

**DHCD TENANT SELECTION
ADJUDICATORY HEARING**

DECISION INDEX
VOLUME VIII

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Includes all decisions made between May 18, 2000 and November 17, 2000.

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

All identifying information will be deleted from copies provided.

From 05/18/2000 To 11/17/2000

Dates	Case #	Type	Outcome	Summary
05/24/2000	917	Unqualified	Dismissed	Applicant withdrew request for review.
05/25/2000	894	Unqualified	Overtured LHA	Applicant found unqualified because of threatening behavior at LHA hearing. Applicant suffered from schizoaffective disorder and asked for reasonable accommodation.
05/30/2000	904	Unqualified	Upheld LHA	Applicant had seven year history of violent criminal activity and admitted to past history of drug abuse. Remains on probation for another 4 months for last conviction. Was evicted from prior Section 8 tenancy. Applicant had been in drug treatment for 18 mos, but showed no remorse nor appreciation of the wrongfulness of her misconduct.
05/31/2000	903	Unqualified	Upheld LHA	Applicant admitted that she failed to pay increase in rent and was evicted for nonpayment at previous tenancy.
06/13/2000	883	Unqualified	Overtured LHA	Applicant was named as defendant on c. 209A ex parte 10 day abuse prevention order.
06/14/2000	880	Withdrawn	Dismissed	Settled after hearing.
06/15/2000	907	Unqualified	Dismissed	Applicant withdrew request for review.
06/19/2000	914	Unqualified	Upheld LHA	Applicant had 35 year history of criminal activity. The most recent offense was in January, 1999. At time of hearing, had 6 months free from illegal opiate use. Mitigating circumstances insufficient to outweigh disqualifying misconduct.
06/23/2000	921		Dismissed	moot

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From 05/18/2000 To 11/17/2000

Dates	Case #	Type	Outcome	Summary
06/29/2000	909	Unqualified	Upheld LHA	Applicant had CORI including Possession with Intent to Distribute Crack Cocaine in 1997. Also had bad landlord reference from Project based Section 8 which stated he was evicted for drugs in April 1998, and that his housekeeping was poor and that he damaged the premises by fire. City Inspectional services cited him for poor housekeeping. Although efforts have been taken, insufficient time had passed to conclude that the Applicant has been rehabilitated.
07/03/2000	912		Dismissed	Applicant withdrew request for review.
07/10/2000	892	Unqualified	Dismissed	Applicant applied to be added to an existing tenant household; grievance hearing is sole administrative remedy.
07/12/2000	891	Unqualified	Upheld LHA	Applicant had CORI for distribution of Class A & B drugs in 1995 and was sentenced to serve two years in prison, with two years probation which was terminated in January 1999.
07/13/2000	913	Unqualified	Overturned LHA	Applicant was evicted on execution for possession which entered on Agreement for Judgment in which landlord was to pay tenant a certain sum, and offered tenant an incentive payment for vacating the premises early. There was no judgment entered against the Applicant for money damages although the landlord brought the eviction case for nonpayment of rent.

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Confidential Sorted by Date of Decision

As of: 14-Dec-00

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From 05/18/2000 To 11/17/2000

Dates	Case #	Type	Outcome	Summary
07/17/2000	916	Unqualified	Overturned LHA	Applicant owed debt to the LHA for rent and eviction costs. LHA's tenant selection plan required disqualification of applicants for 6 years after default on financial obligation. Applicant applied to LHA more than 6 years after last debt accrued.
07/26/2000	918	Priority	Upheld LHA	Applicant was granted Priority status for homelessness because she had no regular, fixed, nighttime address. At the time of the eligibility interview, she was renting a room, and the LHA revoked her Priority status.
52 08/23/2000	925	Unqualified	Dismissed	Applicant failed to appear at hearing.
09/11/2000	887	Unqualified	Upheld LHA	LHA's tenant selection plan required disqualification for criminal activity that could adversely affect health, safety or welfare of other tenants. Applicant had history of welfare fraud for which she was still making restitution.
09/11/2000	927	Unqualified	Upheld LHA	Applicant had convictions for nine criminal offenses between 1984 and 1999 including Possession with Intent to Distribute Cocaine, Larceny by Check, Forgery, Uttering and Driving After License Suspension. On probation for most recent offense until June, 1999. Applicant's explanation regarding most recent offense, which took place after her rehabilitation, was not credible.

From 05/18/2000 To 11/17/2000

Dates	Case #	Type	Outcome	Summary
09/20/2000	924	Unqualified	Remanded to LHA	MRVP Applicant had criminal record of Assault & Battery on a Public Servant, Breaking & Entering in the Nighttime, Malicious Destruction, OUI, and multiple convictions for Receiving Stolen Property, Larceny and Credit Card Misuse within the previous five years. The LHA failed to notify the Applicant of her right to request reconsideration after the private conference.
10/02/2000	920	Unqualified	Upheld LHA	Applicant was former tenant of LHA who caused or participated in a number of disturbances while a tenant. She admittedly assaulted and battered her ex-husband in the lobby of the building in which he resided. She also destroyed her refrigerator by poking a sharp object through the freezer coils.
10/10/2000	911	Unqualified	Dismissed	Applicant withdrew request for review.
10/11/2000	928	Unqualified	Upheld LHA	LHA received terrible landlord reference from property manager in Florida. The manager claimed that the Applicant was disruptive and uncooperative, that she had men in and out of the premises at all hours, that the neighbors and the police complained repeatedly and that she was destructive of the property and her housekeeping was poor.
10/16/2000	936	Unqualified	Dismissed	Applicant had applied to become a member of his wife's household. No DHCD subject matter jurisdiction. Grievance procedure is sole administrative remedy under 760 CMR 5.05(4.)

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From 05/18/2000 To 11/17/2000

Dates	Case #	Type	Outcome	Summary
10/18/2000	933	Unqualified	Upheld LHA	Applicant had CORI in two previous years. B & E in the Night, Stalking, and Violations of Domestic Violence Order. Applicant is on probation until 11/2/2001, and is currently enrolled in treatment and domestic violence programs.
10/23/2000	938	Unqualified	Dismissed	Applicant applied only for federally subsidized developments. No DHCD jurisdiction to review LHA tenant selection decision.
10/31/2000	931	Unqualified	Upheld LHA	Applicant was Section 8 tenant under LHA's program for ten years. Inspections in all 3 units revealed damage and poor housekeeping. Applicant had 7 cats in the premises. Tenant had failed to pay rent in last tenancy, but the LHA was withholding rent for code violations. LHA had initiated termination proceedings against tenant for having unauthorized occupants, but case was settled by tenant reimbursing LHA for overpayment of LHA share of rent. Applicant also had ten year old CORI of Uttering, Larceny, Forgery, and receiving Stolen Property.
11/02/2000	866	Unqualified	Remanded to LHA	Applicant had CORI between 1988-1997 including Operating Under the Influence and Welfare fraud/Larceny. LHA did not determine whether criminal activity would interfere with or threaten the health, safety, peaceful enjoyment of LHA tenants or employees or the security of their property.

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