

CAMBRIDGE HOUSING AUTHORITY

675 MASSACHUSETTS AVENUE, CAMBRIDGE, MA 02139
(617) 864-3020

TO: Robert Healy, City Manager

FROM: Daniel J. Wuenschel, Executive Director



DATE: October 31, 1995

RE: ***Council Order #39, dated 10/16/95: Elderly Housing Legislation***

The Council has asked for an update on legislation involving mentally ill persons and substance abusers in elderly public housing developments.

This issue has been enjoined at both the state and federal levels, largely as a result of an increasing number of young people with disabilities being admitted to elderly housing on the basis of their disabilities.

I. At the state level, Governor Weld signed into law on October 25th, "***An Act Improving Housing Opportunities For Elders and Non-Elderly Persons With Disabilities.***" Key elements of this bill which will affect Cambridge Housing Authority's state assisted elderly developments (Frank J. Manning Apartments, Putnam School Apartments, Leonard Russell Apartments and 45 Linnaean Street) are as follows:

- 1.*** The age for eligibility for state elderly housing has been lowered from 62 to 60 years of age.
- 2.*** Once occupancy of this housing by persons under 60 reaches 13.5% there is a preference for placement of elderly persons. That is, an elderly development which exceeds 13.5% of its occupancy with younger people with disabilities is effectively closed to that group and preference is given to persons 60 or older. On the other hand, a development which has a younger person occupancy rate below 13.5% must give a preference to younger people until it reaches the 13.5%. (All but one of CHA's elderly developments currently exceed 13.5% and the one that does not will reach 13.5% with the placement of 2 more young people.)

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3. To make up for some of the loss of units previously available in elderly housing to younger people, the Commonwealth has instituted a new transitional rental assistance program (state vouchers) specifically targeted to young persons with disabilities. The state will appropriate an additional \$4 million for this program.
4. Funding for service coordinators for buildings that reach or exceed 13.5% younger population will be provided on a limited basis. (The CHA has been funded for such service coordination on a demonstration basis for the past 18 months. We have state assurances that this funding will be continued under this line item.)
5. Under the new state law a history of alcohol or substance abuse will not be a handicap which qualifies one for admission to state elderly housing.
6. The new law also provides for expedited evictions for a number of reasonsmost of which currently existparticularly for possession or possession with intent to distribute illegal drugs.

II. At the federal level, Representative Blute of Massachusetts has introduced legislation entitled the ***“Senior Citizens Housing Safety and Economic Relief Act of 1995”***. This bill was passed by the full House of Representatives on October 24th, by a vote of 415 yeas to 0 nays with 17 members not voting.

This bill differs from the new state law in that:

1. It sets no numerical or “percentage” limits on younger persons with disabilities in federal elderly housing. (Miller River Apartments, Harry S. Truman Apartments, Lyndon Johnson Apartments, Daniel F. Burns and John F. Kennedy Apartments).
2. It makes no provision of rental assistance as an alternative source of housing for younger disabled persons.

This bill would give housing authorities the right to disqualify applicants for all federal public housing and Section 8 housing who:

- a. Currently use illegal substances.
- b. Have a history of use of alcohol or illegal drugs which provide reasonable cause for the housing authority to believe tenancy would be a problem.

(We currently reject applicants who meet either of the above criteria).

3. It would also require housing authorities to evict non-elderly persons from developments specifically designated as "elderly only" housing (as provided in a 1992 amendment to the 1937 Housing Act) who have a history of alcohol or illegal substance abuse if such history provides reasonable cause for the housing authority to believe that such tenants are a threat to the safety or rights of "peaceful enjoyment of the premises".

A problem with this legislation is that it doesn't address a fault with the 1992 amendment permitting the creation of "elderly only" housing in the first place. This provision requires housing authorities to submit an "allocation plan" which shows that in designating elderly developments "elderly only" it provides an alternative resource for younger people with disabilities. Without some targeted rental assistance (as in the case of the state legislation) housing authorities like the CHA have difficulty accomplishing this.

In short, the "Senior Citizens Housing Safety and Economic Relief Act of 1995" appears to place more emphasis on the status of applicants and tenants as opposed to their behavior. The bill, on the one hand, has been given great support by the House (witness the vote), but, on the other hand, it has some distance to goincluding introduction to and passage by the Senate.

I will keep you informed as matters develop.



EXECUTIVE DEPARTMENT
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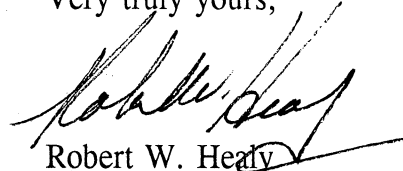
23.

November 6, 1995

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 54, regarding pending elderly housing legislation, received from Daniel J. Wuenschel, Executive Director of the Cambridge Housing Authority.

Very truly yours,


Robert W. Healy
City Manager

RWH/mec
attachment

Consent Agenda #23 S-362

Relative to Awaiting Report Item
Number Fifty-four, regarding pending
elderly housing legislation.

*for original see
1995-City Manager
Requests # 452.*

In City Council November 6, 1995

Placed on file