



Warrant Article Endorsements for May 2025 Town Meeting

Article 10 – Annual (FY26) Community Preservation Act Fund Appropriations

- Recommendation: **FAVORABLE ACTION**

Article 14/15 – Establishing a Process for Reasonable Accommodations from the Zoning and Demolition By-Laws for Modifications to Support Persons with Disabilities

- Recommendation for Article 14: **NO ACTION** on any referral motion, **FAVORABLE ACTION** on the Select Board substitute motion, and **FAVORABLE ACTION** on the main motion regardless of which version comes up for a vote.
- Recommendation for Article 15: **NO ACTION** on any referral motion, **FAVORABLE ACTION** on the Select Board substitute motion, and **FAVORABLE ACTION** on the main motion regardless of which version comes up for a vote.

Article 16 – Increased accommodations for larger bike parking in new construction

- Recommendation: **FAVORABLE ACTION** on the article

Article 18 – By-Law Changes to Further Reduce Single-Use Plastic by Local Food Establishments

- Recommendation: **FAVORABLE ACTION** on the article

Article 19 – Expand the Regulation of Plastic Bags to All Brookline Businesses

- Recommendation: **FAVORABLE ACTION** on the article

Article 24 – A Home Rule Petition Authorizing the Town to Levy a Real Estate Transfer Fee (RETF) on certain Real Property Sales

- Recommendation: **FAVORABLE ACTION** on the article

Article 26 – Resolution regarding support of legislation to prevent the forced payment of broker fees by tenants

- Recommendation: **FAVORABLE ACTION** on the article

Article 30 – Resolution on the work of the Moderator’s Committee on Forms of Government

- Recommendation: **NO ACTION** on the resolution

Continue reading on the next pages for further explanations of each recommendation.

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Article 10 - Annual (FY26) Community Preservation Act Fund Appropriations

As noted last year, we appreciate the thorough process that the CPA Committee goes through each year to vet, assess, and debate the merits of each project submitted for consideration. While we were disappointed that only one housing project is included in this year's allocation, amounting to just 11% of CPA funds allocated, the Brookline Housing Authority's Egmont Street Roof Preservation project is an important one. We are thankful that a local funding option like the CPA exists to help maintain vital Affordable housing in Brookline. We hope that future discussions of CPA funding will ensure that a significantly higher share of funds go toward housing needs in the community. As so many across town continue to highlight, including all 3 Select Board candidates this year, housing affordability should be a top priority. If there aren't enough housing projects to support in a given cycle, a larger portion of available dollars should be set aside to the Community Housing Reserve until viable project(s) are available. We encourage Town Meeting Members to vote **FAVORABLE ACTION** on the CPA Committee's recommendations in Article 10.

Article 14/15 - Establishing a Process for Reasonable Accommodations from the Zoning and Demolition By-Laws for Modifications to Support Persons with Disabilities

Article 14 – Create a review process for requests for reasonable accommodations for individuals with disabilities

Warrant Article 14 adds a new Section 9.14 to the Zoning by-law to create a reasonable accommodation procedure for individuals with disabilities seeking relief from zoning requirements. This article's petitioner, Dawn Oates, is the mother of a disabled child who received a building permit in 2021 to construct a reasonable accommodation. This has not yet been built due to subsequent litigation. The building permit was appealed by a neighbor to the Town's Zoning Board of Appeals which sustained the Building Commissioner's decision to issue it. The ZBA decision was then appealed by the neighbor to Land Court which recommended that the Town create a reasonable accommodation process. Town staff has been working for nearly a year to address this.

This article was heard by seven Town boards over about eighteen public meetings. Five of the boards voted for referral to the Select Board including initially the Select Board itself, with the Disability Commission and Advisory Council of Public Health in favor. Several substitute motions were considered by the Advisory Committee and Select Board. The Select Board upon reconsideration moved a version which balances civil rights and property rights. This Select Board substitute motion provides for, like the petitioner's article, respecting disabled individuals' privacy with a time-limited administrative ruling by the Building Commissioner on the reasonable accommodation. It adds a provision for one public meeting with abutter notice followed by an interactive private process.

Brookline for Everyone supports accommodating a person's disability to enable them the full opportunity to enjoy the housing of their choice. We recommend **NO ACTION** on any referral motion, and then **FAVORABLE ACTION** on the Select Board substitute motion. Regardless of whether the Select Board substitute motion or the



petitioner's unamended Article is adopted as the main motion for Warrant Article 14, we recommend **FAVORABLE ACTION**.

Article 15 – To allow the Building Commissioner to exempt from the Demolition Delay those permits necessary for reasonable accommodations for individuals with disabilities

Warrant Article 15 amends the General by-laws to create a new section 5.3.11(c) to the Demolition by-law to address reasonable accommodations. The Select Board moved by a vote of 4-1 the Preservation Commission amendment. This provides that any delay required by the Demolition By-Law be administratively waived after an interactive private process if a reasonable accommodation is granted under Article 14.

Brookline for Everyone recommends **NO ACTION** on any Article 15 referral motion, and then **FAVORABLE ACTION** on adopting the Select Board substitute motion. Regardless of whether the Select Board substitute motion or the petitioner's unamended Article is adopted as the main motion, we recommend **FAVORABLE ACTION** on the main motion.

Article 16 - Increased accommodations for larger bike parking in new construction

This article would amend Article 6.05.3.a, 6.05.3.d, and 6.05.3.e of the Town's Zoning By-laws ("Vehicular and bicycle service uses requirements") to require more of the bike parking be suitable for larger bicycles, such as cargo bikes and recumbent bikes, as well as apply the same requirements to subsidized affordable housing to market rate construction. Brookline for Everyone firmly supports infrastructure for more residents to choose greener forms of transportation such as biking, and bicycle storage of family friendly cargo bikes can be a major impediment. We only caution that since this is through a Zoning By-Law change, it will only apply to the relatively small amount of new housing construction, not any of our existing multifamily housing stock. Nonetheless, we recommend **FAVORABLE ACTION** on Warrant Article 16.

Article 18 - General By-Law Changes to Further Reduce Single-Use Plastic by Local Food Establishments

This article would amend existing Article 8.32 of the General By-Laws in a handful of ways that would result in less single-use plastic to be used in take-out, delivery, and catering orders in Town. These changes include banning black plastic take-out containers (which are not recyclable), requiring restaurants to only provide plastic utensils and condiment packets upon request rather than by default, and updating the definitions of biodegradable and compostable materials to reflect the latest materials, in addition to a couple of definitional changes and exemptions around catering and small plastic containers. We strongly support efforts to minimize or eliminate non-recyclable, non-compostable plastic in our community, and encourage Town Meeting Members to vote **FAVORABLE ACTION** on Warrant Article 18.



Article 19 - Expand the Regulation of Plastic Bags to All Brookline Businesses

The current ban on plastic bags exempts small retailers and restaurants. As the petitioners state, there has been a cultural shift where most retailers already use paper or encourage reusable bags, and this by-law change would push the last remaining plastic bag users to find alternative options to decrease plastic use in the community. We agree with the approach and timing of this change and ask that Town Meeting votes **FAVORABLE ACTION** on Warrant Article 19.

Article 24 - A Home Rule Petition Authorizing the Town to Levy a Real Estate Transfer Fee (RETF) on certain Real Property Sales

Warrant Article 24 seeks Town Meeting's approval to petition the Massachusetts Legislature for authority to adopt a Real Estate Transfer Fee (RETF) of between 0.5% and 2% on the portion of a real estate sale price that exceeds a minimum exemption threshold of \$1 million (with flexibility to raise that threshold). As now amended and endorsed by the Select Board, the fee would be paid by the seller, with revenues split evenly between Brookline's Affordable Housing Trust Fund and the Town's General Fund. The proposal includes a robust set of exemptions to protect low- and moderate-income residents, seniors, charitable transfers, and affordable housing developments. Notably, similar RETF frameworks have already passed the Massachusetts Senate and are being pursued by multiple municipalities across the Commonwealth.

The need for new, dedicated sources of funding for affordable housing in Brookline is urgent. As home prices and rents continue to rise, middle- and lower-income families are increasingly priced out of the community. Brookline's Affordable Housing Trust Fund plays a critical role in creating and preserving deed-restricted affordable units, but it is underfunded relative to the scale of the housing crisis. The RETF offers a progressive, local-option financing mechanism that would generate millions of dollars annually for both affordable housing and the Town's general fund. By leveraging the value of high-end real estate transactions, this measure allows the town to make meaningful investments in housing equity, racial and economic inclusion, and neighborhood stability.

A Home Rule Petition (HRP) is more powerful than a non-binding resolution because it is a formal legislative request that, if approved by the state legislature, would grant Brookline the legal authority to adopt a real estate transfer fee. A resolution, by contrast, merely expresses support for a policy. Brookline passed a similar HRP in 2019, but it was not acted upon. Advancing this updated HRP now -- alongside similar petitions from more than 15 other Massachusetts communities -- sends a strong, unified message to Beacon Hill and strengthens the case for passing statewide enabling legislation that would give all participating cities and towns the tools they need to fund affordable housing.

We strongly recommend **FAVORABLE ACTION** on Warrant Article 24. It is a fiscally responsible, socially equitable step toward addressing Brookline's housing affordability crisis, providing much needed resources for our strained general budget, and ensuring a more inclusive and sustainable future for the town.



Article 26 - Resolution regarding support of legislation to prevent the forced payment of broker fees by tenants

Warrant Article 26 is a resolution expressing the Town of Brookline's support for statewide legislation that would prohibit tenants from being forced to pay real estate broker fees for services hired by landlords. These fees can often exceed \$4,000 and significantly raise the upfront and total cost of housing. In a context where over 45% of Brookline renters are housing cost burdened and median rents continue to climb, this resolution aligns with public health priorities and economic equity goals outlined in Brookline's Community Health Improvement Plan. Requiring the party who hires a broker -- usually the landlord -- to pay for their services will enhance transparency, reduce financial barriers, and make housing more accessible to lower- and middle-income households. The resolution has received unanimous endorsements from both the Brookline Select Board and the Advisory Council on Public Health, and with minor amendments was endorsed by the Advisory Committee. We strongly recommend **FAVORABLE ACTION** on Warrant Article 26.

Article 30 - Resolution on the work of the Moderator's Committee on Forms of Government

The Moderator's Committee on Forms of Government was formed in Fall of 2023, carried out its charge over a year and a half, issued a final report, and dissolved itself. The Committee's final report and accompanying documents offer a balanced, evidence-based examination of the advantages and disadvantages of different forms of municipal government. While the Moderator's Committee itself holds a range of views on the matter, WA30 is a resolution offered by citizens who believe the report is biased toward one perspective and are thus proposing that the Committee's work be redone. The Moderator's Committee has completed its work.

Brookline for Everyone thanks the Committee members for their service and urges a vote of **NO ACTION** on WA30.