, Kim Kushner, Roger Blood

1. **Presentation, Discussion, and Possible Vote on WA 18 (Resolution on Creating a Moderator's Form-of-Government Committee):**

Guest Presenter: Neil Gordon (Co-Petitioner, Advisory Committee Member, and Town Meeting Member)

Warrant Article (WA)18, co-petitioned by Neil Gordon and Jonathan Margolis, calls for the Town Moderator to appoint a committee to study the various available forms of municipal government in Massachusetts as they may apply to Brookline, objectively evaluate the pros and cons of such forms, and report its findings and any recommendations to Town Meeting and to the Town's residents by a date to be set by the Moderator.

Discussions about whether to change Brookline's current form of government have increased recently. A campaign is currently underway by the Brookline City Charter Campaign to collect signatures from 15% of Brookline's registered voters in order to have a ballot question that would ask Brookline voters at the Town's annual election in May to decide whether Brookline should form a Charter Commission, and simultaneously on the same ballot, to elect nine members to the Charter Commission should it be approved by the voters. Said elected Charter Commission would then have up to 18 months to assess Brookline's current form of government and the alternate forms of government available to Brookline and to draft a detailed charter proposal, which would then require approval by Brookline's voters before adoption. A Charter Commission could also decide not to propose any change to our current Representative Town Meeting form of government. This is the state-mandated formal process by which a municipality may change its form of government.

The petitioners are bringing WA 18 now because they believe that Brookline residents need as much objective information as possible about Brookline's current form of government and the alternative forms of government available to it and that having an informed and balanced public conversation about these

matters by an appointed Moderator's Committee whose appointees would represent a balance of viewpoints would result in a more informed electorate.

Discussion:

Q1. What are the criteria for being on the Moderator's Committee? Will homeowners and renters be represented equally?

A1. The petitioners for WA 18 have not called for specific membership criteria. The standard for Moderator's Committees is that interested individuals may email the Moderator (Kate Poverman) asking to participate and stating their interest and perspective. The Moderator will then make appointments to the committee, seeking a balance of views on the issue. The hope is that those chosen will have demonstrated an ability to be objective. The purpose is not to debate, but to study.

Q2. Is it true that Brookline can design the kind of government we want to have?

A2. The Charter Commission (if elected by the voters) could propose any form of municipal government within the limits set by state law (including recommending minor modifications to Brookline's existing structure or keeping it as is.) Any new charter proposal would require voter approval. In its report, the Moderator's Committee could propose similar recommendations based on its studies but it would not have the legal authority to draft a new charter proposal for voters to approve at a Town election.

Q3. There is so much to learn about this process and a lot of residents are confused. Is the Moderator's Committee proposal going to interfere with work by a Charter Commission?

A3. If WA 18 passes and we have a Moderator's Committee to study the various options for Brookline government, this will be a good preliminary investigation. It should not interfere with the efforts of those who are working to elect a Charter Commission. The work done by the Moderator's Committee could potentially help to inform a Charter Commission if voters choose to elect one.

Q.4 Does WA 18 expect that the proposed appointed study committee would ultimately also propose a charter for Brookline? Isn't a charter a kind of constitution that outlines our form of government.

A4. The Moderator's Committee is not expected to conclude with a draft of a charter, though the Committee might make recommendations. We sometimes

hear that Brookline does not have a Charter, therefore we do not have a constitution: Brookline currently has as complete a set of governing documents as we need.

The Chair invited Rebecca Stone, a leading proponent of the campaign to create a Charter Commission, to comment on how she sees the study committee proposed in WA 18 impacting the work of the Charter Commission Campaign. A discussion then developed that included material not specifically related to WA 18. It is important to distinguish the two efforts.

Comment from Rebecca Stone: The distinction to make is that a Charter Commission is asked for and elected by the voters to write a charter, and any proposal from a Charter Commission, after 18 months of development, comes back to the voters. The Moderator's study committee is asked for by Town Meeting and reports back to that body. It is under no obligation to make any recommendations, and is not charged with developing an actual charter proposal. But such a study committee may be able to develop broad contextual material to help the community understand the complex issues involved.

The Charter Commission Campaign is working to collect the approximately 6000 signatures (15% of the registered voters in Brookline) required by the State to place the Charter Commission ballot question before Brookline voters. About half of the signatures remain to be collected and certified for it to appear on the May 2024 ballot.

Comment from attendee: There should be a better explanation of what it means to sign the petition offered by the Charter Commission Campaign.

Q5. (to Rebecca Stone) Is it possible that a Charter Commission can finish its 18 months of study and decide that they do not want to make a proposal for a change to Brookline's current form of government?

A5. (by Rebecca Stone) Yes. Since 1966 there have been about 150 charter commissions, only about 50% of which have actually yielded a charter proposal. And of the 50% that did yield a charter proposal, not all were then accepted by the voters. The Charter Commission is mandated to engage with the public in its exploration and in doing so, it would build on all the work of the Moderator's Committee.

Attendee Comment: The League of Women Voters of Brookline (LWVB) and Brookline Neighborhood Alliance (BNA) are holding a series of educational events on various forms of municipal government. The link to the LWVB/BNA forum on municipal government is:

<https://brooklineinteractive.org/bna-and-lwv-present-charter-change-public-meeting/>

This is important because the community needs to be aware and engaged in this discussion. Voters will need time to gather information to inform their votes. Because Brookline voter turnout is not high, it will be necessary to mount a broad educational effort if we want an informed voting public to participate.

By vote of over 75% of member attendees at this meeting, the LCAC voted to support Favorable Action on Warrant Article 18.

2. **Presentation, Discussion, and Possible Vote on WA 16 (Home Rule Petition to Implement Rent Stabilization and Tenant Eviction Protections.)**

Guest Presenter: Alec Lebovitz (Co-Petitioner, Town Meeting Member)

WA 16 asks Town Meeting to request the Select Board to petition the State Legislature via a Home Rule Petition for a special act authorizing Brookline to implement rent stabilization and tenant eviction protections. This is an updated and more nuanced version of the rent control law that existed in Brookline during the years 1970-1994. It would apply to a much more limited number of buildings than in the past. It would not apply to single-family homes or to multi-family buildings of four or fewer units provided that the owner occupied one of the units. It would also exempt new constructions that is less than 15 years old; public housing; hotels; motels; nonprofit hospitals; religious extended care and residential care for the elderly facilities; dorms; and shared dwelling units.

Under this law, annual rent increases for eligible dwelling units would be capped at 3% plus the rate of inflation in the Boston metropolitan area up to a maximum increase of 7%. In addition, an enforcement body would consider on a case-by-case basis landlord applications to raise rents even more to recover certain maintenance and capital costs and rapid increases in property taxes. Landlords automatically would be able to reset the rent to a market rate for all new tenant leases; each unit would automatically decontrol every time a tenancy ended.

For more details, please see the attached slide set.

Discussion:

Q1. What kinds of rental properties would not be included in WA 16 regulations?

A1. Exemptions include housing units that are dormitories for universities or owned by non-profit hospitals, properties with 4 or fewer units that are owner occupied, units that share a kitchen or bathroom with the owner.

Q2. If tenancies are turned over every year, does that exempt the unit from this regulation?

A2. The unit would still be regulated, but the rental rate could be reset at the end of a continuous tenancy.

Q3. What is the impact on how a building is assessed for tax purposes?

A3. We can expect a shift in burden toward residential taxpayers. More work will need to be done to try to limit negative impacts on homeowners.

Q4. Why did you include a 15 year exemption for new construction?

A4. The effort was to avoid disincentivizing new construction. Creating housing is an investment for the developer. The Article is written this way to allow developers some length of time to recoup their investment while at the same time avoiding a blanket decontrol of all new construction.

Q5. Are HUD properties exempt?

A5. Yes. Any subsidized or government-owned property is exempt.

Q6. I have a concern that this is not means-tested. It will impose a societal problem on the landlord. What are we achieving by having rent stabilization for individuals who can well afford to pay rent increases? I'm also concerned by the administrative costs. A third concern is that when Brookline had rent control previously, there was much pro/con conflict and in elections, one's position on rent control became a determining factor. We don't have to do this right now. There is an effort at the State level to put this on the ballot.

A6. Other surrounding municipalities are not including means testing in rent stabilization legislation. And the reason is likely to be that it would result in an unacceptable level of administrative burden. Annually collecting income data is not practical.

Administrative costs in the past were \$400,000 to \$500,000 annually, representing approximately 0.5% of Brookline's annual budget. Most of the cost was covered by a registration fee charged per unit.

Q7. Landlords express concern that in the past they were required to make appearances before the rent control board to set new rental rates.

A7. This is the reason that WA 16 proposes to set the rental rate formula in the statute rather than requiring annual review by the Board.

Q8. In a referendum that was held on rent control during the period when it was in effect, did Brookline come down in favor of continuing rent control?

A8. A state-wide referendum to ban rental regulation for private units passed state-wide by 51-49%. Brookline voted to keep its existing rent control bylaw by a margin of 12%. But because it was ruled on a state-wide basis, Brookline was not permitted to continue rent control. Our bylaw was nullified by state-wide voters.

Attendee Comment: This is a complex issue where there will be winners and losers. The key will be to try to have a balance. We need to work to mitigate so that the burden does not fall just on one segment of our Brookline population. Perhaps we can learn from other communities that are grappling with some of the same questions,

Q9. What will this do to my tax bill? What will it do to many seniors?

A9. If the legislature approved this home rule petition, some measures where the specifics are in the regulation could go into effect immediately, such as capping the annual rental rate increases and eviction protection. The rest will require a regulatory process or a local bylaw process.

The tax shift, as it has occurred in other communities, has been a slow process over the course of decades. In the longer term, we need to work out the specifics. Returning controlled units to market rate after a tenancy expires should mitigate some of the burden. We will need to address the housing supply issue and increase affordable housing in Brookline.

Q10. How does the cost shift in property taxes occur?

A10. The assessed value of rental properties is calculated by the town based on the rental rate charge. Over time, if controlled rents lag far enough behind market rents, there would be an increase in property taxes levied on the properties renting at market rates. This is one of the reasons that Article 16 includes a mechanism that automatically will allow readjustment of controlled rents to market rates with every change in tenancy.

Seniors who rent should be a group who benefit from this proposal. Senior poverty rates in Brookline are going up, while overall poverty is declining.

Approximately one half of Brookline property is tax-exempt. Nonprofit entities need to contribute more to reduce the burden on homeowners.

Q11. Is it true that the benefit only accrues to the individuals who happen to be renting now?

A11. It will accrue to those current renters first, because they would be participating in the first year of capped increases. In addition, they would potentially benefit from the eviction protections. However renters who begin their tenancy after the start of implementation will see benefits starting in the second year of their tenancy when any increase is capped.

Q12. Won't the base rate be very different for the current tenant versus someone who becomes a tenant after the start of the rent stabilization program?

A12. Yes, over time, long-term tenants could see a significant divergence in the rent they are paying. WA 16 tries to balance impacts on various stakeholders. In this case, there was an attempt to avoid shifting costs to homeowners disproportionately.

A motion to recommend favorable action on WA 16 failed. A majority of LCAC members, hearing this complex matter discussed for the first time, felt they wanted time to better understand before deciding whether to approve this proposal. Several opportunities for additional discussion on this WA are scheduled at the Advisory Committee and the Select Board, both of which will be recorded.

Mr. Lebovitz was thanked for an impressive amount of work in preparing this Article and asked to continue his efforts to inform the community and to listen to all points of view on the issue.

3. Presentation, Discussion, and Possible Vote on WA 8 (Amend the Senior Tax Work-Off Program)

Guest Presenter: Ruthann Dobek (Co-Petitioner, Director of Brookline Council on Aging/Brookline Senior Center)

Brookline has a means-tested senior property tax work-off program which allows eligible homeowners to perform work for the town in exchange for a deduction in their property tax. Initially, in 2009, a pilot program served 20 taxpayers. Currently there are up to 35 participants. For town work of approximately 100 hours, at a State-imposed \$15 per hour minimum wage, this

results in a deduction from the property tax bill of \$1500. WA 8 would allow the Town to base the maximum exemption amount on 125 hours of work at the state minimum wage, resulting in a maximum tax deduction of \$1875.

WA 8 is currently in flux since it appears that the Governor has recently signed a new tax reform bill allowing the exemption to be raised to \$2000. This would mean that eligible taxpayers could work 133 hours and receive a \$2000 tax deduction. In addition, a bill in the House (H1925) seeks to raise the minimum wage through a series of steps over the next 5 years. By 2027, the minimum wage would be \$20/hr. In view of these ongoing developments, it is possible that WA 8 will not be moved for the Fall '23 Town Meeting.

4. **Other Business:** None

5. **Date of Next Meeting: November 13, 2023 at 3:00 pm**

The Livable Community Advocacy Committee is one of several BrooklineCAN committees. Everyone is welcome to attend, but if you do so regularly, we invite you to support BrooklineCAN with your membership. You can join using PayPal, credit card, or by check. Instructions are on the right-hand sidebar on the front page of brooklinecan.org. Thank you!