

**DHCD TENANT SELECTION
ADJUDICATORY HEARING**

DECISION INDEX
VOLUME XXIX

Includes all decisions made between November 22, 2010 and May 23, 2011.
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 11/22/2010 To 05/23/2011

Dates	Case #	Type	Outcome	Summary
11/29/2010	1689	Priority	Dismissed	Applicant withdrew request for review.
12/06/2010	1682	Withdrawn	Dismissed	Applicant withdrew request for review.
12/08/2010	1692	Unqualified	Dismissed	Appeal filed too late.
12/13/2010	1678	Unqualified	Upheld LHA	Applicant had poor references from two prior tenancies alleging that he was disruptive to the other residents and staff. The Applicant's most recent reference from a short tenancy was satisfactory, but his conduct at the LHA office during the application process, and his denial of any problem, makes it likely that his disqualifying behavior would continue to occur.
12/14/2010	1688	Unqualified	Upheld LHA	Applicant had history of Knowingly Receiving Stolen Property and was still on probation. The Applicant's testimony that she was duped by her children's father was not credible. Although she had recently started counseling, under the circumstances, this did not outweigh her recent disqualifying misconduct.
12/28/2010	1694	Priority	Upheld LHA	Applicant fled her previous primary residence as the result of domestic violence. At the time of the hearing, she had entered into a new tenancy and was no longer homeless.

As of: 25-May-11

Confidential Sorted by Date of Decision

From 11/22/2010 To 05/23/2011

Dates	Case #	Type	Outcome	Summary
01/13/2011	1685	Unqualified	Overturned LHA	<p>Applicant was disqualified because he did not have any landlord references. Applicant had resided with his family prior to his application and never had his own tenancy. Applicant cooperated with LHA to provide information about his prior residences and there was no negative information about his conduct. LHA was mistaken in its belief that an applicant was required to have had a previous tenancy in order to qualify for public housing.</p>
01/27/2011	1698	Unqualified	Overturned LHA	<p>Applicant was disqualified on the basis of poor housekeeping or living habits at current and prior residences. Landlord references were inconsistent and were not specific or adequately detailed to make a determination that the Applicant's housekeeping was bad enough to be disqualifying.</p>
02/01/2011	1691	Unqualified	Dismissed	Case settled.
02/09/2011	1699	Unqualified	Dismissed	Case settled.
03/04/2011	1697	Unqualified	Upheld LHA	<p>Applicant had repeated history of drug dealing and in 2006 was sentenced to federal prison for 2 years and 3 years of supervised probation. Applicant participated in a court program and his supervised probation was reduced by one year. Applicant also participated in drug treatment and volunteer work. Insufficient time had passed to demonstrate a reasonable likelihood that the Applicant's misconduct would not reoccur.</p>

From 11/22/2010 To 05/23/2011

Dates	Case #	Type	Outcome	Summary
03/25/2011	1701	Priority	Overturned LHA	<p>Applicant was denied Emergency Case Status because LHA did not believe that she submitted sufficient documentation of an Abusive Situation. Applicant had provided a copy of a restraining order, a police call log and incident report, and letters from three domestic violence programs. Since the Applicant's testimony was credible, the evidence was sufficient to substantiate a finding that she was displaced by an Abusive Situation.</p>
03/25/2011	1695	Priority	Upheld LHA	<p>Applicant was denied Emergency Case Priority for Abusive Situation because the LHA did not find that she was displaced by the Abusive Situation. Applicant had gotten a temporary restraining order against her husband in 2009, but she allowed it to lapse and did not vacate the premises until one year later when she was ordered to do so by the court in an action of divorce brought by her husband against her. In these circumstances, Applicant did not make a reasonably clear showing that she was displaced by domestic violence.</p>
03/29/2011	1703	Withdrawn	Upheld LHA	<p>Applicant failed to provide verification of former residence.</p>
04/25/2011	1711	Priority	Dismissed	<p>Settled.</p>

As of: 25-May-11

Confidential Sorted by Date of Decision

From 11/22/2010 To 05/23/2011

Dates	Case #	Type	Outcome	Summary
04/28/2011	1707	Withdrawn	Remanded to LHA	Applicant was removed from the waiting list for failure to pay a debt from prior subsidized tenancy as permitted under the LHA's tenant selection plan. Applicant had paid debt by the time of the Private Conference, but Hearing Officer refused to consider mitigating circumstances. Remanded to the LHA to make it clear that mitigating circumstances must always be considered in every case.
04/29/2011	1704	Priority	Dismissed	Case settled.
05/09/2011	1706	Unqualified	Upheld LHA	Applicant was a former tenant of the LHA who vacated in 2009, leaving trash and personal belongings in the unit and an outstanding rent balance. Applicant did not owe the LHA any rent at the time of the hearing. Applicant's explanation that she was sending money to her daughter in FL and that she left her LHA tenancy in a hurry to help her out was not credible and did not excuse her nonpayment. Nothing was presented to show that nonpayment would be unlikely to reoccur in the future.
05/18/2011	1659	Unqualified	Dismissed	Settled.
05/19/2011	1705	Unqualified	Upheld LHA	Applicant was disqualified for history of nonpayment of rent at two prior tenancies in which the landlords obtained a summary process execution. Applicant had been staying with a relative since his eviction and no mitigating circumstances were shown.