Westwood Disability Commission

October 18, 2019 9:15 A.M.

Selectmen’s Meeting Room, Town Hall

**Minutes**

**Attendees:**

Commission Members: Anne Berry Goodfellow, MaryAnne Carty, Michelle Fiola-Reidy, Marianne LeBlanc, Fran MacQueen, Jette Meglan, Mary Sethna, Hilary Ryan, Connie Rizoli

Guest: Sarah Bouchard – Housing and Zoning Agent

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**Agenda item**: Approval of Minutes

September 13, 2019 Minutes Approved.

Agenda Item: Resignation of Chuck Taylor

Anne announced that Chuck has resigned and thanked him for his dedicated service.

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**Agenda item:** New Business – Housing Production Implementation Plan: presentation by Sarah Bouchard – Westwood Housing and Zoning Agent

See draft plan: <http://westwood-prod.civica.granicusops.com/civicax/filebank/blobdload.aspx?t=36270.23&BlobID=32625>

Sarah reported that the Housing Production Implementation Plan is defined by Mass. Gen. Law Chapter 40B. The plan has been put together by the Westwood Housing Partnership and is a road map for affordable housing production. Its purpose is to narrow the focus on affordable housing, keeping in mind the demographic changes and particular needs of the community. Westwood has never had a production plan before. As we approach 2020 and focus on the state’s requirement that 10% of our housing inventory is affordable, the Town has been working to maintain that; and in fact, the Town wants to stay above the minimum requirement. The Housing Partnership is a group of volunteer residents that began meeting a year ago to discuss these issues. First, they conducted a needs assessment in which they looked at the demographic changes and the housing needs in town. They performed a survey to solicit input from residents and they aggregated the responses. Sarah reports that they had good participation. They also conducted a community visioning session. Feedback from residents was very thoughtful. The third part of the plan synthesizes the input to come up with an action plan. Sarah brought with her copies of the implementation plan for review.

Sarah emphasized that the Housing Production Plan is not a commitment but rather a goal setting document. The Plan lists 9 goals for further study, including Goal 2: to develop supportive housing for people with disabilities.

Sarah reports that starter and downsizing homes are at risk and missing in town. People need an entry to the Westwood housing market as well as the ability to remain in the community as they age. One potential idea is to consider rezoning which she states may be a radical idea but is worth having a conversation about. The Town also hopes to develop more group homes that assist individuals with disabilities and meet the state’s affordability criteria.

The applicable State regulation requires that the Housing Production Implementation Plan be approved by both the Planning Board and Select Board before it can be submitted to the State. Sarah will present the Plan at the Planning Board Public Hearing on November 5, 2019 and she welcomes our participation to express support for the Plan. The Planning Board will also consider letters of support.

We discussed the potential for resident preference with respect to group homes. While this might be a desirable goal, the Department of Developmental Services (“DDS”) selects the residents of a group home on the basis of placement priority guidelines. Jette was wondering if a Westwood DDS recipient that is eligible for Group Home could get Westwood preference. Sarah observed that if we establish a resident preference for affordable properties it may have a counterproductive impact on the goal of increasing diversity in the community. Jette reiterated that it would only be preference for DDS recipients that are eligible for a Group Home and already live in Westwood.

Sarah observed the distinction between low income housing ($60,000 for 3 person household) and extremely low income housing ($24,000 for 3 person household) the latter of which is difficult to provide without governmental subsidies. Westwood has a median home price around $700,000. Another avenue for increasing the availability of affordable housing is through accessory apartments. There is currently a cap on accessory apartments limited to 2%, which was recently increased from 1%.

In conclusion, we asked how the Commission could be more engaged in housing developments in town. Commission members could support the recommendations in the Housing Production plan and engage in discussions with the Housing office around housing stability. Jette stressed the need to follow principles of universal design in housing and not be limited by a focus on ADA and AAB Compliance.

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**Agenda item:** New Business – ADA compliance – Status of updated self assessment

We do not yet have an update on this. MaryAnne will follow up with Jim McCarthy

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**Agenda item:** New Business – FinCom November 12, 2019 meeting

Anne will attend the FinCom meeting to provide a brief overview of the Commission on Disability to aid FinCom in becoming more aware of the concerns of Town residents with disabilities.

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**Agenda item:** New Business – Comprehensive Plan Revision 2020

Current document at

<http://www.townhall.westwood.ma.us/gov/boardcomm/active_boards_committees_n_commissions/comprehensive_plan_steering_committee_/default.htm>.

The Planning Board will consider the draft of the Comprehensive Plan at a series of meetings in the next couple of months. The draft of the Community Facilities section will be presented

at the Planning Board Meeting on October 22, 2019 at Carby Street. It is important that we stress that Town Hall is not ADA compliant, and that this should be given priority in the Comprehensive Plan Goals. Anne plans to attend the Planning Board meeting. Members are encouraged to attend this meeting or to contact the Planning Board to advance this effort.

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**Agenda item:** New Business – Political Update

Nicky’s Law (H 4074/S 2367) / The Abuse Registry Bill was unanimously passed by the Massachusetts State Senate on October 17, 2019, but as of this meeting, has not yet been taken up by the State House.

There is presently no system to track individual direct care providers whose act of abuse against individuals with intellectual and developmental disabilities (I/DD) has been substantiated. The new law seeks to change that by establishing a registry within the Disabled Persons Protection Commission (“DPPC”).

*Addendum to the Minutes*:

From the Arc of Mass website: https://thearcofmass.org/abuseregistry/

The Current Situation

In the last decade, the ratio of criminal charges to abuse case referrals have been in the range of 10%-15%. This real-life statistic meant that some other mechanism was needed to protect people with disabilities from caretakers who had committed substantiated incidents of abuse, but who had not been criminally charged or convicted.

The reality that someone can be substantiated for abuse as determined by the state agency responsible, namely the DPPC, but can work the following week, moth or year at another location with vulnerable individuals is simply wrong and against the public interest.

The Proposed Solution

The solution: a “mandatory abuse registry” law initially applies to caretakers funded through or working for the Department of Developmental Services (DDS).

The bills are filed as Senate 2367 and House 4074 (“An act to protect individuals with intellectual and developmental disabilities from abuse”). It is important to note that this bill is not a “criminal justice” bill. It is a protection against abuse and neglect and it is a way to restrict those who have been demonstrated to be abusive from working with vulnerable individuals. The DPPC reported rate of substantiation in 2018 was 15-17%. For sexual abuse cases, the reported rate from DPPC is 10-12%. The cases in which there are criminal charges are a subset of these cases. This bill does not make new recommendations in relation to the referrals to the DA’s or the courts.

Important Notes

The bill requires that the names of the staff persons (through state or private employment) against whom a substantiated finding of abuse of a person with Intellectual of Developmental Disabilities (“I/DD”) has been issued by the DPPC be identified in a DPPC registry. DDS and DDS funded providers would not be able to hire someone on that registry. The registry includes a comprehensive formal appeal process through the Division of Administrative Law Appeals (DALA). Specifics on the registry and the level of abuse which rise to inclusion in the registry are left to regulation.

The bills filed this session have been negotiated with the Committee on Public Counsel Services to satisfy concerns on due process for those who are subject to the registry.

**Agenda item:** Old Business – Emergency Planning

Mass Emergency Management Hurricane preparedness information:

<https://www.mass.gov/service-details/hurricane-safety-tips>

<https://www.mass.gov/service-details/build-an-emergency-kit>

<http://cdd.unm.edu/dhpd/pdfs/FifthEditionTipsSheet.pdf>

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**Agenda item:** For your information

Transition Conference: Charting the Life Course during Transition Years - Nov. 16,2019, at College of the Holy Cross. $75/pp. <https://thearcofmass.org/conference>/

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**Agenda item**: Adjournment and Next Meeting

The meeting was adjourned at 10:24 am.

The next meeting will be on November 15, 2019 at 9:15A. We will be joined by Town Planner Abby McCabe

Meeting dates for year: 11/15, 1/10, 2/14, 3/13, 5/8, 6/12