

**DHCD TENANT SELECTION  
ADJUDICATORY HEARING**

**DECISION INDEX**  
**VOLUME XXVIII**

Includes all decisions made between May 21, 2010 and November 22, 2010.  
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 05/22/2010 To 11/22/2010

Dates	Case #	Type	Outcome	Summary
05/24/2010	1655	Unqualified	Dismissed	Settled.
06/03/2010	1647	Unqualified	Upheld LHA	Applicants' home was condemned due to unsanitary conditions. Although Applicants agreed to condition public housing tenancy on acceptance of services, such a promise is unenforceable since there must be "cause" to evict. Applicants did not acknowledge the deplorable conditions that were in their home, and there is little likelihood that they would accept social services if they were granted a public housing tenancy.
06/04/2010	1646	Unqualified	Overtured LHA	Decision after remand in Case No. 1614. Applicant was convicted of larceny for cashing checks that were embezzled by a friend of her boyfriend. Applicant was a victim of domestic violence committed by her boyfriend during this time. In light of lack of severity and the nature of criminal activity, mitigating circumstances outweighed disqualifying misconduct.
06/04/2010	1649	Unqualified	Upheld LHA	Applicant owed outstanding rent under previous subsidized tenancy and was ineligible under the LHA's Tenant Section Policy.

From 05/22/2010 To 11/22/2010

Dates	Case #	Type	Outcome	Summary
06/14/2010	1648	Unqualified	Overtured LHA	Applicant was prior tenant of the LHA who vacated with an outstanding balance for rent and damages. Applicant paid all the money owed to the LHA. During her tenancy she was the victim of domestic violence and was experiencing mental health problems for which she was subsequently treated. Applicant has successfully maintained her own tenancy in private housing for one year. Mitigating circumstances outweighed minor disqualifying misconduct.
06/15/2010	1661	Unqualified	Dismissed	Applicant withdrew request for review.
06/24/2010	1656		Dismissed	Applicant is deceased.
06/25/2010	1662	Unqualified	Overtured LHA	Applicant was disqualified because he had a history of Driving under the Influence. His last offense was in 2002, and he stopped drinking alcohol after that offense. Given the nature of the offense, the Applicant made a sufficient showing that his misconduct would be unlikely to reoccur.
07/06/2010	1650	Unqualified	Upheld LHA	Applicant was Level 3 Sex Offender who was released from prison 12 years ago after serving 22 years. Applicant was denied reclassification by the Sex Offender Registry Board (SORB), did not appeal and has not made any subsequent requests. The SORB finding that the Applicant is a "high risk to reoffend" does not make it reasonably unlikely that his disqualifying behavior will reoccur as required by the regulation.
07/08/2010	1672		Dismissed	Applicant withdrew request for review.

From 05/22/2010 To 11/22/2010

Dates	Case #	Type	Outcome	Summary
07/08/2010	1658	Priority	Dismissed	Applicant failed to appear for hearing.
07/09/2010	1667		Dismissed	Applicant withdrew request for review.
07/12/2010	1651	Unqualified	Upheld LHA	Applicant listed his residential address for the previous 5 years as with his sister, and the LHA discovered that he had two other addresses that he failed to disclose. A landlord reference from one of those addresses informed the LHA that the Applicant failed to pay rent. The Applicant's excuses for not listing the address were not credible.
07/12/2010	1669		Dismissed	Applicant failed to appear for hearing.
07/27/2010	1657	Priority	Upheld LHA	Applicant not eligible for No Fault Loss of Housing Priority under the LHA's Tenant Selection Plan because she was evicted for nonpayment of rent.
08/03/2010	1665	Unqualified	Upheld LHA	Applicant had history of criminal activity including Assault & Battery with a Knife and Distribution of Controlled Substances within the previous 5 years, and her probation was extended because she violated the conditions when she used a controlled substance. Insufficient mitigating circumstances were shown to outweigh serious and repeated criminal activity.
08/17/2010	1673	Unqualified	Upheld LHA	Applicant was terminated from another LHA's Section 8 Housing Voucher Program for a violation of program rules. Applicant did not show a reasonably likelihood that she would follow program rules in the future.

From 05/22/2010 To 11/22/2010

Dates	Case #	Type	Outcome	Summary
08/19/2010	1666	Unqualified	Upheld LHA	Applicant's three previous tenancies were terminated for failure to follow subsidy program rules and for nonpayment of rent. No mitigating circumstances were shown.
09/02/2010	1677		Dismissed	Applicant withdrew request for review.
09/07/2010	1676		Dismissed	Applicant withdrew request for review.
09/08/2010	1664	Unqualified	Upheld LHA	Applicant was evicted from her prior residence for fighting with other tenants. Applicant claimed that she had a previous 20 year history as a good tenant and that her recent problem was the result of hypertension which is now controlled. She also asserted that criminal charges were dismissed against both individuals involved. Evidence insufficient to show a probability of favorable future conduct.
09/09/2010	1681	Unqualified	Upheld LHA	Applicant had 25 year history of criminal activity including crimes of violence and illegal drug activity. Applicant claimed to be in recovery from substance abuse for 4 years and in counseling. Mitigating circumstances do not outweigh long and repeated history of serious criminal activity.

From 05/22/2010 To 11/22/2010

Dates	Case #	Type	Outcome	Summary
09/09/2010	1674	Unqualified	Remanded to LHA	Applicant had criminal record of domestic Assault & Battery in 2001 and was evicted from a previous tenancy for late payment of rent. Applicant provided a letter from his pastor stating that his ex-wife was unstable, and he asserted that he assaulted her in defense of his children. Regarding the late payment of rent, Applicant showed that the rent was not affordable after his benefit check was attached to pay back child support. Remanded to LHA to consider mitigating circumstances.
09/21/2010	1654	Unqualified	Upheld LHA	Applicant was evicted from prior tenancy for threatening to kill the resident custodian and attempting to vandalize his car. Applicant claimed that the resident custodian had repeatedly entered her apartment when she went out, and had moved and stolen her property, and put harmful substances in her milk and on her shoes. Applicant's claims were not credible. No mitigating circumstances shown.
09/28/2010	1680	Unqualified	Upheld LHA	Applicant admitted that she and a friend possessed heroin in her Section 8 subsidized apartment in 2008. As mitigating circumstances, the Applicant stated that she was trying to prevent her friend from overdosing.
10/05/2010	1675		Dismissed	Applicant withdrew request for review.

From 05/22/2010 To 11/22/2010

Dates	Case #	Type	Outcome	Summary
10/20/2010	1679	Priority	Upheld LHA	Applicant requested Emergency Case Status for Abusive Situation, but she did not show that she was displaced from her primary residence because of Abuse. Additionally, at the time of the DHCD hearing, she had entered into a new tenancy and was no longer homeless.
10/27/2010	1683	Unqualified	Upheld LHA	Applicant had 10 year history of criminal activity including illegal drugs and larcenous and violent conduct. Most recent offense was a Disorderly Conduct conviction in 2002. Applicant claimed to be in recovery and participating in a drug treatment program, but could only provide vague documentation showing treatment for less than two years. Evidence of rehabilitation did not outweigh long repeated history of criminal activity.
11/04/2010	1684	Unqualified	Overtured LHA	Applicant was disqualified because of pending charges on her CORI. With the exception of the Applicant's admission that she shoplifted on one occasion, there was no evidence that the Applicant had committed any crimes. The shoplifting offense was not shown to be disqualifying, and even if it was, it was outweighed by evidence of mitigating circumstances and rehabilitation.
11/12/2010	1668	Unqualified	Upheld LHA	Applicant was evicted for nonpayment of rent from his previous tenancy. Applicant denied ever being evicted on his application and during the eligibility interview. Applicant's testimony was not credible. No mitigating circumstances shown.

From 05/22/2010 To 11/22/2010

Dates	Case #	Type	Outcome	Summary
11/12/2010	1640	Unqualified	Upheld LHA	Applicant had very long history of serious criminal activity. Although the Applicant's last offense was in 2003, and the Applicant claimed to be in recovery from substance abuse for 8 years, the meager evidence of rehabilitation submitted did not outweigh the disqualifying conduct.