

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

Includes all decisions made between May 17, 2002 and November 19, 2002.  
Requests for copies of cases should be made by case number.  
All identifying information will be deleted from copies provided.

From 05/17/2002 To 11/19/2002

Dates	Case #	Type	Outcome	Summary
05/21/2002	1062	Unqualified	Upheld LHA	MRVP applicant had previously been evicted from the LHA because of illegal drug activity in her unit. She left owing the LHA rent and court costs.
05/22/2002	1047	Priority	Overtured LHA	Applicant was evicted through court action by the owner, her boyfriend's brother, and she sought Priority for displacement by no-fault eviction. Although the Applicant did not get along with the property owner, he took her to court for a no-fault reason, and she was entitled to the priority.
05/28/2002	1058	Unqualified	Dismissed	Applicant submitted documentation of mitigating circumstances to the LHA after the Private Conference Decision. LHA should have treated the submission as a request for reconsideration pursuant to 760 CMR 5.13(3). The case was not ripe for DHCD review.
05/30/2002	1007	Withdrawn	Dismissed	Applicant applied only for federally subsidized housing.
06/10/2002	1046	Withdrawn	Upheld LHA	Applicant failed to respond to waiting list update because she did not notify the LHA of her change of address.
06/11/2002	1034		Dismissed	Applicant withdrew request for review.

From 05/17/2002 To 11/19/2002

Dates	Case #	Type	Outcome	Summary
06/14/2002	1006	Unqualified	Overtured LHA	Applicant was disqualified for criminal activity because, in 1991, he was convicted of Rape of a Child and Assault with Intent to Rape a Child under 14. The convictions were the result of complaints brought by the Applicant's adopted daughter regarding incidents that took place in the 1970s. The Applicant showed mitigating circumstances sufficient to overcome his disqualifying misconduct.
06/20/2002	1044	Withdrawn	Overtured LHA	Applicant failed to appear or call to reschedule an eligibility interview. Mitigating circumstances found due to the Applicant's asthmatic condition at the time.
06/27/2002	1056	Unqualified	Remanded to LHA	Applicant for public housing, MRVP and AHVP was evicted from prior LHA tenancy for drug trafficking in 1998. He was convicted and served 18 months in prison before release on parole. LHA may have reached the correct result, but it applied the wrong standards by using its Admissions and Continued Occupancy Policy for federally subsidized housing instead of the DHCD regulations.
06/28/2002	1022	Unqualified	Upheld LHA	Applicant had two bad references from prior and current landlord. Landlords stated that she was evicted for nonpayment of rent and disturbed other tenants.
07/02/2002	1060	Withdrawn	Dismissed	settled.
07/09/2002	1064	Withdrawn	Dismissed	settled
07/17/2002	1069		Dismissed	Applicant failed to appear for hearing.

From 05/17/2002 To 11/19/2002

Dates	Case #	Type	Outcome	Summary
07/18/2002	1070	Unqualified	Overtured LHA	LHA received bad landlord reference that the landlord wanted to keep confidential. None of the Landlord's allegations could be substantiated, and the reference was not credible.
07/23/2002	1061	Unqualified	Upheld LHA	Applicant had 18 year history of criminal activity with most recent conviction for Threatening Murder in 1999. Applicant's credit report showed she was evicted for nonpayment of rent in 1993, and had eviction cases brought against her in 1999 and 2000. Mitigating circumstances did not outweigh disqualifying misconduct.
07/25/2002	1074	Unqualified	Upheld LHA	Applicant had history of criminal offenses including crimes of violence and drugs. Most recent offense was Assault & Battery in 2001. Mitigating circumstances do not outweigh disqualifying misconduct.
08/06/2002	1063	Withdrawn	Dismissed	Applicant failed to appear for hearing.
08/15/2002	1067	Unqualified	Dismissed	Case settled.
08/16/2002	1068	Priority	Remanded to LHA	Applicant denied homeless priority because of a history of nonpayment of rent. Evidence provided at the DHCD hearing showed that she was evicted because the landlord wanted to renovate the apartment for family rental. The Applicant's brother who resided in NH was the lessee and had been paying the rent until he received the notice to quit. Remanded to the LHA so that it would have the opportunity to redetermine the case based on the evidence presented.
08/19/2002	1071	Withdrawn	Dismissed	Case settled.

From 05/17/2002 To 11/19/2002

Dates	Case #	Type	Outcome	Summary
08/20/2002	1030	Withdrawn	Dismissed	Case settled.
08/20/2002	1020	Unqualified	Upheld LHA	Applicant had twenty year criminal history of violent offenses and a conviction for illegal drug distribution in 1993. Applicant's explanation of facts underlying the drug conviction were not credible.
08/22/2002	1033	Priority	Upheld LHA	Applicant had resided in the attic of a friend's home for five years. This situation did not meet the criteria of "homeless" under the LHA's TSP.
08/22/2002	1055	Priority	Upheld LHA	Applicant resided in a one bedroom apartment with his family since June, 2001 and was overcrowded and needed financial assistance from friends to pay the rent. This situation does not constitute "homelessness" as defined by the LHA's TSP.
09/04/2002	1014	Unqualified	Upheld LHA	Applicant disqualified while pending trial for Rape of a Child. Applicant was also suspected of burning his house down when being sold because of divorce. Real estate broker noted damage to the premises and very poor housekeeping that was not rebutted by Applicant. Applicant's witnesses not credible. Disqualified on basis of housekeeping and damage.
09/05/2002	1076	Unqualified	Remanded to LHA	Applicant was former tenant of LHA who left after receiving an eviction notice concerning her poor housekeeping and lack of supervision of children. At the DHCD hearing, Applicant provided new evidence of mitigating circumstances not previously considered by the LHA.

From 05/17/2002 To 11/19/2002

Dates	Case #	Type	Outcome	Summary
09/06/2002	1073	Unqualified	Upheld LHA	Applicant had a psychotic episode in which he assaulted and battered his two elderly aunts with a dangerous weapon. He was found not guilty by reason of insanity and committed to a mental hospital. Mental health professionals were recommending his release to the community in a supervised setting. Upheld LHA because Applicant did not demonstrate that such an incident was unlikely to reoccur if he were not in a hospital setting.
09/11/2002	1081	Unqualified	Dismissed	Applicant failed to appear.
09/20/2002	1072	Unqualified	Overtured LHA	Applicant was former tenant who was suspected of having unauthorized occupants. Her son allegedly caused a disturbance in the lobby when he was accused of living there without approval. LHA also alleged that Applicant had negligently set off the sprinkler system in her apartment while an LHA tenant. LHA provided insufficient evidence that disqualifying misconduct had occurred.
09/27/2002	1080	Preference	Upheld LHA	Applicant resided with a friend for a prolonged period in a doubled up situation. In order to be considered "Homeless" under LHA's TSP, Applicants must demonstrate that they are without a fixed, regular adequate place to sleep at night.
10/16/2002	1092	Priority	Dismissed	Applicant withdrew request for review.

From 05/17/2002 To 11/19/2002

<b>Dates</b>	<b>Case #</b>	<b>Type</b>	<b>Outcome</b>	<b>Summary</b>
10/16/2002	1088	Unqualified	Remanded to LHA	LHA disqualified Applicant for failure to provide proof of local residence. LHA had made no attempt to contact the landlords identified by the Applicant on her application for housing and a subsequent change of address form. Remanded for LHA to contact landlords and to provide Applicant with an opportunity to show mitigating circumstances and/or lack of intentional misrepresentation.
10/25/2002	1084	Withdrawn	Upheld LHA	Applicant refused offer of housing for the reason that it would be inconvenient for her to get to her psychiatrist's office. Documentation provided did not show that the psychiatrist's office would be inaccessible to her. The LHA's Tenant Selection Plan permitted good cause housing assignment only where the Applicant's treatment facility would be inaccessible.
11/14/2002	1089	Unqualified	Dismissed	Applicant failed to appear for hearing.