

**DHCD TENANT SELECTION
ADJUDICATORY HEARING**

DECISION INDEX
VOLUME XIV

Includes all decisions made between May 19, 2003 and November 21, 2003.

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

All identifying information will be deleted from copies provided.

From 05/19/03 To 11/21/03

| Dates | Case # | Type | Outcome | Summary |
|--------------|---------------|-------------|-----------------|---|
| 05/21/2003 | 1128 | Unqualified | Remanded to LHA | Applicant disqualified because of nonpayment of rent at address not disclosed on his application. LHA failed to ascertain whether he had paid over 50% of his income for rent, and did not disqualify him on the grounds of misrepresentation. |
| 06/04/2003 | 1136 | Unqualified | Upheld LHA | Applicant had CORI for drug offenses for which she was incarcerated from 1995 to 1997. Applicant blamed her x-husband and claimed that she had no further contact with him. Mitigating circumstances do not outweigh disqualifying misconduct. |
| 06/09/2003 | 1140 | Unqualified | Upheld LHA | Applicant was former tenant of the LHA who had been evicted for drug activity in her apartment in 1996. Applicant showed no significant changes in her lifestyle that would make it more likely that she would be a good tenant in the future |
| 06/13/2003 | 1132 | Unqualified | Dismissed | Applicant withdrew request for review. |
| 06/18/2003 | 1134 | Unqualified | Upheld LHA | Applicant's CORI revealed 22 offenses since 1967 with the most recent for larceny occurring in 2000. Applicant's credibility was poor and she only recently entered into a rehabilitation program. |
| 06/24/2003 | 1137 | Unqualified | Upheld LHA | Applicant and son both had extensive criminal records including crimes of violence. Son is currently incarcerated for Armed Robbery; Applicant is on probation for Assault & Battery until June, 2004. No mitigating circumstances sufficient to overcome length, severity and recency of CORI. |

From 05/19/03 To 11/21/03

| Dates | Case # | Type | Outcome | Summary |
|------------|--------|-------------|-----------------|---|
| 06/26/2003 | 1142 | Unqualified | Upheld LHA | Applicant had bad landlord reference for disturbing neighbors and recent CORI for multiple OUI, Annoying Telephone Calls and Disturbing the Peace. |
| 07/01/2003 | 1110 | Unqualified | Upheld LHA | Applicant was a prior tenant of the LHA who vacated after being served with a Notice to Quit for nonpayment. Applicant had not paid outstanding balance of \$1,175.00 despite the LHA's offer to reconsider her application if she paid. |
| 07/02/2003 | 1133 | Unqualified | Upheld LHA | Applicant had one tenancy during which she failed to pay rent and utilities. Applicant failed to meet burden of proving she is likely to pay rent in a timely manner as required by LHA's TSP. |
| 07/07/2003 | 1141 | Unqualified | Overtured LHA | Applicant was former tenant of the LHA who was evicted for nonpayment of rent 23 years before. The Applicant's tenant file documented disturbances and damage during the tenancy. Mitigating circumstances outweighed disqualifying conduct. |
| 07/09/2003 | 1144 | Priority | Upheld LHA | Applicant vacated in accordance with an agreement for judgment entered into in a summary process action for nonpayment of rent. The landlord agreed to waive the rent claim if the tenant vacated voluntarily. Situation did not meet the criteria for the Homelessness Priority under the Emergency Case Plan. |
| 07/16/2003 | 1120 | Ineligible | Remanded to LHA | Young disabled applicant denied eligibility for elderly/handicapped housing because she did not show how her impairment would be improved by public housing. LHA erred because the standard is whether the applicant's ability to live independently would be improved. |

From 05/19/03 To 11/21/03

| Dates | Case # | Type | Outcome | Summary |
|--------------|---------------|-------------|-----------------|--|
| 07/18/2003 | 1147 | Withdrawn | Remanded to LHA | Application withdrawn for failure to provide court documents and landlord references. At the DHCD hearing, Applicant provided copy of the notice to quit. Remanded to LHA for further screening, including consideration of alternative references from landlords who could not be contacted. |
| 07/23/2003 | 1150 | Unqualified | Upheld LHA | LHA inspector cited unsanitary conditions during tenant screening home visit. Applicant did not show any mitigating circumstances. |
| 07/29/2003 | 1124 | Withdrawn | Overtured LHA | Applicant supplied all documentation requested after hearing. The documentation revealed grounds for rejection under the LHA's tenant selection plan and the LHA refused to reinstate the Applicant to the waiting list. Overtured LHA. Applicant must have opportunity to show mitigating circumstances prior to denial of her application. |
| 08/13/2003 | 1151 | Unqualified | Upheld LHA | Applicant was prior LHA tenant who was evicted for illegal drug activity in 2001. Applicant also left owing a rent balance. No mitigating circumstances shown. |
| 08/15/2003 | 1135 | Ineligible | Dismissed | Settled. |
| 08/21/2003 | 1143 | Unqualified | Upheld LHA | Applicant had CORI consisting of Possession of Class A and B drugs with intent to distribute in 1997; as well as early convictions for Disorderly Person, Larceny, Welfare Violation, Possession of Class B drugs with intent to Distribute and Disturbing the Peace. |

From 05/19/03 To 11/21/03

| Dates | Case # | Type | Outcome | Summary |
|------------|--------|-------------|-----------------|--|
| 08/27/2003 | 1146 | Priority | Remanded to LHA | Applicant and family were subletting a room in an over crowded apartment. Being doubled up or overcrowded does not meet the criteria for Homelessness under the Emergency Case Plan. Applicant also submitted documentation concerning his medical condition at the DHCD hearing. Remanded to LHA to determine eligibility for medical emergency priority. |
| 08/27/2003 | 1138 | Unqualified | Upheld LHA | Applicant's household member was illegal drug user enrolled in court monitored treatment program for 14 months at the time of the hearing. No period of unsupervised good conduct was shown, and there is no reasonable probability that the member will not repeat criminal activity. |
| 09/10/2003 | 1149 | Unqualified | Overturned LHA | Applicant was former tenant of another LHA who was evicted five years prior when her son was arrested for conspiracy to distribute illegal drugs outside of the LHA's housing development. The LHA gave a poor reference citing the eviction, as well as wear and tear on the apartment and late payment of rent. The only disqualifying conduct under the regulation was the lease violation. This was outweighed by mitigating circumstances, as the Applicant's son no longer resided in the household and there were no other instances of disqualifying conduct during her 14 year tenancy at the LHA or during the 5 years since her eviction. |

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| 09/15/2003 | 1153 | Priority | Upheld LHA | Applicant's son occupies a bedroom with his brother. Medical letter recommended that they have their own rooms because the brother was woken up by the asthmatic son's coughing and treatment. Did not meet definition of Severe Medical Emergency under Emergency Case Plan because current housing is not causing medical problem, nor is it an impediment to treatment or recovery. |
| 10/02/2003 | 1158 | Ineligible | Upheld LHA | Applicant was over income for 1 Bedroom household by more than \$5,000. He contended that Veterans' benefits should not be counted. Only exclusion for veterans' benefits is discretionary with the LHA. |
| 10/15/2003 | 1156 | Unqualified | Remanded to LHA | Applicant was rejected for poor housekeeping determined through a home visit. At the DHCD hearing, Elder Services testified that it had determined that the Applicant was staying in a storage area owned by a step brother who would not make him a tenant nor clean out the area. Applicant would be provided extensive social services if housed by the LHA. Remanded to LHA to consider new evidence. |
| 10/16/2003 | 1161 | | Dismissed | Applicant withdrew request for review. |
| 10/22/2003 | 1154 | Unqualified | Upheld LHA | Applicant had lengthy criminal record including larceny from a person and robbery, most recent offense in 1996. Insufficient evidence of mitigating circumstances to show reasonable likelihood that criminal activity will not recur. |

From 05/19/03 To 11/21/03

| Dates | Case # | Type | Outcome | Summary |
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| 10/23/2003 | 1152 | Priority | Upheld LHA | Applicant denied Emergency Case Status. Letter from landlord notifying applicant to vacate is insufficient to document homelessness as defined by the regulation and emergency case plan. |
| 11/13/2003 | 1157 | Unqualified | Overturned LHA | Applicant was disqualified because she was involved in an altercation with a resident on LHA property and was known to associate with gang members on LHA property. Applicant claimed self defense to an assault with a knife by the resident, and the criminal charges were dismissed. No evidence of a history of criminal activity shown by the LHA. |