

**DHCD TENANT SELECTION
ADJUDICATORY HEARING**

**DECISION INDEX
VOLUME XVII**

Includes all decisions made between November 22, 2004 and May 20, 2005.
Requests for copies of cases should be made by case number to the DHCD Legal Office.
All identifying information will be deleted from copies provided.

From 11/22/2004 To 05/20/2005

| Dates | Case # | Type | Outcome | Summary |
|------------|--------|-------------|-----------------|---|
| 11/23/2004 | 1237 | Ineligible | Dismissed | Application to add member to tenant household. Appeal is through grievance hearing, not DHCD review. |
| 11/29/2004 | 1226 | Priority | Upheld LHA | Applicant moved into a domestic violence shelter in January, 2003 and applied for housing with the LHA on December 29, 2003. She was denied domestic abuse priority because she did not show that her abuser lived with her and that the abuse took place with 6 months as required by the LHA's Plan. |
| 12/07/2004 | 1227 | Unqualified | Upheld LHA | Applicant had history of Possession of a Class B Substance, Public Drinking and Disturbing the Peace, and denied on his application that he had a criminal record. As mitigating circumstances, he claimed that the police lied on their report concerning the drug charge, and that the other offenses were before he went into recovery from alcoholism. Applicant's credibility was very poor and the evidence of mitigating circumstances was not sufficient to overcome disqualifying misconduct. |
| 12/13/2004 | 1221 | Unqualified | Remanded to LHA | LHA received bad landlord references containing allegations that were too vague to determine whether they would be grounds for disqualification under the regulations. Nonpayment of rent would only be disqualifying if the LHA determined that the Applicant did not pay over 50% of her income and there were no other mitigating circumstances sufficient to outweigh the disqualifying misconduct. Remanded to the LHA to make this determination and to consider evidence not previously provided by the Applicant. |

From 11/22/2004 To 05/20/2005

| Dates | Case # | Type | Outcome | Summary |
|------------|--------|-------------|-----------------|--|
| 12/13/2004 | 1238 | | Dismissed | Applicant failed to appear for hearing. Applicant applied for federally subsidized housing only. |
| 12/13/2004 | 1239 | Unqualified | Upheld LHA | LHA discovered poor housekeeping at present residence during home inspection. Applicant did not deny cluttered and dirty conditions but thought they should be excused because of overcrowding, and the low income and physical impairments of the occupants. Applicant proposed remedial measures to be implemented if he were offered LHA housing, but had not implemented any at the time of the hearing. |
| 12/23/2004 | 1228 | Unqualified | Upheld LHA | Applicant had history of serious criminal activity including trafficking cocaine for which he served a lengthy period of incarceration. Short period of treatment insufficient to underlie reliable finding that criminal activity will not reoccur. |
| 12/29/2004 | 1234 | Unqualified | Overtured LHA | LHA received poor landlord reference stating that the Applicant was frequently late in his rent payments and that his room was filthy. Late payment of rent is not a reason for disqualification. Evidence was insufficient to establish poor housekeeping that would be disqualifying under the regulation. |
| 01/10/2005 | 1241 | Unqualified | Remanded to LHA | Applicant was unable to provide landlord reference because he was an unauthorized member of tenant household in subsidized housing in NY and MA. Remanded to LHA with instructions to use substitute verification to screen applicant. |
| 01/19/2005 | 1248 | Preference | Dismissed | Settled. |

From 11/22/2004 To 05/20/2005

| Dates | Case # | Type | Outcome | Summary |
|------------|--------|-------------|-----------------|---|
| 01/31/2005 | 1183 | Unqualified | Upheld LHA | Applicant had lengthy history of criminal activity including Possession with Intent to Distribute Crack Cocaine in 2004 for which the Applicant was sentenced to 6 months incarceration. |
| 02/02/2005 | 1242 | Unqualified | Upheld LHA | Applicant had history of drug related criminal activity over 19 years, was released from prison less than one year ago and is on supervised release with the US Probation Office until 2007. |
| 02/04/2005 | 1244 | Unqualified | Remanded to LHA | Applicant's girlfriend was terminated from the MRVP because she was a former owner of the property along with him and because she was a mortgagor at the time of her MRVP tenancy. It was also alleged that he was an unauthorized occupant of the premises, and the MRVP program administrators alleged that Applicant was a participant in a fraud on that program. Applicant cannot be held responsible for his girlfriend's violations of her program obligations. Remanded back to the LHA for a determination based on the Applicant's conduct. |
| 02/04/2005 | 1247 | Unqualified | Upheld LHA | Applicant had been evicted from another LHA for disruptive behavior of his guests. He was also asked to leave a shelter because he failed a drug test. No mitigating circumstances were shown. |
| 02/07/2005 | 1251 | Ineligible | Upheld LHA | Applicant was disabled by sensory neuropathy caused by alcoholism. Although this could be a qualifying impairment under the regulation, the Applicant's physician did not provide any details and the Applicant admitted that his ability to live in conventional housing was not impeded. |

From 11/22/2004 To 05/20/2005

| Dates | Case # | Type | Outcome | Summary |
|------------|--------|-------------|------------|---|
| 02/25/2005 | 1253 | Unqualified | Upheld LHA | Applicant had twenty year criminal history ending in 2001 which included crimes of violence, theft and illegal drug activity for which he was incarcerated several times. Since his release in 2002, the Applicant took part in a transitional housing program and was receiving treatment for drug addiction and mental health issues. Insufficient time had passed to conclude that criminal activity was unlikely to reoccur. |
| 03/02/2005 | 1243 | Unqualified | Upheld LHA | Applicant had CORI for crimes of violence and drugs from 1987-1992 and spent time in prison. In 1997, was hospitalized for mental illness and remained there for 3 years. Since his release from the hospital he has been involved in a residential treatment program. Mitigating circumstances do not outweigh serious criminal activity where Applicant has not lived outside a supervised environment. Failure to disclose CORI on application has negative affect on credibility. |
| 03/29/2005 | 1254 | Priority | Dismissed | Case settled. |
| 03/29/2005 | 1240 | Priority | Upheld LHA | Applicant was evicted for nonpayment of rent. Was not evicted for no-fault reason as required by LHA's Plan. |
| 03/30/2005 | 1258 | Unqualified | Upheld LHA | Applicant was a prior tenant of the LHA who vacated on threat of eviction when son was arrested in a drug raid. Applicant's subsequent landlord references were not positive, and her credibility was poor. |

From 11/22/2004 To 05/20/2005

| Dates | Case # | Type | Outcome | Summary |
|------------|--------|-------------|-----------------|--|
| 04/06/2005 | 1260 | Unqualified | Remanded to LHA | Applicant was former tenant in LHAs Section 8 voucher program whose participation was terminated for failure to pay rent. Former landlord also claimed damage to the apartment, and said she disturbed neighbors and he suspected criminal activity. Applicant showed no mitigating circumstances regarding failure to pay rent. Grounds for disqualification from the MRVP differ from public housing, so case is remanded to LHA to determine whether Applicant failed to reimburse LHA for vacancy payment or whether she was evicted by court order. |
| 04/11/2005 | 1272 | Priority | Dismissed | Case settled. |
| 04/20/2005 | 1274 | Unqualified | Dismissed | Applicant failed to appear for hearing. |
| 04/21/2005 | 1261 | Unqualified | Upheld LHA | Applicant had record spanning 1974-2004 including larceny, prostitution and Assault with a Dangerous Weapon. Insufficient time had passed from which to conclude that criminal activity would not be repeated. |
| 04/22/2005 | 1262 | Unqualified | Upheld LHA | Applicant had a history of criminal activity spanning 1989-2003, including prostitution and drug offenses. Insufficient time had passed to conclude that criminal conduct would not reoccur. |
| 04/26/2005 | 1270 | Unqualified | Upheld LHA | Applicant had history of criminal activity from 1991-2001 including Assault & Battery with a Dangerous Weapon, and Uttering, Forgery and Larceny and is on probation until 2006. Applicant has only lived in supervised settings since release from incarceration and insufficient time has passed to conclude that criminal activity will not be repeated. |

From 11/22/2004 To 05/20/2005

| Dates | Case # | Type | Outcome | Summary |
|--------------|---------------|-------------|----------------|--|
| 05/02/2005 | 1271 | Unqualified | Upheld LHA | Applicant was evicted from subsidized housing development for nonpayment of rent in 2003. Landlord reference also stated that Applicant disturbed neighbors and had unauthorized occupants. Applicant's assertion of bad faith by the landlord was not credible. |
| 05/18/2005 | 1269 | Unqualified | Overtured LHA | Applicant who had changed his name was disqualified for failure to prove that he did not have a social security number in his birth name. Applicant and his advocate credibly testified that the Social Security Administration would not provide such proof. The LHA failed to rebut this testimony or to suggest any alternative documentation that it would accept. |