

DHCD TENANT SELECTION  
ADJUDICATORY HEARING  
**DECISION INDEX**  
VOLUME XXIV

Includes all decisions made between **May** 25,2008 and November 17,2008.  
Requests for copies of cases should **be** made by case number to the DHCD Legal Office.  
All identifying information will be deleted **from** copies provided.

From 05/25/2008 To 11/17/2008

<u>Dates</u>	<u>Case #</u>	<u>Type</u>	<u>Outcome</u>	<u>Summary</u>
05/29/2008	1502	Unqualified	Upheld LHA	Applicant was evicted for nonpayment of rent at prior tenancy. Applicant claimed that her nonpayment was due to an alcoholism relapse from which she has now recovered. In the absence of any prior or subsequent references showing good rent paying habits, Applicant did not show that rent paying habits would be significantly improved in the future.
05/30/2008	1500	Unqualified	Overtured LHA	Applicant had history of criminal offenses all directly involving illegally obtaining prescription drugs for personal use. Applicant underwent drug treatment and had been in recovery for over 5 years.
05/30/2008	1505	Withdrawn	Remanded to LHA	Applicant removed from waiting list for failure to accept unit offer. Applicant refused unit offer because the entire floor of the apartment was smooth linoleum tile which created a falling risk due to the Applicant's disability as documented by his doctor. Remanded to the LHA to consider reasonable accommodation of the Applicant's disability by carpeting the floors in the bedroom and living room as he requested.
06/06/2008	1501	Unqualified	Upheld LHA	Applicant was former tenant of another LHA who vacated after reaching an agreement for judgment in a nonpayment eviction case. No mitigating circumstances shown.

From 05/25/2008 To 11/17/2008

Dates	Case #	Type	Outcome	Summary
06/06/2008	1478	Unqualified	Remanded to LHA	Applicant had one landlord reference that said he left his apartment "dirty." He was also a tenant in the LHA's Section 8 Voucher program and he terminated his tenancy without giving notice to the LHA. LHA terminated his Section 8 certificate and disqualified him from public housing. Applicant showed that he is disabled by mental illness and he terminated his tenancy in order to get substance abuse treatment. Remanded to LHA to consider new evidence, clarify the basis of its decision and consider making a reasonable accommodation.
06/20/2008	1504	Unqualified	Overturned LHA	Applicant stated on his application that he did not own a house. The LHA learned that the Applicant's mother had died and that she owned a home, and it disqualified the Applicant for failure to list the house as an asset. Although the Applicant had a potential interest in the proceeds of his mother's estate, that was not the question asked on the application and the Applicant was correct when he stated that he did not own a house.
06/23/2008	1506	Priority	Upheld LHA	Applicant did not meet the criteria for No-Fault Loss of Housing Priority because she was evicted for nonpayment of rent.
06/24/2008	1509	Priority	Upheld LHA	Applicant denied emergency case status as "homeless" because she voluntarily vacated her housing to accommodate the owner who was selling the property to a buyer who wanted it vacant. Situation did not meet criteria of definition of "homeless applicant" in the regulation.

From 05/25/2008 To 11/17/2008

Dates	Case #	Type	Outcome	Summary
07/03/2008	1508	Unqualified	Upheld LHA	Applicant had long history of criminal activity prior to 1993 and recent motor vehicle law violations in 2001 and 2006. Applicant misrepresented his CORI on the application. Only one landlord reference was returned for a very short tenancy and the landlord stated that the Applicant damaged the property and failed to pay rent. Applicant's credibility was very poor and there was little evidence of mitigating circumstances or rehabilitation.
07/16/2008	1507	Unqualified	Overtured LHA	Applicant had two pending criminal charges, and was disqualified by the LHA when she did not provide evidence that they were closed. Evidence was insufficient for disqualification.
07/16/2008	1511	Unqualified	Upheld LHA	Applicant is Level 2 Sex Offender convicted in NH of Rape in 1971 and Escape and Kidnapping and Rape in 1975. Applicant also had CORI for Indecent Exposure and Failure to Register as a Sex Offender in 2004. Applicant was living in transitional housing and in recovery from alcoholism for one year at the time of the hearing. Applicant's designation as a Level 2 Sex Offender and the very short period of his rehabilitation do not provide reasonable likelihood that his criminal activity will be unlikely to reoccur.

From 05/25/2008 To 11/17/2008

Dates	Case #	Type	Outcome	Summary
07/23/2008	1517	Unqualified	Remanded to LHA	Applicant had bad landlord reference for tenancy where he resided with his Aunt and Cousin. Landlord stated that cousin <b>was</b> the cause of the problems and initiated eviction. Applicant moved to another tenancy with <b>his</b> cousin and aunt from which he got a good reference. At the time of the DHCD hearing, Applicant was residing on his own in a studio apartment. Remanded to LHA for it to <b>redetermine based</b> on new facts
07/23/2008	1513	Unqualified	Upheld LHA	Applicant was former tenant of the LHA who was involuntarily committed to a mental health facility after the LHA initiated eviction against <b>her</b> . At the time of the DHCD hearing, Applicant had been living in a group home for one month and <b>was</b> being treated for mental illness. Insufficient time had passed to determine that disqualifying conduct was unlikely to reoccur.
07/31/2008	1520	Withdrawn	Upheld LHA	Application removed from waiting list for failure to accept offer of housing without good cause. Applicant refused unit because she thought that it <b>was</b> too small and too close to the elevator. This <b>was</b> not a good cause reason under the <b>LHA's</b> tenant selection plan.

From 05/25/2008 To 11/17/2008

Dates	Case#	Type	Outcome	Summary
08/04/2008	1512	Unqualified	Upheld LHA	Applicant provided inconsistent information on her application for housing and 5 year housing history. Landlord could not confirm residence. At the hearing, Applicant admitted owning a home in the Dominican Republic although she denied owning real property on her application. Applicant did not show that her misrepresentations were unintentional nor did she show other mitigating circumstances.
08/07/2008	1515	Unqualified	Upheld LHA	Applicant had history of serious criminal activity from 1985-1999 and was released from prison in 2005. Applicant testified that he was in recovery from substance abuse for 11 years, but there was no other evidence of mitigating circumstances or rehabilitation provided.
08/11/2008	1525	Priority	Dismissed	Applicant withdrew request for review.
08/11/2008	1510	Unqualified	Dismissed	Applicant failed to appear for hearing.
08/26/2008	1522	Unqualified	Upheld LHA	Applicant was evicted from previous tenancy for nonpayment of rent. Applicant did not show that she paid over 50% of her income for rent nor did she provide any credible evidence of other mitigating circumstances.
09/22/2008	1532	Unqualified	Dismissed	Applicant applied for federally subsidized housing only.

From 05/25/2008 To 11/17/2008

Dates	Case #	Type	Outcome	Summary
09/24/2008	1529	Unqualified	Upheld LHA	Applicant was former participant in the <b>LHA's</b> Section 8 voucher program whose participation was terminated because she had an unauthorized occupant who was a Level 3 sex offender, and she failed to permit a unit inspection. The landlord reference also stated that she disturbed neighbors, damaged the premises and left the unit in an unsanitary condition. The Applicant provided no evidence of mitigating circumstances other than her bare assertion that she was a victim of domestic violence.
09/29/2008	1530	Unqualified	Upheld LHA	Applicant disqualified for CORI including Larceny, Credit Card Fraud and other offenses from 2000-2005. Applicant had graduated drug court and been in recovery from substance abuse since 2005, and had done volunteer work and part time employment. Mitigating circumstances did not outweigh disqualifying misconduct where Applicant had no experience living outside supervised program.
10/02/2008	1527	Unqualified	Upheld LHA	Applicant vacated her prior tenancy and left her teenage brother in the unit. She could not deny or rebut the landlord's allegations and had no other tenancies by which to show a likelihood of abiding by a lease in the future.

From 05/25/2008 To 11/17/2008

Dates	Case #	Type	Outcome	Summary
10/02/2008	1534	Unqualified	Upheld LHA	Applicant was tenant in an MRVP program who failed to pay rent, had an unauthorized occupant and a dog and caused damage and unclean conditions. In her subsequent tenancy she also had poor housekeeping and fell behind in her rent. No mitigating circumstances shown.
10/07/2008	1533		Dismissed	Applicant withdrew request for review.
10/08/2008	1518	Unqualified	Upheld LHA	Applicant had CORI from 2003-2005 involving a stolen credit card scheme. Applicant claimed that she merely knew about the scheme and didn't participate in it, also that she was ill and that it affected her judgment. In the absence of corroborating evidence, Applicant's attempt to minimize her involvement in the crimes of which she was convicted was not credible.
10/15/2008	1531	Unqualified	Upheld LHA	Applicant was disqualified for history of nonpayment of rent, for running an unlicensed hair salon in her apartment, and for failing to provide verification of her income. Applicant did not show mitigating circumstances.
10/20/2008	1528	Unqualified	Upheld LHA	Applicant was former Section 8 tenant of another LHA whose participation was terminated for failure to provide income verification. Applicant is current tenant of a second LHA where she is being evicted for failure to provide income verification and for misrepresenting the status of her previous Section 8 tenancy. The Applicant denied the allegations. No mitigating circumstances shown.
10/27/2008	1537	Priority	Dismissed	Settled.



From 05/25/2008 To 11/17/2008

Dates	Case #	Type	Outcome	Summary
10/28/2008	1536	Priority	Remanded to LHA	Applicant denied homeless priority because she was staying with various friends and not in a shelter or on the street. Applicant provided medical documentation showing that she was disabled with a mental disorder and could not live in a shelter situation. Remanded to LHA with instructions to consider Applicant's request for a reasonable accommodation.
11/13/2008	1535	Unqualified	Upheld LHA	Applicant had CORI from 1977 to 2007, most recent offense was Assault & Battery for which he is on probation until 2010. He denied or minimized the crimes of which he was convicted, but provided evidence that he has recently been participating in treatment and rehabilitation programs. Evidence of mitigating circumstances did not outweigh history of serious criminal activity.