

**DHCD TENANT SELECTION  
ADJUDICATORY HEARING**

**DECISION INDEX**  
**VOLUME XVI**

Includes all decisions made between May 24, 2004 and November 21, 2004.  
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 05/24/2004 To 11/21/2004

| <b>Dates</b> | <b>Case #</b> | <b>Type</b> | <b>Outcome</b>  | <b>Summary</b>  |
|--------------|---------------|-------------|-----------------|---|
| 05/26/2004   | 1185          | Unqualified | Remanded to LHA | LHA disqualified Applicant on the basis of a landlord reference. LHA's notices failed to conform to 760 CMR 5.13. The landlord reference did not contain enough specificity to determine whether the Applicant's conduct was disqualifying under the regulation.  |
| 05/28/2004   | 1199          | Priority    | Upheld LHA      | Applicant signed agreement for judgment in nonpayment eviction case in which she agreed to vacate and the landlord agreed to waive the rent due and to pay the tenant a certain sum. Applicant vacated in accordance with the agreement and leased another apartment in a different town which was not affordable. Applicant does not meet the definition of "homeless" under the regulation. |
| 06/03/2004   | 1195          | Priority    | Dismissed       | Applicant found housing. Moot.  |
| 06/08/2004   | 1198          | Unqualified | Upheld LHA      | Applicant was a former tenant in the AHV program who was evicted for nonpayment of rent in 2001. He also caused a fire in his apartment that resulted in damage.  |
| 06/16/2004   | 1196          | Unqualified | Overtured LHA   | Applicant was residing with his Cousin and her children in an apartment owned by his Uncle and Aunt, and he paid rent to his Cousin who was residing there for free. Uncle gave Applicant a bad reference, stating that he did not pay his rent. Applicant provided good reference from his Aunt, and letter from his Uncle's physician stating that the Uncle has senile dementia.           |

From 05/24/2004 To 11/21/2004

| Dates      | Case # | Type        | Outcome         | Summary   |
|------------|--------|-------------|-----------------|---|
| 06/18/2004 | 1186   | Unqualified | Upheld LHA      | Applicant had 4 convictions in 2000 for Assault & Battery with a Dangerous Weapon and Violations of the Abuse Prevention Act for which he was incarcerated for 7 days. The fact that the victim was a household member is not mitigating. No evidence of mitigating circumstances or rehabilitation shown.  |
| 06/22/2004 | 1200   | Unqualified | Upheld LHA      | Applicant had CORI for A & B w. DW in 2003 and is on probation until 2005, in addition to previous convictions for violent and drug related misconduct. Insufficient time had passed to underlie a reliable finding that the Applicant would not repeat his criminal behavior.  |
| 06/24/2004 | 1201   | Unqualified | Remanded to LHA | Applicant disqualified because of Burning Woods committed in 1978 for which he received two years probation.  |
| 06/28/2004 | 1202   | Unqualified | Dismissed       | Applicant failed to appear at hearing.  |
| 06/30/2004 | 1187   | Unqualified | Upheld LHA      | Applicant had CORI from mid-1970's including violent criminal activity, and credit report showed an eviction for non-payment of rent in 1996. Current landlord stated that guests were illegally using prescription drugs in his room. Applicant provided very inconsistent information concerning the length of time that he has refrained from illegal drug use and misrepresented his criminal record on his application. Applicant's credibility very poor and evidence presented by him insufficient to outweigh disqualifying misconduct. |

From 05/24/2004 To 11/21/2004

| Dates      | Case # | Type        | Outcome         | Summary   |
|------------|--------|-------------|-----------------|---|
| 07/02/2004 | 1188   | Unqualified | Upheld LHA      | Applicant had CORI from 1970-1996 including drug crimes and violence. At the time of the hearing, Applicant had two years of recovery from substance abuse and was being treated for mental illness. Insufficient time had passed to provide assurance that criminal behavior will not reoccur.   |
| 07/06/2004 | 1189   | Unqualified | Remanded to LHA | Applicant was former LHA tenant who vacated after receiving a notice to quit for nonpayment in 1990. Applicant claimed that she lost her benefits and had no income when she went into a detox and her child's father got temporary custody.  |
| 07/09/2004 | 1190   | Unqualified | Upheld LHA      | Applicant was evicted for nonpayment at prior residence. After a trial on the merits, the housing court found for the landlord for possession and damages. The Applicant's counterclaims were dismissed by the court.   |
| 07/14/2004 | 1208   | Unqualified | Upheld LHA      | Applicant provided contradictory information about her residences all of which were with friends or family members. Applicant was not credible.   |
| 07/16/2004 | 1216   |             | Dismissed       | Applicant withdrew request for review.  |
| 07/23/2004 | 1207   | Unqualified | Upheld LHA      | Applicant had history of criminal activity from 1976 to 2004. His most recent offense was for Assault & Battery for which he will remain on probation until October, 2004. Applicant stated that the most recent offense involved fights with his girlfriend with whom he is no longer living. The fact that the victim of an assault was a household member is not mitigating. |

From 05/24/2004 To 11/21/2004

| Dates      | Case # | Type        | Outcome    | Summary   |
|------------|--------|-------------|------------|---|
| 08/02/2004 | 1211   | Unqualified | Upheld LHA | Applicant had CORI for Rape of a Child in 1993 for which he was incarcerated until 2003 and will remain on probation until 2008. Applicant had previous convictions for Assault & Battery with a Dangerous Weapon and Violation of the Abuse Prevention Act. Most recent offense was very serious, and there is insufficient evidence of rehabilitation to overcome disqualifying misconduct.   |
| 08/06/2004 | 1214   | Unqualified | Upheld LHA | Applicant was granted emergency case status because she was homeless due to domestic violence. The LHA determined her to be unqualified because she breached her lease at a previous subsidized tenancy by not adding her boyfriend to her household composition although he resided with her for 18 months. When she vacated, she also failed to continue to make payments on an Agreement for Judgment that she had reached with her landlord in an eviction case for nonpayment of rent. The landlord also claimed disturbance of neighbors and damage to the premises but these lease violations were mitigated by the domestic violence. |
| 08/13/2004 | 1213   | Unqualified | Upheld LHA | Applicant had very poor prior landlord reference which stated that the applicant was constantly arguing with neighbors, damaged the property, and had terrible housekeeping habits. The Applicant's current landlord was evicting him and refused to provide a reference at first, then provided a vague contradictory reference.   |

From 05/24/2004 To 11/21/2004

| Dates      | Case # | Type        | Outcome         | Summary  |
|------------|--------|-------------|-----------------|--|
| 08/19/2004 | 1209   | Unqualified | Upheld LHA      | Applicant had CORI for Unnatural Acts, Prostitution, Disturbing the Peace, Assault & Battery, Breaking & Entering, Larceny and Violation of the Abuse Prevention Act from 1991 to 1998. Insufficient time had passed outside of supervised program to underlie reliable finding that criminal activity will not reoccur.   |
| 08/20/2004 | 1210   | Unqualified | Remanded to LHA | Applicant had CORI involving possession of weapons, Disorderly and Assault & Battery. Last offense was in 1990. LHA had previously offered him a unit in 1993 which he declined. Applicant has had taxi license since 1999, has a good landlord reference for the past 7 years and is being treated for bipolar illness. Remanded to permit LHA to consider new evidence provided at the DHCD hearing.   |
| 09/01/2004 | 1206   | Unqualified | Upheld LHA      | Applicant had history of Possession with Intent to Distribute Heroin in 2001 for which she will be on probation until 2007 as well as other prior convictions. Insufficient time had passed to show a likelihood of good conduct in the future.  |
| 09/13/2004 | 1215   | Unqualified | Overtured LHA   | Applicant was disqualified for history of nonpayment of rent and poor housekeeping. Applicant showed that he was paying more than 50% of his income for rent. Landlord references were obtained by telephone and the LHA staff member who conducted the interviews was not present at the hearing. Applicant obtained notarized statement from current landlord that explained the information provided in her telephone interview raising concerns about the credibility of the notes of the landlord interviews. |
| 09/21/2004 | 1218   | Priority    | Dismissed       | Applicant failed to appear for hearing.  |

From 05/24/2004 To 11/21/2004

| Dates      | Case # | Type        | Outcome         | Summary  |
|------------|--------|-------------|-----------------|--|
| 09/24/2004 | 1232   |             | Dismissed       | Settled.   |
| 10/05/2004 | 1220   |             | Dismissed       | Applicant failed to appear for hearing.  |
| 10/13/2004 | 1212   | Unqualified | Upheld LHA      | Applicant had been evicted from private housing for illegal drug activity two years prior to the hearing. Applicant also had lengthy CORI including drug offenses and disruptive conduct. Short period of recovery in supervised program is insufficient basis for finding that criminal conduct would be unlikely to reoccur. |
| 10/21/2004 | 1219   | Ineligible  | Remanded to LHA | Applicant provided a physician's certificate that she is disabled with a chronic physical and mental condition. LHA determined that there was other housing available in the community but it did not appear to be affordable for the Applicant. Remanded to the LHA to resolve questions about the Applicant's total income.  |
| 10/26/2004 | 1217   | Unqualified | Upheld LHA      | Applicant failed to use best efforts to obtain landlord references or cooperate with the LHA to get information about his tenancies from other sources.  |
| 10/26/2004 | 1224   | Unqualified | Dismissed       | Applicant failed to appear for hearing.  |
| 11/02/2004 | 1233   | Priority    | Dismissed       | Applicant failed to appear at hearing.   |
| 11/02/2004 | 1222   | Unqualified | Upheld LHA      | Applicant had conviction for identity fraud and receiving stolen property while a tenant under the Section 8 housing program for which her participation was terminated. Applicant also misrepresented her residential address on her application. No mitigating circumstances were shown.                                     |