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May 19, 2008

REPORT OF THE COMMITTEE
ON PUBLIC HEALTH AND PUBLIC SAFETY

The Committee on Public Health and Public Safety convened on May 19, 2008, with Chairman William White presiding and Committee Members Aldermen John Connolly and Walter Pero also present and voting. Also present were Superintendent of Inspectional Services George Landers, City Solicitor John Gannon, Police Chief Anthony Holloway, Attorney Bruce MacDonald, (representing the owners of the property located at 31 Wilton Street) and interested members of the public.

31 Wilton Street:

The committee met to discuss the issue regarding the property located at 31 Wilton Street. Chairman White read a letter from Attorney MacDonald in response to the Fire Department's order to install an automatic sprinkler system at the property in accordance with MGL c 148 § 26H.

Attorney MacDonald explained the impact of municipal zoning by the Fair Housing Act (FHA) and requested that the City allow a reasonable accommodation to allow a total of ten individuals to live at the property, 5 in each dwelling unit, to obviate the necessity of automatic sprinklers and offered to meet with city officials to discuss the matter. He also said that the property is not a boarding house nor a half way house, noting that the residents are generally employed and he explained that there is a peer support system, in a residential setting, to mainstream people back into the community. Attorney MacDonald further stated that since the property is a home, it does not need to be licensed.

Chairman White stated that he does not believe there is merit to allow five individuals per unit as opposed to four individuals, which is allowed by right and he asked Attorney MacDonald to direct all zoning issues to Mr. Landers. Chairman White also requested that Attorney MacDonald provide the committee with copies of the owners' application and house rules along with insurance information.

Mr. Gannon informed the members that the Building Inspector can make a definitive decision and also said that the City is looking into other legal issues. Resident Joseph Lynch requested a copy of the Fire

Department's letter to the owners of the property and also asked for a list of answers to the questions he posed in his March 20, 2008 email. Mr. Gannon replied, that for legal reasons, he is not ready to release the answers to the public.

Mr. Landers told the members that the property owners did not sign for the recent certified mail sent by the City and he also told the members that he would like to contact his counterparts in Malden and East Boston to inquire about the operation of the other houses owned by Sober Surroundings.

Chief Holloway told the members that directed patrols of the area show no increase in criminal activity. Chairman White asked the Chief to look into neighbors' complaints regarding suspicious activity in the area.

Alderman Connolly gave some examples of successful FHA sponsored group homes and spoke of the neighborhood participation, noting that residents are members of the community and he suggested that the property owners reach out to CASPAR to obtain information on working with the City.

When asked what criteria is being followed with respect to square footage, Attorney MacDonald cited the relevant mandates. With regard to ownership, management and marketing questions, Attorney MacDonald informed the members that his clients have other sober houses in Malden and East Boston. When asked if checks are performed to determine if the residents are sex offenders, Attorney MacDonald replied that CORI checks are not always done. The application fee for the residents is \$250 and the weekly rate is \$135, with the average stay being over one month. The owners are very "hands on" with respect to maintenance of the property, according to Attorney MacDonald.

Morrison Ave.:

Mr. Landers reported that the owner of the property in question is making an effort to clean up the property.

General:

The members stated that they would be visiting the city's fire stations during the budget sessions.

No papers were acted on.

Alderman William A. White, Jr., Chairman
Committee on Public Health and Public Safety

COMMITTEE REPORT

Report of the Committee on Public Health and
Public Safety, May 19, 2008

In Board of Aldermen

Clerk