

**DHCD TENANT SELECTION
ADJUDICATORY HEARING**

DECISION INDEX

VOLUME XXXII

Includes all decisions made between May 24, 2012 and November 30, 2012.
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.

As of: 03-Dec-12

Confidential Sorted by Date of Decision
From 05/24/2012 To 11/30/2012

Dates	Case #	Type	Outcome	Summary
05/25/2012	1761	Unqualified	Upheld LHA	Applicant was evicted for nonpayment of rent at previous tenancy. Applicant had not paid over 50% of her income for rent and no credible mitigating circumstances were shown.
05/29/2012	1764	Priority	Upheld LHA	Applicant lost his primary residence due to foreclosure on his home. LHA denied Emergency Case Status to his application because he was not homeless for a no-fault reason and because his primary residence did not cause his medical condition nor was it an impediment to treatment or recovery.
05/31/2012	1776	Unqualified	Upheld LHA	Applicant denied that he had any criminal convictions, but his CORI showed a history of repeated criminal activity including violence and illegal drugs from 1982 to 1999. The Applicant's housekeeping in his prior residence created filthy and cluttered conditions. No mitigating circumstances shown regarding the misrepresentation and the poor housekeeping.
06/01/2012	1759	Withdrawn	Dismissed	Settled
06/12/2012	1769	Priority	Upheld LHA	Applicant was evicted for nonpayment of rent and was not displaced by domestic violence.
07/09/2012	1777	Unqualified	Upheld LHA	Applicant had a history of nonpayment of rent in her three prior tenancies, resulting in court judgments against her. Applicant was also disqualified for her history of criminal activity and waived her right to review on these grounds by failing to request a private conference at the LHA.

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Dates	Case #	Type	Outcome	Summary
07/12/2012	1778	Unqualified	Overturned LHA	Applicant had history of criminal activity, specifically domestic violence, but there was no evidence that he had committed any crime for twelve years, since his divorce.
07/26/2012	1781	Priority	Upheld LHA	Applicant vacated her Florida apartment because she could not afford the rent, and entered a two year transitional housing program in Providence, Rhode Island. She did not meet the definition of "homeless applicant" because of the length of the program in which she was participating. In addition, she was not displaced for some reason beyond her control.
07/26/2012	1780	Priority		Applicant left her home in Georgia and was residing in a 2 year transitional housing program in Rhode Island. She did not meet the definition of "homeless applicant" because of the length of the program. Additionally, she failed to provide evidence that she was displaced by an abusive situation.
07/31/2012	1785	Unqualified	Dismissed	Settled.
08/22/2012	1787	Unqualified	Upheld LHA	Applicant vacated her prior apartment after the initiation of eviction proceedings for nonpayment of rent. Applicant did not pay over 50% of her income or show other mitigating circumstances. The Applicant's prior landlord also claimed poor housekeeping and damage to the premises. The Applicant admitted housekeeping problem, stating that it was due to her disability, but she refused offers of assistance.

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Dates	Case #	Type	Outcome	Summary
08/23/2012	1782	Ineligible	Remanded to LHA	Applicant provided documentation that she is disabled and needs to be on a first floor or building with an elevator. LHA denied eligibility because the Applicant was residing in a one story ranch-style house. At the DHCD hearing, Applicant provided photographs showing 5-7 stairs to means of egress in the home.
08/27/2012	1779	Unqualified	Upheld LHA	Applicant is a tenant in a one bedroom unit at another LHA. The Applicant allowed his personal care attendant (PCA) and her three children to move into his unit without authorization after her eviction for nonpayment of rent, and the LHA had initiated eviction proceedings against him for having unauthorized occupants and overcrowding his unit. The PCA had a bad landlord reference concerning damage to her unit and poor housekeeping, and her participation in another LHA's Section 8 Housing Voucher program had been terminated for noncompliance. The Applicant also had a cat or cats in violation of the lease. At the time of the DHCD hearing, the Applicant had married the PCA and she had a 4th child. No evidence was provided to show that the Applicant household would comply with the lease if they were made tenants.

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Dates	Case #	Type	Outcome	Summary
08/28/2012	1788	Unqualified	Upheld LHA	LHA disqualified Applicant on the basis of her bad references from a prior landlord and from a DHCD shelter. The references noted lease violations including nonpayment of rent, damage, and disruption at the premises. Applicant showed no mitigating circumstances other than to deny or minimize the extent of her misconduct.
08/28/2012	1789	Unqualified	Remanded to LHA	Applicant disqualified for history of criminal activity more than ten years ago, history of nonpayment of rent, 22 years ago, misrepresentations on her application and failure to provide a landlord reference. DHCD overturned LHA on the grounds of history of criminal activity and nonpayment as well as misrepresentation. LHA failed to notify the Applicant of her landlord's failure to return the landlord reference. Remanded to the LHA for it to seek the Applicant's assistance in obtaining the reference or substitute verification.
10/03/2012	1786	Priority	Overturned LHA	LHA's Emergency Case Plan contained an outdated definition of "homeless applicant" that did not include applicants who are having Severe Medical Emergencies and have a place to live but are in a living situation in which there is a significant immediate and direct threat to their life and safety.
10/03/2012	1775	Withdrawn	Upheld LHA	Applicant refused second offer of housing without good cause or need for a reasonable accommodation. Applicant's testimony was not credible and LHA properly withdrew her application from the waiting list in accordance with its tenant selection plan.

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Dates	Case #	Type	Outcome	Summary
10/04/2012	1790	Unqualified	Upheld LHA	Applicant was convicted of Murder in 1992 and was incarcerated for almost 19 years. The Applicant was released from prison 15 1/2 months prior to the DHCD hearing and had been living in a home with three other former inmates, receiving psychiatric care and participating in counseling. Given the dangerousness of the Applicant's crime and the relatively short period of time since his release, the mitigating circumstances did not outweigh his disqualifying misconduct.
10/12/2012	1792	Priority	Overturned LHA	Application denied Emergency Case Status for Abusive Situation. Although the Applicant did not document that the reason she left her residence was due to an abusive situation, her testimony was credible and it could be inferred from other established facts.
10/12/2012	1795	Unqualified	Remanded to LHA	Applicant was disqualified for MRVP and public housing due to a poor landlord reference. The Applicant showed that she withheld rent due to serious code violations and that the landlord had to move her when the city condemned the building. She alleged that the poor landlord reference was retaliation by the landlord. Overturned the LHA decision regarding the MRVP, because poor private landlord references are not a reason for disqualification in that program. Remanded to the LHA to consider new evidence provided at the DHCD hearing on the application for public housing.

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Dates	Case #	Type	Outcome	Summary
10/31/2012	1797	Priority	Upheld LHA	Applicant was living doubled up with other people and was not living in a shelter or in a place not designed for human habitation as required by the LHA's Tenant Selection Plan.
11/07/2012	1801	Priority	Dismissed	Applicant withdrew request for review.
11/14/2012	1793	Unqualified	Upheld LHA	Applicant had been evicted from the LHA 7 months prior to the hearing for creating hazardous conditions in his apartment. Although the Applicant had begun counseling for his hoarding behavior, there was insufficient evidence to show that the Applicant's living and housekeeping habits were likely to improve.
11/16/2012	1794	Unqualified	Dismissed	Applicant failed to appear for hearing.
11/19/2012	1802		Dismissed	Applicant for federal housing only. No DHCD jurisdiction.
11/27/2012	1791	Priority	Upheld LHA	Applicant for Severe Medical Emergency Priority status determined ineligible because she lost her primary residence due to an eviction for nonpayment of rent.