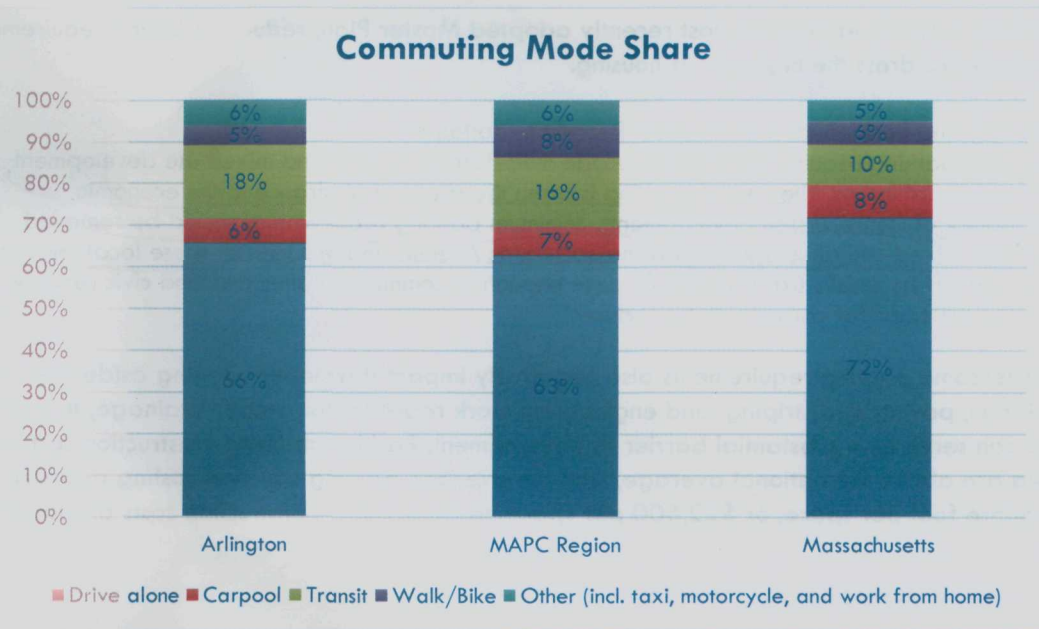


Arlington Demographics

Using data from the 2010-2014 American Community Survey, MAPC explored how Arlington's commuting patterns and vehicle ownership rates may impact the need for parking at multi-family residential developments. Figure 1 below depicts commuting mode share in Arlington in comparison to the MAPC region and the state as a whole. Nearly one in three Arlington residents commute by a means other than driving alone. Based on national trends, the number of residents taking more sustainable modes of travel to work is expected to increase over time.

Figure 1. Comparison of Commuting Mode Share

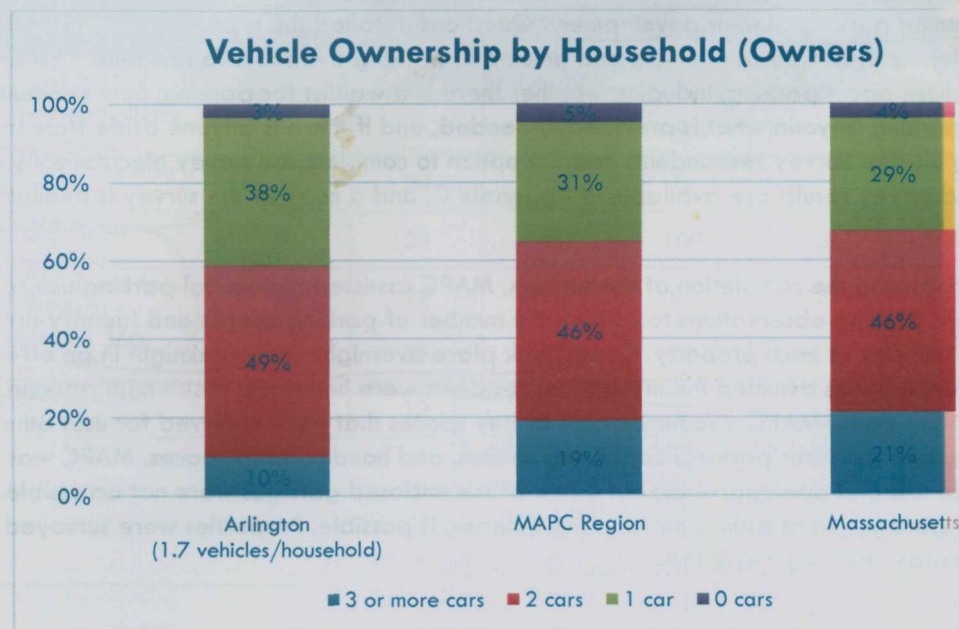
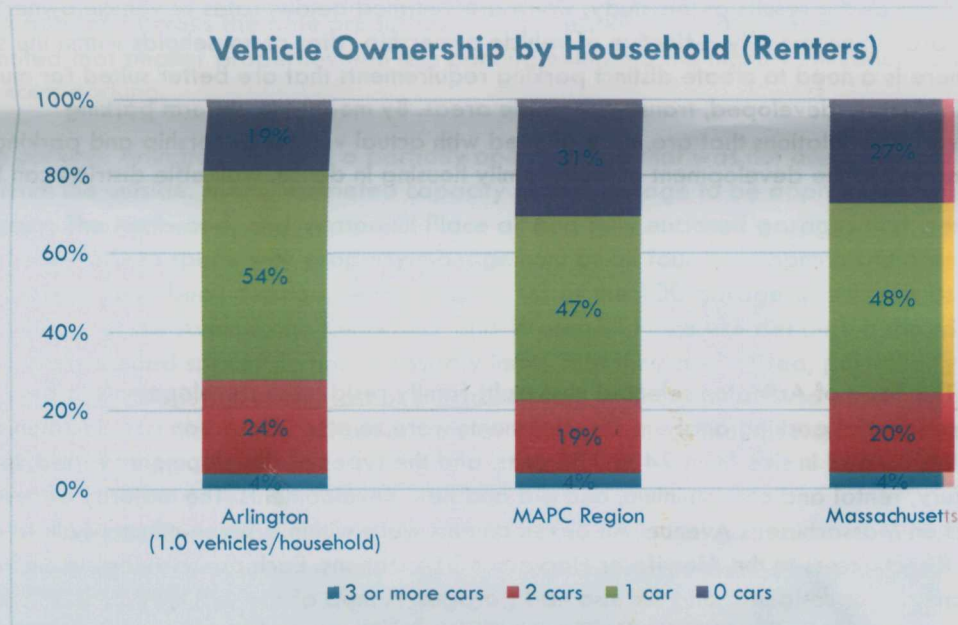


In addition to the commuting data, MAPC also evaluated rates of vehicle ownership at rental and ownership households. MAPC found that ownership households owned 1.7 vehicles per household on average, while rental households averaged a bit lower at 1.1 vehicles per household. Lower rates of

⁵ "Transportation Cost and Benefit Analysis II – Parking Cost," Victoria Transport Policy Institute (December 10, 2015): 17, <http://www.vtpi.org/tca/tca0504.pdf>.

vehicle ownership among rental household in comparison to ownership households is a common trend within both the MAPC region and the state.

Figure 2. Vehicle Ownership by Household



“As the Peer Coordinator at Wayside Youth’s STEPS Resource Center in Arlington, which provided help and support to many marginalized young adults in the area that are struggling, I am writing you in full support of Warrant Article 80, co-sponsored by Laura Kiesel. It provides an exemption program to Arlington's overnight parking ban for those experiencing medical and/or financial hardship and who lack an affordable or accessible off-street parking space at their residence.

As someone who works with many disabled people on a daily basis, I believe that some sort of exemption program is crucial in this community, or the marginalized communities that are already struggling will only grow smaller and have less access than they already do.

Please consider STEPS in support of Laura Kiesel’s warrant and support our marginalized communities!”

Best regards,

Olivia Chiacchia, BA, CPS

[\(she/her/hers\)](#)

Peer Program Coordinator

STEPS (Success Through Empowerment and Peer Support)

Wayside Youth & Family Support Network

12 Prescott St

Arlington, MA 02474

“The Mystic Valley Area Branch of the NAACP will endorse the view of the Envision Arlington Diversity Task Group in support of potentially providing parking vouchers for people in need due to financial hardship, health reasons, or disability reasons. We are in support of anything that levels the playing field and creates a more equitable community for all Arlington Residents.”

- NAACP-Mystic Valley

“WHEREAS the best available peer review data reveals that car ownership is intimately and often inextricably connected to keeping and maintaining a job and therefore to economic viability and mobility for lower income and working class individuals and families in the United States

“WHEREAS car ownership has also has been found to play an integral role in enabling lower income and working class families to relocate to and reside in higher opportunity towns and cities such as Arlington--that is, places with stronger schools and housing markets, more green spaces, and better health outcomes

“WHEREAS many higher-paying jobs available to those without college degrees often mandate ownership of a car

“WHEREAS many jobs available are increasingly offered in the outer suburbs in areas not practically accessible by public transit

“WHEREAS many disabled folks require cars because our inadequate and inefficient public transportation does not allow them to independently meet their basic living needs in order to access work, medical appointments, and groceries, etc.--with the vast majority of MBTA subway and bus stops being non-compliant with the ADA

“WHEREAS there have been reported incidents of some landlords and/or real estate agents in Arlington being evasive or dishonest to prospective tenants about the availability of off-street parking or the existence of an overnight on-street parking ban

“WHEREAS there are documented incidents of landlords charging tenants extraneous--and in some cases, exorbitant--monthly parking fees for off-street parking on top of rent and citing the on-street parking ban as an incentive to do so

“WHEREAS the overnight on-street parking ban thereby unwittingly acts as an exclusionary zoning law that serves as an impediment for lower income and disabled folks to relocate here or remain in Arlington if they cannot find a residential dwelling with accessible or affordable off-street parking

“WHEREAS the current process for applying for a overnight parking waiver requires that a person attend a Select Board hearing in person to make their appeal, which occurs in the evening in a room that is not easily accessible for those with certain disability--posing a potential logistical challenge to attend

“WHEREAS this hearing also subjects the individual requesting the waiver to public scrutiny and judgement, and is filmed and aired on live television, posing the dilemma of an invasion of privacy into the intimate details of one’s financial and/or medical situation

“WHEREAS the Town of Arlington has outlined goals in its Envision 2020 to enhance its diversity and inclusion of under-represented members of the community and welcome all to live here, including those who are lower income and/or disabled, even as the current parking ban is counter-productive to fully realizing those goals

“WHEREAS the Town of Arlington’s Diversity Taskforce Group (DTG) voted unanimously in favor of the creation of a warrant article that would support a culturally sensitive approach to overnight parking exemptions

We are asking Arlington Town Meeting to pass a non-binding resolution urging the Town to consider implementing an exemption program to the overnight on-street parking ban for those who are experiencing medical or financial hardship and who lack an affordable or accessible off-street parking space at their current or intended place of residence based on an objective list criteria with no need of a public hearing process.”

“The Massachusetts Immigrant and Refugee Advocacy supports the proposed parking warrant. Massachusetts is home to over a million immigrants, who work disproportionately in low-earning jobs. Many work as janitors, nursing home attendants, and in other positions having non-traditional working hours, requiring transportation when public services are unavailable. The proposed warrant is reasonable, since it would provide alternatives only when off-street parking is unavailable, and only for those with the greatest need. We hope that the Select Board will give it careful consideration.”

Amy Grunder, Director of State Legislative Affairs of MIRA
(Massachusetts Immigrant and Refugee Advocacy) Coalition

1. Why 80% of Area Median Income (AMI)?

The Town's own zoning laws cite 80% AMI or lower as what defines or qualifies a household as eligible to live in an "affordable" unit. In particular, as the Town considers new zoning plans and upscaling density, our inclusionary zoning policy mandates that 15% of new housing developments (or 1 out of 6 units) be earmarked as "affordable" and available to those households with an annual income at or under 80% AMI. These "affordable" units would be available to those who have or hold Section 8 mobile vouchers, or are on the waiting list for a voucher. As noted previously, a study conducted of 12,000 households that were voucher holders in major metro areas--including Boston--found that those who owned cars were twice as likely to have a job and four times as likely to maintain that job over the long-term as compared to those who did not have cars. Additionally, they were also significantly more likely to relocate and maintain residence in high quality neighborhoods--that is, those with better schools, low crime, more green spaces, and superior health outcomes. In other words, towns like Arlington.

However, the Town's new density plans include proposals to reduce and even possibly altogether eliminate off-street parking minimums for new developments. This would make it much more difficult for voucher holders and other lower income and working class people who would qualify for these "affordable" units to relocate here and stay here over the long term if they do not have a place to park the cars they need in order to maintain the jobs required to afford rent. Furthermore, ownership of cars is often integral to assisting in economic mobility for a household and there is a problem with the cliff effect. If a lower income family achieves some economic mobility and rises from working class to lower-middle class, this AMI standard would give the family more breathing room to achieve that without forcing them out of Town.

Currently, income inequality in Arlington is growing at a breakneck pace with a depletion of our working class here in Town and racial diversity is still very low. African Americans and Hispanics still only comprise less than 6% of the entire of population of the Town. African Americans and Hispanics are nearly twice as likely to rent as whites and are more likely to be representative in lower income households due to systemic racism and its insidious impacts on employment opportunities and the racial wage gap. This problem is even more pronounced in the Boston metro area than any other major metro area in the nation.

If Arlington wishes to become more class and race diverse and inclusive in line with its own goals as set out in Vision 2020, we need to expand or amend some of our restrictive zoning policies (including that of our parking policies) so that people of different income levels and races can live here and stay here.

2. But won't using 80% AMI include too many people?

While it's true that approximately a third of all Arlington's 18,632 households make at or below 80% AMI, it needs to be stressed that the eligibility criteria we are proposing mandates that one needs to both be under 80% AMI **AND** demonstrate they lack access to an off-street parking space at one's residence. Specifically, of the 6,536 households in Arlington that make under 80% AMI, at least 2,624 of them--or 40.1%--are owner occupied. While some homeowners can

qualify for this program, the vast majority of homeowners have access to an off-street parking space via a private driveway. The lion's share of this program will be utilized by renters. The latest census data shows about 3,912 of renter households make under 80% AMI in Town. Of those, at least 20% do not own cars, which leaves 3,130 renter households that own cars (DISCLAIMER: this is likely to be an overestimate since lower income people are much less likely to own cars). Considering the data offered in parking surveys of Arlington conducted by the Metropolitan Area Planning Council and other sources, it is fairly safe to assume that between $\frac{2}{3}$ and $\frac{3}{4}$ of these renter households with cars already have access to off-street parking spaces at their residences or live on a private way. This indicates that there would be a potential of between 782 and 1,048 applicants who make under 80% AMI (again, this is a generous number and likely an overestimate) who would qualify for this program. To put that in perspective, that only comprises between 1.7% and 2.3% of the entire population of the Town and only between 4.2% and 5.6% of all Arlington households.

Additionally, many of those applicants for this program who make under 80% AMI who also have a disability plate or placard may be entitled to a parking accommodation at their residence under the federal and state Fair Housing Acts, in which case the burden would be on the landlord and not the Town to offer off-street parking, which would further deduct from the above estimate.

3. Why is the program available to both people who have a medical hardship and those who have a financial hardship separately?

While there is a huge intersection between those who have a disability and those who are lower income, they don't always easily overlap in clearly definable terms and they can have a different set of needs, especially pertaining to the uses of an automobile. However, lower income people can be effectively disabled, yet often lack official recognition or status. As our state's own Disability Policy Consortium (an endorser of our Warrant) recently noted regarding perceptions of what qualifies as disabled: "... many people with disabilities do not meet [the Social Security Administration's] narrow definition. ... There are many more people who do in fact need [relevant programs] because of pre-existing conditions and poverty...who [otherwise] will not have their needs met."

We want to recognize this and devised our criteria with all of this in mind. Therefore, *in the attempt to make this program true to its goal of attempting to enhance inclusion and equity, we felt it was necessary to consider income status and disability separately so as not to impose or perpetuate the very hardships we are attempting to rectify.*

Most Massachusetts state programs and other programs offered by other municipalities in the state offer discounted or exempted services or passes to disabled individuals regardless of their income. For instance, state-issued disability placards and plates are available based solely on demonstration of medical need or hardship and are not considered in the context of income status. Since the program proposed in our Warrant would use the possession of a handicap plate or placard in determining eligibility for a medical hardship, it seems unethical to also impose

income limitations especially as parking needs in these cases may be further dictated by access or proximity to the home rather than financial barriers or need to work. The state also has a Transportation Access Pass (TAP) alternative to the Charlie card, which offers heavily discounted rates on all MBTA public transit systems and that is issued based on demonstrated medical need or disability regardless of income. The City of Somerville waives the fee for the on-street parking pass for all disabled residents regardless of income. In other words, there is strong precedent in the state for offering exemption or discount programs for transportation and parking-related policies for disabled individuals regardless of income and separate from income-based programs.

4. There are well over 3,000 people with handicap placards and plates in Arlington--doesn't that mean that all of those people will now be parking on the street overnight and will take up the limited designated handicap spaces in the Town and crowd out others who need those spaces?

No. Again, only those people who have a placard or plate AND lack access to a feasible off-street parking space at their residence would qualify. Considering nearly 60% of the Town are homeowners, it is safe to assume that well over half of placard/plate users have already access to an off-street space via a private driveway. Of the remaining half, it is safe to assume at least $\frac{3}{4}$ are renters who either already have access to an off-street parking space or would qualify for a FHA parking accommodation with their landlord. Additionally, since lower income households do overlap somewhat significantly with disabled households, many will be the same households who are under 80% AMI.

Also, our program is not entitling people who have handicap placards or plates who are granted exemptions to the overnight on-street parking ban to park in designated handicap spaces. Rather, our program would offer a sticker (similar to a car inspection sticker) that would enable the person to park in another area of their street or neighborhood of their choosing.

According to the conversation we had with the APD parking unit, handicap plate/placard holders already do sometimes park overnight in designated handicap spaces. These designated spaces are not exempt from the ban; however, the APD says they rarely ticket those who park there if they have handicap placards or plates. It would seem those with handicap placards or plates who lack off-street parking feel safer parking in those spots because it seems to add them extra immunity from being ticketed. However, if they had a sticker, they could confidently park elsewhere. This would help alleviate pressure on those spaces rather than exacerbate them. It would address the arbitrary system of ticketing those parking overnight in such spaces based on the personal judgement of individual police officers.

5. So, wouldn't anyone who doesn't want to pay for parking at their residence qualify for this program?

No. Those with bundled parking (that is, it is included in their rent) would not qualify. To elaborate, the vast majority of rentals in Arlington include parking that is bundled in the rent--and all of Arlington Housing Authority and Housing Corporation of Arlington rentals are

bundled. For those in market rent housing where parking is charged separately, it would only be for those who make under a certain income (under 60% AMI or in an eligible low income program like SSI, SSDI, SNAP, Medicaid, voucher holder) and when the parking rate charged is at or above a certain amount (perhaps \$50/month).

6. Doesn't the Fair Housing Act entitle residents to an off-street parking space at their residence anyway?

Yes and no. While the Fair Housing Act entitles a disabled tenant the right to request an off-street parking space at their place of residence, there are several exemptions to FHA in this regard and so not all disabled tenants would be protected. For instance, the FHA does not apply to residences with four (4) or less units, or townhouses without an elevator. The request also has to be "reasonable," which means landlords are not expected to have to purchase new lot space if they are over capacity, or to defy the laws of physics to accommodate their tenants. We think our program can offer a reprieve for those disabled tenants in situations for which the FHA does not apply to their landlords, or offer tenants a temporary on-street parking pass while their FHA request is pending with their landlord.

7. Wouldn't this program shift the burden to the Town to offer an on-street space, relieving the landlords of their legal obligations?

Unfortunately, landlords are already shirking their duty to adhere to the FHA even when it applies, forcing tenants to park illegally on the street and suffer repeated ticketing through no fault of their own and burdening the Town with that enforcement. This program would actually call those landlords into account and better rein in illegal overnight on-street parking.

Our program would screen to ensure that disabled tenants have filed for a FHA parking accommodation with their landlord and if the landlord rejected it, the Town would follow up with those landlords to clarify why. Most of our neighboring municipalities with high renter populations comparable ours--including Brookline, Newton, Somerville and Cambridge--process Fair Housing Act requests and denials--with many having their own FHA Commission or Sub-Committee run through another Commission (often a Human Rights or Disability Commission). Local governments also can be and have been found accountable to the FHA for parking requests of municipal residents (See: *Travato v. City of Manchester*, 1997).

Only in those cases where an otherwise qualifying disabled renter is not eligible for a FHA requested parking space with their landlord, would they be eligible for an annual pass with our program.

7. Wouldn't this lead to cars clogging up the streets and making it more difficult for emergency vehicles and snow clearance?

Many comparatively less affluent municipalities with much greater density, narrower roads and snowier winters have managed to accommodate street parking for their residents. However, it

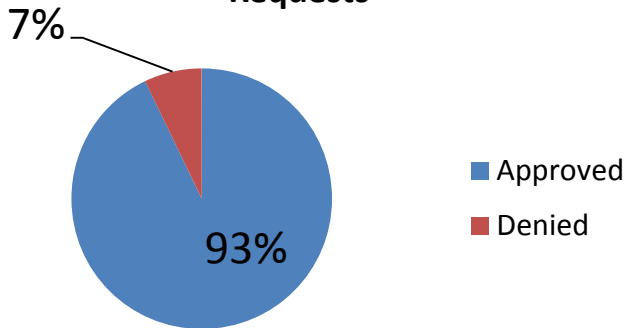
needs to be stressed that again we are only speaking about 1.7 - 2.3% of the Town's population. Tenants are already parking on the street due to this issue without any legal recourse and the problem is already concentrated on certain streets and in some neighborhoods. Implementing this program could actually help monitor and regulate on-street parking and implement necessary criteria--whether that be alternate-side street parking or moving to municipal lots during snow emergencies--that can better accommodate emergency vehicles. Additionally, many/most emergencies occur during daytime hours when on-street parking is already allowed for any automobile on most residential streets, regardless of whether the owners of those vehicles are residents of Arlington.

Overnight Parking Waivers & Handicap Parking Requests

Residential Handicap Spaces

28 requests made since 2008.

Residential Handicap Space Requests



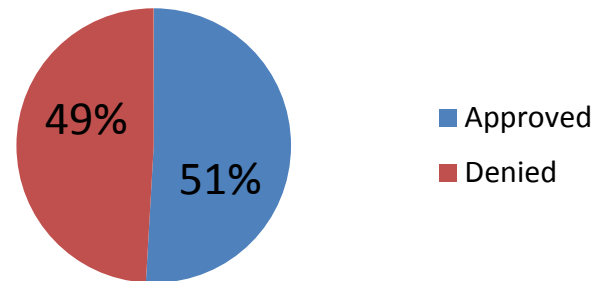
A designated on-street handicap parking space may be granted at a property if the resident possessing an HC placard from the RMV can demonstrate that the granting of such a space will increase their ability to access or egress their home, given that a demonstrated hardship exists.

Reasons for denial typically include that the space is deemed unneeded, or that the request was for a second space. However, requests may also be denied if they adversely affect traffic flow or the use of fire apparatus on the street.

Full Year On Street Overnight Parking Waivers

55 requests made since 2008.

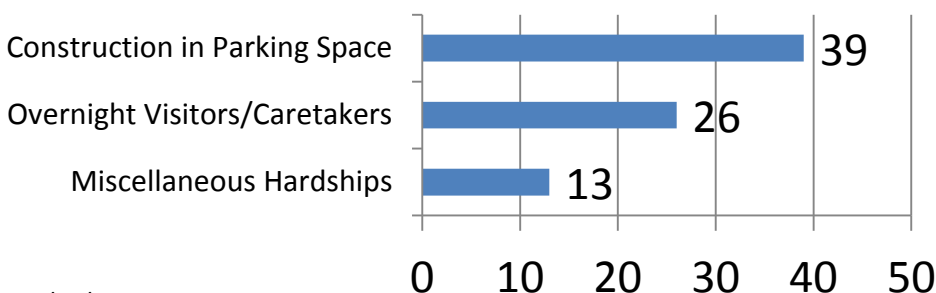
Full-Year Overnight Parking Waiver Requests



A renewable one-year waiver (\$160 Initial, \$75 renewal) from the overnight parking restriction may be granted to properties if there is a demonstrated hardship caused by the restriction because of the conditions at the property.

Reasons for denial typically include that there is sufficient space within existing off-street parking, there is available alternative off-street parking, the resident can obtain a permit for a nearby parking lot, the resident can install new off-street parking, or that there is no hardship motivating the request.

Temporary Waiver Requests by Category



78 temporary (>14 but <365 days in length) overnight parking requests were granted in 2018.

*APD received 9852 1-night waiver requests in 2018

Updated Listed of Supporters/Endorsers of the Warrant

- NAACP-Mystic Valley Chapter
- MIRA (MA Immigration and Refugee Advocacy) Coalition
- Wayside Youth's Arlington STEPS Program and Resource Center
- The Boston Center for Independent Living
- The Disability Policy Consortium
- MassADAPT
- The Arlington, MA Chapter of the American Chronic Pain Association
- The Ehlers Danlos Syndrome and Connective Tissue Disease New England/MA Support Group
- The MA Chapter of the Marfan Foundation
- The Arlington Envision 2020 Diversity Taskforce Group (DTG)
- Progressive MA Arlington Chapter
- The Tenants for a Livable Arlington (TLA)

Proposed Eligibility Criteria for Exemption:**

- Income is at or less than 80% Area Median Income (AMI), with proof of income required (most recent tax return receipt, or letter from employer or paystubs if recent, etc.), to tie it in with the Town's inclusionary zoning definition of what qualifies as affordable housing

(Including automatic eligibility for those enrolled in one or more of the following programs: SNAP, Medicaid, SSI, SSDI, and/or a housing voucher holder, for those with proof of enrollment required, i.e., award letter, payment stub; if on SSI/SSDI or otherwise disabled, must prove you have filed a FHA request first)

OR

- Possession of a handicap placard or plates and confirmation in those cases when Fair Housing Act accommodations with the landlord are not applicable

AND

- Proof of lack of an off-street parking option at residence (copy of lease, landlord letter, notice of parking fee if parking is not bundled in rent above \$35/mo, or in the case of disability)

Other Logistics:

- No hearing required
- Only 1 exemption allowed per driver's license & car registration
- Sticker displayed with month/year of its issue (similar to a car inspection sticker) subject to annual review
- May charge a nominal fee sliding scale between \$25 and \$165 depending on % of AMI or FPL
- Available as both a digital and hardcopy paper application that can be either submitted online, mailed in or dropped off at Town Hall during business hours

*** This criteria was formulated in consultation with representatives of the Town's Planning Department and the Parking Implementation and Governance Committee and is based on the precedent of pre-existing state hardship exemption programs and other parking pass waiver programs in other municipalities in the United States.*

From: Laura Kiesel <lakiesel@gmail.com>
To: Fran Reidy <FReidy@town.arlington.ma.us>
Date: Wed, 20 Mar 2019 16:00:54 -0400
Subject: Re: Select Board Meeting February 11th, Warrant Article Hearing

Hi Fran,

These are all new materials, so please add them to the pre-existing materials from 2/11. Also, I am proposing updated eligibility criteria as well.

If these links could also be added, that would be great:

<https://www.somervillema.gov/departments/fair-housing-commission>

<https://www.cambridgema.gov/Departments/humanrightscommission>

Thanks so much!

-Laura