

**DHCD TENANT SELECTION
ADJUDICATORY HEARING**

DECISION INDEX
VOLUME I

Includes all decisions made between November 7, 1997 and May 18, 1998.

Requests for copies of cases should be made by case number.

All identifying information will be deleted from copies provided.

Dates	Case #	Type	Outcome	Summary
03/30/1994	409	Dismissed	Dismissed	Request for review withdrawn by applicant.
05/05/1994	373	Unqualified	Remanded to LHA	LHA gave inadequate notice of reasons for ineligibility. Inadequate evidence of disqualifying behavior. Applicant's physician had disclosed history of "episodic explosive disorder" (history of angry outbursts) Applicant's behavior controlled by medication.
11/07/1994	374	Withdrawn	Overturned LHA	LHA withdrew application for applicant's failure to attend eligibility interview. Failed to send notice of appeal rights. Application could be dropped to the bottom of waiting list as though applicant failed to respond to unit offer. Application reinstated as of date of screening interview.
11/10/1994	376	Ineligible	Upheld LHA	No units large enough to accommodate family without violating minimum square footage requirements of SSC
12/01/1994	399	Ineligible	Overturned LHA	Applicant has "affective disorder". DMH, Residential Program Advocates, Inc., are committed to providing residential support services.
12/02/1994	266	Unqualified	Upheld LHA	Ten year history of convictions for B & E, shoplifting, larceny, weapons. Drug rehab. In recovery about 1 year.

Dates	Case #	Type	Outcome	Summary
12/14/1994	377	Unqualified	Upheld LHA	Bad landlord references for two prior tenancies. Applicant blamed other tenants for loud partying and damage. Applicant had recommendation of Chief of Police who was her relative. Applicant claimed another tenant responsible & landlord biased because of non-payment of rent.
12/21/1994	378	Unqualified	Overturned LHA	There was sufficient evidence to support the conclusion that applicant's future conduct is likely to improve.
12/21/1994	389	Unqualified	Overturned LHA	Wanted son to be added as member of household, but was denied because of son's criminal record.
02/26/1995	361	Unqualified	Overturned LHA	Applicant had pending charges for larceny by credit card, trespassing, possession of Class B & D drugs. All admitted by applicant. Drug rehab. Two years of recovery.
02/26/1995	257	Unqualified	Upheld LHA	Favorable landlord reference no further criminal conduct since release from prison. Applicant had convictions for A & B, B & E and weapons. Incarcerated for 6 years. Out for 2 years at time of application. Not outweighed by good landlord reference.
03/22/1995	400		Dismissed	Withdrawn by applicant.

Dates	Case #	Type	Outcome	Summary
03/23/1995	363	Unqualified	Upheld LHA	Applicant on 2 years probation for possession of marihuana with intent to distribute. 1 year of recovery at time of hearing. Crime committed 21 months prior to hearing.
03/27/1995	426		Dismissed	Settled.
03/28/1995	360	Unqualified	Upheld LHA	Applicant had convictions for larceny, B & E, and Arson. All 15 years or older convictions. Applicant mentally ill, on and off medication. Couldn't prove wouldn't relapse.
05/04/1995	431		Dismissed	Case settled.
05/10/1995	395	Ineligible	Overturned LHA	Mental illness exacerbated by stress of financial worries. When stressed, ability to live independently is substantially impeded.
06/01/1995	414	Unqualified	Upheld LHA	Applicant failed to provide accurate landlord information for past five years. Appealed to Superior Court.
06/14/1995	412	Ineligible	Overturned LHA	Applicant with manic depressive illness. LHA found he didn't meet definition because he had secure housing situation. Applicant living in transitional housing - prepared for independent living with supportive services. Program will not terminate until suitable housing is found.
08/09/1995	388	Unqualified	Remanded to LHA	* negative landlord references

Dates	Case #	Type	Outcome	Summary
08/09/1995	272	Unqualified	Remanded to LHA	* Applicant has a record of failure to meet financial obligations. Need to determine whether as a former tenant in bad standing outweighs the considerations of rehab & mitigating circumstances.
08/09/1995	423	Unqualified	Upheld LHA	Charged with 42 criminal offenses from 1970-1993
08/10/1995	366	Unqualified	Upheld LHA	21 year criminal history; disorderly conduct, shoplifting, larceny, disturbing the peace, B & E and possession of class D w. intent to distribute. Sober for 4+ years; good references. Lied on application; inconsistent testimony. Poor credibility. Recovery from drug and alcohol abuse.
08/22/1995	440		Dismissed	Applicant withdrew request for review.
08/29/1995	408	Unqualified	Upheld LHA	Former tenant of an LHA whose tenancy was terminated in bad standing or currently owes back rent or fee to LHA
09/11/1995	401	Unqualified	Upheld LHA	Applicant has lengthy record, most recently disorderly conduct, OUI, A & B and 3 pending charges. Attempted to explain away criminal charges. Attending AA for 8-9 months. Recovery from alcohol post-traumatic stress.
09/22/1995	467		Dismissed	Applicant withdrew request for appeal.

Dates	Case #	Type	Outcome	Summary
09/28/1995	405	Unqualified	Upheld LHA	CORI- Aiding and abetting an escape from penal institution. Planned escape of son, who was serving life sentence for murder. 14 months incarceration.
10/26/1995	451		Dismissed	Applicant failed to appear at DHCD hearing.
11/21/1995	392	Unqualified	Upheld LHA	Psychiatric disability and physical limitations. Disqualifying CORI 10 years old. Good recent references. Evidence of current contentious relationships. Applicant didn't prove meets definition of "handicapped person of low income".
12/05/1995	481		Dismissed	Case was moot.
12/06/1995	454		Dismissed	Applicant failed to appear at DHCD hearing.
12/18/1995	478		Dismissed	Moot case.
01/09/1996	494		Dismissed	Applicant withdrew request for appeal.
01/16/1996	432	Unqualified	Upheld LHA	Recovery from drug addiction. 12 Year criminal history, including possession of drugs with intent to distribute (several), possession of a firearm, A & B on a police officer. 15 years good conduct since release from prison. Good landlord reference. Poor credibility of applicant. Insufficient evidence of rehabilitation.
01/25/1996	515		Dismissed	Applicant failed to prosecute appeal.

Dates	Case #	Type	Outcome	Summary
02/12/1996	519		Dismissed	Appeal did not involve application for state-aided housing, was for Federal housing.
02/26/1996	460	Unqualified	Overtured LHA	No evidence of any serious crime having occurred
03/07/1996	511		Dismissed	Applicant withdrew request for appeal.
04/08/1996	420	Ineligible	Overtured LHA	Mental illness(schizophrenia). On medication and stable for 2 years. Financial uncertainty in conventional housing is stress capable of exacerbating illness, substantially impeding ability to live independently.
04/24/1996	505	Unqualified	Overtured LHA	Applicant was alleged to be on roof of another LHA Development smoking crack. Report upon which decision was based was not reliable.
05/03/1996	466	Unqualified	Overtured LHA	Applicant was removed from list following refusal of a unit offer. Was determined handicapped. LHA should reasonably accomodate applicant's request for a ground level family unit.
05/06/1996	506		Dismissed	LHA agreed to re-open screening process.
05/14/1996	471	Ineligible	Overtured LHA	Applicant had neuromuscular disorder and respiratory illness. Couldn't climb stairs. Decision considers definition of "conventional housing". Public housing found more suitable.
05/28/1996	458		Dismissed	Moot case.

Dates	Case #	Type	Outcome	Summary
06/04/1996	482		Dismissed	Applicant failed to appear at hearing.
06/04/1996	507	Ineligible	Upheld LHA	Applicant wasn't homeless, therefore, doesn't meet definition of "homeless."
06/19/1996	569	Withdrawn	Dismissed	Applicant withdrew request for hearing.
06/19/1996	527		Dismissed	Moot case.
06/27/1996	437	Unqualified	Upheld LHA	Prior tenant who owes fees to LHA, stopped making payments in March of 1995 and has not made any since. Still owes \$6,000.
07/08/1996	571	Unqualified	Upheld LHA	Record of shoplifting and robbery (mugging). Record 7 years old. Robbery was plead down to Larceny from a Person. Applicant explained circumstances. No evidence of rehabilitation.
07/09/1996	578	Unqualified	Dismissed	Applicant had only applied for federally subsidized housing. No appeal to DHCD.
07/16/1996	526		Dismissed	Request withdrawn by applicant.
07/25/1996	435	Priority	Remanded to LHA	Further fact finding required
08/01/1996	566		Dismissed	Case settled.
08/08/1996	447	Ineligible	Overtured LHA	Applicant is handicapped person of low income with no evidence of disqualifying behavior.
08/20/1996	532		Dismissed	Applicant failed to appear at DHCD hearing.

Dates	Case #	Type	Outcome	Summary
08/23/1996	491		Dismissed	Applicant withdrew request for review.
09/10/1996	476	Unqualified	Upheld LHA	18 offenses in 11 years 82-93. Misrepresented facts in the Sec. 8 program under which applicant received indirect assistance.
09/18/1996	513	Withdrawn	Overtured LHA	Applicant failed to provide requested information. Applicant misunderstood what was being requested.
09/25/1996	502		Dismissed	Applicant failed to exhaust administrative remedies. No private conference requested.
10/04/1996	554		Dismissed	Case reported settled.
10/09/1996	551		Dismissed	Case reported settled.
10/30/1996	588		Dismissed	Request for review withdrawn by applicant.
12/06/1996	590		Dismissed	Settled.
12/06/1996	457	Unqualified	Upheld LHA	Applicant plead guilty to assault with a firearm. Later renounced plea, explained that it was assault with a motor vehicle on abusers of his girlfriend. 14 months good conduct insufficient to show that applicant would not repeat.
12/10/1996	595		Dismissed	Applicant failed to appear at DHCD hearing.

Dates	Case #	Type	Outcome	Summary
12/12/1996	533	Unqualified	Remanded to LHA	Applicant rejected for failure to pay eviction costs. LHA had not billed the Applicant. LHA "wrote off" the debt. Actual basis was moving, storage and constable fees. Remanded to LHA to determine whether it waived the charges by "writing off" the debt.
12/17/1996	619		Dismissed	Applicant failed to exhaust administrative remedies. No private conference requested.
12/30/1996	613		Dismissed	Request for review withdrawn by Applicant.
01/02/1997	582	Unqualified	Remanded to LHA	Applicant found unqualified because of bad landlord reference. Reference did not contain identity of respondent Landlord as required by the regulation.
01/02/1997	597	Unqualified	Dismissed	Applicant was found ineligible for "residual tenancy". LHA's policy never approved by DHCD. Applicant living in federally subsidized housing.
01/03/1997	583	Priority	Dismissed	Case reported settled prior to hearing.
01/08/1997	577	Unqualified	Upheld LHA	Ten year criminal history. Shoplifting, Larceny, drug charges. Recovering from heroin addiction for 14 months. AIDS patient, some physical limitations.
01/13/1997	574	Unqualified	Upheld LHA	Applicant had record of drug dealing and A & B w. DW. Six years since conviction, four years since release from prison. On parole. Case appealed to Superior court.

Dates	Case #	Type	Outcome	Summary
01/16/1997	589	Withdrawn	Dismissed	Applicant had failed to attend eligibility interview. Applicant was in nursing home, wife can't read english. Wife provided verification of nursing home and letter from applicant removing his name from application, permitting her to be head of household.
01/31/1997	593	Unqualified	Upheld LHA	Husband no longer household member. Nonpayment due to injury and job loss, and due to misunderstanding about rent. Applicant couldn't obtain landlord references for past five years. Admitted eviction for nonpayment at next to last tenancy. Last tenancy very bad landlord reference.
02/03/1997	599	Unqualified	Remanded to LHA	Applicant proved that case pending against him for A & B was dismissed. Claimed that girlfriend's record of Prostitution and Larceny really belonged to her sister. No documentation. Remanded for LHA to give Applicant 90 days to appeal to CHSB.
02/06/1997	594	Unqualified	Remanded to LHA	1 incident of domestic violence. Wife/victim testified favorably. Did rehab program. Applicant was defaulted at private conference. His counsel didn't get notice.

Dates	Case #	Type	Outcome	Summary
02/07/1997	609	Priority	Remanded to LHA	Applicant found to be "homeless" preliminarily. At screening, found to have moved out of shelter and back to grandmother's house where she had previously resided for 4 years. Applicant provided new documentation of "homelessness" at hearing.
02/10/1997	556		Dismissed	Applicant withdrew request for review.
02/21/1997	473	Unqualified	Remanded to LHA	LHA to weigh the applicant's criminal history against the evidence of mitigating circumstances and/or rehab.
02/25/1997	572		Dismissed	Applicant failed to appear at DHCD hearing.
02/25/1997	587	Withdrawn	Remanded to LHA	Applicant withdrawn for failure to provide addresses and Landlord references for past five years. LHA failed to consider evidence presented at private conference.
02/26/1997	486	Unqualified	Upheld LHA	Applicant evicted for nonpayment. Claimed husband lost job. Mitigating circumstances not credible. Interprets LHA Tenant Selection Plan language.
02/28/1997	608		Dismissed	Case reported settled before hearing.
03/04/1997	614	Unqualified	Upheld LHA	Applicant had history of shoplifting, MV violations and A & B w. DW. Drug rehab; was in recovery 3 months at the time found unqualified.
03/05/1997	617		Dismissed	Applicant failed to appear at DHCD hearing.

Dates	Case #	Type	Outcome	Summary
03/06/1997	462	Unqualified	Upheld LHA	Bad landlord reference.
03/06/1997	612	Unqualified	Upheld LHA	Applicant evicted by LHA for nonpayment 2 years prior. Applicant claimed didn't get notice because incarcerated. Applicant claimed no income while in prison.
03/10/1997	610		Dismissed	Request for review withdrawn by applicant.
03/20/1997	601	Withdrawn	Dismissed	Applicant provided documentation and LHA reinstated application.
03/24/1997	633	Unqualified	Remanded to LHA	LHA failed to send private conference decision to applicant.
03/31/1997	621		Dismissed	Applicant withdrew request for hearing.
04/02/1997	484	Withdrawn	Overtured LHA	LHA withdrew application because applicant failed to provide information. Applicant subsequently provided information about all relevant time periods.
04/03/1997	632	Priority	Upheld LHA	Applicant living with his wife and newborn baby in overcrowded condition in father's house. Father in poor health.
04/03/1997	620	Priority	Upheld LHA	Applicant failed to provide verification from an acceptable source.
04/14/1997	625		Dismissed	Applicant failed to appear at DHCD hearing.
04/23/1997	604	Withdrawn	Dismissed	Applicant failed to appear at hearing.

<u>Dates</u>	<u>Case #</u>	<u>Type</u>	<u>Outcome</u>	<u>Summary</u>
04/24/1997	607	Unqualified	Upheld LHA	Applicant admitted to possession of cocaine in Dec. 1994. Given probation for 18 mos. Violated probation in July 1995, committed for 30 days. Also had 15 year old conviction for A & B & Larceny from a person.
04/30/1997	489	Priority	Remanded to LHA	Occupant alleged to be cause of fire rendering applicant homeless. LHA's tenant selection plan unclear as to whether priority should be granted in this situation.
04/30/1997	536	Withdrawn	Remanded to LHA	Application withdrawn for failure to provide information on pending CORI. At DHCD hearing Applicant proved that charge was dropped.
05/08/1997	498	Withdrawn	Overtured LHA	Applicant did not receive letter requesting further documentation. Letter was returned to LHA by post office.
05/13/1997	585	Unqualified	Upheld LHA	Applicant had 14 convictions over 21 years. 8 were motor vehicle. 1 drug possession. 5 other convictions, all within the past 4 years, were for Disorderly, Receiving Stolen Property, Threats, and Harrassing Telephone calls.