



**WARRANT ARTICLE EXPLANATIONS
FILED BY PETITIONERS FOR THE
NOVEMBER 17, 2020 SPECIAL TOWN MEETING**

ARTICLE 1

Submitted by: Select Board

Article 20 of the November, 2000 Special Town Meeting requires that this be the first article at each Annual Town Meeting. It calls for the Select Board to appoint two Measurers of Wood and Bark. Due to the COVID-19 crisis, the Select Board voted to pursue a limited warrant for the Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of what was filed for the Annual Town Meeting.

ARTICLE 2

Submitted by:

This article is inserted in the Warrant for any Town Meeting when there are unsettled labor contracts. Town Meeting must approve the funding for any collective bargaining agreements.

ARTICLE 3

Submitted by: Select Board

Section 2.1.4 of the Town's By-Laws requires that each Annual Town Meeting include a warrant article showing the status of all special appropriations. Due to the COVID-19 crisis the Select Board voted to pursue a limited warrant for the Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of what was filed for the Annual Town Meeting.

ARTICLE 4

Submitted by: Select Board

This article is inserted in the Warrant for every Town Meeting in case there are any unpaid bills from a prior fiscal year that are deemed to be legal obligations of the Town. Per Massachusetts General Law, unpaid bills from a prior fiscal year can only be paid from current year appropriations with the specific approval of Town Meeting.

ARTICLE 5

Submitted by: Select Board

Due to the COVID-19 crisis the Select Board voted to pursue a limited warrant for the 2020 Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of what was filed for the Annual Town Meeting.

The Town has begun to appropriate host community payments to departmental budgets to address the costs imposed upon the town by the marijuana operations. The projected mitigation payments are anticipated to be in excess of these preliminary recommendations. As the Town develops more experience in this new industry there will be additional recommendations that can be addressed. Marijuana legislation allows the town to create a stabilization fund that provides a mechanism for the town to dedicate these payments to a special fund for later appropriation for particular purposes. The Board anticipates that the Cannabis Mitigation Advisory Committee would develop spending proposals for Town Meeting to consider.

ARTICLE 6

Submitted by: Donelle O'Neal Sr., TMM4/AC

This is not just a local issue. This is part of the discussion on all three levels and is currently being addressed locally, statewide and nationally.

This Article calls for the expedient development and adoption of a policy pertaining to the use of In-Car Video and Body-Worn Cameras by Brookline Police Officers and the implementation of such equipment in the Brookline Police Department. The current tension in regards to Police and Citizen interactions across our nation makes it imperative that we “Boost Transparency” and Accountability within the Police Department.

ARTICLE 7

Submitted by: Roger Blood

Section 4.08, “Affordable Housing Requirements”, is a long and complex regulation, originally adopted over 30 years ago with the phaseout of rent control. Accompanying that new Inclusionary Zoning Bylaw was the creation of the Housing Advisory Board (HAB) and authorization for the Town's Affordable Housing Trust Fund. Since its inception, Inclusionary Zoning has received one formal review and update, including increased Trust Fund fees (2004).

In November 2018 the HAB initiated a review of the current Inclusionary Zoning Bylaw with an eye toward recommending appropriate improvements. A key objective of this review has been to evaluate whether Inclusionary Zoning requirements under recent local market conditions might be amended to generate additional affordable housing resources, while not over-reaching such as to discourage new housing production by causing it to become financially infeasible.

In 2019, the HAB sought and received from the Select Board funding approval to retain real estate and financial consultant Pam McKinney to undertake a financial analysis of the Town's current affordable housing zoning requirements and to recommend specific Housing Trust Fund fee increases under a conceptual framework developed by the HAB.

Article 7 would implement those recommendations by authorizing the adoption of an expanded and increased fee schedule for developer contributions to the Affordable Housing Trust. Further, the Article would recognize a new category of so-called "workforce housing" for affordable housing at a level of income that is consistent with state and federal affordable housing programs.

Article 7 accomplishes its limited objectives primarily by amending several numerical references in the existing Section 4.08, including:

1. The maximum household income that defines "affordable housing" for owner-occupied affordable units is increased from 100% to 120% of the Boston Area Median Income;
2. The minimum number of units in a project that triggers a developer affordable housing obligation, including optional payments to the Affordable Housing Trust, is reduced from "six" to "four" units.
3. The size range of projects that provides for an optional contribution to the Affordable Housing Trust is expanded from "six to fifteen" to "four to nineteen" total units.
4. For projects covered by Section 4.08, as amended, Article __ also reduces the number of net new units that would trigger an affordable housing obligation from six added units to one added unit.

Passage of Article is timely because:

1. The Housing Trust needs additional funds that it does not currently have to support anticipated affordable housing developments by both non-profit sponsors and the Brookline Housing Authority; and

Current housing development in Brookline is especially active in very small projects not currently covered under the Bylaw.

ARTICLE 8

Submitted by: Deborah Brown, David Lescohier, Arthur W. Conquest, III, C. Scott Ananian, Robert Lepson, Luciana Schachnik and Bob Schram

Affordable housing is an essential issue in Brookline and its current composition does not allow for sufficient engagement by low and moderate-income residents and the town's housing vulnerable. These changes also allows for greater capacity to foster more affordable housing. The proposed language also continues to provide the HAB with time to create a succession plan for affordable housing continuity.

ARTICLE 9

Submitted by: Select Board

Due to the COVID-19 crisis, the Select Board voted to pursue a limited warrant for the 2020 Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of what was filed for the Annual Town Meeting.

The purpose of Article 9 is to define Short-Term Rentals and other related terms and to add Short-Term Rentals as an allowed use under the Table of Use Regulations of the Zoning By-law. The use would be allowed in all zoning districts but limited to the three types of Short-Term Rentals described under the new definition to be added to Section 2.19, and limited to Short-Term Rentals in possession of a valid Certificate of Registration and operating in accordance with a new Section 4.14. The new Section 4.14 is dedicated to Short-Term Rental uses and simply puts forth basic requirements for the use. The vast majority of the regulations pertaining to the operation of Short-Term Rentals would be added to the General By-law under Article 10. See the explanation under that Article for more information.

ARTICLE 10

Submitted by: Select Board

Due to the COVID-19 crisis the Select Board voted to pursue a limited warrant for the 2020 Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of what was filed for the Annual Town Meeting.

The purpose of Article 10 is to create regulations allowing for Short-Term Rentals in Brookline under a specific set of circumstances and to establish policies and procedures that operators of Short-Term Rentals must follow. These regulations also provide a basis on which health and safety rules can be enforced.

What are Short-Term Rentals and why are they relevant to Brookline?

Short-Term Rentals are a relatively new concept that has emerged from the convenience of online booking platforms. The most well-known of these platforms is AirBnB, though many others exist including VRBO, booking.com, and Homeaway. Although there is no exact data on the number of Short-Term Rentals being offered currently in Brookline (online platforms display listings in various formats that make this data very difficult to retrieve), data estimates show that the number could range between 300 to 400 units at any given time. The term “Short-Term Rental” can have numerous interpretations, but the Commonwealth of Massachusetts has defined it as an occupied property that is not a hotel, motel, lodging house or bed and breakfast establishment, where at least 1 room or unit is rented out by an operator through the use of advance reservations. A Short-Term Rental may include an apartment, house, cottage, or condominium. It does not include property that is rented out through tenancies at will or month-

to month leases. It also does not include time-share property. A Short-Term Rental is a rental that is not for more than 31 consecutive calendar days.

Brookline's geographic location close to Boston leads to a high demand for visitors seeking Short-Term Rental accommodations and visitors have ranged from patients seeking medical visits and treatment at Longwood Medical Area, medical professionals coming to do research or residency programs at area hospitals, families coming to tour local colleges, business professionals attending work conferences, tourists, etc., as described by current Brookline hosts. The demand for Short-Term Rentals in Brookline appears to be very high and this demand has been met by many Brookline residents who have interest in renting out their homes, or portions of their homes, as Short-Term Rental units.

What is the status of Short-Term Rentals in Brookline today?

As Short-Term Rental units have begun to proliferate in Brookline, it has become apparent that the Town currently has no regulations covering this topic. A lack of regulations has led to uncertainty surrounding this subject and a lack of clarity for Short-Term Rental hosts, Brookline residents who are not hosts, guests, and Town officials and staff. Brookline's Zoning By-law contains Table 4.07, Table of Use Regulations, which outlines all allowed uses. This table is inclusive only, meaning that only the uses explicitly listed in the table are allowed and any use not explicitly allowed in the table is not allowed. This interpretation of the use table is currently used by the Building Commissioner when he makes interpretations of allowed uses in Brookline.

Because the Zoning By-law is silent on the topic of Short-Term Rentals, they are currently considered prohibited in Brookline. However, the Town's ability to enforce this has been limited because there is no written explanation of the Town's stance towards Short-Term Rentals. The Zoning By-law's silence on this topic has made enforcement and regulation very difficult. Currently, the Building Department is handling enforcement on a complaint-driven basis. In speaking to current Short-Term Rental hosts, nearly all were unaware that Brookline prohibited such a use because there is no written language codifying this stance and information regarding this prohibition is not searchable or findable.

Despite the recent trend and shift towards short-term renting, the renting of rooms within units is not actually a new concept in Brookline. Use #51 has long appeared in the Zoning By-law's Table of Use Regulations. Use #51 allows residents to rent up to two bedrooms within their home for up to two lodgers (one per room) for single-occupancy stays. The language of Use #51 does not specify how long these lodgers may rent these rooms for. However, as Short-Term Rentals have gained popularity, the Building Commissioner has made the interpretation that Use #51 is intended for long-term lodgers rather than Short-Term Rental guests. Therefore, currently, a resident who may be renting out up to two bedrooms within their home may do so but only for long-term tenants which would be a tenant staying longer than 31 consecutive days. Any resident who may be allowing lodgers to stay in bedrooms within their unit for 31 days or less would currently be in violation of the Zoning By-law, although it does not state in writing anywhere that this distinction exists.

The Town is therefore aware that the renting of rooms within one's unit exists in Brookline and has been practiced by some residents for many decades. The ease with which residents can now connect with interested short-term guests has only continued to gain popularity due to the ease of popular platforms such as AirBnB. As stated above, data estimates show that as many as 400 units may be currently offered for short-term rent, though this number would include people renting out entire units and not solely bedrooms within units.

What will these regulations allow or not allow?

Creating Short-Term Rental regulations will set forth policies covering a few main areas: 1) the types of units eligible to be listed as Short-Term Rentals (any unit type that does not follow under one of the types listed cannot be registered as a Short-Term Rental), 2) a registration process for Short-Term Rental operators to provide information to the Town, proof of compliance, a fee and a required in-unit inspection, 3) requirements hosts (aka "operators) of Short-Term Rentals must follow in the operation of their units and 4) policies for complaints, enforcement and violations.

The proposed amendments to the General By-law and Zoning By-law will allow three types of Short-Term Rentals. The first type is the renting of a room within the operator's primary residence (defined as the dwelling unit where the operator resides for at least 183 days per year) while the operator is present in the unit. The second type is the renting of an entire dwelling unit while the operator is not present in the unit. The third type is the renting of an entire unit in a 2-family building where the operator resides in one of the other units and is present during the rental. There are additional restrictions on these types including limits on the number of guests at any given time. A fourth type of Short-Term Rental was explicitly left out of the proposed regulations (and would therefore remain prohibited): professionally-managed units. Professionally-managed units are units that are not the primary residence of the operator nor does the operator live in the building. Typically, operators of professionally-managed units manage a portfolio of units in several different buildings. These types of Short-Term Rentals would be prohibited primarily because of their negative impact on the availability of year-round housing units if they were permitted.

Any operator who wishes to engage in one of the three allowed types of Short-Term Rentals described above would be required to file for a Certificate of Registration. Along with an application for the Certificate, any operator would be required to submit a variety of documents, including but not limited to, a proof of primary residence, floor plans, contact information, and proof of compliance with applicable leases and/or condominium documents. The registration process would be handled by the Select Board's Office and prior to the issuance of any Certificate for a Short-Term Rental, inspections would be conducted by the Health Department, Fire Department, and Building Department. These inspections would confirm the eligibility of the unit for the operation of a Short-Term Rental and inform any additional conditions the Select Board Office might see fit to attach to the Certificate. The proposed regulations require that all Short-Term Rentals include a variety of safety-related items, including hard-wired smoke alarms and fire extinguishers, diagrams showing the location of safety equipment, and information on trash disposal and parking regulations. The proposed regulations also allow for the revocation of Certificates if violations are found or for other good causes, and allow for the Select Board to

issue further regulations for the implementation of the By-law, including for the establishment of any appeal process.

It is important to note that the Town would like to ensure that only operators of Short-Term Rentals who have permission to operate are able to do so. Without any current regulations, the Town has very little control over who operates a Short-Term Rental. It is also important to note that even with the proposed Short-Term Rental regulations in place, the requirements of a condominium association through its by-laws or condo documents and the provisions of a rental lease always supersede these regulations.

In listening to public feedback, Town staff and officials have heard that many condominiums in Brookline, for example, do not have condominium documents that address the topic of Short-Term Rentals and therefore cannot be used to prevent such activity within the building. Many condo documents and by-laws were drafted prior to the popularity of Short-Term Rentals. The Town would recommend to any condominium association that is concerned with how it will regulate Short-Term Rentals review its condo documents and update them to explicitly reflect its desired policy on how it will treat individual unit owners who may wish to register a Short-Term Rental unit.

What about the negative impacts of Short-Term Rentals?

In Spring 2018, the Planning Department worked with AirBnB to create a survey available to Brookline AirBnB hosts asking to collect information on hosts' experiences. The survey sought to better understand why hosts are renting out their units (or parts of their units), how they benefit from being a host, how they operate their Short-Term Rental, any concerns or negative experiences they have had and any thoughts they had on potential regulations. A total of 46 Short-Term Rental Operators responded to the survey, which was linked to the AirBnB host platform website as well as on the Planning Department's website. The results provided insight into the landscape of existing Short-Term Rentals in Brookline. The Town did not use any information collected from operators to issue violations or enact enforcement against operators. 76% of respondents stated that they use the extra income from short-term renting to pay their mortgage/rent and 43% responded that they use it to pay student loans or save for education. 41% responded that they use the income for repairs to their home.

Currently, any Short-Term Rental operating in Brookline is operating in violation of zoning, despite the fact that most hosts are unaware of this. The Building Commissioner is handling violations on a complaint-driven basis and the number of overall complaints has been relatively low. Since 2015, the total number of complaints submitted against a Short-Term Rental operator has been approximately 30. The nature of these complaints has included the operation of a business, violation of condo rules and regulations, and questions about whether Short-Term Rentals are legal in Brookline.

The number of overall complaints against Short-Term Rentals has been low (particularly compared to the overall estimate of total units) but has allowed the Town to gain an understanding of the most common complaints and negative impacts arising from Short-Term Rentals. The Town recognizes that the operation of Short-Term Rentals, particularly in large

quantities, is not without negative impacts on neighbors and neighborhoods. The most common issues that have been brought to the attention of Town staff and officials have included late-night and early-morning arrivals, trash disposal, knocking on the wrong door, car doors slamming at odd hours, and noises in halls and corridors.

Staff has also recognized that without any regulations in place, it's not possible to set out specific requirements for rules and guidelines that all Short-Term Rentals hosts must follow and to enforce such rules accordingly. A benefit of setting up regulations is that it allows the Town to establish robust requirements for Short-Term Rental operators which it currently lacks in any form.

Why change the status quo?

Although Short-Term Rentals have been operating in Brookline for some time without regulation and with a relatively low number of official complaints, the Town has numerous reasons for enacting regulations in a timely manner.

The first and most important reason is in response to action at the State level. On December 28, 2018, the legislature approved 2018 Mass. Acts Ch. 337, "An Act Regulating and Insuring Short-Term Rentals" (the "Act"). The Act (which took effect on July 1, 2019) provides for the creation of a State registry of "operators" of certain types of lodging accommodations, including Short-Term Rentals. The Act amended the local option room tax to include Short-Term Rentals as among the lodging accommodations that are subject to the room tax. Municipalities such as the Town of Brookline that previously accepted the local option room tax do not need to take any additional steps to recoup the room tax from Short-Term Rentals. The Act also established certain safety and insurance requirements, while enabling Cities and Towns to enact local regulations, license/registration requirements, and health and safety inspections.

As a result of this new legislation, the State is now collecting a state excise tax of 5.7% as well as a local option room tax of 6.0% from all operators of Short-Term Rentals. This tax will then be remitted to the municipality in the same way the current room tax is collected and remitted for hotels, bed and breakfasts, etc. Effective July 1st, 2019, Brookline Short-Term Rental hosts must register with the State and begin reporting and submitting this tax to the Department of Revenue (platforms such as AirBnB will do this for the operator) and shortly thereafter, Brookline will begin receiving the collected taxes. Town staff believes that it is undesirable for the Town to be collecting tax on a use that is currently prohibited in Brookline and that in order to reasonably justify the benefits being received from this tax collection, the Town should put in place regulations to allow Short-Term Rentals in a way that will encourage operators to register their units with the State and submit the proper taxes accordingly.

Second, surrounding communities have adopted regulations for Short-Term Rentals. Cambridge adopted regulations in Spring 2017, Boston adopted their own set of regulations in Summer 2018, Somerville passed regulations in Spring 2019, and Newton has passed regulations in September 2019. With all surrounding communities having either established or considering establishing regulations, Brookline has numerous models to look to for precedent on what has been successful in communities that have similar landscapes, as well as similar challenges when

it comes to the popularity of Short-Term Rentals. With many Short-Term Rental options in the region, Brookline should seek to remain competitive in this market, while maintaining a balance of strict regulation, as other communities have. Another benefit to the town from Short-Term Rentals is likely the impact on business and retail – many Short-Term Rental guests eat and shop in our business districts during their stays in Brookline. 87% of hosts who responded to the survey stated that they provide their guests with a local business guide to shops and restaurants that direct guests to get out and explore everything Brookline has to offer.

Third, by regulating the landscape of Short-Term Rentals, Brookline will be able to control numerous aspects of the Short-Term Rental market that it currently is unable to. There are some types of Short-Term Rentals that are less desirable and that the Town would not like to see continue to operate within Brookline. Currently, without regulations, any type of Short-Term Rental is able to operate unless a formal complaint has been filed against the operator. Specifically, Brookline would like to ensure that Short-Term Rentals do not have any negative impacts on the housing stock and the rental market. These negative market impacts take place when Short-Term Rental operators who are not the primary resident purchase units that they do not reside in for the sole purpose of renting them out as Short-Term Rentals. These types of units are often referred to as “professionally managed,” which means an off-site manager manages the unit and the bookings but does not reside within the unit or the building. Investors can purchase numerous units across Brookline for this purpose, or even an entire building. This type of Short-Term Rental results in apartment units that would otherwise be available for long-term leases being removed from the rental market and makes them unavailable to people looking for permanent housing in Brookline. This type of unit model would be prohibited under these regulations.

Lastly, regulations will allow the Town to set up a mechanism to monitor, track and enforce against both units that have not followed the required registration process AND units who have registered but are not following the required provisions. Currently, due to the unclear nature of the Town’s regulations, enforcement against Short-Term Rental options has been challenging. There are no specifications on what Short-Term Rental hosts can and cannot do and there are no specific penalties in place, because Brookline is currently silent on the topic overall. By explicitly setting forth rules and regulations pertaining solely to this use, the Town will be in a much stronger position to take action against any operators that are not following protocol.

Are there any financial impacts to the Town?

Staff of the Select Board Office, Planning Department, Building Department, Health Department, and Fire Department all contributed to the drafting of this warrant article. One of the drafting priorities was ensuring that the proposed regulations would not impose a heavy burden on any of the involved departments. The cost of initial inspections conducted by the Building Department, Health Department, and Fire Department will be included in the application fee for a Certificate of Registration and any additional necessary inspections will involve a re-inspection fee. The processing of applications will be handled by an existing employee of the Select Board’s Office that currently handles the licensing process for other uses. Therefore, Town staff does not expect the proposed regulations to incur significant additional

costs, and any costs that are incurred will be more than accounted for by the room tax received from the state and the application fee, which the Select Board can adjust at will.

What kind of outreach has the Town done to create these regulations in a way that is fair to all stakeholders?

Town staff has made strong efforts to learn about the existing practice of (usually illegal) short-term rentals in Brookline by reaching out to a wide group of stakeholders to gain feedback and a nuanced understanding on the various positions towards Short-Term Rentals.

Whether there is a need to legalize and regulate STRs has been an intermittent discussion over five years with the Liquor License Review Committee, the Zoning By-Law Committee, and other Boards and Commissions in Town. Following meetings with the Zoning By-Law Committee in Fall 2018, most Committee members stated they thought that Town Meeting would favor legalizing some manner of Short-Term Rentals. However, they agreed with the staff's suggestion that further outreach should be done with a variety of voices, including property managers, condo associations, neighborhood associations, Short-Term Rental operators, hotels and inns, etc.

When the state law passed regarding rooms tax for short-term rentals in Winter 2018, the Select Board Chair requested staff immediately work on a zoning by-law that would legalize short-term rentals on an interim basis. However, we did not move forward submitting a by-law to Town Meeting for two reasons: doing so could create "grandfathered" nonconforming uses if and when additional study and analysis led to a Town Meeting vote that restricted or banned some types of short-term rentals in Brookline. Additionally, the state legislation did not require municipalities to legalize the use prior to collecting tax revenue from those operators that self-registered with the state.

Focus groups included two sessions with Short-Term Rental operators (Summer 2019), a Brookline Neighborhood Alliance Public forum (October 2019), and a meeting with condo associations and property managers (November 2019).

Additionally, one-on-one meetings in Fall of 2019 included a conversation with MASCO, two meetings with three of our bed and breakfast operators, and multiple meetings with STARS of Boston. Below are summaries of those discussions and the positions of those stakeholders:

Short-Term Rental Operators: Most hosts have been interested in speaking with staff and are in support of regulations because they would like to be able to operate legally and do not want to be in fear of shutting down. Some hosts have already been shut down and would like to be able to operate in the future. Some hosts only host guests for greater than 30 days and would therefore not be subject to these regulations. However, those that host guests for shorter amounts of time have seemed generally receptive of regulations including the proposed fees, inspection and registration process. They would like as few limitations as possible. Many operators are seniors or empty nesters who rely on this income to stay in their homes.

Innkeepers: Three innkeepers stated that AirBnB/other platforms are not their competition and not a main concern. Some of these inns use AirBnB to advertise their own rooms. Larger concerns for their businesses are the online comparison booking sites like Expedia or Hotels.com where prices are compared between various accommodations and they are rarely the least expensive and thus lose business. Additionally, they are very interested in pursuing with the Town ways that they could be regulated more like Short-Term Rentals than lodging houses – especially their current requirement to have a room dedicated for an “on-site manager” 24 hours/day. If Short-Term Rentals were legalized, they thought that the Town would likely have more resources and prioritization to regulate these operations. They would like for smaller inns to be regulated and taxed at the same rate as short-term rentals.

Brookline Neighborhood Association: The BNA did not make any specific comments or input on the regulations.

STARs: STARs is a business operating in Brookline and surrounding areas that manages numerous units and connects STR guests with units for stays often relating to medical treatment at local hospitals. STARs manages these units and provides cleaning, servicing, etc. (including the new jobs created that came with this business model). However, because STARs professionally manages these unit and is NOT the primary resident or owner of any of them, they would not be allowed to operate under the proposed regulations. Due to their close network with many property managers in Town, staff has suggested numerous ways that STARs could adjust their business model to identify a primary resident AND still charge an operating/permitting/cleaning/advertising fee to rent the space out when the primary resident is not using the space. Alternatively, STARs could help broker and manage apartments that are leased to a corporate entity (such as traveling nurses’ associations). Additionally, STARs has told us they are working with individual Council members in Cambridge and Boston to provide an exemption for uses associated and supporting medical patients and the Longwood Medical Area; no specific legislation has yet been proposed that we are aware of. Staff is concerned about the practical ability for Town enforcement operations to discern Short-Term Rental operators that are servicing medical patients.

Condo Owners and Property Managers: Numerous residents expressed concern with how property managers who oversee condo associations would deal with Short-Term Rentals. Short-Term Rental regulations will NOT supersede condo by-laws/policies. The informational meeting was helpful to those condo owners and property managers, and a local attorney offered some specific suggestions for how condo associations could handle STRs (whether or not they are legalized in Brookline). Additionally, the group suggested that the language should not rely on definitions such as “primary residence” and instead include the number of days/year that a rental can occur.

From this outreach, the proposed draft legislation changed primarily in the following three ways:

- Creation of specific public health and fire safety regulations within the registration process beyond those otherwise necessarily required in the Building Code
- Allowance for renters to also be able to host short-term rentals (not just property owners)

- Addition of limit on number of days a short-term rental can be rented
- Limitation of owner-adjacent units to 2-family buildings
- Increased minimum rental period to 24 hours
- Required that condo association board certify that STRs are allowed under the condominium documents

ARTICLE 11

Submitted by: Select Board

Due to the COVID-19 crisis, the Select Board voted to pursue a limited warrant for the 2020 Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of what was filed for the Annual Town Meeting.

The purpose of Article 11 is to establish the Building Commissioner, Director of Health and Human Services, the Fire Chief, and the Town Administrator as enforcement agencies as it relates to the proposed Article 5.11 (Short-Term Rentals). It should be noted that the Police Department is, by default, an enforcing agency for Article 5.11. Further information on the proposed Article 5.11 can be found under Article 10.

ARTICLE 12

Submitted by: Land Bank Study Committee, Heather Hamilton, Chair

Due to the COVID-19 crisis, the Select Board voted to pursue a limited warrant for the 2020 Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of what was filed for the Annual Town Meeting.

Community Preservation Act (MGL Ch 44b) Summary

The Massachusetts Community Preservation Act (CPA), MGL Chapter 44B , was approved on September 14, 2000. The CPA allows communities to spend money for:

- Acquisition, creation and preservation of open space;
- Acquisition, preservation, rehabilitation and restoration of historic resources;
- Acquisition, creation and preservation of land for recreational use;
- Creation, preservation and support of community housing;
- Rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created with CPA funds.

The acceptance of the CPA by Town Meeting and the subsequent acceptance by the town's registered voters of a ballot question are the prerequisites to the CPA taking effect. The CPA allows a community the discretion to enact a surcharge of not more than 3% of the annual real estate tax levy. The amount of the surcharge on the real estate tax levy is not included in the calculation of total taxes assessed for purposes of determining the Proposition 2½ limit.

The CPA exempts from the property tax surcharge those taxpayers receiving an exemption authorized by M.G.L. c. 59 or any other law, such as, charitable institutions, the Commonwealth, cities and towns, certain classes of qualified elderly, widows and veterans, etc. (These are statutory exemptions.)

The statute allows a town to include optional exemptions of \$100,000 for each residential property, an exemption for owner-occupants who would qualify for low income housing (80% of area median income) or low and moderate-income senior housing (80% or 100% of area median income). If a town chooses to do so, a town may also exempt class three, commercial, and class four, industrial taxpayers in those cities or towns with classified tax rates, with or without a \$100,000 exemption.

Under the terms of the CPA statute the Select Board must appoint a Community Preservation Committee (CPC). The statute charges this committee with evaluating proposals and recommending CPA spending to Town Meeting. The statute requires that Town Meeting appropriate, or set aside for later spending, not less than 10% of the annual CPA revenues in the Community Preservation Funds (CPF) for each of the three categories: Open space/recreation land, historic preservation, and affordable housing. The remaining 70%, less up to 5% appropriated for administration, may be distributed beyond the required 10% among these three CPA categories, in accordance with the recommendations of the CPC and the approval of Town Meeting. Up to 5% of the annual revenues can be used for administrative expenses related to carrying out the community preservation program. CPA funds may be used as the local match for other grants that would fund CPA eligible projects

Upon the acceptance of the CPA, a town must establish a CPC composed of not less than five members from designated town boards (conservation commission, historical commission, parks and recreation commission, housing authority, and planning board) and up to four additional members selected through procedures to be established by the town. The CPC recommends annually to Town Meeting for approval of the various eligible projects or properties for which the CPF funds are to be expended. The CPA requires the CPC to consult with the various boards and commissions in order to determine what recommendations to make during the year. The CPC may make recommendations to Town Meeting for expenditure of funds for the purposes designated in the CPA. The Legislature amended the CPA, effective April 7, 2005, to allow a city or town to appropriate money in any year from the CPF to an affordable housing trust fund (AHTF). If Town Meeting rejects the CPC recommendation for distribution of funds for a particular project, the unspent funds go back into the CPF. One of the principal guidelines set out in the CPA for the spending of funds is that the funds cannot be used to replace existing operating funds but only to augment them. The Department of Revenue has interpreted this guideline as prohibiting the use of CPA funds to supplant operating funds that already have been appropriated.

In addition to the funds raised through the application of the surcharge, the town will receive funds from the Massachusetts Community Preservation Trust Fund distributed in three stages: matching, equity, and surplus. The principal stage is the first-round matching distribution in which the town will receive an amount not less than 5% and not more than 100% to match the funds raised by the town through the surcharge. The funds received from the State are derived from the surcharge fee added onto all document recording fees (except for the filing of declarations of homestead) at the county registry of deeds in which the community accepting the CPA is located. The amount of the funds distributed annually by the State to the town is based upon the amount which the town has raised annually through June 30 of each fiscal year as a result of the town's surcharge and certified to the State. (When, as happened this last year, Massachusetts ends with a surplus, the Commonwealth may allocate some of this surplus to the CPA Trust Fund. For the 2020 distribution, for example, the Commonwealth added \$20 million to the amount raised from recording fees.)

A community that accepts the CPA may revoke its acceptance any time after five years of its acceptance by the same manner in which the CPA was accepted. During the five years, if the community wishes to amend the amount of the surcharge or change the exemptions, they must do so by the same process by which the CPA was accepted. The surcharge, in the five-year period, however, may be reduced by the community to an amount that is greater than zero, e.g., 0.01%.

Community Preservation Act exemptions

The Community Preservation Act mandates certain statutory exemptions, as follows:

Chart 1: Typical Number of Statutory Exemptions Granted in Brookline

Description	Ch.59, Sec.5 Clause	FY2017 #Granted
Surviving Spouse	17D	5
Veteran (10% Disability)	22	46
Veteran (loss of one hand, foot or eye)	22A	0
Veteran (loss of two hands, feet or eyes)	22B	0
Veteran (special housing)	22C	0
Veteran (certain widows of soldiers)	22D	0
Veteran (100% disability, cannot work)	22E	10
Blind	37A	37
Elderly	41C	11

The CPA also allows additional discretionary exemptions as explained in the summary, above. The Land Bank Study Committee, the petitioner, voted to recommend in this article exemptions for owner-occupants who would qualify for low income housing (80% of area median income) or low and moderate-income senior housing (80% or 100% of area median income).

DISCUSSION

The Brookline Housing Authority needs substantial amounts of money for new housing. A balanced additional affordable housing approach should also be providing more funds for open space, parks and playgrounds. With many significant historic structures in Town, historic preservation and possibly adaptive re-use of historic structures is an important goal to many Brookline residents. Adopting the Community Preservation Act, by providing a dedicated source of funds for these purposes, may free up money in the town budget for other priorities.

Brookline faces difficult budget choices over the next five years, which will almost certainly mean requests for further overrides and debt exclusions. Additional overrides and debt exclusions impose a particular hardship on low-income residents, who are already struggling to pay taxes rising at rates well above 2.5% due to overrides and debt exclusions already in the pipeline.

Unlike an override, the CPA surcharge on Tax Bills is structured in such a way that low/moderate-income households are entitled to apply for exemption from the surcharge. Also, CPA revenue is matched by the state's Community Preservation Trust Fund, which for the current fiscal year is expected to be at a rate of 31%. Money for the CPA state match comes from fees and taxes paid by residents and business firms in every city and town, including Brookline. Brookline currently gets nothing back from the funds (\$162,560 in 2019) deposited in the CPA Trust Fund, but would if Brookline adopts the CPA.

Boston, Cambridge, and Newton are among 176 municipalities that have adopted the CPA. Adopters include one-half the municipalities in Massachusetts but well over one-half of taxpayers either by number or by state and local taxes paid.

In order to estimate the revenue from the CPA surcharge, adjustments must be made to take into account the financial impact of the allowed exemptions. This involves estimating the number of residents who are granted exemptions. Chart 1 lists the number of statutory exemptions granted in Brookline in a typical year. Eligibility for the low/moderate-income exemptions, on the other hand, is a function of household size, household income, and the area median income (AMI) threshold that applies for each household, either 80% of AMI or 100% of AMI. The number of eligible households, among Brookline's approximately 12,500 owner occupied households cannot be readily determined from available information. If this number were known, an estimate of the number of potentially eligible households, and the number who would actually apply and be granted an exemption, would help to reduce uncertainty regarding the financial impact of the low-income exemptions. But due to the lack of this required information such a method is neither preferable nor feasible.

Therefore, rather than relying on such a method, instead, Chart 2 shows a projection based on Massachusetts Department of Revenue data for communities that only allow the statutory exemption, and for communities that offer, in addition, the low/moderate-income exemptions (Chart 4). Based on these data for 11 communities offering the low/moderate-income exemptions, the median shrinkage due this exemption is 0.68%. For Brookline, this 0.68% projected shrinkage in CPA revenue would be \$15,940. Adding to this projection to the \$11,720 median experience for 19 communities with statutory exemptions only, the shrinkage contemplated by this warrant

article would total 1.88% or \$27,660. This amount, subtracted from the proposed surcharge, and then including an estimated 31% state match, results in estimated net CPA revenue of \$3,034,536.

Chart 3 estimates the impact of the CPA surcharge, with the statutory and low/moderate-income exemptions on various property classes, with and without the residential exemption. (The chart also indicates the possible impact of the further \$100,000 assessed value exemption allowed by the CPA, but this is for information purposes only because this exemption is not contemplated for this article.)

Chart 4 shows of data for CPA participating communities that offer no exemptions beyond the statutory and communities that offer both the statutory and the low/moderate-income exemptions. The median for the 11 communities that offer low/moderate-income exemptions is 1.18% and the median for the 19 communities that offer no exemptions beyond statutory is 0.50%. (The difference, 0.68% (1.18 – 0.50), would be an estimate of the change in the shrinkage due to the additional low/moderate-income exemptions.)

Chart 5 lists CPA experience for a number of neighboring communities.

Chart 2: Projected Revenue for Brookline from a 1% CPA Surcharge

Based on the FY20 Levy and anticipated state match.	1% Surcharge with statutory exemptions only	1% Surcharge with statutory & low-income exemptions (recommended)
FY20 Total Tax Levy on Real Property	\$234,410,004	\$234,410,004
Proposed 1% CPA Surcharge	\$2,344,100	\$2,344,100
Shrinkage due to Statutory Exemptions, Abatements, Senior work-off (estimated at 0.50% based on experience of 19 towns with no other exemptions)	\$11,720	\$11,720
Shrinkage due to Low/Moderate Income Exemptions (estimated at 0.68% based on experience of 11 additional towns with the low/moderate-income exemptions but no other except for those above)		\$15,940

Estimated reduction in revenue due to exemptions (estimated at 1.18% for combined statutory and low/moderate-income)	\$11,720	\$27,660
Net Funds from Surcharge	\$2,332,380	\$2,316,440
State Match at 31%	\$723,038	\$718,096
Estimate of CPA funds available	\$3,055,417	\$3,034,536

Chart 3: Impact of the Proposed 1% CPA Surcharge on Tax Bills in Brookline

With and without a first \$100,000 of value exemption.	Median Value SF Home with Residential Exemption	Median Value Condo with Residential Exemption	Median Value SF & Condo with Residential Exemption	Median Value 2 Family with Residential Exemption	Median Value 3 Family with Residential Exemption
FY20 Assessed Value	\$1,719,250	\$747,300	\$911,600	\$1,818,700	\$1,918,000
Less Residential Exemption	\$292,060	\$292,060	\$292,060	\$292,060	\$292,060
Equals Taxable Value	\$1,427,190	\$445,240	\$619,540	\$1,526,640	\$1,625,940
Times Tax Rate	0.945%	0.945%	0.945%	0.945%	0.945%
Equals Tax Bill	\$13,487	\$4,302	\$5,855	\$14,427	\$15,365
RE Tax as% of Ass. Value	0.784%	0.576%	0.642%	0.793%	0.801%
1% CPA Surcharge	\$135	\$43	\$59	\$144	\$154
	\$9.45	\$9.45	\$9.45	\$9.45	\$9.45
Surcharge w. 100K Exemption	\$125	\$34	\$49	\$135	\$144
RE Tax+ CPA SC as % of Ass. Val.	0.792%	0.580%	0.648%	0.801%	0.809%
Change due to CPA surcharge	0.007%	0.004%	0.005%	0.007%	0.008%
	Median Value SF Home without Residential Exemption	Median Value Condo without Residential Exemption	Median Value SF & Condo no Residential Exemption	Median Value 2 Family without Residential Exemption	Median Value 3 Family without Residential Exemption.
FY20 Assessed Value	\$1,719,250	747,300	\$911,600	\$1,818,700	\$1,918,000
Times Tax Rate	0.945%	0.945%	0.945%	0.945%	0.945%
Equals Tax Bill	\$16,247	\$7,062	\$8,615	\$17,187	\$18,125
Tax Bill as% of Ass. Value	0.945%	0.945%	0.945%	0.945%	0.945%
1% CPA Surcharge	\$162	\$71	\$86	\$172	\$181
Less Value of 100K exemption	\$9.45	\$9.45	\$9.45	\$9.45	\$9.45
Surcharge w. 100K Exemption	\$153	\$61	\$77	\$162	\$172
RE Tax+ CPA SC as% of Ass. Val.	0.954%	0.953%	0.953%	0.954%	0.954%
Change due to surcharge	0.009%	0.008%	0.008%	0.009%	0.009%
	Median Value Small Apt. Bldg w.o. Res. Ex.	Median Value Large Apt. Bldg w.o. Res. Ex.	Median Assessed Value Per unit, Small Apt. Bldg (4 units)	Median Assessed Value Per unit, Large Apt. Bldg (20 units)	
FY20 Assessed Value	\$2,822,600	\$7,416,650	\$526,663	\$350,692	
Times Tax Rate	0.945%	0.945%	0.945%	0.945%	
Equals Tax Bill	\$26,674	\$70,087	\$4,977	\$3,314	
RE Tax as% of Ass. Value	0.945%	0.945%	0.945%	0.945%	
1% CPA Surcharge	\$267	\$701	\$50	\$33	
Less Value of 100K exemption	\$9.45	\$9.45	\$2.36	\$0.47	
Surcharge w. 100K Exemption	\$257	\$691	\$47	\$33	
RE Tax+ CPA SC as % of Ass. Val.	0.954%	0.954%	0.954%	0.954%	
Change due to surcharge	0.009%	0.009%	0.009%	0.009%	

Chart 4: Data on Municipalities that have adopted the CPA with the low income or with no exemptions beyond those required by statute (data for FY19)

	Real Property Tax Levy	Surcharge Rate	Exemptions (beyond statutory)	Surcharge with no Exemptions	Surcharge Raised	Shrinkage due to Exemptions	% Shrinkage
Agawam	53,276,820	1.00%	low income	532,768	529,429	3,339	0.63%
Ayer	19,093,589	1.00%	low income	190,936	189,916	1,020	0.53%
Boxborough	18,490,234	1.00%	low income	184,902	183,464	1,438	0.78%
Dracut	48,746,712	2.00%	low income	974,934	964,944	9,990	1.02%
Dunstable	9,168,977	3.00%	low income	275,069	274,408	661	0.24%
Goshen	2,311,789	3.00%	low income	69,354	68,535	819	1.18%
Hull	28,876,173	1.50%	low income	433,143	428,027	5,116	1.18%
Millis	21,961,654	1.00%	low income	219,617	163,954	55,663	25.35%
Rehoboth	23,833,271	1.00%	low income	238,333	233,720	4,613	1.94%
Rowley	15,397,843	3.00%	low income	461,935	455,101	6,834	1.48%
Watertown	105,860,455	2.00%	low income	2,117,209	2,085,274	31,935	1.51%
						Median	1.18%
Barnstable	120,431,812	3.00%	none	3,612,954	3,596,331	16,623	0.46%
Bourne	48,504,661	3.00%	none	1,455,140	1,445,843	9,297	0.64%
Brewster	33,406,663	3.00%	none	1,002,200	997,502	4,698	0.47%
Dennis	43,026,351	3.00%	none	1,290,791	1,287,571	3,220	0.25%
Eastham	24,083,901	3.00%	none	722,517	719,164	3,353	0.46%
Falmouth	101,117,566	3.00%	none	3,033,527	3,010,745	22,782	0.75%
Harvard	21,084,669	1.10%	none	231,931	231,935	-4	0.00%
Harwich	48,466,005	3.00%	none	1,453,980	1,445,653	8,327	0.57%
Hudson	51,768,015	1.00%	none	517,680	515,080	2,600	0.50%
Mashpee	47,340,155	3.00%	none	1,420,205	1,412,734	7,471	0.53%
Newton	337,781,126	1.00%	none	3,377,811	3,381,289	-3,478	-0.10%
Orleans	29,859,176	3.00%	none	895,775	893,294	2,481	0.28%
Peabody	105,219,469	1.00%	none	1,052,195	883,904	168,291	15.99%
Plymouth	168,793,464	1.50%	none	2,531,902	2,519,026	12,876	0.51%
Sandwich	58,752,307	3.00%	none	1,762,569	1,755,347	7,222	0.41%
Truro	16,097,655	3.00%	none	482,930	479,830	3,100	0.64%
Wellfleet	17,549,368	3.00%	none	526,481	525,614	867	0.16%
Westport	27,744,626	2.00%	none	554,893	551,830	3,063	0.55%
Yarmouth	59,444,529	3.00%	none	1,783,336	1,767,530	15,806	0.89%
						Median	0.50%

Source: Massachusetts Department of Revenue, Municipal Data

Chart 5: Data on Neighboring Municipalities that have Adopted the Community Preservation Act (data for FY19)

	Real Property Tax Levy	Surcharge Rate	Exemptions (See key below)	Surcharge with no Exemptions	Surcharge Raised	Shrinkage due to Exemptions	% Shrinkage
Newton	337,781,126	1.00%	A	3,377,811	3,381,219	-3,408	-0.10%
Watertown*	105,860,455	2.00%	B	2,117,209	2,085,274	31,935	1.51%
Wellesley	139,638,307	1.00%	C	1,396,383	1,299,725	96,658	6.92%
Belmont	91,315,374	1.50%	C	1,369,731	1,213,313	156,418	11.42%
Cambridge*	387,938,476	3.00%	C	11,638,154	11,319,727	318,427	2.74%
Concord	387,938,476	1.50%	C	5,819,077	1,232,570	4,586,507	78.82%
Lexington	387,938,476	3.00%	C	11,638,154	4,911,223	6,726,931	57.80%
Needham	387,938,476	2.00%	C	7,758,770	2,476,655	5,282,115	68.08%
Arlington	122,677,165	1.50%	D	1,840,157	1,565,229	274,928	14.94%
Boston*	2,183,812,102	1.00%	D	21,838,121	20,218,071	1,620,050	7.42%
Waltham*	169,964,212	2.00%	D	3,399,284	3,010,831	388,453	11.43%

A: No exemptions beyond those required of all CPA communities

B: Low income

C: Low income, first \$100,000 residential

D: Low income, first \$100,000 residential, first \$100,000 commercial

*Among 15 Massachusetts municipalities that have adopted the residential exemption

Source: Massachusetts Department of Revenue, Municipal Data

Accomplishments among 176 CPA communities

Town Meeting members may be interested in browsing a sitewide database of hundreds of completed CPA funded projects arranged alphabetically by town. (Source: The Community Preservation Coalition)

<https://www.communitypreservation.org/databank/projectsdatabase/access>

Fiscal impact on Town department expenses

The CPA allows the Town to appropriate up to 5% of CPA revenue for administration, which would be approximately \$150,000, to defray Town expenses. The impact is likely to fall on certain departments, specifically to provide support for the Community Preservation Act Committee processing of project applications, awards, and monitoring. The assessor processes eligibility for exemption applications and tax bill adjustments.

Chart 6 shows demographic characteristics of Arlington, Watertown, and Brookline, the CPA Surcharge Rate and the number of CPA low-income exemptions for the former two, and whether these municipalities have a residential exemption. Arlington has between 90 and 100 applications for the CPA low-income exemption and Watertown has 87.

Based on the experience of these two fairly comparable municipalities, we might expect Brookline to have between 100 and 150 applications for the low-income exemption. The number could, of course, be much higher, or it could be lower for Brookline.

Chart 6:

Data for Arlington, Watertown, and Brookline on Demographics and the number of Low-Income exemptions from the CPA Surcharge

	Arlington	Watertown	Brookline
Number of Owner-Occupied Housing Units	11,349	7,910	12,574
Median Household Income of Owner-Occ. HH's	\$136,998	\$112,067	\$148,631
% of Own.Occ. HH's for which Housing costs exceed 30% of Income	24%	31%	27%
CPA Surcharge Rate	2.00%	1.50%	1.00%*
Number of low-income exemption applications	90-100	87	
as % of Own.Occ. HH's	0.84%	1.20%	
Residential Exemption	No	Yes	Yes

*CPA Surcharge Proposed for Brookline

(Source of Demographic Data: U.S. Bureau of the Census, American Fact Finder, Community Facts. Data are for the average of five years 2013-2017, with Income adjusted to 2017 dollars.

Staff from Planning and Community Development and Finance have reviewed this proposed article. Here is an estimate of resources needed for support.

Chart 7: Estimate for the CPA administration budget

CPA Administration					
POSITION	GRADE	# OF POSITIONS	SALARY	TOTAL SALARY	
Planner	T-6	1	68,886	68,886	
Office Assistant	C-5	0.50	47,440	23,404	18.5 hrs/wk
<i>PERSONNEL SUB-TOTAL</i>		<i>1.5</i>		<i>92,289</i>	
Fringe				32,301	Assumes 35% fringe
Advertising				5,000	
Supplies				2,000	
Dues				8,000	
<i>NON- PERSONNEL SUB-TOTAL</i>				<i>15,000</i>	
TOTAL				139,591	

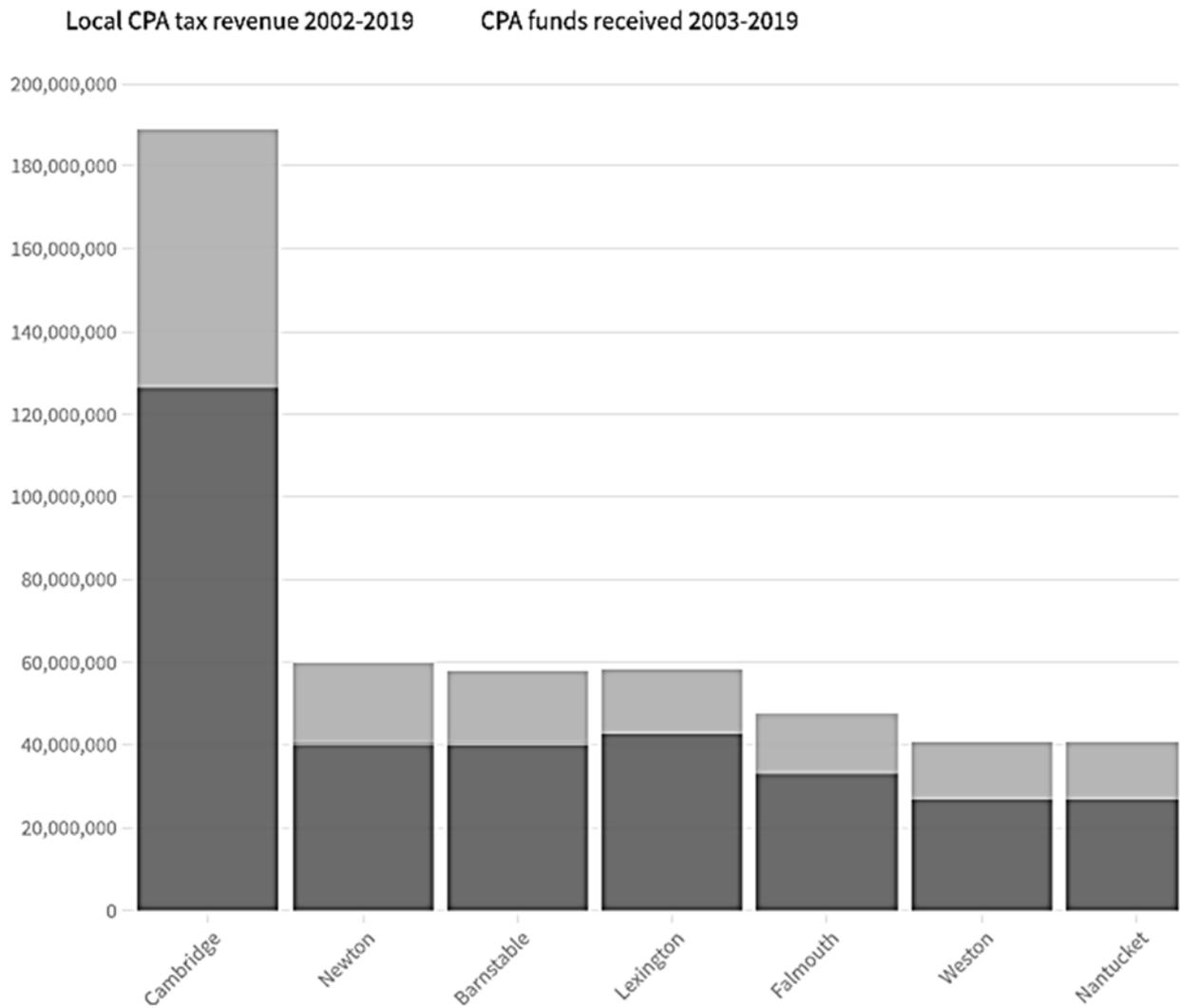
Given the limited time for review, staff estimates were based on previous experience working in CPA communities and knowledge of existing staffing in CPA communities. We did not include existing staff support, but only new resources that would be needed to manage this new program. Knowing how process-orientated Brookline is, the staffing estimate may be lower than what is actually needed (especially if the CPA committee and the AC review project recommendations). The Assessing staff believe if the exemptions are in the 100-150 range that it could be managed with existing resources, but depending on the requirements of the exemption and volume it could require more staff. It also may not be realistic to rely on a tax work off volunteer given the sensitive nature of the material needed to verify exemptions.

Obviously, the more spent on administration, the less for grants. On the other hand, when the Town budget is stressed, the CPA does allow the Town to recover at least 5% for overhead.

Chart 8:

CPA Top 10 Communities

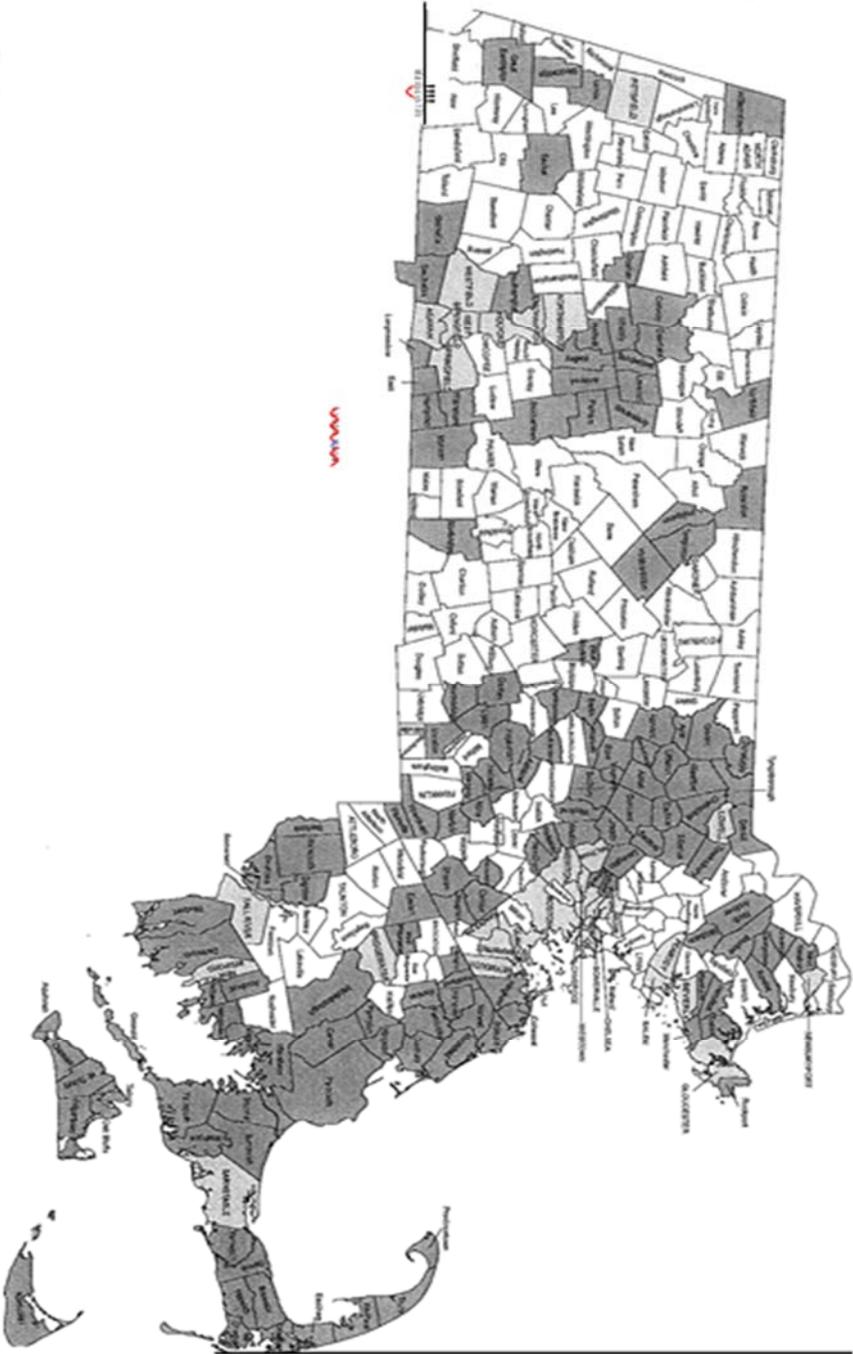
Municipalities to receive the most CPA funds since it started



** Top of bar (smaller): CPA matching funds received 2002 - 2019

*** Bottom of bar (larger): Local CPA Revenue 2002 – 2019

Community Preservation Act Adoption November 2019





NORFOLK COUNTY REGISTRY OF DEEDS
COMMUNITY PRESERVATION ACT (CPA)
SURCHARGES BY TOWN FOR CALENDAR YEAR 2019

TOWN	TOTAL
AVON	\$19,945
BELLINGHAM	\$74,615
BRAINTREE	\$143,415
BROOKLINE	\$162,560
CANTON	\$92,585
COHASSET	\$43,625
DEDHAM	\$95,680
DOVER	\$25,515
FOXBOROUGH	\$60,995
FRANKLIN	\$126,230
HOLBROOK	\$45,280
MEDFIELD	\$52,215
MEDWAY	\$52,215
MILLIS	\$35,195
MILTON	\$95,750
NEEDHAM	\$116,460
NORFOLK	\$42,300
NORWOOD	\$91,890
PLAINVILLE	-\$30,500
QUINCY	\$257,605
RANDOLPH	\$104,350
SHARON	\$60,715
STOUGHTON	\$105,130
WALPOLE	\$98,430
WELLESLEY	\$93,550
WESTWOOD	\$61,725
WEYMOUTH	\$205,230
WRENTHAM	\$52,960

ARTICLE 13

Submitted by: Moderator's Committee on Elderly Tax Relief, contact Susan Granoff

Due to the COVID-19 crisis, the Select Board voted to pursue a limited warrant for the Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of what was filed for the Annual Town Meeting.

This warrant article is the result of nearly two years of work by the Moderator's Committee on

Elderly Tax Relief, which was created by a vote of the 2018 Annual Town Meeting. The Committee was asked to investigate ways to use Brookline's tax policies to deal with the dilemma faced by those elderly Brookline homeowners on fixed incomes who are finding it increasingly difficult to pay their rising property taxes and yet still want to continue living in their Brookline home; to study the extent of need among Brookline's senior homeowners; to identify those senior homeowners who especially needed additional property tax relief; to develop one or more new, fiscally responsible programs that went beyond existing Brookline senior tax relief programs in order to help needy seniors who were not being helped (or helped enough) by current town programs; and to report back to Town Meeting.

The new program that the Committee is proposing in this warrant article is modeled after the highly successful Means-Tested Senior Tax Exemption program that has been in effect in Sudbury since 2014, but Brookline's program would have one additional qualification requirement.

The proposed program would work as follows:

No Brookline senior homeowner who qualified would be required to pay property taxes on their home or condo greater than 10 percent of their total household income so long as they paid at least 50 percent of their total property tax bill after application of the Town's residential exemption.

In order to qualify:

- The residence must be owned and occupied by an age 65 or older senior whose prior year's income would make the person eligible for the Massachusetts Circuit Breaker Income Tax Credit (*currently, the qualifying incomes for the Tax Year 2019 Circuit Breaker Tax Credit are \$60,000 for a single senior taxpayer, \$75,000 for a head of household, and \$90,000 for a married couple filing jointly*);
- If there is a joint owner, the joint owner must be at least 60 years of age;
- The applicant or joint owner must have resided in Brookline for at least ten consecutive years;
- The assessed value of the domicile is no greater than the prior year's average assessed value of a Brookline single-family residence (including both condos and single-family homes) plus 10 percent (*currently, that assessed value cap would be \$1,340,992*);
- The applicant must not own “excessive assets” that place the applicant outside of the intended recipients of this exemption;
- The application must be timely filed and complete; and
- The applicant must be unable to qualify for Brookline's Senior Tax Deferral for that year.¹

¹ A majority of the Committee wanted to add the Tax Deferral requirement because they strongly believe that, if a senior homeowner can qualify to participate in the Town's Tax Deferral Program and thereby tap into the appreciated value of their home, the Town should not grant that senior homeowner any exemption. A minority of the Committee (40 percent) disagreed with what they considered to be an unduly restrictive requirement and would have preferred that the proposed program not include this added qualification.

Most senior homeowners who are likely to qualify for the new program would also likely qualify for the Town's Senior Tax Deferral Program. The one probable exception are those senior homeowners who have a conventional mortgage on their home. This is because the town is required by state law to hold a first lien on a Tax Deferral Program participant's home, while, under federal law, banks and other mortgage holders are required to hold first lien on all properties with conventional mortgages that are sold on the secondary market, and neither may waive this requirement. As a result, these senior homeowners are unable to obtain the written approval to participate in the Tax Deferral Program from all persons having a legal interest in their property that is required by the Tax Deferral and Recovery Agreement, the contract between the Town and each Tax Deferral Program participant.

Based on the Committee's analysis of micro-data collected by the American Community Survey (a part of the US Census Bureau), during the years 2013-2017, an estimated 100 Brookline senior homeowner households with low and modest incomes likely would have been unable to participate in the Town's Senior Tax Deferral Program because their home had a conventional mortgage. Additional data indicates that approximately 90% of these households were spending 50% or more of their total household income on housing costs, a percentage that is considered by most economists to be a sign of serious financial distress.

The proposed new program would be revenue neutral; it would not increase the Town's total revenues, costs, or budget. It would authorize a reduction in real property taxes for certain low to moderate income seniors which would be offset by a modest redistribution of the property tax burden within the residential class, resulting in a very small increase in the residential tax rate from 0.25 percent (a quarter of 1 percent) in the first year of the program's operation to between 0.25 percent to 1 percent in subsequent years, as set by the Select Board each year. Based on the town's current (FY2020) residential tax levy of \$196,322,386, a 0.25 increase would result in an annual property tax bill increase of \$11 for the median assessed-value condo and an increase of \$34 for the median assessed-value single-family home. The costs of the new exemption program would be unlikely to require more than a 0.25 surcharge. Any excess amount raised in any year that was not distributed as exemptions under the proposed program would be returned to the town.

We estimate that ultimately a maximum of about 100 Brookline seniors might qualify and that the maximum total amount of the exemptions granted would be about \$490,000, which would be equal to 0.25 percent of the town's current residential tax levy.

EXPLANATION

One of the many qualities that makes Brookline so special is that we as a community value diversity in all of its many forms, including age and economic diversity. We pride ourselves on being a community that values its senior residents, many of whom have contributed enormously to Brookline during the decades that they have lived here and many of whom continue to make invaluable contributions to our community, through their hundreds of hours of volunteer activities and the historical memory that our long-term Brookline residents provide. For this reason, the Town and various organizations such as Brookline's Council on Aging, the Brookline Community Aging Network, and the Senior Center have worked to provide programs that make it easier for our senior residents to age in place. These are some of the reasons that Brookline has been designated as an internationally recognized "age-friendly" community.

But, even in a generally affluent town such as Brookline, there are hundreds of seniors who are having increasing difficulty paying their real estate taxes. Many purchased their homes or condos decades ago, when they were employed full-time and their household incomes were much higher (and Brookline real estate taxes and fees were much lower). They love Brookline and the neighborhoods where they live and don't want to sell the residences they love and in which they have lived for decades.

This is often a hidden problem. Some of our senior neighbors may already be struggling with paying Brookline's rising real estate taxes and water/sewer fees, and yet they are too embarrassed to discuss this openly. To pay for these expenses, they may have been putting off needed home repairs or medical care or living very bare-boned lives. However, the problems they face are real and will only get worse if, as it appears likely, Brookline voters approve two or more additional tax overrides and debt exclusions during the next few years to meet the educational needs of our expanding school-age population.

The statistical data that our Committee examined indicates that the Brookline senior homeowners most in need and most likely to benefit from this warrant article proposal are unmarried senior women, living alone, particularly those 80 years of age and older.

According to our Committee's analysis of micro-data collected by the American Community Survey for the years 2013-2017, nearly 12 percent of Brookline's senior homeowner households (about 475 households) had household incomes low enough to qualify them for the Massachusetts Senior Circuit Breaker Income Tax Credit on their state income taxes during those years and had a median annual household income of \$27,400. This group of senior homeowners were predominantly female (77 percent), unmarried (72 percent), living alone (63 percent), and quite elderly (50 percent were age 80 and over). Nearly 22 percent of these 475 households (103) had a mortgage on their home, and over 73 percent spent 30 percent or more of their total household income on regularly recurring housing costs (such as property taxes, mortgage payments, condo fees, utilities, and home insurance, but not including repairs or other extraordinary costs). Over 39 percent of these households (186) spent 50 percent or more of their total household income on housing costs (an amount that economists generally consider to be indicative of severe financial stress), and, of this group, 49 percent had a mortgage on their home.

The new program proposed in this warrant article would make a significant difference in the lives of many of these struggling senior homeowners.

It also has many other advantages:

- It's based on a time-tested model which has been in operation in Sudbury since 2014, and our Town would be able to benefit from Sudbury's experience with it.
- It's popular. Sudbury's voters overwhelmingly voted in favor of continuing its program in 2016, and other communities such as Concord have adopted a version of this plan or have petitioned the state legislature to do so.
- It would help senior homeowners with low and modest incomes and high housing expenses who can't qualify for the Tax Deferral Program and are clearly in need of additional assistance.

- It could assist an estimated 100 or more senior households currently, and perhaps more in the future.
- It would have a fixed, knowable, and relatively modest cost (about \$491,000 at 0.25%).
- It would be familiar to state legislators and, as a result, more likely to get legislative approval.
- It has been drafted in a way that gives the Town an opportunity to test out the Sudbury program in Brookline on a small scale and then, should Town Meeting choose, to extend Brookline's program to cover more seniors at a later date without having to undergo the time-consuming process of getting new approval by the state legislature.
- It would be flexible and able to take account of future overrides, debt exclusions, and inflation.
- It has the potential of providing much needed property tax assistance to more Brookline seniors than are currently participating in all of Brookline's current tax assistance programs combined.

The Moderator's Committee on Elderly Tax Relief spent nearly two years studying senior tax relief programs in other communities throughout Massachusetts and in other states. We were most impressed with the Sudbury program. For all of the above reasons, we believe that this proposed new Sudbury-modeled Brookline program has enormous potential for the Town and would provide welcome financial relief to a significant number of needy senior homeowners who are not being helped by the Town's current programs.

ARTICLE 14

Submitted by: Anthony Ishak, Kate Silbaugh TMM1, Maura Toomey TMM8, Nancy Daly TMM12

Due to the COVID-19 crisis, the Select Board voted to pursue a limited warrant for the Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of the article filed for the Annual Town Meeting.

Tobacco is the only product that, when used as intended, will kill you. In an effort to protect all inhabitants, this warrant article proposes to reduce the potential impact of tobacco on future generations and stay ahead of tobacco's attempts to addict new users. This warrant article helps to prevent the future targeting of not only underage users but the extended social circle that can possibly provide increased access (NYTS 2018 study).

As society incrementally increases tobacco restrictions, youth initiation has decreased. This is another step towards preventing underage users from starting and helping the most motivated demographics to quit (AM J Prev Med 2015 Dec; 49(6):939-44). Seventy percent of adult smokers want to quit (Morbidity and Mortality Weekly Report. 2017; 65 (52):1457-64) and this warrant article can increase their chances of success. Commonly known as Generation X, those born after 1976 have experienced the most education against the toxic effects of tobacco, but may have been

exposed to it underage (90% of tobacco initiation occurs underage) at a time when they are most vulnerable to making bad decisions thus leading to addiction. Studies have frequently shown that brain development continues beyond the age of 21 (multiple studies, Neuropsychiatr Dis Treat 2013; 9:449-61) which is the current legal age to purchase tobacco. Under current law tobacco use may be initiated at a time when the brain has not fully developed to make the decisions that can impact us for the rest of our lives. However, smoking cessation before the age of 40 has been shown to reduce the risk of death to nearly the same level as non-smokers (N Engl J Med 2013; 368:341-50). The demographics that most frequently try to stop smoking are those under the age of 44 but they also have low success rates—this warrant article aims to help those groups that may have already experienced the full effect of education, want to stop this toxic habit, and allow them to regain years that might have been stolen due to a decision made when they were vulnerable. It also helps to close loopholes where frequent violators of current law can continue to profit without concern for possible loss of license. It helps strengthen the town Department of Public Health and allows those retailers that abide by the laws to have a level playing field. This warrant article is the next reasonable step to help our town defend itself against the tobacco industry's continued attempt to find new ways of addicting new, vulnerable users. It is with these reasons that the bylaw should be changed to prevent the sale of tobacco products to anyone born after January 1, 1976.

ARTICLE 15

Submitted by: Deborah Brown, Arthur Conquest, III, Bob Lepson, Nicole McClelland, Hadassah Margolis, C. Scott Ananian, Bettina Neufeind, Sean Lynn-Jones, David Lescohier, Bob Schram, Luciana Schachnik and Anne Greenwald

First, Brookline has no DBE program to speak of. For every 100 females, there were 82.6 males. For every 100 females age 18 and over, there were 79.1 males. The median income for a household in the town was \$66,711, and the median income for a family was \$92,993. Males had a median income of \$56,861 versus \$43,436 for females. The per capita income for the town was \$44,327. About 4.5% of families and 9.3% of the population were below the [poverty line](#), including 5.3% of those under the age of 18 and 7.5% of those ages 65 and older. The racial makeup of the town was 73.3% [White](#), 3.4% [Black](#) or [African American](#), 0.12% [Native American](#), 15.6% [Asian](#) (6.7% [Chinese](#), 2.6% [Indian](#), 2.3% [Korean](#), 1.8% [Japanese](#)), 0.03% [Pacific Islander](#), 1.01% from [other races](#), and 3.0% from two or more races. [Hispanic](#) or [Latino](#) of any race were 5.0% of the population (0.9% [Mexican](#), 0.8% [Puerto Rican](#)). (Source: 2010 Census Quickfacts)²

Now compare these data with Brookline's DBE participation and you will see that the number is under 5%, despite repeated requests to undertake creating a serious DBE program. We have asked for programming for years, with no measurable outcomes. What we are proposing is measurable and achievable. The Town simply needs to make a commitment to doing so. The case for having a meaningful DBE program is straightforward.³

² WIKI, https://en.wikipedia.org/wiki/Brookline,_Massachusetts

Business Network, 6 Reasons to Support Black-Owned B³ Green Businesses

Submitted by S. Reid on February 14, 2019

Forbes, Sep 25, 2018, 11:17am, Embracing Diversity And Fostering Inclusion Is Good For Your Business, [Sheree Atcheson](#), Contributor [Diversity & Inclusion](#)

Brookline stands to save money and improve the economic position of women and people of color here and beyond. There are many DBE programs from which to model a program, including MassPort and the MA Department of Transportation.⁴ We expect that many of our contractors are participating in DBE programming in other jurisdictions, because the law requires it. Brookline would not have to create a program from nothing. Instead, they need only look at existing robust programs.

Big companies and, to a lesser extent, municipalities have a history of oppressing disadvantaged people. But diversity builds economic vitality, uplifts communities, and promotes productivity and resilience. Our sustainability is impossible without the inclusion of all. Here are some benefits of a DBE program.

1. Closes the Racial Wealth Gap

We can trace the origins of today's racial wealth gap to Jim Crow-era practices like redlining and job discrimination which segregated African Americans from higher paying jobs and homeowner ownership opportunities that ultimately prevented wealth building. The [1935 Social Security Act did not afford coverage to domestic and agricultural workers, many of whom were African American](#), and its [requirements for residency and payroll information](#) also excluded the large number of African Americans working menial, "off the books" jobs and migrating North at the time.

Today, the median wealth for white families is about 12 times that for Black families averaging around \$140,000, and [one in four black households have zero or negative net worth](#) compared to less than one in ten white families without wealth. Even more concerning is that by 2053, the median wealth for Black families is projected to fall to zero.

Small businesses and entrepreneurs have been longtime wealth builders in our society. By supporting more Black-owned businesses, Brookline can create more opportunities for meaningful savings, property ownership, credit building and generational wealth.

Also see: COVID Community Data Lab: A new initiative from Boston Indicators compiling updated trends on mobility patterns, housing, social assistance, equity, housing and census response: www.bostonindicators.org/reports/report-website-pages/covid_indicators_report

⁴ Massport DBE program. <http://massport.com/massport/business/diversity-compliance/dbe-program/>

No. 527: Establishing the Office of Access and Opportunity Within the Executive Office of Administration and Finance, <https://www.mass.gov/executive-orders/no-527-establishing-the-office-of-access-and-opportunity-within-the-executive>

2. Strengthens Local Economies

When small businesses flourish, so would Brookline. But banks often hinder that prosperity by discriminating against African American and other entrepreneurs of color seeking small business loans. A 2017 study by the National Community Reinvestment Coalition actually found that banks were twice as likely to provide business loans to white applicants than Black ones and three times as likely to have follow-up meetings with white applicants than more qualified Black ones. Massachusetts is no different.

If consumer spending accounts for 70 percent of the entire US economy, imagine what directing some of that spending power to Black-owned businesses across the country can do. [48 percent of small business purchases are recirculated locally](#) compared to only 14 percent of what's circulated by chain stores. Supporting Black-owned businesses in turn supports families, employees, and other business owners, as well as attracts community investors who provide banking services, loans, and promote financial literacy--all things that build economic strength.

3. Fosters Job Creation

Many African American business owners fund their own businesses due to the lack of capital mentioned earlier. This means that most Black-owned businesses are sole proprietorships that don't make enough money to pay employees. [2012 US census data showed that Black-owned businesses created 1 million](#) jobs compared to white-owned businesses which created almost 56 million.

In 2018, the [unemployment rate for African Americans fell to 6.6 percent](#), which was almost double that for white Americans and higher for other minority groups. Since Black-owned small businesses are likely to hire from the local community, supporting them can foster the job opportunities people need to achieve financial stability.

COVID-19 has certainly changed these outcomes. In the greater Boston area, as many as 50% of people of color owned firms may cease operations, because of inadequate access to capital.

4. Holds Companies Accountable

By now you've probably heard about [Gucci's highly offensive sweater design resembling blackface](#). While Gucci's under fire now for all of the decision making that went into the design's approval and eventual release, it's not an isolated incident. Many large companies vocally support minorities and their diverse cultures but practice policies that keep systems of injustice intact. Whether it's [H&M's unsound marketing](#), [Starbucks' removing people from its store](#), or [Facebook's hiring diversity problem](#), African Americans and other minorities often bear the brunt of corporate discrimination.

When Brookline chooses a Black-owned business over problematic companies, we vote with your dollar by divesting from these kind of practices and hold companies accountable. And further down the road, you empower successful minority-owned businesses to implement equitable policies.

5. Visibility and Representation in the Green Economy

Brookline's prosperity depends on the celebration of diversity by and for all peoples. DBE can go a long way in demonstrating that economic development is everybody's movement and when DBEs have a financial platform to stand on, they inspire more people to join our economy.

For the above reasons, voting in favor of a strong economic development program for people of color and women makes good economic sense for the entire Town.

ARTICLE 16

Submitted by: Mariah Nobrega

Due to the COVID-19 crisis, the Select Board voted to pursue a limited warrant for the Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of the article filed for the Annual Town Meeting.

This warrant article is a home rule petition seeking authorization from the state legislature to allow for recall of townwide officials. This mechanism is intended for use in only the most grievous of circumstances; to provide some context, a chronological list of recalls in Massachusetts, as well as the circumstances in which each recall was sought, is available at https://ballotpedia.org/Recall_campaigns_in_Massachusetts. These cases illustrate why Brookline should have access to the recall mechanism, and why we must act *before* there is a need.

The language is based on a similar home rule petition from the Town of Westport that was successful in 2019. The Westport bill and legislative history can be seen at <https://malegislature.gov/Bills/191/S2275>. There are four principal differences between the proposed language and the Westport bill:

1. The original affidavit must have 500 signatures instead of 200, reflecting Brookline's larger population (60,000 versus Westport's 15,000)
2. The paper petition blanks must be provided for 2x the number of required signatures instead of 5x, which attempts to reduce the amount of paper used (a green measure).
3. A mechanism has been provided for petitioners to collect more signatures for either the affidavit or recall petition if they are found during the signature certification process to not have sufficient signatures.
4. The date for the election is set for 64-90 days from when the official is notified, instead of 64-90 days from when the Select Board choose to hold it.
5. The official being recalled may not also appear as a candidate (voters who wish the official to remain in office may do so by voting against the recall.) This is in response to what occurred in the recall of Jasiel Correia, in Fall River last year, in which a majority voted to recall him but because there were several people running against him, his opponents split the vote, leading to him receiving a slight plurality and being re-elected.

The hurdles for filing a recall election are significant, as are the hurdles to remove an official from office. As outlined in the legislation above, there would need to be:

1. 500 registered voters who sign an affidavit to request a recall petition.

2. 10% of registered voters who sign a recall petition. As of Dec 2019 this was nearly 38,000 voters, so the petition would require signatures from a corresponding nearly 3,800 voters.
3. a majority of those voting actually vote for the recall.

ARTICLE 17

Submitted by: Neil Gordon, TMM1

Due to the COVID-19 crisis, the Select Board voted to pursue a limited warrant for the Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of the article filed for the Annual Town Meeting.

It is common practice in Brookline for polls to be “dressed” in advance of election day. Under cover of darkness on election eve, supporters of candidates and/or ballot questions scurry from polling place to polling place, signs, staples and step stools at the ready. On election day, voters are greeted by an array of signs which, in the aggregate, say to us, “This is what democracy looks like.”

Common practice in Brookline, yes. Legal practice in Brookline, no.

The sign bylaw is clear: “No person shall erect, display or maintain a temporary or permanent sign upon any property owned by the Town of Brookline or upon the public way of any other governmental body.” On election day, by custom, those charged with enforcement simply look the other way.

The proposed bylaw amendment codifies what’s implicitly allowed by custom. The change will protect us (i) against strict enforcement of the sign bylaw, by elected officials and Town employees, (ii) against demands for enforcement from members of the public, and especially against enforcement and demands for enforcement that may be arbitrary and/or partisan, and (iii) from allegations of viewpoint discrimination in the manner in which the current bylaw is arbitrarily enforced.

As drafted, the proposed bylaw amendment goes beyond our current custom, and would allow signs to be displayed (i) at schools and libraries that are not polling places, a practice that, arguably, might increase voter turnout, and, (ii) “at any other place,” as a general placeholder.

There are no costs associated with codifying our current practice. Expansion of current practice to allow signs at other than polling places, might add modest costs related to the removal of abandoned signs.

ARTICLE 18

Submitted by: C. Scott Ananian, TMM-10; Deborah Brown, TMM-1; Shira Fischer, TMM-11; Raul Fernandez, SB; Meggan Levene, TMM-3; Nicole McClelland, TMM-11

Democracy is best served by a voting system that maximizes representation.

At its most fundamental, ranked choice voting is about better representing the preferences of more of the electorate. When a single candidate is to be elected (“single-winner offices”), ranked choice voting prevents strategic voting and more accurately reflects the ordered preferences of voters. For races where more than one candidate will be selected, such as School Committee, Select Board, and Town Meeting, so-called “at-large” ranked choice voting is a proportional voting system, as groups of like-minded voters can elect candidates in proportion to their share of the population, without fear of excessive electoral domination by the majority.⁵

Ranked choice voting (RCV) has several additional advantages over plurality voting:

- **RCV promotes majority support.** In elections with more than two candidates, candidates can and do win even when less than half of voters support them. With RCV for single-winner offices, if no candidate has a majority in first-choices, the candidates in last place will be eliminated one-by-one. If a voter’s first choice is eliminated, their vote instantly goes to their second choice. The elected candidate will be the candidate with real majority support.⁶
- **RCV promotes reflective representation.** Compared to winner-take-all elections, RCV in multi-winner contests allows diverse groups of voters to elect candidates of choice. This promotes diversity of political viewpoint as well as diversity of candidate background and demographics. Even in single-winner races, RCV can promote the representation of historically under-represented groups.⁷
- **RCV has a “depolarizing” effect on elections.** Benjamin Reilly, an electoral system design expert at the University of Western Australia, reports that RCV has proven to be a sort of “prophylactic against extremism,” helping to strengthen the political center.⁸
- **Reduces negative campaigning.** Negative campaigning is less effective in RCV elections. This is beneficial for civic engagement and community health. Many experts note that less contentious electoral environments also result in more participation by candidates from historically under-represented groups. As reported in Time magazine:⁹ “Ranked-choice voting can lead to less negative campaigning, says Richard DeLeon, who researches ranked-choice voting at San Francisco State University. Less divisive political environments can also have the effect of helping female, minority, centrist candidates, and third-party candidates. [...] ‘It becomes much more costly to go negative since you risk losing your ability to pick up second-preference votes, and it actually does more harm than good,’ [Larry] Diamond [former director of Stanford’s Center on Democracy, Development, and the Rule of Law] adds.”

⁵ <https://fairvote.app.box.com/v/fair-rep-cambridge-effects>

⁶ <https://www.fairvote.org/rcvbenefits>

⁷ Ibid.

⁸ <https://time.com/5718941/ranked-choice-voting/>

⁹ Ibid.

- **Significantly reduces the “spoiler effect.”** In RCV, it is much less likely that candidates can split the vote, or that a crowded field will result in a less-preferred candidate winning.
- **Minimizes strategic voting.** In plurality voting, voters often feel pressured to vote strategically, for someone who is not their first choice, to avoid contributing to a split vote in which a less favored candidate wins. With RCV, this strategic voting is not necessary—voters can vote for their true first choice without concern that theirs will be a “throwaway” vote.
- **Encourages more third-party participation.** Third-party candidates often cite concerns about vote splitting as a reason for abstaining from running. Because RCV helps vote splitting, it has the added advantage of encouraging participation by third-party and centrist candidates.

Ranked-Choice Voting in Cambridge

Our neighboring City of Cambridge has used the at-large form of Ranked Choice Voting to elect its City Council and School Committee since 1941. Cambridge adopted ranked choice voting at a time when more than two dozen cities across the United States, including New York, Cincinnati, and Cleveland, used RCV to elect city councils and other positions in local government. Many of the cities that adopted RCV in that era did away with it due to changes in voting technology and the increased ability of racial minorities to get elected under RCV, but the system remains in Cambridge.¹⁰

In February 2014, FairVote published a report¹¹ on the effect RCV voting had on Cambridge’s elections since 2013. The report demonstrated that at-large ranked choice voting has benefited candidates from ethnic and political minority groups, who would have been unlikely to win election under a winner-take-all system. Because voters can rank candidates in order of choice, they need not fear “wasting” their vote on a candidate whose prospects are uncertain. Despite these advantages for challengers, incumbents have historically done well in Cambridge. By definition, winning a seat means having earned a strong following of voters who want you as their first choice, and thus incumbents can build on that base to try to stay in office.

Cambridge tabulates its votes using Choice Plus Pro, the software used to conduct the Proportional Representation count. The software has been programmed to follow the "Cambridge Rules," as documented in M.G.L. Chapter 54A¹² and in the Cincinnati Code - Article IX of 1938; this is also referred to the “Cincinnati Method” of conducting a Ranked Choice election.

Election Administration and Equipment

The Town of Brookline currently uses Diebold AccuVote OS¹³ (aka ES 2000) optical scan systems for tabulating votes at each precinct. These are machines that began development in

¹⁰ https://www.fairvote.org/history_rcv_cambridge

¹¹ <https://www.fairvote.org/the-effect-of-fair-representation-voting-on-2013-cambridge-massachusetts-municipal-elections/>

¹² <https://www.cambridgema.gov/-/media/Files/electioncommission/massachusettsgenerallawschapter54a.pdf>

¹³ <https://verifiedvoting.org/election-system/premier-diebold-dominion-accuvote-os/>

1986, were certified for use in 1990, and which the town apparently purchased before 2009 (when Diebold was acquired by ES&S). Despite using 30-year-old technology, the Town has found these machines to be extremely reliable in practice, with occasional jams caused by wet weather or folded ballots being the most frequent issue. In particular, hand-marked paper ballots, tabulated by optical scan machines, are an excellent choice for auditable reliable elections.

Hand-marked ballots have one major flaw: accessibility. There are various disabilities that can make it difficult for a voter to fill out the paper optical scan ballot. To address this deficiency, the Town has an ES&S AutoMARK¹⁴ ballot marking machine in each precinct, designed for use by people who are unable to personally mark an optical scan ballot due to physical impairments or language barriers. Accessibility features include a touch screen with a zoom and contrast feature, multiple language translation, keypad marked with Braille, puff-sip interface as well as an audio ballot feature. The AutoMARK device prints out a properly-marked optical scan ballot for the user, which is then scanned and tabulated with the AccuVote OS machines like any other ballot.

Optical scan paper ballots can be used in Ranked Choice Voting elections. An overview of different machines offered by vendors can be read at https://www.fairvote.org/rcv_administration#voting_systems_and_rcv, but in this explanation we will concentrate on our neighboring City of Cambridge and neighboring state of Maine.

The City of Cambridge conducts Ranked Choice Voting elections using the same AccuVote OS machines used by the Town of Brookline. Their machines have been retrofitted to use ChoicePlus Pro, which performs the final RCV tabulation. A sample ballot for a city council race is shown in Figure 1.¹⁵

The State of Maine uses very similar election administration equipment to the Commonwealth (and the Town of Brookline). Portland, Maine, conducted a RCV election in 2011 using the ES&S DS-200¹⁶ optical scan tabulator, which appears visually extremely similar to the AccuVote OS/DS-2000 machines we own in Brookline. The newer DS-200 contains a number of minor improvements over the Town's current machines, for example a larger touchscreen display for voter feedback and a facility for capturing digital images of ballots to make processing of write-in candidates more secure (by reducing the need for poll workers to handle paper ballots once cast).

A Ranked Choice Voting election conducted with DS-200 machines would feel extremely familiar to Town voters and poll workers, and the safeguards inherent in hand-marked optical scan ballots would be preserved.

This resolution asks the Town Clerk's office to conduct a more thorough investigation of the equipment recommended for holding RCV Town elections, consistent with maintaining the auditability and reliability of our current election process, and to provide appropriate budget guidance for FY22.

¹⁴ <https://verifiedvoting.org/election-system/ess-automark/>

¹⁵ <https://www.cambridgema.gov/-/media/Files/electioncommission/2019municipalelection/2019citycouncilspecimenballot.pdf>

¹⁶ <https://verifiedvoting.org/election-system/ess-ds200/>

These recommendations may depend on the outcome of the Ranked-Choice Voting Initiative,¹⁷ which is on the November 2020 ballot as “Massachusetts Question 2”. This measure would enact Ranked-Choice Voting for most state and federal offices beginning in 2022 but would not directly affect Town elections. However, were ballot question 2 to pass, it would be reasonable to assume there would be state guidance on appropriate election equipment and potentially state grants to purchase that equipment. It would almost certainly be in the Town’s best interest to adopt uniform equipment with the rest of the Commonwealth. If Question 2 were to fail, then the Town of Brookline might alternatively pursue a path more similar to that taken by the City of Cambridge, using our existing AccuVote OS machines.

Timeline for adoption of RCV

This resolution also charges the Town Clerk’s office to develop a recommended timeline for adoption of RCV. This timeline relates to the equipment recommendations it develops and the time required to procure and deploy any necessary new equipment. As with the equipment recommendations, the recommended timeline will depend on the outcome of Ballot Question 2 in November. If Q2 passes, it would be expected that the Town would try to align its shift to RCV to match the statewide timeline: Q2 calls for RCV in state elections starting in 2022. One would expect that the May Town election in 2022 would likely be either the first use of RCV or the last use of the old plurality system, and all elections starting with the September 2022 primary election would be conducted using RCV.

If Q2 were to fail, the Town would be free to establish its own schedule for adopting RCV for Town elections. If no new equipment is required (for example, if we follow the lead of the City of Cambridge in conducting elections), then it may be possible to begin RCV voting as early as the Town elections in 2021. As there are a large number of potentially-competitive town-wide races on the ballot in 2021, including Moderator, Town Clerk, Select Board, and School Committee, the petitioners would certainly like to see an aggressive adoption of RCV.

Conclusion

Ranked Choice Voting is an important mechanism to ensure that our Town elections accurately reflect the preferences of voters. It is supported by the League of Women Voters and other nonpartisan groups concerted with increasing engagement and safeguarding democratic processes. Ranked Choice Voting is feasible to implement using our existing processes and equipment, as the City of Cambridge demonstrates. This article is a resolution: its passage will authorize and empower Brookline Town staff to invest the necessary time to research the issues involved and allow the Clerk’s office to make appropriate and informed recommendations to Town Meeting and the Select Board. It is not a binding commitment on the adoption of Ranked Choice Voting in our Town, but the report prepared by the Town Clerk will contain the information necessary to make that choice wisely at a future Town Meeting.

¹⁷ [https://ballotpedia.org/Massachusetts_Question_2,_Ranked-Choice_Voting_Initiative_\(2020\)](https://ballotpedia.org/Massachusetts_Question_2,_Ranked-Choice_Voting_Initiative_(2020))

Notes/references/quotes (from Nic):

Ranked Choice Voting/Instant Runoff Voting

Notes:

Australia

New Zealand

Time: "Ranked-choice voting advocates, including Democratic presidential candidate [Andrew Yang](#), who has championed it as a key [policy initiative](#), say it could help prevent evermore polarized election campaigns, increase the number of women and minority candidates running for office, and reduce negative campaigning."

"The study also showed that women overall and minority women are more likely to win in ranked-choice voting systems. This is, in part, because of an unconscious ticket "balancing" that many voters tend to practice. "When voters are asked to vote for or rank a whole field of candidates under proportional or ranked systems, they often tend to include female or minority candidates in the mix for balance," explains John."

Criticisms/Challenges

- Makes voting more complicated/is complex (also for town/city clerks) and more expensive
Voting machines may require software upgrades, possibly need new machines. Votes might not be able to be counted at each precinct/location and might need to be tallied at a central locatio.

- Voters have to do more research

Some argue that voters who are already overwhelmed with just one choice may get overwhelmed with having to learn about all of the candidates in the race and just opt out instead.

- Increased risk of voters making mistakes

Some argue that voters may make mistakes by not fully understanding RCV and the need to rank multiple candidates.

- Can be gamed

Some argue that RCV voting lets people game the system. For example, if you think X is the best candidate, and grudgingly admit that Y is well qualified, too, then you don't even think of making Y your second choice. You rank Y last. - Requires voter education

- Triggers less vetting

Pros

- Depolarizing

- Majority support

- More choice for voters; less concern about "spoiler effect"

- Minimizes strategic voting

- RCV results in higher voter turnout (confirm/need source)

- Maine + 18 US cities for local elections

- No "wasted" votes

- "Additionally, it has proved to be a sort of “prophylactic against extremism,” helping to strengthen the political center, Reilly says." (Time.)
- Australia requires that voters rank every candidate

The winning candidate is more favorable to the electorate, even if she or he was not the first choice.

Plurality/first-choice

FairVote

Ranked Choice Voting (RCV)

The reality of plurality voting (our current system) is that a candidate whom 75% of voters did not want can end up winning a seat.

Democracy is a practice that requires us to move closer to the ideal of true and fair representation; ranked choice voting is a clear step in that direction.

ARTICLE 19

Submitted by: Select Board

This article was filed to explore whether the Town should consider changing the Town Clerk position from an elected to an appointed one. Given the complexity of the job and the need for stability in the department head role the Board believes that converting to an appointed position will improve the Town’s ability to respond to departmental mandates.

ARTICLE 20

Submitted by: Select Board

This is a companion Article with Article 19. Should the voters adopt the referendum to convert the Town Clerk position from elected to appointed this article would amend the by-laws to reflect that change. This article would only take effect if the vote was successful.

ARTICLE 21

Submitted by: Jonathan J. Margolis

Due to the COVID-19 crisis, the Select Board voted to pursue a limited warrant for the Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of the article filed for the Annual Town Meeting.

In resolving at least some disputes, the Town has sought to have those who bring claims against it agree that they will not disclose the terms of settlement agreements or discuss them publicly, and also that they will not disparage—that is, criticize—Town officials or employees. Such non-disclosure agreements contradict the vital premises of accountability and open government.

To begin with, taxpayers should know how their money is being spent, so the terms of settlements should not be concealed. At least equally important, those whom the town is willing to pay in settlement should be able to tell the citizens of the Town (and the world) what happened that caused them to bring claims. Allowing those who allege wrongdoing by the Town to speak out may well deter future bad acts, and it will allow the public to have the facts necessary for a full evaluation of how the Town operates. As Justice Brandeis noted, “Sunlight is the best disinfectant.”

In some instances, however, claimants may have interests in privacy that rightly exceed the public’s right to know. That is particularly true in cases where violations of civil rights involve highly personal information, or in which public disclosure could make it difficult or impossible for claimants to find employment in the future. For that reason, the proposed article includes an exception for claims brought under employment discrimination and civil rights laws (including but not limited to sexual harassment).

The arguments that have been raised against similar proposals in the past generally involve red herrings. For instance, it has been suggested that the public records laws permit disclosure; that is true, but they require only that certain documents be opened up—the individual may still be kept from explaining what happened or how s/he was harmed. Similarly, the excuse that the Town could not answer allegations because personnel records are private ignores the fact that the Town could seek permission of accused employees to respond to charges, and that those employees could themselves speak out.

ARTICLE 22

Submitted by: Hadassah Margolis, TMM8 (she/her/hers), Michael Burstein, TMM12 (he/him/his), Neil Gordon, TMM1 (he/him/his), Katherine O'Connor (they/them/theirs)

Due to the COVID-19 crisis, the Select Board voted to pursue a limited warrant for the Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of the article filed for the Annual Town Meeting.

“There's not a man I meet but doth salute me / As if I were **their** well-acquainted friend” — Shakespeare, *Comedy of Errors*

In November, 2017, Town Meeting passed a resolution calling for the use of gender-neutral language in the conduct of Town business. Concurrently, Town Meeting amended the General and Zoning By-laws, changing all references to “Board of Selectmen” to “Select Board,” and “Selectmen” to “Select Board members.

Consistent with the November, 2017 resolution, in November, 2019, Town Meeting further amended the General By-laws, changing all references to “Chairman” and one reference to “Chairperson” (i.e., of boards, committees and commissions) to the gender-neutral “Chair.”

This proposed by-law amendment, changing pronouns in the General By-laws to gender neutral, is a natural next step.

A companion article amends the Zoning By-law, in similar fashion.

A gender neutral (sometimes referred to as “gender inclusive”) pronoun is a pronoun which does not associate a gender with an individual. Traditional English does not, for the most part, provide gender neutral alternatives, but that’s quickly evolving. This from Merriam-Webster:

“More recently..., *they* has also been used to refer to one person whose gender identity is nonbinary, a sense that is increasingly common in published, edited text, as well as social media and in daily personal interactions between English speakers. There's no doubt that its use is established in the English language, which is why it was added to the Merriam-Webster.com dictionary this past September.” (*They* was Merriam-Webster’s Word of the Year for 2019.)

A review of the General By-laws shows the following:

90 uses of "his"

27 uses of "his or hers"

23 uses of just "he"

14 uses of "his/her"

8 uses of "him"

6 uses of "he or she"

1 use of "her," as follows: "If the dog officer determines that a dog in *her* oestrus cycle"...

There are no significant costs associated with this proposed By-law change.

ARTICLE 23

Submitted by: Hadassah Margolis, TMM8 (she/her/hers), Michael Burstein, TMM12 (he/him/his), Neil Gordon, TMM1 (he/him/his)

Due to the COVID-19 crisis, the Select Board voted to pursue a limited warrant for the Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of the article filed for the Annual Town Meeting.

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This proposed by-law amendment, changing pronouns in the Zoning By-law to gender neutral, is a natural next step.

A companion article amends the General By-law, in similar fashion.

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“More recently..., *they* has also been used to refer to one person whose gender identity is nonbinary, a sense that is increasingly common in published, edited text, as well as social media and in daily personal interactions between English speakers. There's no doubt that its use is established in the English language, which is why it was added to the Merriam-Webster.com dictionary this past September.” (*They* was Merriam-Webster’s Word of the Year for 2019.)

A review of the Zoning By-laws shows the following:

1 use of "he"

18 uses of "his/her"

There are no significant costs associated with this proposed By-law change.

ARTICLE 24

Submitted by: Amie Lindenboim TMM5, Michael Zoorob, Neil Gordon TMM1, Wendy MacMillan TMM4

Due to the COVID-19 crisis, the Select Board voted to pursue a limited warrant for the Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of the article filed for the Annual Town Meeting.

This Article amends the General By-Laws to provide notice to non-property-owning residents and businesses (typically tenants). This Article intends to give all Brookline residents equal opportunity to be informed about planned and proposed actions that could affect their life as a tenant or resident of a street, neighborhood, or (more broadly) of the Town.

The words of our Town By-Laws define how we view the role of Town government and whom Town government serves. Property ownership is no longer a prerequisite for voting or holding office, yet our Town By-Laws consider only the owners of land—regardless of whether they live in the Town—and not resident tenants as deserving consideration in and notification for land use issues such as property demolition, noise control, and wetland protection.

Renters are Residents Too!

Should contractors working for the Department of Public Works inform renters at the same time they notify property owners when planned routine maintenance will shut off their water and sewer access for the day?

Should a renter be informed that the neighbor 10 feet from her bedroom window has applied for a demolition permit?

Should a renter be informed that there has been a rat problem in the neighborhood, and what the Town has been doing to address it?

In many instances, Brookline's General By-Laws require that "abutters" receive written notification of activity in the public way or on public or private property in close proximity to the abutter. Unfortunately, in many cases only the property owner receives the required notice; tenants and occupants only receive this notice if the property owner passes the information along to them. In most cases, property owners have no legal obligation to pass these notices along to their tenants. Particularly where a property owner resides out of the area, it may not even be possible for the owner to relay the content of the mailed notice to their tenants in a timely manner.

Examples of activities where notice is required include, but are not limited to:

- (a) notice of construction or repair activity that is anticipated to be particularly noisy;
- (b) notice of construction or repair activity that is expected to disrupt parking or vehicular or pedestrian access;
- (c) notice of a planned utility service interruption;
- (d) notice of street hydrant flushing;
- (e) notice of application for an exemption to the leaf blower by-law;
- (e) notice of an application for a demolition permit.

(The list above does not include notices required under the Zoning By-Law, which is expected to be the subject of a separate warrant article)

Some of the notices listed above are described in the General By-Laws; others are part of the rules, policies, and procedures of various Town departments, boards, and commissions. Some of the notices already reference "tenants of abutters;" others do not. Sometimes notice may be provided to all occupants of an abutting property or neighborhood, but even where rules, policies, or procedures reference "tenants," notice has been inconsistent. The proposed amendments to the Town's General By-Laws are intended to be incorporated into the rules, policies, and procedures carried out by various Town entities.

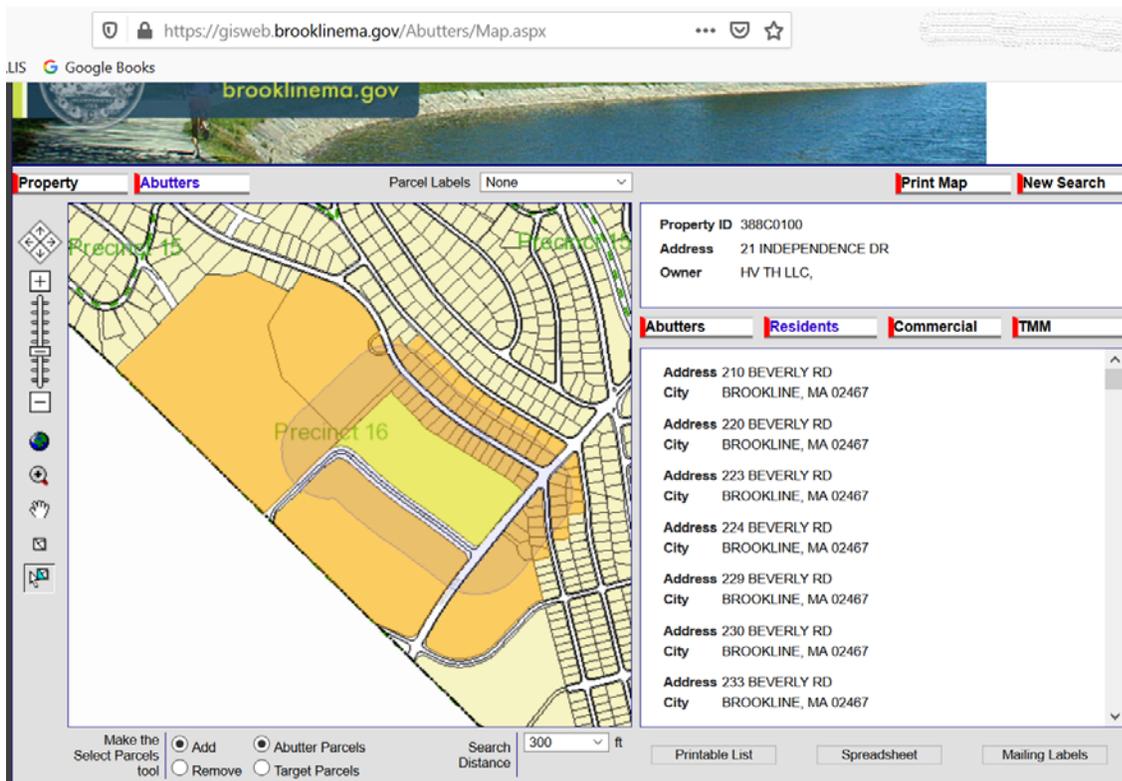
If approved by Town Meeting, the effect of this warrant article would be to clarify and codify the provision of information and notice to all residents who would be similarly impacted by a planned or proposed action, not just property owners.

The Town has an "Abutters Application" which identifies all of the abutting properties of any address that the user searches.¹⁸ This application is already equipped to identify the addresses for all residential units and businesses of abutting properties; one merely clicks a different button in the application to obtain the addresses of all residences or businesses. Consequently, this Warrant Article can be implemented without substantial change in existing protocol. While some additional

¹⁸ <https://gisweb.brooklinema.gov/Abutters/>

staff time will be needed to mail a larger number of notices, and the Town may incur some additional costs for postage, these are relatively small burdens that are outweighed by the public benefit of equitable treatment and timely notice of all impacted parties. Moreover, many of the projects which require mailings are fee-based; the Town collects fees from applicants, and the Town can adjust fees accordingly.

If approved by Town Meeting, the effect of this warrant article would be to clarify and codify the provision of information and notice to all tenants and residents who would be similarly impacted by a planned or proposed action under the General By-Laws, not just property owners.



ARTICLE 25

Submitted by: Amie Lindenboim TMM5, Michael Zoorob, Neil Gordon TMM1, Wendy MacMillan TMM4

Due to the COVID-19 crisis, the Select Board voted to pursue a limited warrant for the Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of the article filed for the Annual Town Meeting.

This Article amends the Zoning By-Law to provide notice to non-property-owning residents and businesses (typically tenants). This Article intends to give all Brookline residents equal opportunity to be informed about planned and proposed zoning actions that could affect their life as a tenant or resident of a street, neighborhood, or (more broadly) of the Town.

The words of our Town By-Laws define how we view the role of Town government and whom Town government serves. Property ownership is no longer a prerequisite for voting or holding office, yet our Town By-Laws consider only the owners of land—regardless of their residence in Town—and not residents or businesses as deserving consideration of a whole host of land issues involving special permits and variances, ranging from new housing development to marijuana dispensaries. This Article helps remedy that problem by requiring the Town to notify both property owners *and* tenants.

In many instances, Brookline’s Zoning By-Law requires that “abutters” receive written notification of activity in the public way or on public or private property in close proximity to the abutter. While this mirrors the state zoning law, the effect in Brookline is to deny approximately half of the Town’s residents the common courtesy of notice of proposed or planned changes to their neighborhood. Rather than building community and respecting all Brookline residents, excluding residents who do not have the means to purchase property in Brookline from receiving information about proposed or planned zoning actions on abutting parcels serves to reinforce outdated notions of class and citizenship. We no longer require that voters own property in order to vote; why do we maintain such discrimination in the Zoning By-Law?

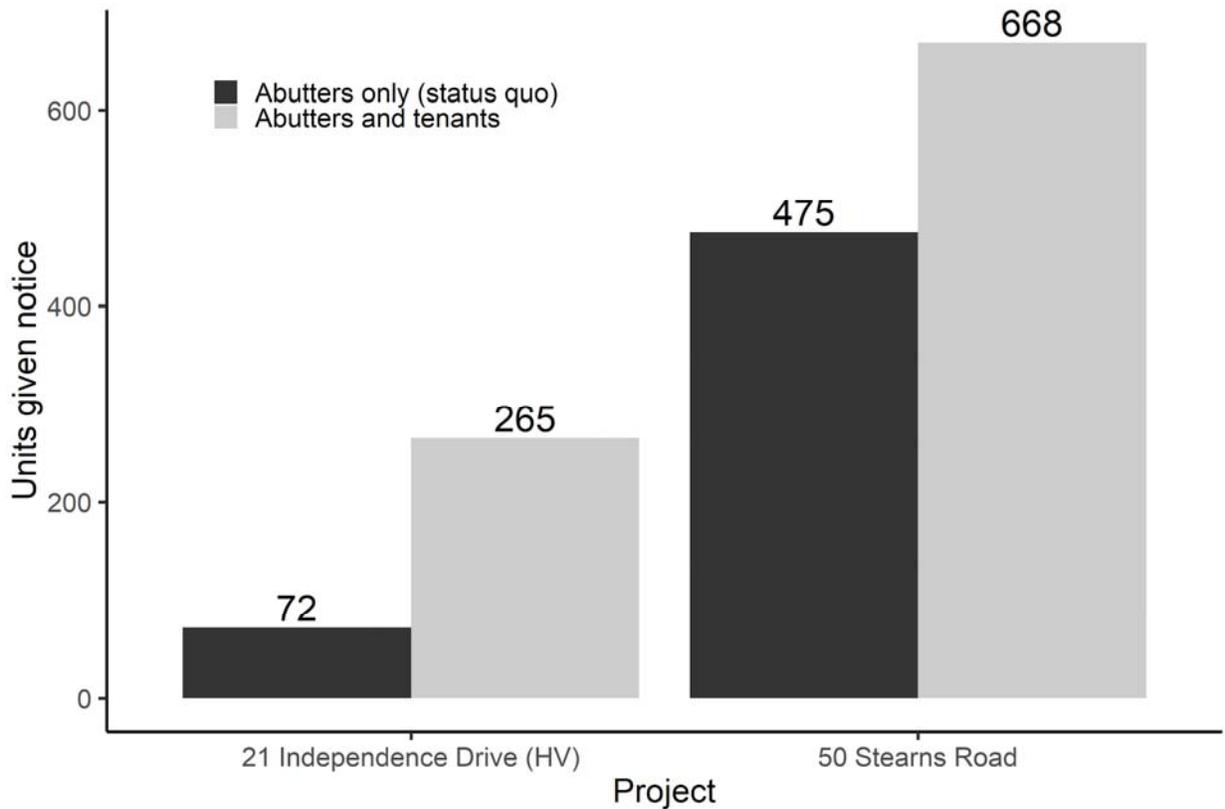
In many cases, notice requirements are not discussed with specificity in the Zoning By-Law, but are set forth in rules, regulations, and guidelines authorized by the Zoning By-Law. These include, but are not limited to Zoning Maps, Subdivision Regulations, Planning Board Rules and Regulations, Zoning Board of Appeals Rules and Regulations, Sign and Facade Guidelines, and Major Impact Project Design Guidelines.

The proposed amendments to the Town’s Zoning By-law are intended to be incorporated into the rules, policies, and regulations authorized by the Zoning By-Law.

The Town has an “Abutters Application” which identifies all of the abutting properties of any address that the user searches.¹⁹ This application is already equipped to identify the addresses for all residential units and businesses of abutting properties; one merely clicks a different button in the application to obtain the addresses of all residences or businesses. Consequently, this Warrant Article can be implemented without substantial change in existing protocol. While some additional staff time will be needed to mail a larger number of notices, and the Town will incur some additional costs for postage, these are relatively small burdens that are outweighed by the public benefit of equitable treatment and timely notice of all impacted parties. Moreover, many of the projects which require mailings are fee-based, and the Town can adjust fees accordingly.

¹⁹ <https://gisweb.brooklinema.gov/Abutters/>

FIGURE 1: IMPACT OF TENANT NOTIFICATION



To quantify the impact of these changes, the petitioners used the Town’s Abutters Application to calculate the number of units which require notice under the status quo and the proposed changes for two recent projects requiring notice: 21 Independence Drive (Hancock Village; Precinct 16), and 50 Stearns Road (Precinct 3). To do this, we calculated the number of abutters, residential units, and businesses within 300 feet of the property boundaries of the proposed projects (300 feet is the radius required for notice for projects such as demolitions, antennas, and comprehensive permits). Then, we removed duplicate addresses corresponding to residential units that matched the addresses of property owners to obtain the number of unique units receiving notice under the proposed changes. The results of these analyses are shown in Figure 1. At Hancock Village, 72 abutters received notice from the Town under the status quo; expanding the notice to include tenant notification would raise the number of notified units to 265. The additional 193 units which would receive notice comprise *existing rental units of Hancock Village*, the residents most impacted by the new development. At 50 Stearns Road, because of the large number of nearby condominiums, the Town notified 475 abutters under the status quo. Adding the tenants of abutting properties would result in 193 additional notices, bringing the total number of notices to 668.

If approved by Town Meeting, the effect of this warrant article would be to clarify and codify the provision of information and notice to all tenants and residents who would be similarly impacted by a planned or proposed action under the Zoning By-Law, not just property owners.

ARTICLE 26

Submitted by: Michael Zoorob, Lara Jarrell, Shira Fischer

Due to the COVID-19 crisis, the Select Board voted to pursue a limited warrant for the Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of the article filed for the Annual Town Meeting.

This Warrant Article eliminates parking minimums for residential uses in the Transit Parking Overlay District (TPOD; see Figure 1 below). In 2016, Town Meeting created the TPOD, defined as parcels which are between 0 and 0.5 miles from a Green Line Stop, with slightly reduced parking requirements: 1 spot per studio, 1.4 spots per 1 bedroom, and 2 spots for two-bedroom units. This area has good bus service, wider sidewalks, more numerous bike lanes, and greater walking distance access to amenities such as grocery stores, cafes, restaurants, and jobs. According to the American Community Survey 2013-2018 estimate, about 25% of residents in the TPOD do not own a car and 70% of residents in the TPOD live in households with 1 or fewer cars.²⁰ About 66% of TPOD residents who work do not commute by car, compared to just 15% nationwide. Yet our current residential parking minimums in the TPOD exceed those in the city of Houston.²¹

FIGURE 1: The Transit Parking Overlay District (shaded gray)

²⁰ These numbers come from the 10 Census Tracts (Norfolk County 4001-4010) falling entirely or primarily within the TPOD. Brookline comprises these 10 Census Tracts in the TPOD and two others (4011 and 4012) in South Brookline, outside of the TPOD, where vehicle ownership and car commuting is much higher.

²¹ Houston requires 1.66 parking spots per two-bedroom apartment and has no residential parking minimums in three central neighborhoods. Scherer, Jasper. "Houston may ease parking requirements in parts of EaDo, Midtown." *Houston Chronicle*



Our current approach to parking neither reflects the history of our Town nor its vision of a sustainable future. For most of this Town’s history—from its incorporation as a separate municipality in 1705 until 1941—there was no requirement that housing provide off-street automobile parking.²² If Brookline started over with today’s parking minimums—the product of increases in 1962, 1977, 1987, and 2000—we would not get our vibrant, walkable neighborhoods like Coolidge Corner and Washington Square because so-many defining residential and mixed-use buildings could no longer be built: they do not have any or enough parking.²³ Our neighborhoods enjoy long, uninterrupted sidewalks, greenspace, and walkable mixed-use commercial districts precisely because they do not have the asphalt and driveways required by our current zoning. We have the Brookline we love because planning and design substantially predated the dominance of the automobile.

Zoning shapes the future of our Town by molding the construction that will be part of Brookline for the next 100 years. Our Town has committed again and again to climate change mitigation and sustainable living. In November 2019, Town Meeting passed Warrant Article 21 prohibiting the installation of new fossil fuel infrastructure for heating, yet our current parking minimums *require* fossil fuel infrastructure even in our most transit-rich, walkable, and bikeable neighborhoods (the average car in the US emits 4.6 metric tons of carbon dioxide *per year*, according to the Environmental Protection Association).²⁴ In November, Town Meeting also passed Article 31, which enshrined our commitment to transportation of people, rather than automobiles, urging that,

²² Bolton, Craig. “Vehicle Parking in Brookline.” <https://www.brooklinema.gov/DocumentCenter/View/2348/2000-Vehicle-Parking-in-Brookline-by-Craig-Bolon?bidId=>

²³ Writing before the most recent increase in parking quotas, Bolton (2000) noted that “Few buildings from before 1987 have the amounts of parking now considered necessary.”

²⁴ <https://www.epa.gov/greenvehicles/greenhouse-gas-emissions-typical-passenger-vehicle>

by 2050, only 25 percent of trips in Brookline would be made by single-occupant or single-passenger cars or trucks. Requiring a parking spot for every studio apartment and two parking spots for every two-bedroom residence in our transit-rich, walkable, and bikeable neighborhoods is not consistent with this goal. Scholarly research suggests that “when cities require parking with residential development, they increase vehicle ownership and use,” and these effects are more pronounced for housing near public transit.²⁵

Eliminating residential parking minimums in the TPOD is not a radical proposition. Professional groups, including the American Planning Association and Greater Boston’s Metropolitan Area Planning Council, have advocated for eliminating off-street residential parking minimums, as did the Obama Administration’s Housing Development Toolkit.²⁶ This policy does not eliminate existing parking spots, nor does it ban the construction of new parking spots; it only eliminates a rigid requirement that new housing development include at-least a particular quantity of private car parking, and only does so in areas of Brookline with particularly good options for travel via means other than private cars, and where many existing housing developments predate and do not conform with current car parking requirements. The primary impact this policy is that new housing has less parking. In 2012, Seattle eliminated required parking in some neighborhoods near transit; housing built over the next 5 years in the impacted neighborhoods included about 40% fewer parking spots than the city had previously required, saving about \$537 million in construction cost.²⁷

Municipalities around the country have eliminated their parking minimums, both near public transit and even citywide. Sacramento, San Diego, Atlanta, and Somerville have all eliminated parking minimums near public transit; the latter two having also imposed *parking maximums* within 0.5 miles of public transit. Other municipalities—including Buffalo, Hartford, Minneapolis, and San Francisco—have no parking minimums anywhere at all (many smaller towns, like South Burlington, Vermont, also do not have parking spot quotas for housing). While Brookline has been a leader on many issues related to climate change, on this one we are forced to play catch-up. This Warrant Article does not take the stronger stances of cities like San Francisco or Buffalo, which have no parking minimums anywhere, or Atlanta and Somerville, which have imposed parking maximums within 0.5 miles of public transit. Instead, it takes the middle ground: making it legal, within 0.5 miles of public transit, to build housing units with as much parking as makes sense for that project. The city of Houston, which has no residential parking minimums in three of its more walkable neighborhoods, calls this policy “market-based parking.”²⁸

Our current parking minimums fail to reflect the diversity of parking needs within the TPOD, imposing a “one-size fits all” on parking. In the TPOD, about 66% of Brookline residents who work commute without a car (via mass-transit, walking, cycling, etc.) and 25% of households do not possess any cars, according to the American Community Survey 2013-2018 estimates. In two

²⁵ Manville, Michael. 2017. “Bundled parking and vehicle ownership: Evidence from the American Housing Survey.” *The Journal of Transport and Land Use*, 10(1), 27-55.

²⁶ Spivak Jeffrey. 2018. “People Over Parking.” American Planning Association. _____ MAPC. 2019. “Metro Boston Perfect Fit Parking Initiative.”

_____ “Housing Development Toolkit.” September 2016. https://www.whitehouse.gov/sites/whitehouse.gov/files/images/Housing_Development_Toolkit%20f.2.pdf

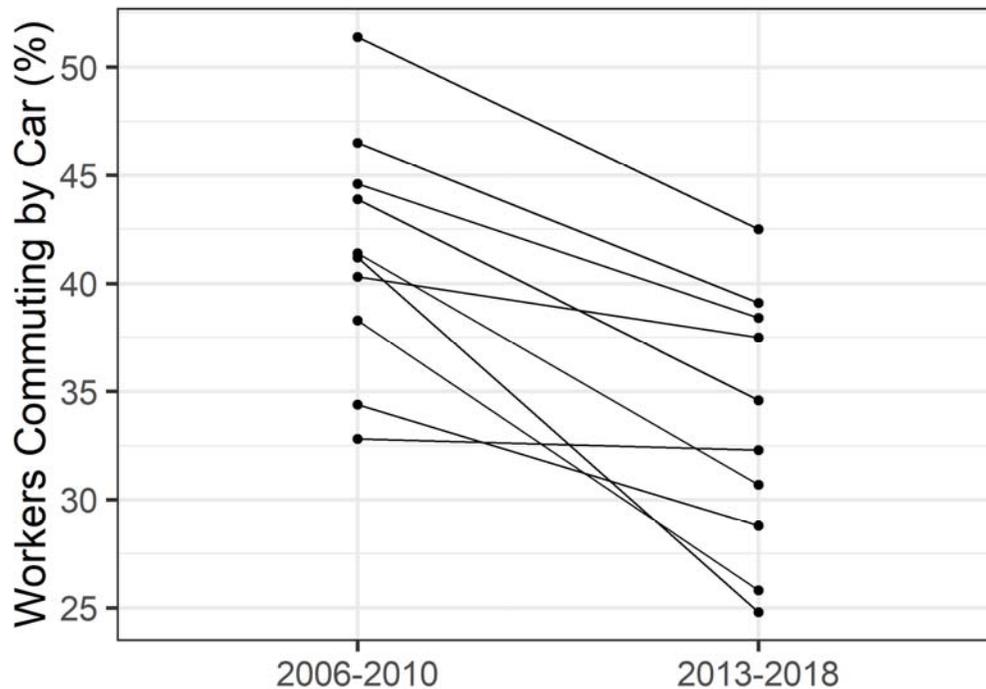
²⁷ Gabbe, CJ, Gregory Pierce, and Gordon Clowers. 2020. “Parking policy: The effects of residential minimum parking requirements in Seattle.” *Land Use Policy*, 91.

²⁸ Scherer, Jasper. “Houston lifts minimum parking requirements in EaDo, Midtown.” *Houston Chronicle*

north Brookline Census Tracts (4001 and 4002), 37% and 35% of households, respectively, do not own a car; and among renters, these numbers are even higher: 58.2% and 66.1%. But even in these areas, and even for rental housing, our zoning requires all housing to be equipped with car parking infrastructure. Empowered by state law to ignore local zoning, many 40B developers build much less than the required parking in the TPOD. At 45 Marion St, a Coolidge Corner development completed in 2014, 64 residential units were built with just 21 parking spots. At 217 Kent St, a planned 40B includes 99 residential units and just 44 parking spots. Our zoning near public transit creates more asphalt, traffic congestion, and fossil fuel infrastructure than the market demands. As Harvard economics professor Edward Glaeser writes, “Reducing (or eliminating) minimum parking requirements is one of those unusual cases where the ardent environmentalist and the libertarian economist see eye-to-eye.”²⁹

Despite our high parking minimums, the number of cars registered in Brookline has declined every year since 2013, according to the tax receipts from the Town Assessor’s Office. In 2013, there were 34,259 vehicles registered in Brookline; by 2018, despite several new housing developments, the number of vehicles had declined to 33,210.³⁰ The data do not bear out concerns of a residential parking crisis. Survey data from the American Community Survey further demonstrate declining vehicle needs in the TPOD. In each of the 10 Census Tracts comprising the TPOD, the share of workers commuting by car, van, or truck declined between the 2010 5-year survey and the 2018 survey, as shown in Figure 2.

FIGURE 2: DECLINING VEHICLE USAGE IN TPOD CENSUS TRACTS



Data Source: American Community Survey 5-year estimates

²⁹ Glaeser, Edward. 2013. “Don’t require more spaces; price curbside ones properly.” *Boston Globe*

³⁰ Brookline Assessor’s Office. “Looking at Excise Mailings and Commitments 11-19-2019.” Document obtained via open records request to the Town Clerk’s Office.

In addition to the negative impacts of parking quotas on the environment, requiring parking also makes housing much less affordable. A January 2020 report to Brookline’s Housing Advisory Board from Pam McKinney, a consultant contracted by the Town to examine housing production costs, states that building one above-ground garage parking spot costs \$35,000, while one underground parking spot costs \$100,000. Consequently, current requirements—1.6 parking spots for 1-bedroom apartments and 2 parking spots for 2-bedroom apartments in the TPOD—substantially inflate the price of housing. According to the Victoria Transport Policy Institute, one parking spot increases the cost of housing by 12.5% and two parking spots increases the cost of housing by about 25%.³¹ In Minneapolis and Miami, reductions in parking minimums have spurred the growth of relatively affordable apartment buildings with limited parking, according to media reports in both cities.³² Given the increasing unaffordability of housing in Brookline, it makes little sense for our zoning to preclude the construction of less expensive housing options.

Ultimately, this Warrant Article is about creating the option to build housing responsive to people with different automobile needs. It neither removes existing parking nor prohibits new parking from being built. In the TPOD, many residents do not own a car, and a growing majority of residents do not commute to work by car. Requiring all new construction to include an arbitrary number of parking spots neither reflects our Town’s history as a streetcar suburb nor its future as an environmentally sustainable community.

TABLE 1: SAMPLING OF CITIES WITH NO PARKING MINIMUMS

City	Parking Policy	Maximums	Date
Buffalo, NY	No minimums citywide		1/13/2017
Hartford, CT	No minimums citywide		12/13/2017
South Burlington, VT	No minimums citywide		10/15/2019
Minneapolis, MN	No minimums citywide		12/12/2018
San Francisco, CA	No minimums citywide		12/17/2018
Houston, TX	No minimums certain neighborhoods		7/19/2019
Sacramento, CA	No minimums near transit (<0.25 miles)		12/13/2018
San Diego, CA	No minimums near transit (<0.5 miles)		3/6/2019
Atlanta, GA	No minimums near transit (<0.5 miles)	Yes	11/2/2019
Somerville, MA	No minimums near transit (<0.5 miles)	Yes	12/16/2019

³¹ Littman, Todd. 2019. “Parking Requirement Impacts on Housing Affordability.” Victoria Transport Policy Institute.

³² Schmitt, Angie. “How Parking Mandates Tilt the Market Toward ‘Luxury’ Housing.” <https://usa.streetsblog.org/2018/02/01/how-parking-mandates-tilt-the-market-toward-luxury-housing/> San Juan, Rebecca. 2020. “Small-scale urban developments starting to sprout. Thank a change in the parking code.” *Miami Herald*. <https://www.miamiherald.com/news/business/real-estate-news/article238937913.html>

ARTICLE 27

Submitted by: Michael Zoorob; Lisa Shatz TMM P11; Jeff Wachter

This Warrant Article allows Micro Unit Dwellings (defined as housing units comprising less than 500 square feet) to be built in zoning districts permitting 2-family, 3-family, and apartment house dwellings. Furthermore, it exempts Micro Unit Dwellings from residential car parking requirements and exempts buildings containing more than 75% Micro Unit Dwellings from additional car parking otherwise required for lobbies and common spaces. Unlike the 2019 Micro Unit Warrant Article, this Article applies all other zoning requirements (e.g. commercial frontage requirements in business districts) to Micro Unit Dwellings and is not limited to the Coolidge Corner Business District.

The Advisory Committee report on the 2019 Micro Unit Warrant Article noted that Micro Unit Dwellings had been permitted under Brookline zoning prior to the Fall of 2016, when explicit approval of Micro Unit Dwellings in the Emerald Isle Special Overlay District “perhaps inadvertently” banned them everywhere else. Many individual Micro Units exist in Brookline (for example, 16 Micro Unit apartments were built in 1968 at 45 Longwood Avenue).

Micro Unit Dwellings are an environmentally sustainable housing type. The size of a dwelling is a significant determinant of household greenhouse gas emissions, with larger dwellings producing more greenhouse gas emissions than smaller ones.³³ Because of their small size, Micro Units require significantly less energy to heat, cool, and live in.

Micro Unit Dwellings can provide some otherwise “priced-out” individuals the opportunity to live in Brookline. While new Micro Unit Dwellings are unlikely to be affordable to people who are low-income (except for those deeded affordable units created through inclusionary zoning), they are less expensive than virtually all other new construction and may provide housing options for young adults (who might otherwise live with roommates) and seniors looking to downsize.

Allowing Micro Unit Dwellings likely produces net fiscal benefits to the Town because this type of housing expands the tax base without incurring significant financial obligations. Consequently, this Warrant Article can help diffuse the tax burden from overrides across a larger number of taxpayers, reducing the tax amounts paid by individual households.

ARTICLE 28

Submitted by: The Long-Term Policy and Planning Sub-Committee of the Advisory Committee

Due to the COVID-19 crisis, the Select Board voted to pursue a limited warrant for the Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and

³³ Goldstein, B., Gounaridis, D., & Newell, J. P. (2020). The carbon footprint of household energy use in the United States. *Proceedings of the National Academy of Sciences*, 117(32), 19122-19130.

alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of the article filed for the Annual Town Meeting.

In its final report, the Brookline Fiscal Advisory Committee (“BFAC”) recommended that the Town amend Section 2.1.14 of the Town By-Laws to include the requirement that every three years, all Town Meeting Members attend at least one informational/training meeting that covers the Town budgeting process and financial matters and is conducted by Town Hall staff and/or a small group of Advisory Committee members. BFAC made this recommendation for two reasons. First, during their year-long research, which included many conversations and multiple meetings, BFAC members came to the realization that the level of comfort and degree of familiarity that members of Town boards, committees, and commissions have with financial terminology, concepts, and topics varies significantly. It is important that any analysis or discussion of Town finances presented in reports, at committee meetings, and at Town Meeting be understood by participants with varying levels of financial literacy. Second, BFAC members are of the strong belief that any elected or appointed individual should have at least a basic understanding of financial matters impacting the Town.

This warrant article asks Town Meeting both to accept the recommendation of BFAC and to expand the education requirement to include all members of the Advisory Committee as well as to all Elected and Appointed Officials appointed to any Board or Commission that has or could reasonably be expected to have input into any matter affecting the financial situation of the Town.

ARTICLE 29

Submitted by: Mariah Nobrega; David Lescohier; Deborah Brown

The proposed bylaw change addresses functional changes to the composition of the Advisory Committee that have been raised in several sectors, including formally in the BFAC (www.brooklinema.gov/1516/Brookline-Fiscal-Advisory-Committee) report. It preserves the Moderator’s appointing authority and oversight of the Advisory Committee, while enabling broader participation in the recruitment and selection process for candidates. A summary of the proposed changes is provided below.

Change	Impact	Diversity impact	Expertise Impact	Notes
Remove seats reserved for TMMs	Frequently we hear that the significant time commitment to serving on AC dissuades many TMMs; this broadens the pool of potential committee members	Expands the pool of eligible candidates, particularly among those who have children or jobs, and generally people who have not been involved in town government previously	Allow for non-TMMs with relevant expertise to be appointed in many more seats than previously	May still be a TMM. Precinct representation remains intact. Does not affect current membership
Reduce maximum number of members from a precinct from 4 to 3	Reduces clumping of members			Does not affect current membership
Members	Brings a formal	Engages CDICR	Engages EDAB	Moderator can still

recommended by Candidate Review Panel	external lens to selection of the candidates	formally in review process	formally in review process	appoint people if panel does not provide recommendations
Initial one-year term				Brings existing practice into conformation with bylaw
Treatment of absences				Brings existing practice into conformation with bylaw
Institute term limits	Brings new voices, expertise	Allows for some change in membership	Should not significantly reduce continuity of expertise	Maximum of four consecutive terms with no cap to total terms served
Formalize information sharing with public and public comment	Allows for greater transparency and informed participation by the community	Additional opportunities for the public to be heard by the full committee.	No impact	
Recommendations no longer required, nor must the committee consider all warrant articles				Reports still required for those articles which are considered

While this warrant article outlines the most salient aspects of the Candidate Review Panel, it leaves the application and review processes to the discretion and coordination of the panel members with the moderator. The current chair, vice chair, moderator and others have begun working on this already, including creating a revised application form that will be posted online (see first draft shown below).



Brookline Advisory Committee Interest Form

Brookline's Advisory Committee functions as the finance committee reviewing and making recommendations on all matters to be considered by Town Meeting including Annual and Special Town Meeting articles, Annual Appropriations Article with the proposed operating and capital budgets for the coming year.

- There are 30 positions including those reserved for Town Meeting members and eight at large seats.
- Members are expected to attend committee and subcommittee meetings in advance of each Town Meeting. Participation is a requirement of the role including a commitment to attend:
 - 25-30 times on Tuesday and Thursday evenings in advance of May Town Meeting.
 - 15-20 times in advance of November Town Meeting.

As of July 2020, meetings are held via Zoom. We will resume in-person meetings at Brookline Town Hall once it is safe, but members may attend in-person meetings remotely. For more information, see <https://www.brookline.ma.gov/166/Advisory-Committee>. If you would like to speak to a current AC member, please contact _____ if you are interested in a seat on the Advisory Committee and are able to meet this time commitment, please complete the information below and email to _____ (Whom?).

I understand that completed information sheets are public documents and will be available on the Advisory Committee website. Please initial: _____

Name		Date	
Address			
Email		Preferred Phone #	

Registered to Vote in Brookline Y/N	Precinct?	Town Meeting Member? Y/N

Please share areas of expertise, interest or experience that you will contribute as an Advisory Committee member?

Please list roles you have held in the Town of Brookline including: boards, commissions, committees, public school organizational roles or community activities. Please include non-profit organizations, advocacy organizations, etc. and other examples of community engagement.

Organization	Your role(s)	Approx. Dates

Please provide your current or former occupation if you feel it is relevant to your application

Please provide your current or former employer if you feel it is relevant to your application

The warrant article also for the first time would outline some committee procedures to increase transparency, but again, leaves the vast majority of committee procedures to the discretion of the Committee itself.

ARTICLE 30

Submitted by: Neil Gordon, TMM1

Due to the COVID-19 crisis, the Select Board voted to pursue a limited warrant for the Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of the article filed for the Annual Town Meeting.

GENERAL DUTIES:

Most recently, a number of members of the Advisory Committee have questioned the value to Town Meeting of the Committee's recommendations with regard to warrant articles where the Committee has no better insight or expertise than Town Meeting as a whole. Articles relating to the renaming of the Coolidge Corner School are a recent example. The question of the value added by an AC review invariably leads to the question of whether the general bylaw requires the Advisory Committee to take a position, pro or con, on every article, or whether the Advisory Committee's recommendation can be, in effect, "use your own judgment."

The current bylaw states that, "The Committee shall consider any and all municipal questions, including appropriation requests and proposed action under all articles in the warrant for a Town Meeting, for the purpose of making reports **AND** recommendations to the Town." This is in contrast with state law, which uses identical language but for using the words "... reports **OR** recommendations..." (In each case, emphasis added.)

The proposed change, which would conform the general bylaw to state law, would clarify the charge of the Advisory Committee regarding its consideration of warrant articles. Petitioner believes this minor but meaningful change would still require the Advisory Committee to consider all warrant articles, but that such consideration could include questioning whether or not the Committee would (i) make a recommendation to Town Meeting, or more simply, (ii) report to Town Meeting that it was not making a recommendation.

Petitioner anticipates that early in its process of reviewing warrant articles, the Advisory Committee would hold a public hearing solely on the question of which Articles to further review and to what extent, and decide accordingly.

RECORDED VOTES:

Article 26 of the May, 2002 Annual Town Meeting, *inter alia*, asked that, “the Combined Reports shall include, with each recommendation of the ... Advisory Committee, a statement of the number of members voting for and against the recommendation and a roll-call showing the vote of each member.”

Article 11 of the November 2010 Special Town Meeting, *inter alia*, asked that, “the Combined Reports shall include, with each recommendation of the ... the Advisory Committee, ... a roll-call showing the vote of each member.”

Years later, the arguments presented in 2002 and 2010 are familiar to us:

Pro: “Town Meeting has the right to know how the members of its principal standing committee voted on the recommendations presented.”

“The vote of each member of the Advisory Committee ... provides additional information for each Town Meeting Member. For some Articles, this may prove useful.”

“This change in the bylaws would further increase transparency and help Town Meeting to make the best decision possible on each Article in the Warrant.”

Con: “... the publishing of a roll call vote on every recommendation would unintentionally emphasize the recommendation of the Advisory Committee to an extent greater than its analysis...”

“A published roll call would introduce a level of politics into the Advisory Committee that doesn’t currently exist.”

“Town Meeting should not focus how individual Advisory Committee members vote; rather, Town Meeting should be concerned with their deliberation, thoughtful analysis, and independent recommendation to Town Meeting.”

“... relying on a personalized scorecard risks diminishing the quality of the objective deliberative process and may in fact prove a distraction...”

In weighing the above arguments, Petitioner notes that Advisory Committee members, for the most part, are not apolitical. Most are elected Town Meeting members who are often elected in contested elections.

To the extent Advisory Committee members' Town Meeting votes are recorded, and to the extent they otherwise publicly support or oppose various candidates for town wide office, ballot questions, and more, we already know about Advisory Committee members' political views. We learn where, in general, those views align with ours, and where they diverge. Many of us form our own opinions, accordingly.

Knowing how individual Advisory Committees vote on recommendations to Town Meeting will better inform Town Meeting. The benefit to Town Meeting, in terms of transparency, is well worth the modest added administrative effort.

ARTICLE 31

Submitted by: Miriam Aschkenasy, TMM pct 13, Anne Weaver, TMM pct 11, C. Scott Ananian, TMM pct 10

Town Meeting passed a condition of appropriation limiting the further expenditure of funds on the Gerald Alston case by a vote of 112-106-18 in the June 2020 Town Meeting. In response, the Select Board announced that they would disregard this condition, citing counsel: "While the Legislative branch may attach "conditions" to items in an appropriation measure, prescribing the exact purpose for which the money may be spent, *Opinion of the Justices*, 294 Mass. 616, 621 (1936), that power is limited where the legislature has specifically conferred the authority for such actions to the executive branch." (Letter from Lisa Skehill Maki to Town Meeting, June 23, 2020).

Without conceding the validity of this legal opinion, which is currently being contested in court, a simple remedy to the Select Board's disregard is obvious. If it is true the "legislature has specifically conferred the authority for such actions to the executive branch" via Town Bylaw 3.1.3, then Town Meeting may (by amending the bylaw) take back that authority. This warrant article does exactly that, in as economical a manner as possible.

ARTICLE 32

Submitted by: C. Scott Ananian, TMM-10; Bonnie Bastien, TMM-5; Ryan Black; Deborah Brown, TMM-1; Arthur W. Conquest III, TMM-6; Anne Greenwald, TMM-8; Bob Lepson, TMM-9; Maya Norton; Naomi Sweitzer, TMM-10

The Brookline FY21 budget debate and current events related to the COVID-19 pandemic and racial justice have exposed the gap between Brookline's stated values and the priorities exposed by Town budget allocations. Statistics show that, despite its intentions, there remains a wide equity gulf in our Town. This Warrant Article challenges Brookline to make good on its rhetoric in the FY22 budget cycle and commit to addressing real Town needs with specific funding, including (but not limited to):

Affordable Housing: The Town has outdated zoning, and urgently needs to review and update many of its zoning requirements, especially (but not exclusively) in the transit/commercial corridors where changes could encourage significant mixed-use (i.e. additional residential)

development. New development along Beacon Street, for example, could bring increased housing opportunities at all levels, including subsidized and middle income housing, along with more robust businesses, all of which will add to our tax base. Dedicated staff, such as the Economic Development Long-Term Planner position advocated for by Paul Saner, co-chair of the Economic Development Advisory Board, could accelerate the process of zoning reform.

BHA Kitchen Renovations: High Street Veterans is a Brookline Housing Authority family development consisting of 177 units. Egmont Street Veterans is a Brookline Housing Authority family development consisting of 114 units. Every kitchen in these buildings requires renovation and repair, at ~\$10,000/unit. This project was recommended by Michael Jacobs, then-chair of the Brookline Housing Authority, the budget was supplied by him.

Other Repairs to BHA Properties: \$57,000 is required for painting and patching front hallways and \$52,000 for painting and patching rear hallways at the High Street Veterans property, for a total of \$109,000; and \$36,000 for painting and patching front hallways and \$33,000 for painting and patching rear hallways at the Egmont Street Veterans property, for a total of \$69,000. These projects totaling \$178,000 were selected by Michael Jacobs, then-chair of the Brookline Housing Authority, and the budgets were supplied by him.

Reform and Reimagine Policing: The Reform and Reimagine Policing committees, chaired by Select Board members Bernard Greene and Raul Fernandez, respectively, were formed by the Select Board with members selected on August 11, 2020. The ambitious charges to each committee include items that will require funding to implement.

Community Engagement Plan Supplies/Services: Warrant Article 30 of the Fall 2019 Town Meeting, established a Community Engagement Plan. The budget passed by Town Meeting in June 2020 funded a Community Engagement Specialist position (prorated for 10 months), but did not provide any funds for implementation of the Community Engagement Plan. The Community Engagement Plan already approved by Town Meeting should be provided with the operations funds needed. In addition, each department should be provided with funds earmarked for its own specific outreach and engagement efforts to underrepresented or marginalized communities.

School Social Workers: Currently there are just 2 social workers for all ~5500 K-8 students and 4 for ~2200 HS students. Additional social workers would immediately support minority and low-income students, families struggling with unemployment, as well as the unique mental health needs arising from the COVID-19 pandemic. These needs should be factored into the Town/School Partnership.

BHA Internet and Related Costs: Through the efforts of the schools, the Brookline Housing Authority, and Steps to Success, Internet access has been made more widely available at the family properties of the Brookline Housing Authority in the past year. But what's needed is low-cost internet service. The BHA negotiated, on a pilot basis, very low cost service fixed for several years for all 32 households at Dummer St. with RCN when the building was opened a few years ago. The deal worked because the BHA subsidized a portion of the monthly service cost but the BHA does not have the funds to do that more widely at this time. The BHA would like to replicate the pilot on a larger scale.

Food security: Brookline still has many residents who go hungry. The Food Pantry was allocated \$160,663 of Community Development Block Grant funds in May, but more resources are needed.

Utilization of the Food Pantry's services has increased by more than 200 percent since the beginning of the COVID-19 emergency in March. As of July, the Pantry was serving around 600 families per week, with 120 to 130 deliveries per week. The food delivery services offered by the Food Pantry and other local volunteer organizations also allow high-risk populations to acquire food without risking exposure to COVID. These needs will only increase as the COVID crisis continues, and the Pantry ought to be funded at a level on par with the extreme increased need to ensure that no Brookline resident goes hungry. Even in pre-COVID times in 2018, a survey conducted by Brookline Community Aging Network found that 26% of responding seniors had no food for 1-10 days the previous month, while an additional 18% went to bed hungry at least once in that same month (source). As an essential service (both in our state of emergency and in normal operations of our community), the Pantry should be supported by the Town in terms of funding, volunteer recruitment, and perhaps most importantly, acquisition of sufficient refrigerated storage space to meet current capacities.

These concrete needs, and others like them, have been neglected in the Town budgeting process, which often seems to prioritize non-essentials over the pressing needs of its poorer residents. This Warrant Article seeks to remind Brookline of those needs in order to ensure they are properly met in the Town's next budget cycle.

ARTICLE 33

Submitted by: Deborah Brown, Arthur Conquest, III, and David Lescohier

The Town/School Partnership does not provide for any public participation during their meetings. Given the Town/School Partnership's significance in the planning, decision-making and budget, it has to be one of the most important organizations in Town government. If we are to meaningfully listen to the electorate, then the Town/School Partnership should be changed to provide for greater engagement. As an institution, its selection rubric should be expanded to include more funding for programming that benefits low income and disadvantaged residents. Aside from the affordable housing fund, it is heavily skewed to funding capital projects without exploring the relative benefit of truly assessing the range of needs in Brookline.

Participatory budgeting is a proven way of providing such inclusion. This warrant article will result in more equitable public spending, greater government transparency and accountability, increased levels of public participation (especially by marginalized or poorer residents), and democratic and citizenship learning. Participatory Budgeting allows residents to directly and positively involved in the Town's budgeting and the economic decision-making process and help ensure that the Town's capital improvement plan truly reflects the short-term and long-term priorities of Brookline's residents.

What is participatory budgeting? Participatory budgeting (PB) is a process of democratic deliberation and decision-making, in which ordinary Brookline residents will be able to help decide how to allocate part of a municipal or public budget. It will allow residents to identify, discuss, and prioritize public spending projects, and gives them the power to make real decisions about how money is spent. The purpose of this warrant article is to ensure that as part of the annual budget cycle community engagement is integrated into Brookline's established budgeting process.

Few members of Town Meeting would say that the public is provided space to engage meaningfully in the budget process. By the time the budget is drafted and Advisory Committee

meetings scheduled, almost all of the budget decisions have been made. And all too often social services and affordable housing are an after thought.

This warrant article provides for a process to involve those left out of traditional methods of public engagement during the Town/School Partnership deliberations, such as low-income residents, non-citizens and young. This is nothing new.

Many communities nationally and internationally have participatory budget programs. The following communities have some form of participatory budgeting. They are Cambridge, New York City, Oakland, Seattle and San Francisco. While the goals are greater than some of these communities, Brookline is ready to undertake participatory budgeting.

Brookline will join many other communities that are grappling with how to better include more residents in the Town's budget process, to ensure that these residents secure basic town services and to expand how and what the Town deems an important service or function.

Some of you may be concerned about creating a new process. We do not believe that the process will be unwieldy. Instead, we assert that participatory budgeting during the Town/School Partnership will improve support for an array of public activities because residents are fully informed.

ARTICLE 34

Submitted by: Jeff Wachter (primary), Lara Jarrell, TMM P7, Shira Fischer, TMM P11, Robert Volk, TMM P4, Deborah Brown, TMM P1, Meggan Levene, TMM P3, David Lescohier, TMM P11; Lisa Shatz; Eric Coles; Jeffrey Benson, TMM P3; Amanda Zimmerman

Due to the COVID-19 crisis, the Select Board voted to pursue a limited warrant for the Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of the article filed for the Annual Town Meeting.

According to the 2016 Brookline Housing Production Plan, the gap between Brookline's market-rate housing and the prices that lower-income residents can afford has widened considerably over the past decade. Middle-income households are hard-pressed to find housing they can afford, too."³⁴ The result of this housing affordability strain on families and neighbors throughout Brookline has been disruptive to the fabric of our communities by pushing young families, seniors, teachers, and other municipal employees out of Brookline as rents climb and home ownership moves further out of reach. This has created an environment where Brookline is increasingly becoming a community of the super-rich, middle-class people who were fortunate enough to buy real estate in Brookline a generation or two ago, and the handful of low-income people lucky enough to win the housing lottery.

³⁴ RKG Associates, Inc. JM Goldon. Metropolitan Area Planning Council. *Brookline Housing Production Plan*. Brookline, MA: Town of Brookline, 2016.
https://www.brooklinema.gov/DocumentCenter/View/10337/RKG_Brookline-HPP-101216-FINAL?bidId= 2 Mar. 2020.

Our middle-income housing shortage has played a major role in our runaway housing costs. Zoning restrictions and excessive regulatory hurdles have resulted in decades of underbuilding, exacerbated by multiple rounds of downzoning – making 2 family housing and larger illegal in more of our neighborhoods. One result of high housing costs is unacceptably high rates of cost burden - 47% of renters spend more than 30% of their income on rent, with 23% of renters spending more than half their income simply to live in Brookline.³⁵

Our housing shortage, while not entirely of our own making, has been made worse by the choices we've made and the zoning policies that have made it difficult to build adequate housing supply. And while this is a regional issue as well as a local one, Brookline needs to do our part to address housing unaffordability.

The good news is that this is a problem we can actually address if we can muster the policy creativity and urgency to do so. New multi-family housing can have a material impact on average rent - a recent paper from the Philadelphia Federal Reserve Bank and The Upjohn Institute found “new buildings slow local rent increases.”³⁶ The Seattle Times reported that increased housing supply there actually led to a slight decline in condo and single family home prices, providing relief to buyers for the first time in over a decade.³⁷ And we have to combine these efforts, along with other strategies that can diversify the housing stock, with creating real revenue streams to fund affordable housing for our lowest income friends and neighbors.

We can begin to make the serious policy changes necessary to address our housing challenges by seizing this opportunity to set realistic targets for housing production growth. Various organizations have set regional targets. The Metro Mayors Coalition Regional Housing Task Force set an estimated target of 185,000 new units by 2030.³⁸ The UMass Donahue Institute (UMDI) set a target of 320,000 units needed between 2010 and 2025, or 21,333 new units per year (a pace with which we're collectively way behind). According to the Boston Foundation's 2019 Greater Boston Housing Report Card, Brookline's contribution to the UMDI annual target was only 9.6% of the town's proportional share. Using UMDI's analysis, Brookline's proportionate share is 333 units per year.³⁹

From 2010 through 2018, Brookline only issued 279 building permits for new housing units, in total. Currently, the 40B process is the primary avenue for approving new units, with multiple projects at various stages. The ZBA has approved 862 units over the past 3 years, with another 290 in the pipeline. These projects could add as many as 1,152 new units, assuming legal action and other changes don't decrease their scope. If all of these units are built, they would account for 35% of our stated target of 3,330 new units built, still leaving us significantly short. To reach our target

³⁵ U.S. Census Bureau American Community Survey, 2014-2018 5-year estimates. Table B25070: Gross rent as percentage of household income in the past 12 months.

³⁶ Asquith, Brian J., Evan Mast, and Davin Reed. 2019. "Supply Shock Versus Demand Shock: The Local Effects of New Housing in Low-Income Areas." Upjohn Institute Working Paper 19-316. Kalamazoo, MI: W. E. Upjohn Institute for Employment Research. <https://doi.org/10.17848/wp19-316>

³⁷ Rosenberg, Mike. "Relief for Seattle-area condo buyers as prices drop amid flood of new units." *The Seattle Times* 5 Apr. 2019: n. pag. Web. 15 Feb 2020.

³⁸ "Housing Metro Boston." *Regional Housing Task Force*. Metropolitan Area Planning Council. Web. 29 Jan. 2020. <https://housingtaskforce.mapc.org/>

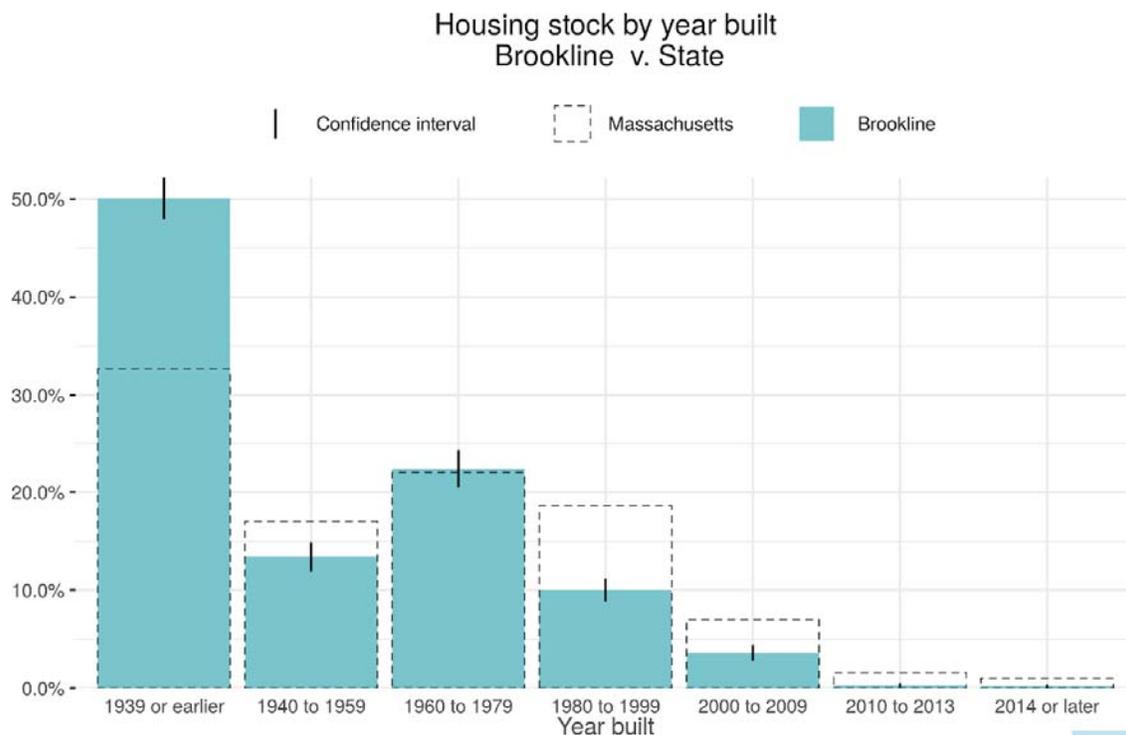
³⁹ ACS 2013-2017 average building permits per year is 32. 32 units divided by Brookline's 9.6% of the town's proportional share of housing need equals 333.

for new units added, the town will need to take a serious look at how our neighborhoods are zoned, where the optimal places to build more homes are, and the best strategies to achieve this goal.

Brookline and our neighbors across the region all need to do our part to address housing affordability. Brookline can, and should, once again show itself to be a progressive leader for the region and beyond by taking a stand and making the necessary changes, especially when those changes can have such a positive impact on the future of the town.

Brookline’s Housing Production Hasn’t Kept up with Regional Growth

The housing stock chart below shows that Brookline essentially stopped building sufficient new housing around 1980, falling behind state level production after this point. Less than 15% of our current housing stock was built after 1980. Housing production in the state has failed to keep up with regional employment and population growth over the past 30 years and Brookline has fallen even further behind than the Commonwealth at large.

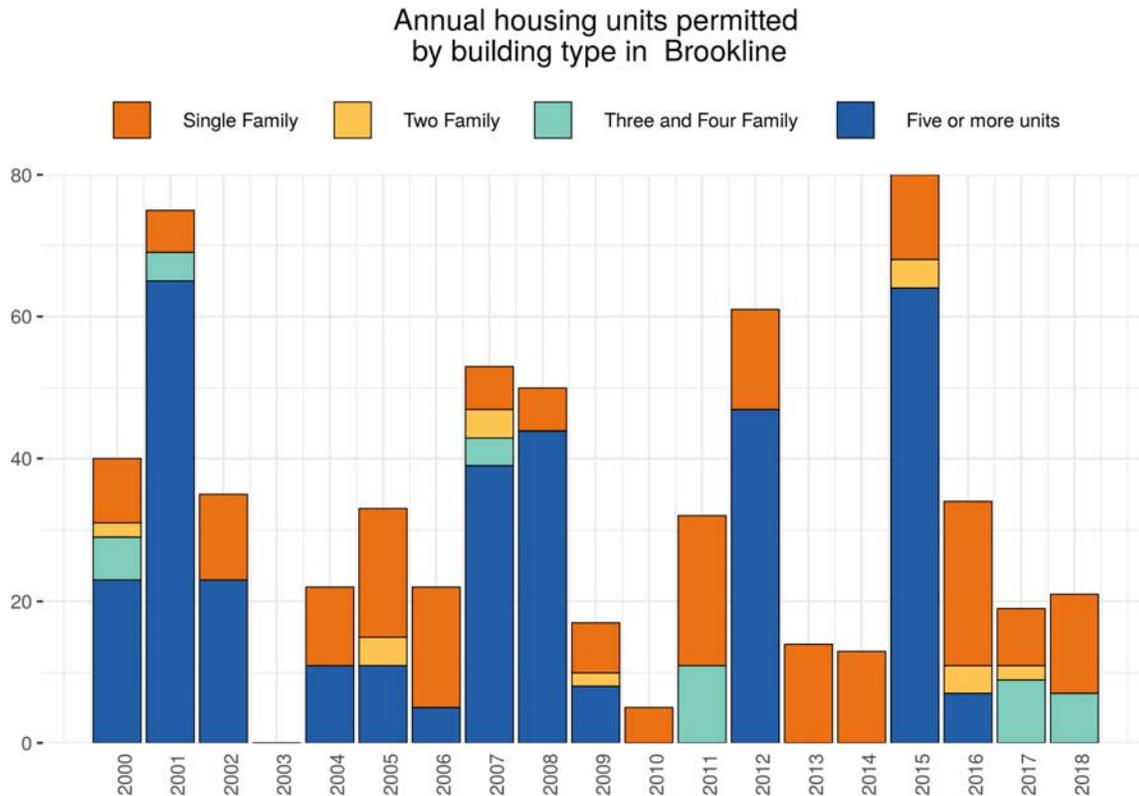


Source: U.S. Census Bureau American Community Survey, 2014-2018 5-year estimates
Table S2504: Physical Housing Characteristics for Occupied Housing Units



As you can see from the housing permit chart below, Brookline has not issued building permits for more than 80 housing units in any year since 2000, with most years permitting fewer than 40 units. This period of very low housing construction coincided with massive employment growth in the region, with 110,000 new residents and 148,000 new jobs since 2010. If Brookline and the

greater Boston metro area had proactively allowed more housing to be built over this same period, our current housing affordability challenges would likely have been lessened.



Source: U.S. Census Bureau - Annual Building Permit Survey (Reported and Imputed)



Will Building Housing Help?

Economists have shown that a significant component of our current housing problems come back to a lack of supply. According to The Greater Boston Housing Report Card released by The Boston Foundation, “Greater Boston hasn’t been permitting enough housing to meet its needs since the 1980s.”⁴⁰ The region has been adding tens of thousands of new, high paying jobs in a diverse array of economic sectors, but we’ve simply not built enough homes to house these people. According to the Metro Mayors Coalition Regional Housing Task Force the region has added 110,000 new residents and 148,000 new jobs - but only 32,500 new housing units.⁴¹ It’s no wonder prices have risen so substantially in the past decade with so many people bidding up prices.

Jenny Schuetz, an economist at The Brookings Institution’s Metropolitan Policy Program has proposed a “three-legged stool” based on her research to address the problem of housing affordability. The three legs are “reforming land use regulation to allow smaller, more compact

⁴⁰ Modestino, Alicia Sasser, et al. *The Greater Boston Housing Report Card 2019: Supply, Demand and the Challenge of Local Control*. Boston: The Boston Foundation, 2019. Web. 22 Feb. 2020.

⁴¹ “Housing Metro Boston.” Regional Housing Task Force. Metropolitan Area Planning Council. Web. 29 Jan. 2020. <https://housingtaskforce.mapc.org/>

housing; increasing taxes on expensive, underused land; and expanding housing subsidies to low-income households.”⁴² While tax reform options are extremely limited by Beacon Hill, Brookline does have opportunities to address the other 2 points. New policy proposals for revenue streams for subsidies for low-income housing are currently in process on multiple fronts in Brookline - from updating the Inclusionary Zoning by-laws to a real estate transfer tax to another shot at passing the Community Preservation Act. Brookline is blessed to already have examples of great “missing middle” housing options - walk-up apartment buildings, 2 and 3 family homes on small lots, and rowhouses. Current zoning significantly limits where we can build new versions of this type of housing, let alone larger apartment and condo buildings along our major corridors, and requires single-family homes in much of the geographic area of the town. These zoning restrictions will likely need to be reassessed to some extent in order to allow the housing production we need in Brookline.

Economist Evan Mast of the Upjohn Institute recently released a research paper that found “evidence that new market-rate construction substantially loosens the market for middle- and low-income housing by inducing a series of moves that reduces demand for these areas... [H]ouseholds who would have otherwise occupied cheaper units move into new units, reducing demand and lowering prices for the units they leave vacant.”⁴³ Mast tracked tens of thousands of residents who moved from lower cost, older units into new construction buildings, and then the thousands of people who filled those lower cost units from subsequently lower cost units. This research corroborates multiple studies from 1965 through today. This filtering opens up housing units affordable at various income levels, including in the “bottom-quintile income areas.”⁴⁴ The practical implications for this research is to allow housing in expensive, desirable neighborhoods to encourage those who can afford the new construction there to move in, opening up units in less expensive neighborhoods and housing units.

While government subsidized affordable housing is the best way to address lower income housing shortages, the private market has a role to play as well. A study from Freddie Mac released in January 2020 argued that “Private markets provide affordable housing primarily through a process in which, on average, homes filter down to lower-income households as they age.”⁴⁵ This process of downward filtering breaks when housing supply is artificially constrained by zoning and other regulations, leading high income individuals to bid up the prices of older homes, rather than moving into new housing. The authors conclude that “policy makers [should] adopt policies that would increase the elasticity of supply, driving down prices and allowing filtering to increase the available affordable housing.”⁴⁶

Climate Change Impact of Density and Multi-Family Housing

⁴² Schuetz, Jenny. “To improve housing affordability, we need better alignment of zoning, taxes, and subsidies.” *Policy 2020 Brookings* Jan. 2020: n. pag. Web. 27 Feb. 2020.

⁴³ Mast, Evan. 2019. “The Effect of New Market-Rate Housing Construction on the Low-Income Housing Market.” Upjohn Institute Working Paper 19-307. Kalamazoo, MI: W.E. Upjohn Institute for Employment Research. <https://doi.org/10.17848/wp19-307>

⁴⁴ Mast, Evan. 2019. “The Effect of New Market-Rate Housing Construction on the Low-Income Housing Market.”

⁴⁵ Liu, Liyi and McManus, Douglas A. and Yannopoulos, Elias, “Geographic and Temporal Variation in Housing Filtering Rates” (January 27, 2020). Available at SSRN: <https://ssrn.com/abstract=3527800>

⁴⁶ Liu, Liyi and McManus, Douglas A. and Yannopoulos, Elias, “Geographic and Temporal Variation in Housing Filtering Rates” (January 27, 2020). Available at SSRN: <https://ssrn.com/abstract=3527800>

In Brookline's Climate Action Plan of 2018,⁴⁷ the town outlined 5 strategies to mitigate the impact of climate change by reducing emissions. These strategies included a focus on greater energy efficiency and reducing transportation related emissions. Increasing housing supply in transit-accessible communities near major job centers, like Brookline, is a crucial component of any serious climate change policy. Metro Boston's vibrant and growing economy is a great thing - bringing more people, and a more diverse group of people, to the region. Because of Brookline's proximity to Boston, and our public transportation options, Brookline is uniquely positioned to provide housing that significantly diminishes the region's carbon footprint, by undercutting the overuse of private cars. Brookline's capacity to increase our housing stock in proximity to trains and buses helps preserve open spaces for the entire region, and for generations to come.

Using the Cool Climate Network analysis from UC Berkeley, the average household in the zip code 02446 has a carbon footprint of 41.9 metric tons of CO₂, while zip code 02445 has an average of 50 metric tons of CO₂. Boston neighborhoods like Fenway, Back Bay, and East Boston have even lower carbon footprints⁴⁸. Comparing Brookline's carbon footprint to suburban communities like Sudbury (77.6), Dover (86), or Lexington (65) makes clear that denser, transit-rich areas play a significant role on lower household carbon footprints. Building new housing in Brookline allows more people to decrease their carbon footprints, while neglecting to add housing will lead to more people living carbon-intensive lifestyles.

According to the UN Emissions Gap 2019 report, “multifamily and urban residences tend to be smaller than single family, suburban, and rural residences... Several studies show that future floor area demand is a crucial variable for GHG emissions and that more intensive use can result in significant reductions of both material and energy related emissions... In some locations, spatial planning prevents the construction of multifamily residences and locks in suburban forms at high social and environmental costs.”⁴⁹ In fact, apartments in buildings with 5 or more units use about 40% as much energy as single-family detached homes, with 2-4 unit buildings using on average about 60%, according to the U.S. Energy Information Administration⁵⁰. Smaller multi-family homes, with lower energy usage and shared utilities, have lower emissions than single-family homes, and should be heavily considered as a greener way to add housing capacity.

Zoning and Racial Segregation and Exclusion

As early as the 1910s, and accelerating after the 1917 Supreme Court decision *Buchanan v. Warley*, which ruled racial zoning laws violated constitutionally protected property rights, comprehensive zoning ordinances were created “to reserve middle-class neighborhoods for single-family homes that lower-income families of all races could not afford.”⁵¹ Prior to the *Buchanan* decision, economic based zoning was rare, but in subsequent years they became common practice. While supposedly race-neutral, the ordinances were clearly meant as local alternatives to explicit race-

⁴⁷ Town of Brookline. *Climate Action Plan 2018*. Brookline, MA: 2017.

https://www.brooklinema.gov/DocumentCenter/View/17563/CAP_public_0202-2018_aug2018-v2

⁴⁸ UC Berkeley CoolClimate Network. <https://coolclimate.org/maps>

⁴⁹ United Nations. UN Environment Programme. *Emissions Gap Report 2019*. 26 November 2019.

<https://www.unenvironment.org/resources/emissions-gap-report-2019>

⁵⁰ U.S. Energy Information Administration. “Apartments in buildings with 5 or more units use less energy than other home types.” 18 June 2013. <https://www.eia.gov/todayinenergy/detail.php?id=11731>

⁵¹ Rothstein, Richard. *The Color of Law: A forgotten history of how our government segregated America*. Liveright Publishing, 2017.

based sale restrictions. President Harding's administration in the early 1920s encouraged comprehensive zoning ordinances, and provided guides explaining why and how to create them. The committee that created the guides "was composed of outspoken segregationists," including Frederick Law Olmsted Jr., who told the National Conference on City Planning in 1918 that "any housing developments which are to succeed...racial divisions...have to be taken into account...if you try to force the mingling of people who are not yet ready to mingle, and don't want to mingle, a development cannot succeed economically."⁵²

In Brookline, racially restrictive deeds became common in the late 19th century, "forb[idding the] resale of property to 'any negro or native of Ireland.'"⁵³ In 1914, the Brookline Planning Board was established, chaired by none other than Frederick Law Olmsted, Jr. In 1920, the state authorized communities to establish comprehensive zoning by-laws, and in 1922 Brookline was one of the first to do so.

The Home Owners Loan Corporation (HOLC) in the 1930s created what are now known as redlining maps. In Brookline, the impact of those maps are still felt today. The HOLC graded neighborhoods as Green ("Best"), Blue ("Still Desirable"), Yellow ("Definitely Declining"), and Red ("Hazardous"). The only red section on Brookline's map was described at the time as "The so-called slum area of Brookline. A small congested area of Block houses primarily located around Village square."⁵⁴ Today, the only part of Brookline that is more than 20% African American coincides with the part of town redlined more than 80 years ago.⁵⁵

⁵² Rothstein, Richard. *The Color of Law*.

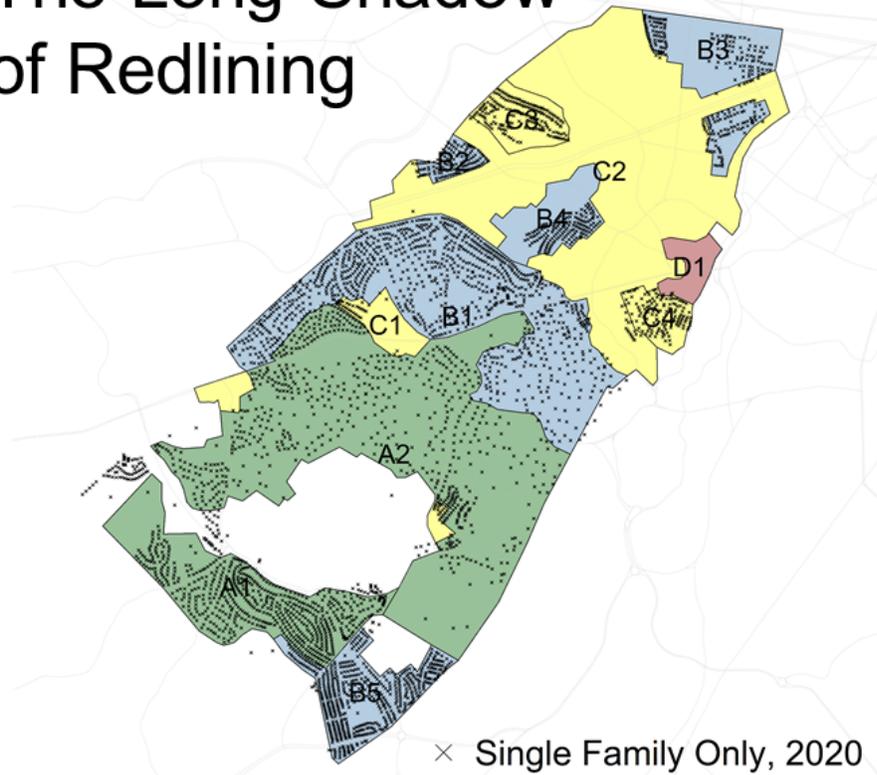
⁵³ Rothstein, Richard. *The Color of Law*.

⁵⁴ University of Richmond. "Mapping Inequality: Redlining in New Deal America."

<https://dsl.richmond.edu/panorama/redlining/#loc=14/42.332/-71.157&city=brookline-ma&area=D1>

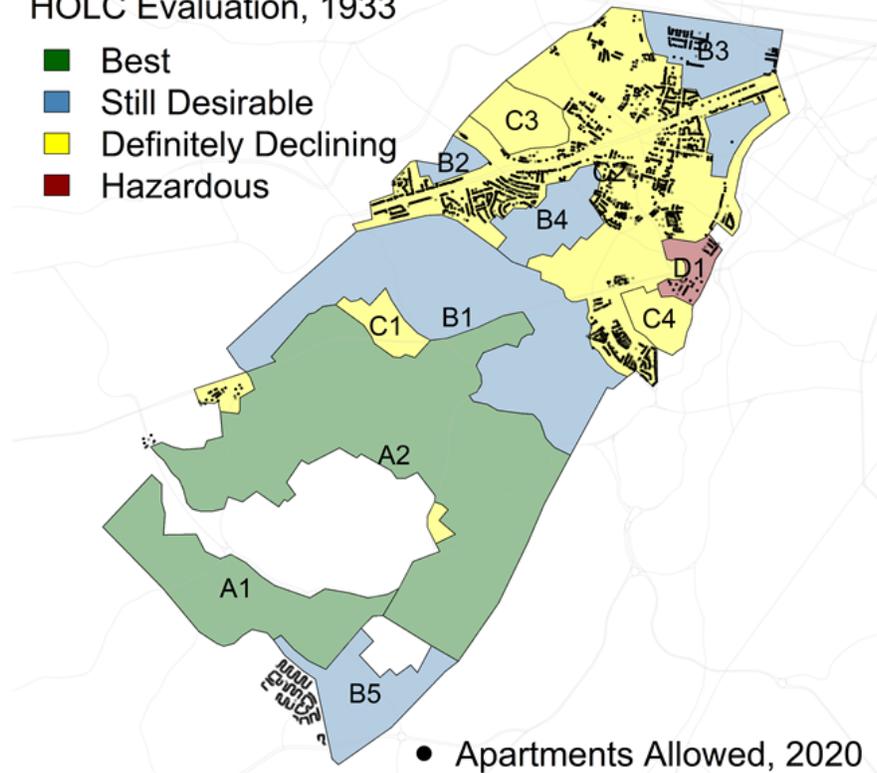
⁵⁵ Town of Brookline. *Town of Brookline Climate Vulnerability Assessment and Action Plan*. Brookline, MA: 2017. <https://www.mass.gov/files/documents/2017/12/22/Brookline%20Climate%20Vulnerability%20Assessment.pdf>

The Long Shadow of Redlining



HOLC Evaluation, 1933

- Best
- Still Desirable
- Definitely Declining
- Hazardous



Racial exclusion is deeply baked into American housing and land use policies and impacts the town of Brookline to this day. The redlining map above shows that the areas deemed “Best” are still zoned exclusively for single-family zoning, and the 2nd best “Still Desirable” areas are restricted to prevent the construction of apartment buildings. The esteemed historian Richard Rothstein summed up the impact racially exclusive zoning has had on our communities: “[I]t can fairly be said that there would be many fewer segregated suburbs than there are today were it not for an unconstitutional desire, shared by local officials and by the national leaders who urged them on, to keep African Americans from being white families’ neighbors.”⁵⁶

Housing, Affordability, Density, and Economic Development

Housing’s impact on economic development and the vibrancy of our business districts plays out in multiple ways. For retail growth, increasing the number of people within walking or easy biking distance from stores can increase overall sales. A study from the San Francisco County Transportation Authority found that people walking or taking transit to business districts “spend more per month than those traveling by car as they come more frequently.”⁵⁷ The Brookings Institution’s Metropolitan Policy Program also notes that “[a]dding more homes—and thus more neighbors—to low-density neighborhoods can help support local retail businesses that depend heavily on foot traffic, like hardware stores, bakeries, and restaurants.”⁵⁸ Many of the housing types discussed as possible additions to Brookline - particularly micro-units, smaller 1 bedroom apartments or condos, and senior housing - could result in many more residents in close proximity to the shops and restaurants that make our business districts unique.

Adding density near our business districts also is likely to have a positive impact on tax value per acre of land. This notion was corroborated by the 2020 Brookline Fiscal Advisory committee report’s recommendation for “significant zoning changes to incentivize new development, [and] encourage density in designated areas.”⁵⁹ While the BFAC recommendation focused mostly on commercial development, the report also acknowledged a need for more housing. Development resulting from zoning changes that promotes commercial projects will likely be mixed-use including housing, and those developments will come with built-in shoppers and maybe even employees for the commercial portions of the building.

From a business owners’ perspective, the unaffordability of housing both in Brookline and regionally makes it difficult to hire and retain employees. This idea is supported by a 2017 report from the Massachusetts Housing Partnership, which found that “[a] large majority of...survey [respondents are] not only struggling to recruit and retain talented employees, but see[s] the increasing economic burden of housing as an important barrier to sustaining a qualified and

⁵⁶ Rothstein, Richard. *The Color of Law*

⁵⁷ San Francisco County Transportation Authority. *Modal Choices and Spending Patterns of Travelers to Downtown San Francisco: Impacts of Congestion Pricing on Retail Trade*. 1 Aug 2008. https://archive.sfcta.org/sites/default/files/content/Planning/CongestionPricingFeasibilityStudy/PDFs/SF-ModalChoices-SpendingPatterns_RevisedFinal.pdf

⁵⁸ Baca, Alex, Patrick McAnaney, and Jenny Schuetz. “‘Gentle’ density can save our neighborhoods.” *Brookings*. 4 Dec 2019. <https://www.brookings.edu/research/gentle-density-can-save-our-neighborhoods/>

⁵⁹ Town of Brookline. Brookline Fiscal Advisory Committee. *Brookline Fiscal Advisory Committee Final Report*. 5 Feb 2020. <https://www.brooklinema.gov/DocumentCenter/View/21168/February-5-Final-BFAC-Report>.

educated workforce.⁶⁰ As we seek to expand our tax base through commercial development, Brookline can be a more attractive place for companies to move to if we're being proactive about supporting the housing needs of our population.

Housing Production Plan⁶¹

In 2016, to “assess demographic and housing data, identify local housing needs... identify housing development barriers, and identify specific locations and sites that meet the sustainability criteria for affordable and mixed income housing development,” and to allow for a one year moratorium on 40B development, the town of Brookline undertook the development of a Housing Production Plan. As part of the process, the Town hired planning consultants and had a public engagement process, including interviews with residents, people with knowledge of Brookline’s housing needs, developers, neighborhood activists, town staff and others, including three rounds of focus groups and four community workshops. In the end, 18 strategies were recommended to produce additional housing and improve housing affordability to get us closer to the 10% threshold to avoid future unfriendly 40B permitting. A few of the highlights are paraphrased below:

- 1) Amend zoning in opportunity nodes and corridors to encourage multi-family or mixed use development (e.g. increasing FAR, lowering height restrictions, reducing parking requirements, or expedited permitting)
- 2) Amend zoning to provide more incentives to create affordable units beyond the minimum required by Inclusionary Zoning,⁶² with particular emphasis on incentives that developers can qualify for “as of right.”
- 3) Amend zoning to encourage more diversity of housing units, such as microunits, artist live/work, or accessory dwelling units.
- 4) Expand local funds available for the creation and preservation of public housing units
- 5) Increase cooperation with community development corporations and non-profit developers to facilitate more affordable and mixed income housing developments
- 6) Establish local taxation policies to increase the financial feasibility for creating or preserving affordable housing (e.g. property tax reductions in exchange for affordable rental units)

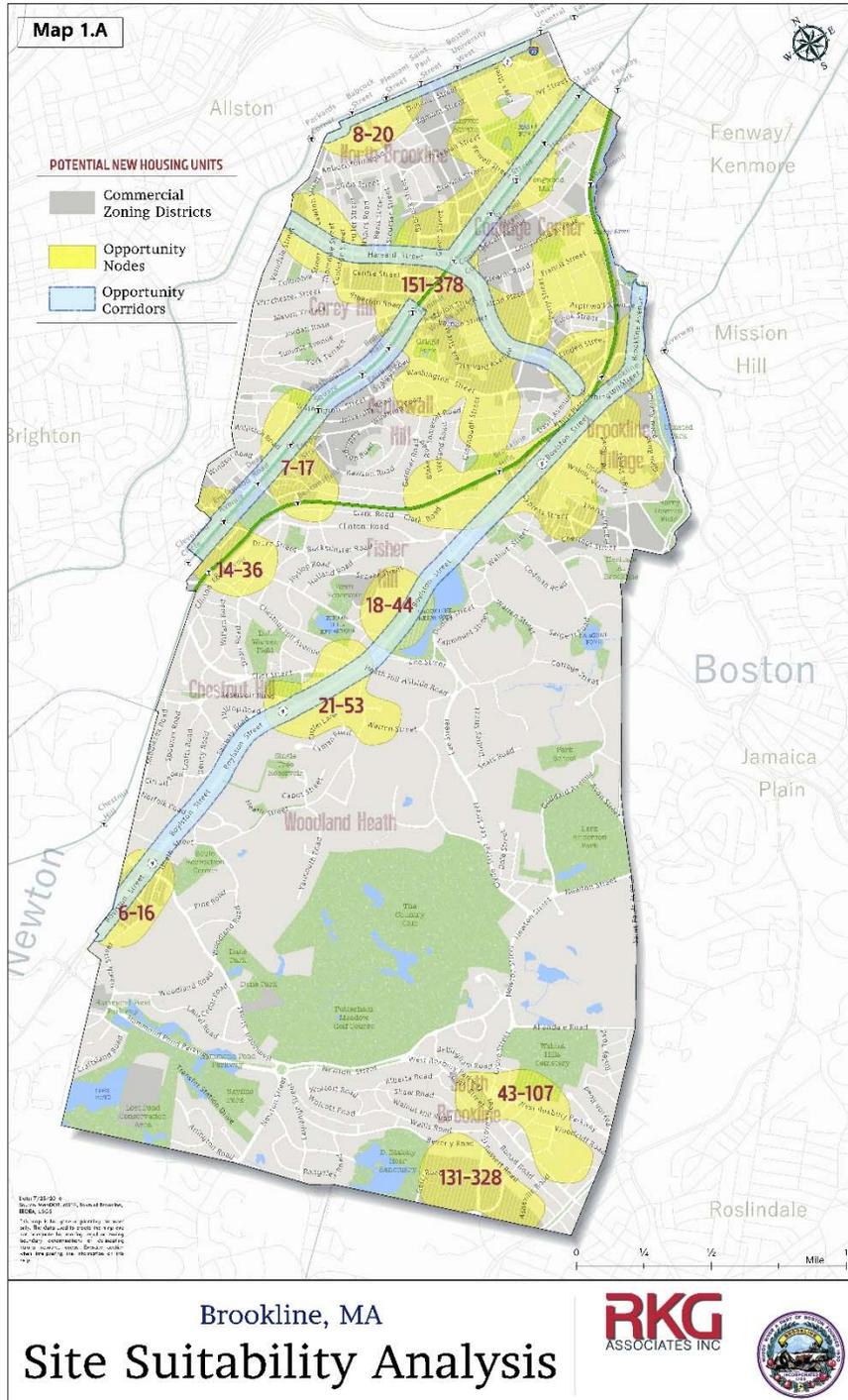
Up to this point, the Housing Production Plan has been underutilized by the town. Many of the proposed ideas should be pursued in a more serious manner, though the basic premise of the report was to develop strategies to allow Brookline to simply reach the 10% Subsidized Housing Inventory (SHI) threshold necessary to avoid unfriendly 40B projects. To confront our housing shortage in a serious manner, the town should take a second look at the report and use it as a

⁶⁰ Altali, Wael, Jonathan Hillman, and Sarah Tekleab. *Assessing Affordable Housing Availability and its Effects on Employers' Ability to Recruit and Retain Employees in Greater Boston*. Massachusetts Housing Partnership, 2017. https://www.mhp.net/writable/resources/documents/MHP-Report-Final_042817.pdf

⁶¹ More details on the 2016 Housing Production Plan can be found here: <https://www.brooklinema.gov/1299/Housing-Production-Plan>

⁶² The Inclusionary Zoning by-law in Brookline currently requires projects with 6 to 15 units to contribute a cash contribution to the Affordable Housing Trust and projects with more than 15 units to allocate 15% of onsite units as affordable.

foundation for concrete zoning and regulatory reform necessary to allow sufficient housing production in Brookline - both market rate and subsidized.
 The proposed opportunity nodes and corridors can be seen in the map below.



ARTICLE 35

Submitted by: Neil Gordon, TMM1

Due to the COVID-19 crisis, the Select Board voted to pursue a limited warrant for the Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of the article filed for the Annual Town Meeting.

The residential exemption is one of the few tools that we have to provide a level of progressive taxation in Brookline. Perhaps we could use it more effectively. We ask that the Select Board consider a substantial increase the Residential Exemption from the currently percentage up to the maximum amount allowed by law, when it sets the residential property tax rate for FY 2021 and thereafter.

Increasing the residential exemption may be particularly appropriate at times when the tax rate (relative to assessed values) has risen, or is expected to rise, in response to operating overrides and debt exclusions.

From the Town website (emphasis added): “Each year, at the option of the Select Board, an exemption of not more than **35%** of the average assessed value of all Class 1 residential parcels may be applied to residential parcels that are the principal residence of the taxpayer as of January 1. **The intent of the exemption is to promote owner occupancy and is designed to provide a proportionately greater benefit to lower valued homes.**”

In FY2020, for which the Select Board has set the exemption at 21%, every qualified homeowner will have \$292,060 deducted from their property's assessed value for purposes of calculating their tax bill. For properties assessed at \$800,000, that's more than one-third of the assessed value. For a five million dollar property, it's less than a six percent offset.

Based on the same assessed values as above, at the maximum rate of 35%, every qualified homeowner would have \$486,767 deducted from their property's assessed value. For properties assessed at \$800,000, that's over 60% of the assessed value. And for a five million dollar property, the residential exemption would rise to less than 10% of assessed value.

Of nine urban residential exemption communities, six are at 30% of above: Boston (35%); Somerville (35%); Waltham (35%); Chelsea (31%); Cambridge (30%); and Malden (30%). Of the remaining three, Everett is at 25%, Watertown is at 24%, and Brookline is at 21%.

ARTICLE 36

Submitted by: C. Scott Ananian, TMM 10

Due to the COVID-19 crisis, the Select Board voted to pursue a limited warrant for the Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and

alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of the article filed for the Annual Town Meeting.

These articles bring back Warrant Article 6 from the November/December 2019 Special Town Meeting with the following modest changes, suggested by the review and Town Meeting debate of those articles:

1. The gap between stipend for chair and regular members has been narrowed to address concerns it was too large and would introduce financial incentives to run for chair.
2. The overall amounts modestly lowered to reflect the Town's financial situation as reported by the BFAC committee, without jeopardizing the ability of the stipend to effect positive change.
3. The School Committee has been added to address concerns that providing a stipend only to the Select Board was inequitable. As there are 9 members of the School Committee to share the work, the proposed stipend for the School Committee is roughly 5/9ths of the stipend provided for the 5-member Select Board. As several TMMs have argued strongly for only one or the other of these articles, I have submitted the School Committee stipend as an independent Warrant Article to allow Town Meeting to debate and vote on each individually.
4. Language was added ("total cost of compensation") to address potential pension obligations.
5. This article is being brought forward at the Annual Town Meeting in the Spring, as recommended by BFAC for articles with budget implication.

The primary objectives for these articles are:

1. **To professionalize the board and compensate for increased expectations**, at a cost of only .04% of the FY2021 combined Town and School budget for the Select Board stipend and .11% of the FY2021 School budget for the School Committee stipend. Stipends would increase the overall Select Board budget from \$706,626 (FY2021) to \$843,126 (19%) and would increase the overall School Committee budget from \$123,324 (FY2021) to \$263,324 (114%).
2. **Remove a major barrier to participation at the executive level of town government and attract a broader array of candidates.** The stipend would allow Town residents of modest means to serve in Town government without requiring (further) burdensome sacrifices by their families. It would pay for child care for members with small children, and would allow professionals to dedicate one day a week entirely to Town business with less effect on their income.
3. **This begins to implement our Town commitment to inclusion in Spring 2019 warrant article 29.** Resolutions do nothing but make us feel good until we make steps that actually cost money to implement them.

The interested Town Meeting Member should be certain to read the combined reports on WA 6 in the 2019 STM for further background information, including the analysis which led to the original Select Board stipend levels. The petitioner is grateful for the work done by the original petitioners

for WA6 as well as the Advisory Committee and Town Meeting members who participated in the warrant review process for WA6. Warrant Article 6 failed to receive a majority by an extremely thin margin, 100-103-12, and it is hoped that, rather than a wholesale return to the drawing board, these modest changes will suffice to gain a majority this year.

The 2019 Special Town Meeting explanation and reports on WA 6 begin on page 47 of

<https://www.brooklinema.gov/DocumentCenter/View/20751/Combined-Reports-November-2019-Brookline-Special-Town-Meeting-with-Supplements>

ARTICLE 37

Submitted by: C. Scott Ananian, TMM 10

Due to the COVID-19 crisis, the Select Board voted to pursue a limited warrant for the Annual Town Meeting to meet the challenges of conducting an alternate form of town meeting and alleviate the number of public meetings and public hearings conducted during the state of emergency. This article is a duplicate of the article filed for the Annual Town Meeting.

The explanation for this article is contained within the explanation for the article regarding the Select Board stipend. As several Town Meeting Members have expressed strong opinions regarding only one or the other of the Select Board and School Committee stipends, the petitioner has brought the stipends as independent articles to allow Town Meeting to vote on each separately.

ARTICLE 38

Submitted by: Lisa Cunningham, Jesse Gray, Steven Heiken, Werner Lohe, Paul Saner, Kathleen Scanlon, Cora Weissbourd

Warrant Article 38: A Resolution Calling for Swift, Just Building Decarbonization in the Commonwealth, is complementary to Warrant Article 39: An Act Authorizing the Town of Brookline to Adopt and Enforce Local Regulations Restricting New Fossil Fuel Infrastructure in Certain Construction. Both Warrant Articles were brought forward by the co-petitioners of 2019's Warrant Article 21: Prohibition on New Fossil Fuel Infrastructure in Major Construction and both articles aim to draw attention to the need for state-level climate action to meet the urgency of our climate crisis.

Our resolution calls upon the Massachusetts State Legislature, Department of Public Utilities, and Board of Building Regulations and Standards to take specific actions committing to swift, just building decarbonization. The resolution states our town's values, presents our rationale for building decarbonization, and calls for specific state-level action. We are working with additional communities in the Commonwealth to pass similar resolutions to amplify this message and catalyze state-level change.

ARTICLE 39

Submitted by: Lisa Cunningham, Jesse Gray, Steven Heiken, Werner Lohe, Paul Saner, Kathleen Scanlon, Cora Weissbourd

In November 2019, Brookline’s Town Meeting overwhelmingly passed Warrant Article 21: Prohibition on New Fossil Fuel Infrastructure in Major Construction. Brookline’s fossil fuel prohibition was the first outside California, the first in a cold weather climate, and the first to include major building renovations as well as new construction.

Brookline’s prohibition attracted national attention and launched a regional domino effect. Over a dozen other Massachusetts towns and cities followed Brookline’s lead and started to plan and launch similar building electrification efforts. The growing national building electrification movement also caught the attention of the gas industry, which launched deep-pocketed anti-electrification campaigns in Brookline and nationally.⁶³ A building electrification movement and countermovement blossomed.⁶⁴

In July 2020, the Municipal Law Unit of the Massachusetts Attorney General’s Office (MLU) reluctantly rejected Brookline’s proposed bylaw. Although the MLU decision stated that the bylaw was consistent with the Attorney General’s policy goals, the MLU determined that the bylaw was preempted by existing state law – the gas code, building code, and general laws regulating uniform utility services.⁶⁵

We are living in a climate emergency. As we write, raging fires, devastating storms, floods, heat, and droughts are ravaging our planet. Yet, our state laws, regulations, lawmakers, departments, and boards still assume that fossil fuels are beneficial and necessary. The Massachusetts State Legislature, Department of Public Utilities, and Board of Building Regulations and Standards are all legally bound by a statewide limit of net-zero greenhouse gas emissions by 2050.⁶⁶ Without

⁶³ D’Angelo, C. (2019, December 8). The Gas Industry’s Bid to Kill a Town’s Fossil Fuel Ban. *Huffington Post*. https://www.huffpost.com/entry/massachusetts-natural-gas-ban_n_5de93ae2e4b0913e6f8ce07d

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Drugmand, D. (2020, July 28). Unplugged: How the Gas Industry Is Fighting Efforts to Electrify Buildings. *DeSmog Blog*. <https://www.desmogblog.com/2020/07/22/unplugged-how-gas-industry-fighting-efforts-electrify-buildings>

Holden, E. (2020, August 20). Revealed: how the gas industry is waging war against climate action. *The Guardian*. <https://amp.theguardian.com/environment/2020/aug/20/gas-industry-waging-war-against-climate-action>

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Vardi, Itai. (2020, August 19). National Grid Lobbied Against Massachusetts Bills to Expand Renewable Energy. *Energy and Policy Institute*. <https://www.energyandpolicy.org/national-grid-lobbied-against-massachusetts-bills-to-expand-renewable-energy/>

⁶⁴ Margolies, J. (2020, February 4). ‘All-Electric’ Movement Picks Up Speed, Catching Some Off Guard. *New York Times*. <https://www.nytimes.com/2020/02/04/business/all-electric-green-development.html>

⁶⁵ July 21, 2020 decision from the Municipal Law Unit of the Massachusetts Attorney General’s Office accessed via MLU decision lookup: <https://massago.onbaseonline.com/MASSAGO/1801PublicAccess/mlu.htm>.

⁶⁶ Legally binding statewide net-zero emissions goal taken from the Office of the Attorney General’s June 2020 petition: “Requesting an Investigation, pursuant to the Department of Public Utilities’ authority under G.L. c. 164, §§ 76, 105A into the impact on the continuing business operations of local gas distribution companies as the Commonwealth achieves its target 2050 climate goals” (D.P.U. docket #20-80)”: “See the Global Warming Solutions Act (“GWSA”), St. 2008, c. 298, codified at M.G.L. c. 21N; Executive Office of Energy and Environmental Affairs’ (“EOEEA”) Determination of Statewide Emissions Limit for 2020 (Apr. 22, 2020), available

aggressive, statewide building decarbonization policies, building codes aligned with our climate goals, and a thoughtful, planned transition away from fossil fuels, we will be unable to meet our legally binding statewide emissions targets. Our outdated legacy laws and systems – here and everywhere - must change immediately for us to have any hope of addressing our climate crisis.⁶⁷ The state must act with the urgency demanded by this moment.

In 2018 the UN Intergovernmental Panel on Climate Change stated that in order to prevent catastrophic global warming we need to reduce carbon emissions to ~45% of 2010 levels by 2030 and reach net zero by approximately 2050.⁶⁸ Building emissions represent over 50% of greenhouse gas emissions in the Commonwealth and over 70% of the greenhouse gas emissions in the state’s urban areas.⁶⁹ Therefore, achieving the Commonwealth’s mandatory greenhouse gas emissions targets will require decarbonization of the buildings and heating sector.

We propose two complementary warrant articles in response to the MLU’s ruling, both intended to pressure the legislature to commit to climate action. With Warrant Article 39: An Act Authorizing the Town of Brookline to Adopt and Enforce Local Regulations Restricting New Fossil Fuel Infrastructure in Certain Construction and Warrant Article 38: A Resolution Calling for Swift, Just Building Decarbonization in the Commonwealth, we are offering a two-pronged strategy.

In essence, the home rule petition requests the state legislature to grant Brookline local authority to implement Warrant Article 21. If the legislature allows the petition, Brookline would have the unique power to implement our fossil fuel prohibition. To be clear, the end goal is not for our town to possess unique building electrification powers. Instead, this petition will pressure the state legislature to focus on its legacy laws and systems and continue to call local and statewide attention to the need for state-level action. The resolution then calls for the Massachusetts State Legislature, Department of Public Utilities, and Board of Building Regulations and Standards to commit to swift, just building decarbonization and clearly articulates the goals and values of our town.

at <https://www.mass.gov/doc/final-signed-letter-of-determination-for-2050-emissions-limit>; (setting a legally binding statewide limit of net zero greenhouse gas emissions by 2050, defined as 85 percent below 1990 levels); State of the State Address (Jan. 21, 2021) (Governor commits to achieving net-zero greenhouse gas emissions by 2050), available at <https://www.mass.gov/news/governor-baker-delivers-2020-state-of-the-commonwealth-address>.” The Town of Brookline has committed to a goal of 80% reduction in greenhouse gas emissions from 1990 levels by 2050.

⁶⁷ Pontecorvo, Emily. (2020, August 10). Does your state want to cut carbon emissions? These old laws could be standing in the way. *Grist*. <https://grist.org/energy/does-your-state-want-to-cut-carbon-emissions-these-old-laws-could-be-standing-in-the-way-buildings-heat-pumps/>

⁶⁸ United Nations Intergovernmental Panel on Climate Change (2018, October 8). Summary for Policymakers of IPCC Special Report on Global Warming of 1.5°C approved by governments. <https://www.ipcc.ch/2018/10/08/summary-for-policymakers-of-ipcc-special-report-on-global-warming-of-1-5c-approved-by-governments/>

⁶⁹ For Massachusetts building emissions data see page ES-8: “Buildings consume over 50 percent of the energy used in Massachusetts and are therefore responsible for the greatest GHG emissions of any sector.” Bowles, I. (2010). *Massachusetts Clean Energy and Climate Plan for 2020*. <https://www.mass.gov/files/documents/2016/08/sk/2020-clean-energy-plan.pdf>.

Building emissions in Boston were 70.6% in 2017. See City of Boston (2017). *Boston’s Carbon Emissions*. <https://www.boston.gov/departments/environment/bostons-carbon-emissions>.

Brookline's fossil fuel prohibition, and the overwhelming support it received in Town Meeting, changed the narrative in Massachusetts and nationally. Electrifying new construction and major renovations, which seemed difficult just a few years ago, is now understood as practical, cost-effective, politically attainable – and urgent. The movement to electrify buildings is growing, and we are eager to continue the fight for a livable planet at the state-level.

ARTICLE 40

Any reports from Town Officers and Committees are included under this article in the Combined Reports. Town Meeting action is not required on any of the reports.