

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

Includes all decisions made between November 22, 2004 and May 23, 2004.  
Requests for copies of cases should be made by case number.  
All identifying information will be deleted from copies provided.

From 11/22/2003 To 05/23/2004

Dates	Case #	Type	Outcome	Summary
11/24/2003	1160	Unqualified	Upheld LHA	Applicant had more than 20 year history of criminal activity, including violent acts, with most recent offense in 2002. Was released from incarceration in 2000. Mitigating circumstances did not outweigh disqualifying misconduct.
12/02/2003	1164	Priority	Dismissed	Applicant withdrew request for review.
12/05/2003	1162	Unqualified	Upheld LHA	Applicant is registered in MA as a Level 3 Sex Offender; was convicted of rape and abuse of a child in 1989 and was in prison in FL for 10 years. Serious disqualifying misconduct not outweighed by recent rehabilitation efforts.
12/12/2003	1166	Priority	Upheld LHA	Applicant's situation did not meet criteria for court ordered no-fault eviction under the LHA's tenant selection plan because she was evicted for nonpayment of rent.
12/12/2003	1159	Priority	Upheld LHA	Applicant's situation did not meet criteria for court ordered no-fault eviction under the LHA's tenant section plan because he vacated pursuant to an agreement for judgment in an eviction action for nonpayment of rent.
01/02/2004	1169	Unqualified	Remanded to LHA	Applicant disqualified for failure to submit landlord references. Applicant had never had his own tenancy and was residing intermittently with relatives in subsidized housing. Remanded to LHA with instructions to request Applicant to cooperate in obtaining information from other sources.
01/07/2004	1172	Unqualified	Dismissed	Applicant withdrew request for review.

From 11/22/2003 To 05/23/2004

Dates	Case #	Type	Outcome	Summary
01/09/2004	1165	Unqualified	Upheld LHA	Applicant was late paying rent, disturbed other tenants and had CORI that she denied on her application. Upheld on the grounds of CORI (multiple charges of Assault & Battery and Disorderly Conduct, most recent in 1999) and disturbance to neighbors.
01/14/2004	1168	Priority	Remanded to LHA	Applicant denied Homeless Priority because she was evicted for nonpayment of rent. Applicant claimed that she was in an abusive situation and that her husband was responsible for paying the rent. Husband was not listed as a member of the household on the application. Remanded to the LHA to permit the Applicant to document her husband's responsibility for paying the rent as well as the abusive situation.
02/06/2004	1173	Unqualified	Remanded to LHA	Case not ripe for review because no Private Conference Decision had issued. LHA would not accept application because applicant was former LHA tenant who owed rent. Applicant was never notified of the disqualification in writing. Meeting with the LHA did not constitute a Private Conference under the regulation. Remanded to the LHA with instructions to permit the Applicant to apply and to follow the procedures in 760 CMR 5.05 for processing the application.

From 11/22/2003 To 05/23/2004

Dates	Case #	Type	Outcome	Summary
02/17/2004	1175	Priority	Overturned LHA	<p>Applicant denied Abusive Situation Priority because her abuser lives abroad and the LHA determined that she was not in any current danger. When the Applicant was told that her abuser was visiting the U.S., she fled her primary residence and went into a battered women's shelter. Applicant met the Abusive Situation Priority criteria because she was without a place to live, and there was sufficient evidence to substantiate a reasonable finding that the Applicant was displaced from her primary residence by domestic violence.</p>
02/27/2004	1177	Unqualified	Upheld LHA	<p>Applicant had lengthy CORI including violent and drug offenses with the most recent conviction in 1996. Mitigating circumstances not sufficient to overcome serious disqualifying misconduct.</p>
03/09/2004	1178	Unqualified	Upheld LHA	<p>Applicant had record of criminal convictions from 1983-1997 including Possession with Intent to Distribute Cocaine, Disturbing the Peace, Assault &amp; Battery and property crimes. Mitigating circumstances not sufficient to outweigh serious misconduct.</p>
03/16/2004	1179	Unqualified	Overturned LHA	<p>Applicant disqualified because her Section 8 Certificate was terminated at another housing authority for nonpayment of rent and having unauthorized occupants. LHA did not show that Applicant was not paying over 50% of her income for rent at the time of her eviction, and she had paid all outstanding rent in full. Insufficient evidence to show that the Applicant had unauthorized household members during her tenancy.</p>

From 11/22/2003 To 05/23/2004

Dates	Case #	Type	Outcome	Summary
03/22/2004	1167	Unqualified	Upheld LHA	Applicant disqualified because of a poor landlord reference. Applicant was evicted for nonpayment of rent and had created damage and disturbance in the premises. Applicant had been in recovery from drug addiction prior to the tenancy in question, and had no other tenancies.
04/06/2004	1176	Unqualified	Upheld LHA	Applicant disqualified because of bad credit report, bad landlord references and misrepresentations on the application. Credit report not related to tenancy so not disqualifying. Insufficient evidence of other allegations. Nonpayment of rent was grounds to disqualify since the tenant did not pay over 50% of her income and there were no other mitigating circumstances.
04/13/2004	1181	Unqualified	Upheld LHA	Applicant was disqualified because she had been evicted from a subsidized tenancy for nonpayment of rent. No mitigating circumstances shown.
04/20/2004	1170	Unqualified	Upheld LHA	Applicant committed A&B, A&B w. DW while a former tenant and was evicted as a result in 1999. Since that time has resided in transitional housing program. Mitigating circumstances do not outweigh previous misconduct. Not tenancy without supervision, and testimony concerning offenses not credible.
04/26/2004	1180	Unqualified	Upheld LHA	Applicant was former LHA tenant who vacated without notice. LHA lease permits termination for abandonment of apartment. Applicant claimed that she went abroad to see her sick father and that her sister turned the keys in to management.

From 11/22/2003 To 05/23/2004

Dates	Case #	Type	Outcome	Summary
04/28/2004	1184	Unqualified	Upheld LHA	Applicant had conviction for A & B w. DW (knife) in 2002 and previous conviction in 1989 for the same offense. Applicant did not show that his physical condition worsened since his offense or that he would never be physically capable of violence. Insufficient time passed to conclude that Applicant misconduct will be unlikely to recur.
05/03/2004	1182		Dismissed	Applicant failed to appear for hearing.
05/06/2004	1197	Unqualified	Dismissed	Private conference had not been held.
05/07/2004	1192	Unqualified	Upheld LHA	Applicant had CORI for Conspiracy to Distribute Cocaine, Use of a Motor Vehicle without Authority, Trespassing, Assault with a Dangerous Weapon, Breaking and Entering in the Daytime and violation of the Abuse Prevention Act. Most recent offense was in 1999. Applicant claimed that her bipolar illness was the cause of her criminal activity but psychiatric evaluation revealed that her mental health destabilized when the Applicant moved away from her son and mother and began to associate with her former drug associates and to abuse cocaine.
05/10/2004	1203	Priority	Dismissed	Applicant only applied for federally subsidized housing.

From 11/22/2003 To 05/23/2004

Dates	Case #	Type	Outcome	Summary
05/11/2004	1194	Unqualified	Overturned LHA	Applicant had two convictions for OUI and one case on pretrial probation for Assault & Battery with Injury on Person over 60 or Disabled. Applicant was disabled with a head injury and is living with his elderly parents and teenage daughter in stressful environment. Alleged assault and battery took place during an argument with his parents and consisted of throwing things at one another.
05/17/2004	1193	Unqualified	Upheld LHA	Applicant had CORI for Armed Assault with Intent to Murder in 1997 after previous crimes of violence and spent 5 years in prison and is on probation for 1 1/2 years more. Insufficient time has passed to conclude that criminal conduct would not reoccur.