

**DHCD TENANT SELECTION
ADJUDICATORY HEARING
DECISION INDEX
VOLUME XI**

Includes all decisions made between November 19, 2001 and May 17, 2002.
Requests for copies of cases should be made by case number.
All identifying information will be deleted from copies provided.

9/22/02

From 11/19/2001 To 05/17/2002

Dates	Case #	Type	Outcome	Summary
12/04/2001	1001	Priority	Overtured LHA	Applicant was granted Condemnation priority when she was displaced from an illegal apartment. The LHA subsequently determined that she was paying part of the rent in an apartment that she later moved into, and it revoked the Priority. The LHA's tenant selection plan did not provide for revocation of the priority on this basis.
12/04/2001	991	Unqualified	Upheld LHA	Applicant's prior subsidized housing landlord gave bad reference, stating that the Applicant was under eviction for criminal activity in the premises, and that she had unauthorized occupants living with her and kids hanging around.
12/10/2001	1008	Priority	Dismissed	Applicant failed to appear.
12/11/2001	1000	Unqualified	Upheld LHA	Applicant had conviction for Assault & Battery and would be on probation until 2/26/02. Applicant stated on her application that she had never been arrested or convicted of a crime.
12/12/2001	1009	Withdrawn	Dismissed	Applicant had only applied for federally subsidized housing.
12/13/2001	1004	Unqualified	Upheld LHA	Applicant had convictions for Possession of Class B with Intent to Distribute in 1999 and Possession of Crack Cocaine in 1996. Applicant's denial that she knew anything about the drug raid in her apartment in 1999, but was advised to plead guilty was not credible.

From 11/19/2001 To 05/17/2002

Dates	Case #	Type	Outcome	Summary
12/14/2001	1005	Unqualified	Overtured LHA	Applicant disqualified for failure to meet financial obligations. Applicant owed \$2000 to phone company and had 10,000 of credit card debt. LHA made no showing that the Applicant failed to pay rent or any other amounts required by a tenancy agreement.
01/04/2002	1013	Unqualified	Upheld LHA	Applicant had conviction in 1997 for Disorderly Person, and convictions in 1984 for Armed Robbery, Unlawfully Carrying a Firearm and Possession of Ammunition for which he spent four and one half years in prison. The Applicant attributed his criminal history to substance abuse, but provided no evidence of his recovery from substance abuse or corroboration that his crimes were caused by substance abuse.
01/08/2002	1011	Priority	Dismissed	Applicant failed to appear for hearing.
01/28/2002	1015	Priority	Upheld LHA	LHA denied Priority for paying excess rent because Applicant was not paying over 50% of income for rent and utilities. Although at the time of the DHCD hearing the Applicant's rent had increased, it was still not 50% of her gross household income.
01/29/2002	1029	Withdrawn	Dismissed	Applicant failed to appear for hearing.
01/31/2002	1023		Dismissed	Applicant withdrew request for review.

From 11/19/2001 To 05/17/2002

Dates	Case #	Type	Outcome	Summary
02/01/2002	1016	Unqualified	Upheld LHA	Applicant applied to assume tenancy of deceased girlfriend. The LHA rejected him because he had a conviction for cocaine possession. Applicant did not reside at the premises until two weeks after her death. The regulations are clear that only an adult Household member who has been on the lease for one year may apply to sign a lease with the LHA after the lessee has vacated.
02/15/2002	1025	Unqualified	Upheld LHA	Applicant had four convictions in 1986 for Assault with a Dangerous Weapon,; Firearm, Assault & Battery with a Dangerous Weapon, Carrying a Dangerous Weapon and Assault with Intent to Kill. Applicant had four convictions in 1988 for Tax Evasion, Conspiracy to Defraud the US, Aiding and Abetting Distribution of Cocaine and Conspiracy to Violate the Controlled Substances Law. Applicant had spent 9 years in prison, and was released on parole in 1995. He returned to prison for a violation of parole in 2000, and served 5 months. He is on parole until 2008.
02/27/2002	1028	Unqualified	Upheld LHA	Applicant had long criminal history from 1964 to 2001, including violent and drug related activity. Insufficient mitigating circumstances shown.

From 11/19/2001 To 05/17/2002

Dates	Case #	Type	Outcome	Summary
03/07/2002	1027	Unqualified	Upheld LHA	Applicant had been staying with friend off and on since 1996, but claimed to be an illegal occupant and the friend would not tell her the landlord's name or address. In such cases, the LHA requires verification from the shelter provider and a neighbor. The Applicant stated that she did not know any of the neighbors and could not get verification.
03/07/2002	1031	Unqualified	Dismissed	Settled
03/08/2002	1032	Unqualified	Upheld LHA	Applicant had conviction for distribution of a Class B substance in 1998. Her Section 8 subsidized apartment was raided by police and she was evicted and was terminated from the Section 8 program.
03/12/2002	1037		Dismissed	Applicant failed to appear.
03/12/2002	1021		Dismissed	Applicant failed to appear.
03/20/2002	1038	Priority	Upheld LHA	Applicants immigrated to the US and could not live with their sponsor because she was living in public housing. They had been living doubled up with another friend since their arrival. This situation does not meet the definition of Homeless in the LHA's Tenant Selection Plan, and the Applicants were not entitled to any other Priority because they were not involuntarily displaced.

From 11/19/2001 To 05/17/2002

Dates	Case #	Type	Outcome	Summary
03/26/2002	1017	Unqualified	Remanded to LHA	Applicant was prior tenant of the LHA who had left without notice. There was damage to the apartment for which the Applicant paid in full after her initial disqualification. No evidence as to what the damage was. Documents presented as evidence raised questions about the Applicant's credibility.
04/02/2002	1039	Unqualified	Dismissed	Applicant applied only for federally subsidized housing.
04/05/2002	1041	Unqualified	Upheld LHA	Applicant was disqualified based on a single conviction of Possession with intent to Distribute Cocaine in 1998. The disqualification was overturned after a Private Conference. The LHA disqualified her again for a 2001 conviction for Operating after Suspended License and a number of other convictions that occurred prior to 1998. The new conviction showed a pattern or criminal behavior that was not overcome by mitigating circumstances.
04/17/2002	1024	Unqualified	Dismissed	settled.
04/22/2002	1026	Unqualified	Upheld LHA	Applicant had history of criminal convictions for illegal drugs and larceny. The most recent offenses occurred in 2000. In sufficient time had passed to create likelihood of favorable future conduct.
04/23/2002	1045	Priority	Dismissed	Applicant failed to appear.

From 11/19/2001 To 05/17/2002

Dates	Case #	Type	Outcome	Summary
04/24/2002	1048	Unqualified	Dismissed	LHA refused to allow tenant to add a member to his household because the member was unqualified. Pursuant to 760 CMR 5.05(4), the tenant's sole administrative remedy is to file a grievance under the LHA's grievance procedure.
05/02/2002	1066		Dismissed	Applicant only applied for federal housing (Section 8.)
05/07/2002	990	Priority	Dismissed	Applicant failed to appear for hearing.
05/10/2002	1043	Unqualified	Upheld LHA	Applicant was evicted from the LHA and owed five months back rent and court costs. She was evicted because members of her household had committed a racially motivated assault and battery and possessed illegal drugs on the premises.