

**DHCD TENANT SELECTION
ADJUDICATORY HEARING**

DECISION INDEX
VOLUME V

Includes all decisions made between November 14, 1998 and May 17, 1999.

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

All identifying information will be deleted from copies provided.

From 11/14/1998 To 05/17/1999

Dates	Case #	Type	Outcome	Summary
12/15/1998	790	Withdrawn	Overtured LHA	Applicant failed to provide verification of out of state tenancy. LHA had referenced the wrong apartment number on the inquiry that was sent to the Landlord. Applicant's attorney obtained reference from Landlord for tenancy and made diligent search for former roommate at prior address.
12/17/1998	795	Unqualified	Remanded to LHA	Applicant had conviction 14 years previously for Indecent A&B for which he was sentenced to 1 year's probation. The original charge was Rape of a Child, but this charge was reduced to Indecent A&B. All of the LHA decisions referenced the initial Rape allegation, even though the Applicant had his CORI corrected, and the now corrected CORI did not mention the Rape charge.
12/18/1998	793	Unqualified	Upheld LHA	Applicant convicted of A & B and Malicious Destruction of Property and shoplifting between 1985-1990. In 1997, she plead guilty to Larceny after her recovery from substance abuse.
01/04/1999	808	Unqualified	Remanded to LHA	Applicant is disabled individual who had criminal record for larceny in 1992. He stole building materials from his employer and sold them to pay drug and gambling debts. He also owns a 102 pound Rotweiler dog. LHA disqualified him for CORI and dog. Remanded because dog not reason for disqualification. LHA needs to look at mitigating circumstances and decide solely on CORI.

From 11/14/1998 To 05/17/1999

Dates	Case #	Type	Outcome	Summary
01/07/1999	805	Priority	Upheld LHA	Applicant's name dropped to bottom of waiting list for refusal of offer of housing. Wanted to be near Doctor's office. Inconvenience not good cause for refusal.
01/14/1999	802	Unqualified	Upheld LHA	Applicant was barred from two homeless shelters on account of drunk and disorderly behavior and violating shelter rules by bringing in alcohol.
01/15/1999	806	Priority	Remanded to LHA	Applicant was approved for priority status and put on citywide waiting list in accordance with LHA's plan. She rejected offer of unit claiming she had "good cause" for assignment to particular area. New documentation offered at hearing not previously considered by LHA. LHA also failed to address issue of request for "reasonable accomodation" on account of disability.
01/26/1999	809		Dismissed	Applicant withdrew request for review.
02/01/1999	770	Unqualified	Upheld LHA	Applicant convicted of Larceny and Possession of Class C in 1996. Offenses committed in 1990; Applicant evaded prosecution for 9 years using an alias and false birthdate. Applicant is mentally ill and recovering from alcoholism. Had four months sobriety at the time of the hearing.
02/03/1999	811	Withdrawn	Dismissed	Settled.
02/17/1999	817	Unqualified	Upheld LHA	Applicant had been recently evicted by another housing authority for nonpayment of rent. Had kited three rent checks and breached an installment payback agreement. Had CORI for Larceny (by check.)

From 11/14/1998 To 05/17/1999

Dates	Case #	Type	Outcome	Summary
02/22/1999	810	Unqualified	Overturned LHA	Applicant for congregate housing determined unqualified because he had previously been in congregate housing and requested 3 transfers in 6 years and had a dispute with another resident who was burning incense and aromatic candles in his room which triggered the Applicant's asthma. LHA transferred the Applicant to a small room and he vacated after a couple of months due to his claustrophobia. No grounds for denial in the LHA's Tenant Selection Plan. Applicant entitled to reasonable accomodation for disabilities.
03/08/1999	563	Withdrawn	Upheld LHA	Applicant's application was withdrawn because he failed to supply LHA with necessary information (names, addresses & phone numbers of previous landlords).
03/11/1999	559	Unqualified	Overturned LHA	Applicant's CORI had 18 offenses between 1979 and 1990: 6 shoplifting, 2 receiving stolen property, one attaching mv plates, one larceny and the rest drug possession charges.
03/11/1999	818	Unqualified	Upheld LHA	Applicant for congregate housing found unsuitable by Multi-Disciplinary Assessment Team because of lack of available services necessary to permit Applicant to live independently and perform essential lease obligations.

From 11/14/1998 To 05/17/1999

Dates	Case #	Type	Outcome	Summary
03/16/1999	799	Unqualified	Upheld LHA	Applicant was prior tenant of the LHA, whose tenancy was approved with reservations due to poor landlord reference for unauthorized occupants and disturbances. Similar problems began at LHA shortly after tenancy began. While investigating noise and traffic in the apartment the LHA discovered that tenant had moved out and an unknown, unauthorized person was occupying the unit.
03/18/1999	822	Withdrawn	Remanded to LHA	Application dropped to bottom of waiting list for refusal of housing offer without good cause. At the DHCD hearing, Applicant provided medical documentation showing good cause: Applicant's mental state would destabilize if she had to relocate away from health care provider who provided English translation services as well as having an established rapport with Applicant whose mental illness causes her to withdraw. Applicant's condition makes her unable to use public transportation.
03/19/1999	545	Unqualified	Upheld LHA	LHA found Applicant unqualified based on two negative landlord references which stated that she disturbed neighbors, and kept dirty pigeons in the apartment.

From 11/14/1998 To 05/17/1999

Dates	Case #	Type	Outcome	Summary
03/19/1999	819	Withdrawn	Upheld LHA	<p>Applicant dropped to bottom of waiting list for failure to accept offer of housing without good cause. Applicant had been harassed by people in neighborhood when he went to see the unit, and he had heard that it was in a bad neighborhood. Applicant had suffered from Bell's palsy and a bleeding ulcer and felt he should live near a hospital. These reasons did not meet the "good cause" criteria of the LHA's Tenant Selection Plan.</p>
03/23/1999	825		Dismissed	<p>Applicant applied to become a member of a household in a federally subsidized development.</p>
03/25/1999	820	Unqualified	Upheld LHA	<p>Applicant had been evicted from another LHA for drug activity two years prior to her application.</p>
03/30/1999	796	Unqualified	Dismissed	<p>Applicant had applied only for federally subsidized housing.</p>
04/14/1999	823	Withdrawn	Upheld LHA	<p>Applicant dropped to bottom of waiting list for failure to accept offer of housing without good cause. Applicant had been granted priority status and was then surprised when he was offered housing 9 days later. He didn't accept the offer and asked to be put on hold for 3 months. His reasons were that he wanted to have surgery on his arm, his cat was sick, and his friend's truck was broken down and he couldn't help him move. Since he didn't have the minor surgery until months after the offer, and there was no showing that moving would have aggravated his condition if he moved prior to that time, there was no good cause under the LHA's Tenant Selection Plan.</p>

From 11/14/1998 To 05/17/1999

Dates	Case #	Type	Outcome	Summary
04/28/1999	812	Unqualified	Dismissed	Applicant failed to appear for hearing.
05/04/1999	821	Withdrawn	Dismissed	Applicant failed to appear for hearing.
05/04/1999	832	Priority	Dismissed	LHA granted priority status requested by applicant. Case moot.
05/10/1999	816	Unqualified	Dismissed	Applicant only applied for federally subsidized housing.
05/13/1999	800	Unqualified	Remanded to LHA	Applicants' two younger brothers committed a murder on LHA property while living temporarily with Applicants. Applicants were Section 8 tenants at the time. The brothers were not listed as members of the household on the Applicants' lease or on their application for housing. No evidence was obtained by either party from the Landlord or from the Section 8 administering agency. Remanded to determine whether there was a material breach of the terms of the Section 8 tenancy.
05/13/1999	804	Ineligible	Remanded to LHA	Young disabled Applicant denied elderly/hp housing based on regulatory criteria. LHA found that since it was general knowledge that there were 4 subsidized private housing developments in town, it could not make the required finding under 760 CMR 5.07(2)(b) that low rent housing is not available in the community and that the Applicant is not faced with paying excessive rents. LHA did not submit sufficiently reliable evidence that housing in these developments was available, affordable and appropriate for the Applicant.