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TO: Senators Kerry and Kennedy, Congressmen Markey and Blute
FROM: Everett City Council
SUBJECT: Amend Housing Act of 1937
DATE: March 16, 1995

The attached Resolution by Councilors LeCours and Schlosberg and the attached Blute/Grams Amendment was before the Everett City Council the first two weeks in March.

Both the Common Council and Board of Aldermen passed this Resolution unanimously.

Your cooperation and support of this amendment is of paramount importance to our elderly citizens.

Very truly yours,

John F. Hanlon
City Clerk

copies: Mass Municipal Assoc.
Mass Senior Council
Everett Housing Authority
Surrounding Cities and Towns



CITY OF EVERETT
COMMON COUNCIL

March 6, 1995

OFFERED BY COUNCILMAN

Rose M. LeCours

Resolution

Rose M. LeCours and
Paul N. Schlosberg

Whereas: Senior Citizens in Elderly Public Housing Units deserve a quiet and safe place to live; and

Whereas: Problems have arisen repeatedly in public elderly housing units nationwide by mixing non-elderly persons who are disabled because they are recovering from drug and alcohol abuse in housing units occupied by Senior Citizens; and

Whereas: Elderly Public Housing Unit Authorities should have the discretion to expedite hearing procedures for speedier eviction of any non-elderly person who during occupancy in a project engages in three (3) separate documented criminal or disruptive actions which threaten the health, safety or right to peaceful enjoyment of the premises by other tenants; therefore

Be it

Resolved: That the Everett City Council supports the Senior Citizen Housing Safety Act of 1995, H.R. 117., as introduced by Congressman Peter Blute (R-Shrewsbury) which is a bill to amend the U.S. Housing Act of 1937 to prevent persons having drug or alcohol use problems from occupying dwelling units in public housing projects designated for occupancy by elderly families, and for other purposes; and

Be it

Further

Resolved: That copies of this Resolution be sent to Senators Kerry and Kennedy, Congressman Markey and Blute, the City Council in Malden, Medford, Melrose, Chelsea, Revere and Boston and to the Everett Housing Authority.

PETER BLUTE

30 DISTRICT, MASSACHUSETTS

COMMITTEE ON PUBLIC WORKS AND
TRANSPORTATION
SUBCOMMITTEE ON SURFACE TRANSPORTATION
SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

COMMITTEE ON SCIENCE, SPACE,
AND TECHNOLOGY
SUBCOMMITTEE ON SCIENCE
SUBCOMMITTEE ON TECHNOLOGY, ENVIRONMENT
AND AVIATION



Congress of the United States
House of Representatives
Washington, DC 20515-2103

PLEASE RESPOND TO:

WASHINGTON OFFICE:

☐ 1028 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2103
(202) 225-4101

DISTRICT OFFICES:

☐ 1078 MECHANICS TOWER
100 FRONT STREET
WORCESTER, MA 01608
(508) 752-8789

☐ 7 NORTH MAIN STREET
ROOM 200
ATTLEBORO, MA 02703
(508) 223-3100

☐ 1039 SOUTH MAIN STREET
FALL RIVER, MA 02724
(508) 676-3400

VOTE YEA ON THE BLUTE/GRAMS AMENDMENT

Fact Sheet

Blute/Grams Amendment
to the Housing and Community Development Act of 1994
H.R. 3838

* * * *

The Blute/Grams' amendment to the Housing and Community Development Act of 1994 would improve H.R. 3838 by:

*Strengthening the front-end screening process for admittance to elderly housing by prohibiting non-elderly persons who are defined as disabled because of a prior drug or alcohol abuse problem from residing in public housing facilities designated for senior citizens.

*Strengthening the expedited evictions proceedings amendment that was introduced by Congressman Grams. Congressman Grams' amendment gives the Public Housing Authority the discretion to expedite hearing procedures for speedier eviction of problem tenants. The Blute/Grams amendment includes a "three strikes and you're out" provision which requires the Public Housing Authority to evict any non-elderly person who during occupancy in the project engages in 3 separate documented criminal or disruptive actions which threaten the health, safety, or right to peaceful enjoyment of the premises by other tenants.

This does not supersede Congressman Grams' amendment. If the PHA determines that the first or second infraction by the problem tenant warrants eviction, they can proceed accordingly. However, if the PHA "uses its discretion" and ignores these infractions, after 3 times, the problem tenant must be issued an eviction notice and will be subject to the expedited eviction proceedings.

*The amendments included in the full committee mark-up of the Housing and Community Development Act of 1994 which addressed the problems associated with mixed population housing were a step in the right direction, but did not go far enough to protect senior citizens. The Blute/Grams amendment augments these objectives.



COMMITTEE ON PUBLIC WORKS AND
TRANSPORTATION
SUBCOMMITTEE ON SURFACE TRANSPORTATION
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SUBCOMMITTEE ON SCIENCE
SUBCOMMITTEE ON TECHNOLOGY, ENVIRONMENT
AND AVIATION

Congress of the United States

House of Representatives

Washington, DC 20515-2103

July 20, 1994

PLEASE RESPOND TO:

WASHINGTON OFFICE:

☐ 1078 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2103
(202) 225-6101

DISTRICT OFFICES:

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WOULD YOU TRUST THESE NEIGHBORS? SEPARATE THE SENIORS FROM SUBSTANCE ABUSERS

Item: An elderly woman living in a public housing facility is shaken down for a \$1000 loan by a 38 year old "disabled" resident. She refuses and is constantly harassed by the man - a former substance abuser - until her daughter and grandsons confront him and he threatens their lives with a knife. How would you feel if this happened to your mother or grandmother?

Unfortunately, this type of situation is occurring repeatedly in public housing units nationwide, largely due to problems that have arisen from mixing non-elderly persons who are disabled because they are recovering from drug or alcohol abuse in housing units occupied by senior citizens. Simply put, seniors are being held hostage in their own homes. In order to correct this outrage, I am filing an amendment to The Housing and Community Development Act of 1994 which will be voted on the floor this week.

My amendment would help to rid housing that is designated for the elderly of troublemaking non-elderly former substance abusers and alcoholics. The Housing and Community Development Act seeks to do this by allowing discretionary and expedited evictions, but like current HUD regulations, the bill does not go far enough to protect seniors.

My amendment would not only allow discretionary and expedited evictions of non-elderly residents who commit crimes or cause disruptions, it would require the eviction of these law and rule breakers after three documented infractions. Additionally, my amendment would strengthen the front-end screening process for admittance to elderly housing, thus preventing non-elderly former drug abusers from being accepted into senior complexes.

Seniors deserve peace and quiet and a safe place to live. What they don't deserve is loud music, muggings, shakedowns, neighbors engaging in prostitution and drug deals, and lives lived out in terror. My amendment should not be controversial, it simply stands up for the rights of law-abiding elderly Americans. I urge you to support the Blute amendment to H.R. 3838.

Sincerely

PETER BLUTE
Member of Congress

**Congressman****Peter Blute**

U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, DC • 202-225-6101
ATTLEBORO, MA • 508-223-3100WORCESTER, MA • 508-752-6789
FALL RIVER, MA • 508-675-3400FOR IMMEDIATE RELEASE
JULY 22, 1994CONTACT: ROB GRAY
202/225-6101

BLUTE AMENDMENT PASSED BY FULL HOUSE

Protects Elderly Americans From Violence in Senior Housing Facilities

WASHINGTON, D.C.--A major step forward was achieved today for the millions of American seniors citizens terrorized by non-elderly former substance abusers living in public senior housing projects. The U.S. House of Representatives today passed an amendment offered by Congressman Peter Blute to the Housing and Community Development Act of 1994 which will help combat violent incidents in senior housing sparked by the mixing of senior citizens with young former drug and alcohol abusers.

"I am extremely pleased that the House has acted to protect our seniors from the rising tide of violence in their own homes," said Blute.

The Blute amendment would strengthen existing housing laws by requiring a front-end screening process that would prevent non-elderly former substance abusers from being accepted into senior housing facilities. Additionally, it forces the eviction of non-elderly residents presently residing in these facilities who commit crimes or cause disturbances that affect the health, safety, or well-being of other residents.

"Senior housing facilities used to be a safe haven and now they are war zones. Our parents and grandparents deserve to enjoy their retirements in peace without the threat of violence from their own neighbors," said Blute.

Blute said that he decided to push for stronger laws to protect senior citizens after visiting many senior facilities in Massachusetts and reading many news accounts of violent incidents occurring in them. He said that the infusion of substance abusers into senior housing facilities and the resulting problems started in 1988 with a federal redefinition of the term "disabled" to include people with former drug problems. Since then numerous incidents such as the recent rape of a 92-year-old woman in a Boston senior housing project and many other incidence of assault, prostitution, drug dealing, loud music, all-night parties, and other disturbances have ruined the retirement of many seniors. "A Congress that passes laws must also be willing to admit that it was wrong wrong and change those laws that clearly are not working. Today, we did that," said Blute.

The Blute amendment was drafted based on H.R. 3943, the Senior Citizen Housing Safety Act, filed by Blute in March. Blute said it differs from the original bill because it takes into account recommendations made by the House Subcommittee on Housing and Community Development, which considered H.R. 3943 after it was introduced in subcommittee by Congressman Rod Grams (R-MN).

"We're not saying to former drug addicts that you can't get public housing. All we're saying is that you shouldn't be housed with seniors," said Blute. He said that an attempt to address the mixed population program passed by Congress in 1992 did not adequately deal with the problems, as violence has continued to escalate in senior housing.

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'(B) Required statement . - A public housing agency may not make a dwelling unit in such a project available for occupancy to any person or family who is not an elderly family, unless the agency acquires from the person or family a signed statement that no person who will be occupying the unit -

'(i) uses (or has a history of use of) alcohol, or

'(ii) uses (or has a history of use of) drugs, that would interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants.'.

(b) Lease Provisions . - Section 6(1) of the United States Housing Act of 1937 (42 U.S.C. 1437d(1)) is amended -

(1) in paragraph (5), by striking 'and' at the end;

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following new paragraph:

'(6) provide that any occupancy in violation of the provisions of section 7(a)(5)(A) or the furnishing of any false or misleading information pursuant to section 7(a)(5)(B) shall be cause for termination of tenancy; and'.

SEC. 3. EVICTION OF NONELDERLY TENANTS HAVING DRUG OR ALCOHOL USE PROBLEMS FROM PUBLIC HOUSING DESIGNATED FOR ELDERLY FAMILIES.

Section 7(c) of the United States Housing Act of 1937 is amended to read as follows:

'(c) Standards Regarding Evictions . -

'(1) Limitation . - Except as provided in paragraph (2), any tenant who is lawfully residing in a dwelling unit in a public housing project may not be evicted or otherwise required to vacate such unit because of the designation of the project (or a portion of the project) pursuant to this section or because of any action taken by the Secretary of Housing and Urban Development or any public housing agency pursuant to this section.

'(2) Requirement to evict nonelderly tenants having drug or alcohol use problems in housing designated for elderly families . - The public housing agency administering a project (or portion of a project) described in subsection (a)(5)(A) shall evict any person whose occupancy in the project (or portion of the project) violates subsection (a)(5)(A).

'(3) Requirement to evict nonelderly tenants for 3 instances of prohibited activity involving drugs or alcohol . - With respect to a project (or portion of a project) described in subsection (a)(5)(A), the public housing agency administering the project shall evict any person who is not an elderly person and who, during occupancy in the project (or portion thereof), engages on 3 separate occasions (occurring after the date of the enactment of the Senior Citizens Housing Safety Act) in any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants and involves the use of alcohol or drugs.

'(4) Rule of construction . - The provisions of paragraphs (2) and (3) requiring eviction of a person may not be construed to require a public housing agency to evict any other persons who occupy the same dwelling unit as the person required to be evicted.'.

SEC. 4. STANDARDS FOR LEASE TERMINATION AND EXPEDITED GRIEVANCE

VERSION As Introduced in the House
104th CONGRESS
1st Session

BILL H.R. 117
TITLE To amend the United States Housing Act of 1937 to prevent persons having drug or alcohol use problems from occupying dwelling units in public housing projects designated for occupancy by elderly families, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES
JANUARY 4, 1995

Mr. Blute (for himself, Mr. Bachus, Mr. Bereuter, Mr. Canady, Mr. Franks of Connecticut, Mr. Hancock, Mr. Herger, Mr. Hutchinson, Mrs. Johnson of Connecticut, Mr. Johnston of Florida, Mr. Klug, Mr. Livingston, Mr. Martinez, Mr. McHugh, Mr. Petri, Mr. Quinn, and Mr. Royce) introduced the following bill; which was referred to the Committee on Banking and Financial Services

TEXT

A BILL

To amend the United States Housing Act of 1937 to prevent persons having drug or alcohol use problems from occupying dwelling units in public housing projects designated for occupancy by elderly families, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the 'Senior Citizens Housing Safety Act of 1995'.

SEC. 2. LIMITATION ON OCCUPANCY IN PUBLIC HOUSING DESIGNATED FOR ELDERLY FAMILIES.

(a) In General . - Section 7(a) of the United States Housing Act of 1937 (42 U.S.C. 1437e(a)) is amended -

(1) in paragraph (1), by striking 'Notwithstanding any other provision of law' and inserting 'Subject only to the provisions of this subsection';

(2) in paragraph (4), by inserting ', except as provided in paragraph (5)' before the period at the end; and

(3) by adding at the end the following new paragraph:

'(5) Limitation on occupancy in projects for elderly families

.. -
'(A) Occupancy limitation . - Notwithstanding any other provision of law, a dwelling unit in a project (or portion of a project) that is designated under paragraph (1) for occupancy by only elderly families or by only elderly and disabled families shall not be occupied by -

'(i) any person with disabilities who is not an elderly person and whose history of use of alcohol or drugs constitutes a disability; or

'(ii) any person who is not an elderly person and whose history of use of alcohol or drugs provides reasonable cause for the agency to believe that the occupancy by such person may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants.

PROCEDURE.

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended -

(1) in subsection (k), in the first sentence of the matter following paragraph (6), by striking 'criminal' the first place it appears; and

(2) in subsection (l)(5), by striking 'criminal' the first place it appears.

5-114

Consent COmmunication #7

Communication received from Everett City Clerk regarding the communication sent to Senators Kerry and Congressman Markey and Blure regarding amending Housing Act of 1937.

In City Council March 27, 1995

Placed on file.