

**DHCD TENANT SELECTION
ADJUDICATORY HEARING**

DECISION INDEX
VOLUME IV

Includes all decisions made between May 19, 1998 and November 13, 1998.

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

All identifying information will be deleted from copies provided.

From 05/19/1998 To 11/13/1998

Dates	Case #	Type	Outcome	Summary
05/27/1998	752	Withdrawn	Dismissed	Applicant only filed application for federally subsidized housing.
05/27/1998	735	Unqualified	Upheld LHA	Applicant convicted of Possession of Class B, Manufacturing Class A and conspiracy to violate the controlled substances act. Was released from custody in 1992. Had received counseling and had good references.
05/29/1998	764		Dismissed	Case moot; LHA restored applicant to the waiting list.
06/05/1998	704	Unqualified	Remanded to LHA	Applicant disqualified based on failure to provide information, nonpayment, poor housekeeping and damage to the premises in a prior tenancy. Insufficient evidence of damage and poor housekeeping. LHA cannot disqualify for failure to provide information where information is tendered prior to Notice of Disqualification being sent. LHA applied wrong standards on nonpayment and Applicant failed to provide sufficient evidence of mitigating circumstances so remanded for redetermination.
06/08/1998	757	Unqualified	Dismissed	Tenant was appealing denial of addition of household member. Only administrative remedy is grievance hearing in this situation.
06/11/1998	769		Dismissed	Applicant withdrew request for review.

From 05/19/1998 To 11/13/1998

Dates	Case #	Type	Outcome	Summary
06/15/1998	744	Unqualified	Upheld LHA	Applicant had long CORI for Disorderly, A & B and Malicious Destruction, most recent case in 1995. After receiving disqualification notice, Applicant forced her way into LHA office and verbally assaulted the Tenant Selector, putting her in fear for her personal safety.
06/23/1998	748	Unqualified	Dismissed	Applicant failed to appear at hearing.
06/24/1998	637	Unqualified	Upheld LHA	Elderly tenant agreed to vacate in an eviction case brought for her disturbance and threats of neighboring tenants. Landlord testified that although she had been a bad tenant in his building, he thought that her conduct would be better in another environment with people of her own age.
06/24/1998	758		Dismissed	Applicant failed to appear for hearing.
06/30/1998	760	Unqualified	Upheld LHA	Applicant admitted to one A & B, and is currently in a court ordered residential drug treatment program for addiction to crack cocaine.
07/02/1998	759	Unqualified	Upheld LHA	Applicant was household member of existing tenant. Letter from police officer documented his possession of marijuana and A & B on police officer in the development.

From 05/19/1998 To 11/13/1998

Dates	Case #	Type	Outcome	Summary
07/10/1998	763	Unqualified	Overtured LHA	Applicant had 2 bad landlord references. One said that the Landlord asked the Applicant to leave because he owed money to other tenants and hadn't paid them back, and that he had "been destructive in the premises." There were no details provided. The other said that the Applicant left in good standing, but had unauthorized occupants in the unit.
07/14/1998	756	Withdrawn	Dismissed	LHA restored Applicant to waiting list. Case moot.
07/22/1998	771	Unqualified	Dismissed	Case settled.
08/06/1998	775	Priority	Upheld LHA	Applicant failed to show that rent was in excess of 50% of household income as required by the LHA's Plan.
08/24/1998	778	Unqualified	Upheld LHA	Applicant had history of nonpayment of rent at prior tenancy. Rent did not exceed 50% of gross income. Tenant's income had actually increased during the tenancy, and the rent remained the same.
08/25/1998	784	Priority	Dismissed	Applicant withdrew request for review.
08/26/1998	776	Unqualified	Upheld LHA	Applicant had caused a fire and disrupted other tenants at her prior residence according to a landlord reference.
08/26/1998	783	Unqualified	Upheld LHA	Applicant had ten year record of criminal activity for shoplifting, larceny and possession with intent to distribute marijuana which she said was caused by her addiction to heroin.

From 05/19/1998 To 11/13/1998

Dates	Case #	Type	Outcome	Summary
09/09/1998	628	Unqualified	Upheld LHA	Applicant had been charged with of B & E in the Nighttime with Intent, A & B with a D.W., A&B and Murder between 1947 and 1974. He was convicted of Murder in 1948, sentenced to life in prison and subsequently paroled after 20 years. Applicant showed rehabilitation, but not mitigating circumstances. Due to severity of crime, insufficient showing was made that crime would not reoccur.
09/09/1998	777		Dismissed	Applicant failed to appear.
09/14/1998	780	Priority	Upheld LHA	Applicant's eviction for nonpayment of rent did not qualify as Displaced by Landlord without fault under LHA's Emergency Case Plan. Mere fact of disability does not meet the criteria for Displaced by Acute Medical Emergency under the Plan.
09/14/1998	781	Priority	Upheld LHA	Applicant evicted for nonpayment of rent and moved in with his mother. Applicant failed to prove that he was paying in excess of 40% of income for rent as required by LHA's plan. Further, Applicant now living in standard suitable replacement housing, since he was paying his mother rent and her condominium is not overcrowded.
09/17/1998	766	Unqualified	Remanded to LHA	Applicant applied for continued occupancy as remaining member of a tenant household. LHA followed its federal policy which had not been approved by DHCD as a waiver to the regulation. Applicant never received a Private Conference.
09/20/1998	761		Dismissed	Settled.
09/23/1998	749		Dismissed	Case settled.

From 05/19/1998 To 11/13/1998

Dates	Case #	Type	Outcome	Summary
10/20/1998	787	Withdrawn	Dismissed	Settled.
10/26/1998	792	Unqualified	Upheld LHA	Applicant had recent conviction for Assault & Battery.
10/30/1998	794	Unqualified	Remanded to LHA	Applicant disqualified for nonpayment of rent and damage to the premises in a previous tenancy. Applicant was late on rent but was fully paid at the time she vacated. Landlord reference was unclear regarding damage; Applicant admitted minor damage. Overturned LHA regarding rent, remanded for further consideration of damage.
10/30/1998	788	Priority	Dismissed	Moot
11/02/1998	791	Unqualified	Upheld LHA	Applicant had CORI consisting of conviction of Attempted Arson of a MV in 1996 and Disorderly Person and Trespassing in 1992. No causal connection shown between alcohol abuse and crimes.
11/03/1998	774	Withdrawn	Dismissed	Applicant only applied for federally subsidized housing.
11/09/1998	782	Withdrawn	Dismissed	Applicant only applied for federally subsidized housing.
11/13/1998	801	Unqualified	Upheld LHA	Applicant had 28 year history of criminal activity, not outweighed by 11 months of sobriety and good Landlord references from other more rural LHAs.

From 05/19/1998 To 11/13/1998

Dates	Case #	Type	Outcome	Summary
11/13/1998	444	Unqualified	Remanded to LHA	Applicant had two convictions of armed bank robberies in 1980 and 1984; and one conviction of larceny from a person in 1980. LHA did not consider much of the evidence of rehabilitation. Applicant failed to provide any evidence of current psychiatric condition.

