

**DHCD TENANT SELECTION
ADJUDICATORY HEARING**

DECISION INDEX

VOLUME XXX

Includes all decisions made between May 24, 2011 and November 15, 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 05/24/2011 To 11/15/2011

Dates	Case #	Type	Outcome	Summary
06/06/2011	1710	Unqualified	Upheld LHA	Applicant was disqualified because of a 25 year history of criminal activity consisting of over 40 convictions including repeated motor vehicle thefts, drug offenses and crimes of violence. At the time of the hearing, Applicant had been out of prison for almost 3 years, was receiving substance abuse and mental health treatment and had participated in a transitional housing program. Insufficient time had passed to find that criminal activity was unlikely to reoccur.
06/08/2011	1721	Ineligible	Overtured LHA	Young disabled Applicant determined ineligible for elderly/handicapped housing because she was already residing in elderly/handicapped housing in another community. Applicant showed that the housing in which she was residing was unsuitable for a person with her disability.
06/14/2011	1708	Priority	Overtured LHA	Applicant was the victim of a rape by an unknown assailant in her subsidized housing unit, and she vacated the unit as a result. The LHA denied eligibility for Emergency Case Status because the Applicant had not shown that the unit was unsafe. Pursuant to PHN 2005-05, the Emergency Case Plan is intended to cover the victims of sexual violence in appropriate situations.
06/15/2011	1715	Unqualified	Upheld LHA	Applicant failed to pay rent at two previous tenancies, and at her most recent tenancy, Applicant also disturbed neighbors and caused damage. No mitigating circumstances were shown.
06/21/2011	1730	Unqualified	Dismissed	Settled.

From 05/24/2011 To 11/15/2011

Dates	Case #	Type	Outcome	Summary
06/22/2011	1714	Unqualified	Upheld LHA	Applicant failed to pay rent during former tenancy. No mitigating circumstances shown.
06/28/2011	1712	Unqualified	Overtured LHA	Applicant was disqualified because she failed to disclose her true name and marital status on her housing application. Applicant showed that she did not intentionally misrepresent these facts, and that in any event, her misstatements would not give her any advantage in the application process and could not be grounds for disqualification under the LHA's tenant selection plan.
06/28/2011	1722	Unqualified	Overtured LHA	Applicant was disqualified for admitting to sufficient facts on the charges of Breaking and Entering in motor vehicle and Assault & Battery on a security officer, and the charges were continued without a finding and dismissed after two years probation. At the time of the incident, the Applicant had been recently diagnosed with major illness causing cognitive dysfunction, and the incident occurred when he mistakenly got into the wrong car upon leaving the hospital and then struggled when apprehended by hospital security. Applicant completed his probation and is now receiving treatment and counseling. Mitigating circumstances outweighed the isolated disqualifying misconduct on these facts.
06/29/2011	1724	Priority	Dismissed	Applicant withdrew request for review.

From 05/24/2011 To 11/15/2011

Dates	Case #	Type	Outcome	Summary
07/05/2011	1717	Unqualified	Upheld LHA	Applicant was disqualified for failure to provide information and misrepresentation on her application. Applicant's credit report showed that her utility bill had gone to collection and remained unpaid, and that her then current landlord had also obtained a judgment against her. The credit report showed a former address that she failed to list on her application. Another landlord reported that she had an unauthorized occupant living with her. Although both landlords indicated that the Applicant paid her rent, her bank statements showed automatic deposits without any withdrawals that would be consistent with the payment of rent, indicating that if the rent were paid there had to have been an unreported source of household income. Applicant's testimony was not credible. No mitigating circumstances shown.
07/06/2011	1733	Priority	Dismissed	Applicant withdrew request for review.
07/18/2011	1729	Unqualified	Upheld LHA	Applicant was disqualified because her husband, who was a member of her household as listed on her application, had recent history of violent criminal activity. Applicant claimed that she and her husband split up and that he moved in with his family one or two days before the DHCD hearing. No third party verification provided and no legal proceedings initiated to formalize the split. Insufficient evidence to find that Applicant's husband would not be a member of her household if she were to become an LHA tenant.

From 05/24/2011 To 11/15/2011

Dates	Case #	Type	Outcome	Summary
07/26/2011	1713	Unqualified	Upheld LHA	Applicant's previous apartment was raided by police pursuant to a search warrant in 2008 and she admitted to the charges of possession of illegal drugs. Applicant's testimony was not credible and she showed no mitigating circumstances.
08/02/2011	1716		Dismissed	Moot.
08/10/2011	1727	Unqualified	Overtured LHA	Applicant for MRVP disqualified because of lease violations during prior LHA tenancy. Lease violations are not grounds for disqualification under the MRVP regulation unless a court entered a judgment against the tenant for good cause.
08/11/2011	1720	Unqualified	Overtured LHA	Applicant was disqualified under the LHA's tenant selection plan because of debt owed to subsidized housing development. At time of DHCD hearing, Applicant had obtained a letter from the landlord releasing all claims. LHA would not reinstate the Applicant because the debt was not paid within 30 days of the LHA notice. Applicant's advocate and attorney had worked diligently to resolve the debt and the Applicant cannot be held responsible for the landlord's delay.

From 05/24/2011 To 11/15/2011

Dates	Case #	Type	Outcome	Summary
08/18/2011	1731	Priority	Upheld LHA	Applicant denied Emergency Case Status because he failed to pay his mortgage and the bank foreclosed on his house. Applicant also had medical condition that he claimed was exacerbated by the defective conditions in his home. Applicant did not meet the criteria of a "homeless" applicant under the Emergency Case Plan because he did not lose his housing for a reason beyond his control.
08/22/2011	1725	Unqualified	Upheld LHA	Applicant was former tenant of the LHA who was evicted in 2004 for illegal drug activity in her unit. Only evidence of rehabilitation was recent good conduct in transitional housing program.
09/13/2011	1739	Priority	Upheld LHA	Applicant was in a homeless shelter at the time of her application and was eligible for Priority Status, but she left the shelter after a couple of months, and did not reenter a shelter again until 6-7 months later. The Applicant did not notify the LHA of her change in status, and the LHA did not learn that she had left the shelter until her eligibility interview and then it required her to file a new priority application. The LHA properly changed the date of her Priority status to the date of the new priority application in accordance with its tenant selection plan.
09/14/2011	1732	Unqualified	Upheld LHA	Applicant was convicted of violent crimes of which he claimed to be innocent. No credible evidence of mitigating circumstances was presented.

From 05/24/2011 To 11/15/2011

Dates	Case #	Type	Outcome	Summary
09/15/2011	1735	Unqualified	Upheld LHA	LHA notified Applicant when it failed to get response to landlord reference forms. Applicant refused to cooperate to obtain the landlord references or other information about his former tenancies as required by 760 CMR 5.12(2).
09/15/2011	1726	Unqualified	Upheld LHA	Applicant was former tenant of the LHA who was evicted for nonpayment of rent and failure to maintain her unit. Applicant's most recent landlord also stated that she vacated owing a large balance. No credible evidence of mitigating circumstances was shown.
09/19/2011	1723	Unqualified	Remanded to LHA	Applicant was convicted of Indecent Assault & Battery on Child Under 14 and Annoying a Person of the Opposite Sex in 2005 for which he was incarcerated for one year. Applicant is receiving social services and treatment for a mental disability. Remanded to the LHA to consider new information presented at DHCD hearing and to make a determination of the Applicant's Sex Offender Status.
09/19/2011	1728	Unqualified	Upheld LHA	Applicant was evicted from previous tenancy for nonpayment of rent. Although Applicant had income during the period of her nonpayment, she failed to make any payment toward the rent or utilities until after the landlord obtained a judgment and execution in summary process. Applicant has recently been making regular payments to the landlord on the outstanding debt, but this does not outweigh the history of nonpayment that resulted in her eviction.

From 05/24/2011 To 11/15/2011

Dates	Case #	Type	Outcome	Summary
09/26/2011	1736	Unqualified	Upheld LHA	Applicant was former tenant evicted after search warrant for drugs was executed at her apartment in 2007. LHA denied her application for this reason and because a member of her applicant household had a history of criminal activity. At the time of the DHCD hearing, the Applicant stated that the household member was no longer living with her and that the criminal case against her as the result of the raid on her apartment had been dismissed. Disqualification upheld because as the leaseholder, the Applicant was responsible for activity in her apartment and disqualifying misconduct was not outweighed by mitigating circumstances.
10/06/2011	1748	Priority	Overtured LHA	Applicant had fled her native country because of abuse and claimed displacement from her roommate situation in the USA when she saw her abuser and he assaulted her in the neighborhood. Applicant provided credible evidence showing that she was displaced from her primary residence by an abusive situation.
10/06/2011	1743	Unqualified	Upheld LHA	Applicant requested emergency case status because she was the victim of violence on the day before she went to the police and she entered a domestic violence shelter. Documentation showed that the Applicant was homeless at the time of the assault and was not displaced from a Primary Residence by an Abusive Situation as required by the Emergency Case Plan.
10/12/2011	1744	Priority	Upheld LHA	Applicant failed to document her homeless situation.

From 05/24/2011 To 11/15/2011

Dates	Case #	Type	Outcome	Summary
10/12/2011	1745	Unqualified	Upheld LHA	Applicant had been evicted for nonpayment of rent from her two prior tenancies. No credible mitigating circumstances were shown.
10/31/2011	1747	Priority	Upheld LHA	Applicant was properly denied Homelessness Priority because she voluntarily vacated her last primary residence.

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