

**DHCD TENANT SELECTION
ADJUDICATORY HEARING**

DECISION INDEX

VOLUME XXXV

Includes all decisions made between November 21, 2013 and May 20, 2014.
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.

Confidential Sorted by Date of Decision

As of: 20-May-14

From 11/21/2013 To 05/20/2014

Dates	Case #	Type	Outcome	Summary
12/17/2013	1859	Unqualified	Upheld LHA	Applicant's husband had a history of serious criminal activity including carjacking, assault & battery and illegal drugs, and he was released from incarceration in 2008 and completed probation in 2010. Since that time he has been ordained as a pastor and has been holding religious events in the community. The recent rehabilitation efforts do not outweigh the long history of serious criminal activity.
12/17/2013	1858	Priority	Upheld LHA	Applicant requested Priority status for Domestic Violence/Dating Violence/Stalking under the LHA's Tenant Selection Plan. Applicant showed that she had been assaulted and battered by someone who suspected that she was seeing her boyfriend. Upheld LHA because the Applicant did not show Domestic Violence, Dating Violence or Stalking.
01/09/2014	1843	Priority	Upheld LHA	Application denied Homelessness Priority under the LHA's tenant selection plan because the Applicant was not on the street or in a shelter. Application was also denied No Fault Eviction Priority under the LHA's plan because the Applicant was asked to leave by her father and was not evicted via summary process proceedings.
01/24/2014	1857	Unqualified	Dismissed	Applicant failed to appear for hearing.

From 11/21/2013 To 05/20/2014

Dates	Case #	Type	Outcome	Summary
02/13/2014	1869	Unqualified	Upheld LHA	Applicant had long history of criminal activity in Massachusetts and New Hampshire. Although the Applicant had been in treatment with the Dept. of Mental Health for ten years and had no further convictions, this did not outweigh his criminal activity where the evidence showed that he has homicidal delusions and has been noncompliant with his medication regimen.
03/03/2014	1864	Priority	Remanded to LHA	LHA denied Severe Medical Emergency priority because the Applicant was residing at another LHA. Overturned LHA because medical priority does not require applicants to have been displaced. Remanded with instructions to LHA to determine whether the applicant met all of the other criteria in the definition of "homeless applicant."
03/13/2014	1862	Priority	Upheld LHA	LHA denied application Severe Medical Emergency priority because the Applicant had not resided at her current apartment for 9 months, because she moved into a dangerous situation, and because she had subsequently moved to the first floor. Although the LHA had misinterpreted the "primary residence" requirement of the Emergency Case Plan, the Applicant had moved to a first floor unit since she filed her application, and she did not show a severe and medically documented threat to life or safety in her new unit.
03/13/2014	1866	Priority	Upheld LHA	Applicant was evicted from transitional housing for nonpayment of rent and is not eligible for Emergency Case Status.

From 11/21/2013 To 05/20/2014

Dates	Case #	Type	Outcome	Summary
03/14/2014	1870	Unqualified	Upheld LHA	Applicant's abusive behavior toward LHA staff was unreasonable and unwarranted and no mitigating circumstances were shown.
03/21/2014	1871	Withdrawn	Overturned LHA	Application withdrawn from the waiting list for failure to respond to final screening notice. Applicant reported his change of address and had responded promptly to all other notices. Applicant's testimony that he failed to receive the notice was credible.
03/25/2014	1874	Unqualified	Upheld LHA	Applicant disqualified for history of nonpayment of rent. Applicant did not pay any rent for 4 months and did not show any mitigating circumstances.
03/25/2014	1867	Withdrawn	Upheld LHA	Applicant failed to provide eligibility documentation. No mitigating circumstances shown.
05/02/2014	1880	Unqualified	Dismissed	Settled.
05/02/2014	1860	Priority	Upheld LHA	Applicant had obtained public housing at another LHA prior to the DHCD hearing and could no longer be considered a "homeless applicant" under the Emergency Case Plan.
05/02/2014	1879	Priority	Upheld LHA	Applicant applied for Emergency Case Status as a victim of a fire. LHA correctly denied her Emergency application because she could not show that she was a resident of the apartment at the time of the fire.

From 11/21/2013 To 05/20/2014					
Dates	Case #	Type	Outcome	Summary	
05/05/2014	1878	Withdrawn	Upheld LHA	Applicant failed to provide contact information for owners of properties where she had been residing for the previous three years. She also failed to provide authenticated verifications from shelter providers and neighbor references. No mitigating circumstances shown.	
05/08/2014	1868	Unqualified	Upheld LHA	Applicant's prior tenancy was at another LHA where she left under threat of eviction because of disturbances and assaults on other residents and damage to their property. Criminal prosecution was dropped because of the Applicant's mental illness. Mitigating circumstances did not outweigh disqualifying misconduct where the disqualifying behavior was recent, where the Applicant denied that it occurred, and where she did not demonstrate that she could now meet the requirements of a lease in her own tenancy.	
05/12/2014	1876	Unqualified	Overturned LHA	Applicant was disqualified because of nonpayment of rent at a prior tenancy. The LHA failed to show that the Applicant was a lessee who was responsible for paying rent. Additionally, any nonpayment of rent was mitigated by the condition of the apartment which was unfit for human habitation and the defective conditions were not corrected by the landlord before the Applicant vacated.	

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From 11/21/2013 To 05/20/2014

Dates	Case #	Type	Outcome	Summary
05/12/2014	1872	Unqualified	Upheld LHA	<p>Applicant was disqualified for a long history of criminal activity including illegal drug activity, breaking and entering and larceny. Applicant argued that it had been 7 years since his last conviction and that he no longer engages in criminal activity because of his disability. Applicant denied that he had a criminal record on his application under pains and perjury, and his testimony concerning mitigating circumstances was not persuasive.</p>