

**DHCD TENANT SELECTION
ADJUDICATORY HEARING**

**DECISION INDEX
VOLUME X**

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Includes all decisions made between May 18, 2001 and November 18, 2001.
Requests for copies of cases should be made by case number.
All identifying information will be deleted from copies provided.

From 05/18/2001 To 11/18/2001

Dates	Case #	Type	Outcome	Summary
05/23/2001	959	Unqualified	Upheld LHA	Applicant had record of A & B, Disorderly and Malicious Destruction in 1997; Threatening in 1996 and Possession with Intent to Distribute Class D in 1995.
05/29/2001	966	Unqualified	Overtured LHA	Applicant had been evicted by LHA for nonpayment 3 years previous to hearing. LHA's documents showed \$7 owed at time of eviction trial at which Applicant defaulted. Applicant was working as a day laborer which made rent difficult to calculate. Development was just taken over by private management at time of the eviction. Applicant contacted LHA during application process to pay outstanding arrears and was told that there was no record of debt.
05/30/2001	964	Withdrawn	Dismissed	Applicant reinstated to the waiting list. Case moot.
06/04/2001	967	Withdrawn	Upheld LHA	Applicant failed to respond to Notice of Final Screening within 10 days and LHA removed her application from all waiting lists. Applicant submitted letter with false information to corroborate her claim of that she failed to receive it. Upheld removal from waiting list for program that Applicant was being screened for, but reinstated her to waiting list for other programs.

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From 05/18/2001 To 11/18/2001

Dates	Case #	Type	Outcome	Summary
06/13/2001	974	Unqualified	Upheld LHA	Applicants were evicted in 1996 for nonpayment of rent. Subsequent landlord reference stated that the Applicants had poor housekeeping, owed rent, disturbed neighbors and left without notice. LHA and Applicants attempted to contact Landlord for specific details, but were unsuccessful. Disqualification upheld for history of nonpayment only.
06/15/2001	970	Unqualified	Upheld LHA	Applicant had 28 year history of criminal activity including Assault & Armed Robbery, B & E, A & B with a Dangerous Weapon, and numerous convictions for possession and distribution of drugs. Latest offense was in 1996 for which he was incarcerated. Insufficient mitigating circumstances and evidence of rehabilitation presented to outweigh disqualifying misconduct.
06/26/2001	972	Unqualified	Dismissed	Case settled.
06/28/2001	963	Priority	Upheld LHA	Applicant was residing with parents in apartment for 10 years. Applicant applied for public housing, listing his girlfriend and baby on his application. Applicant's girlfriend and baby began to stay in the Applicant's parent's apartment without authorization from the landlord. She called the Board of Health which found Sanitary Code Violations and lead paint. Neither the landlord nor the Board of Health took any legal action to remove the tenants. The landlord told the girlfriend that she was not authorized to stay there.

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From 05/18/2001 To 11/18/2001

Dates	Case #	Type	Outcome	Summary
07/06/2001	975	Unqualified	Upheld LHA	Applicant had CORI spanning from 1976 to 2001, including Larceny, Trespassing, Disorderly, Resisting Arrest, Assault & Battery with a Dangerous Weapon, Possession of a Class B Substance and Unarmed Robbery. At time of hearing, Applicant was still on probation and receiving alcohol treatment as a condition of probation. 8 months of sobriety insufficient to overcome 24 year criminal history.
07/17/2001	977	Unqualified	Overturned LHA	Applicant was former tenant of LHA. During that tenancy, the police seized drugs out of the Applicant's apartment which belonged to her guest. The LHA tried to evict her but lost in court. Applicant also was paying rent on an installment plan and she left owing a few months rent.

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From 05/18/2001 To 11/18/2001

Dates	Case #	Type	Outcome	Summary
07/25/2001	973	Priority	Remanded to LHA	<p>Applicant was displaced due to a fire, and moved in with her mother and had resided there almost one year at the time of the hearing. LHA denied Priority status because:(1) it found her principal residence to be with her mother, and (2) she failed to show she had made reasonable efforts to locate alternative housing. At the DHCD hearing, the Applicant provided evidence that she still had her household goods in storage, and that her mother's home was too small for her family. She also provided evidence that her mental health was adversely affected by her living situation. Finally, she provided evidence that her housing search was limited due to the need to access the special needs housing program attended by her son. Because substantial new evidence was provided at the hearing, the case was remanded to the LHA for redetermination.</p>
08/02/2001	971	Unqualified	Upheld LHA	<p>Applicant had convictions for violation of the Abuse Prevention Act, and Assault & Battery in 1993 for which he was sentenced to 2 1/2 years, 6 months incarcerated. The Applicant's testimony that he was innocent was not credible.</p>
08/06/2001	984	Withdrawn	Dismissed	settled.

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From 05/18/2001 To 11/18/2001

Dates	Case #	Type	Outcome	Summary
08/08/2001	979	Unqualified	Upheld LHA	Applicant had CORI from 1988-1998 including Possession of Heroin, Possession of Cocaine, Distribution of Heroin, Possession of a Hypodermic, and Trespassing. Although the Applicant showed mitigating circumstances, insufficient time had passed to show reasonable probability of favorable future conduct.
08/09/2001	982	Unqualified	Overtured LHA	Applicant disqualified based on poor credit history unrelated to nonpayment of rent or material lease violation. Poor credit unrelated to prior tenancies is not grounds for disqualification under the regulation.
08/15/2001	980	Unqualified	Dismissed	Applicant failed to appear at hearing.
08/24/2001	978	Unqualified	Overtured LHA	Applicant's CORI showed three pending charges in 1999 for Disorderly Conduct, Larceny Over, and Making False Representations to the Welfare Dept. to secure support. Applicant had admitted to sufficient facts on the Disorderly Conduct charge. There were mitigating circumstances sufficient to overcome the disqualifying misconduct.
08/27/2001	987	Withdrawn	Dismissed	Settled.

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From 05/18/2001 To 11/18/2001

Dates	Case #	Type	Outcome	Summary
09/20/2001	985	Unqualified	Upheld LHA	Applicant plead to charge of A&B with a Dangerous Weapon and was placed on probation for a year to end January 7, 2002. Applicant was ejected from a homeless shelter in April, 2000 for disruptive conduct and poor housekeeping. While the Applicant had a short period of rehabilitation while under intense supervision, it is insufficient to outweigh her disqualifying misconduct.
09/27/2001	981	Unqualified	Upheld LHA	Applicant had been incarcerated until 2000 for Unarmed Robbery on a Person Over 65; had previous criminal convictions. Applicant failed to list address from which he was evicted for nonpayment of rent in 1997. Applicant had stated that he had not lived in subsidized housing, when the housing that he was residing in at the time of his eviction was subsidized, and the SRO in which he was residing at the time of his application and also failed to list was also subsidized. Mitigating circumstances don't outweigh criminal record or nonpayment. Very poor credibility.
10/04/2001	988	Unqualified	Upheld LHA	Applicant had long record of criminal convictions from 1975-1999 and was still on probation for his most recent offenses, Larceny and Breaking & Entering.
10/04/2001	989	Preference	Upheld LHA	Applicant wanted local resident preference because he was born and raised in the town even though he had not lived there for 40 years.

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From 05/18/2001 To 11/18/2001

Dates	Case #	Type	Outcome	Summary
10/04/2001	993	Unqualified	Remanded to LHA	Applicant was a former XHA tenant with a record of poor housekeeping and damage to the premises. Applicant's attorney asked for a second private conference to address issues not sufficiently raised by the first notice. Remanded to XHA for further screening and a new private conference.
10/04/2001	995	Unqualified	Dismissed	Applicant failed to appear for hearing.
10/15/2001	986	Withdrawn	Overtured LHA	Applicant did not respond to LHA Notice of Final Screening, and LHA removed his application from the waiting list. Applicant had not changed addresses. He had his name on the mailbox, and offered no explanation for why the mail was not received. Applicant found to be credible.
10/19/2001	969	Unqualified	Upheld LHA	Applicant had convictions for A&B on a P.O., Disorderly Conduct and Resisting Arrest in 1998. Applicant's testimony concerning the underlying facts was not credible. Applicant also had poor landlord reference from another LHA, which she did not disclose on her application. The Applicant admitted that she was evicted for nonpayment, but claimed that she had no income at the time. She also admitted that she intentionally failed to list the other LHA on her application because the LHA was racist and biased against her. The LHA's TSP did not allow disqualification on this basis.

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From 05/18/2001 To 11/18/2001

Dates	Case #	Type	Outcome	Summary
10/22/2001	983	Priority	Upheld LHA	Applicant denied Homeless Priority because she had been continuously residing with her mother since she came from Haiti in 1996. Applicant claimed that her mother had asked her to leave because a neighbor informed the landlord that there were too many occupants in her apartment. Applicant was not displaced, nor was she about to be displaced.
10/29/2001	994	Withdrawn	Dismissed	Settled
11/05/2001	1002	Priority	Dismissed	Settled.
11/13/2001	997	Withdrawn	Remanded to LHA	Application removed from the waiting list for failure to accept unit offer. Applicant had refused two units and brought letters from her physician verifying that she could not climb stairs and couldn't be in a basement apartment. When offered a third unit, the Applicant refused because the parking lot was too far from the building. At the Private Conference, the Applicant stated that some of the parking spaces might have been appropriate, but the LHA could not tell her which parking space would be assigned to her. Remanded to permit the Applicant to provide documentation of her need for a car and the limitations on the distance that she is capable of walking.

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From 05/18/2001 To 11/18/2001

Dates	Case #	Type	Outcome	Summary
11/15/2001	998	Unqualified	Upheld LHA	LHA did routine home visit inspection after notice and found accumulations of flammable materials. The LHA Executive Director did another inspection at the Private Conference and while the accumulations were somewhat abated, there was still a lot of clutter and a large cigarette burn hole was found in the rug in front of the couch. The Applicant is a smoker. There was no evidence that if the Applicant were made an LHA tenant that the fire hazard would be unlikely to reoccur.

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