

**DHCD TENANT SELECTION
ADJUDICATORY HEARING**

**DECISION INDEX
VOLUME XIX**

Includes all decisions made between November 21, 2005 and May 21, 2006.
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 11/21/2005 To 05/21/2006

Dates	Case #	Type	Outcome	Summary
11/29/2005	1318	Unqualified	Upheld LHA	Applicant had 21 year history of criminal activity including crimes of violence. At time of hearing, Applicant had been in recovery from alcoholism for one year and had graduated 6 month residential treatment program two months ago. Mitigating circumstances not sufficient to outweigh lengthy history of serious criminal conduct.
12/07/2005	1314	Unqualified	Upheld LHA	Applicant plead guilty to a charge of Larceny More Than \$250 from the bank where she worked. Applicant was ordered to pay restitution and was on probation. LHA's Tenant selection plan specifically lists property crimes such as larceny as grounds for rejection. Applicant showed no mitigating circumstances.
12/12/2005	1324	Unqualified	Upheld LHA	Applicant had 23 year history of criminal activity including violent crimes. She was on parole until April, 2003 after her release from state prison 3 years ago. Applicant had been a resident of a transitional program for 2 years, had been in recovery from alcoholism for 3 years, and employed at the time of the hearing. Insufficient time had passed to outweigh long history of serious criminal activity.
12/28/2005	1321	Unqualified	Dismissed	Case settled.
12/29/2005	1319	Unqualified	Upheld LHA	Applicant had two bad landlord references, one from a landlord who she failed to list on her current application. Applicant denied the landlords' allegations but admitted that she had recently started treatment for a mental disorder which caused her hoarding behavior. Applicant's testimony not credible, short recent satisfactory tenancy insufficient to mitigate two bad references.

From 11/21/2005 To 05/21/2006

Dates	Case #	Type	Outcome	Summary
01/06/2006	1323	Unqualified	Upheld LHA	Applicant had bad landlord references asserting damage, disturbance, nonpayment and pets. Applicant said that the bad references were the fault of his prior girlfriend with whom he was living. Applicant had no subsequent good references and did not show any other mitigating circumstances.
01/10/2006	1326		Dismissed	Applicant failed to appear for hearing.
01/11/2006	1325		Dismissed	Applicant failed to appear at hearing.
01/20/2006	1329		Overtured LHA	Applicant for public housing and MRVP received two bad landlord references, other references failed to respond. One tenancy was in a Dept. of Mental Health transitional housing program where the rent was affordable and Applicant failed to pay. Upheld disqualification for public housing, but overturned MRVP decision because there were no grounds for denial under the MRVP regulation.
01/26/2006	1322	Unqualified	Upheld LHA	Applicant had criminal record for incidents of domestic violence in 1992 and 1997. Applicant had been in recovery from alcoholism for 14 months. Applicant had been evicted for nonpayment of rent at last tenancy in 2003. Applicant did not show any credible mitigating circumstances regarding his nonpayment of rent.

From 11/21/2005 To 05/21/2006

Dates	Case #	Type	Outcome	Summary
02/10/2006	1334	Unqualified	Upheld LHA	Applicant had 24 year long criminal history including prostitution and drug offenses. Last offense was in 2000. Applicant is in recovery from substance abuse and living in permanent affordable supportive housing since 2003. Insufficient period of good behavior in supervised setting to underlie reliable finding that criminal activity would be unlikely to reoccur.
02/28/2006	1338	Ineligible	Dismissed	Applicant withdrew request for review.
03/10/2006	1335	Unqualified	Upheld LHA	Applicant had 19 year history of criminal activity including crimes of violence. Applicant has been in recovery for almost 6 years, since his last offense, and has been continuing in treatment. Mitigating circumstances insufficient to outweigh serious repeated criminal activity.
03/16/2006	1336	Unqualified	Overtured LHA	Applicant was a former tenant of the LHA, and Housing Manager gave her a bad reference for unauthorized occupants and failure to pay rent during her tenancy. LHA records were ambiguous and the manager did not appear as a witness. Applicant denied owing any rent and showed that she had added her boyfriend to her LHA lease during her tenancy.
03/16/2006	1339	Unqualified	Upheld LHA	Applicant got landlord reference from another LHA stating that she had an unauthorized occupant and failed to pay rent. LHA provided insufficient evidence of unauthorized occupant but nonpayment was disqualifying and no mitigating circumstances were shown.

From 11/21/2005 To 05/21/2006

Dates	Case #	Type	Outcome	Summary
03/20/2006	1342	Unqualified	Upheld LHA	Applicant had been out of prison for one year after serving 23 years for murder. Although Applicant was in recovery from alcoholism and had a good record while in prison, a single year of good conduct while under supervision is insufficient to overcome serious disqualifying misconduct.
04/10/2006	1331	Unqualified	Upheld LHA	Applicant had history of criminal activity from 1996 to 2003 including drug offenses, larceny and A & B w/DW. Short period of recovery from substance abuse and good behavior insufficient to overcome criminal history.
04/12/2006	1344	Unqualified	Overtured LHA	Applicant was domestic violence victim who omitted information and provided inaccurate information on her application. Applicant showed that the errors were unintentional.
04/14/2006	1340	Withdrawn	Upheld LHA	Applicant refused an offer of housing at a development of his choice as permitted under the LHA's Tenant Selection Plan. There was no good cause shown for the refusal as required by the TSP.
04/25/2006	1349	Unqualified	Upheld LHA	Applicant had record of serious criminal activity, including armed robbery for which he was incarcerated until 2001. In 2002, he was returned to prison because of a failed drug test, and then released in March 2003 to a halfway house, a workers program and a transitional housing program. Applicant has been out of supervised programs for one year, but due to seriousness of offenses not enough time has passed to outweigh disqualifying misconduct.

From 11/21/2005 To 05/21/2006

Dates	Case #	Type	Outcome	Summary
04/26/2006	1316	Unqualified	Overturned LHA	Applicant was disqualified because she owed a rent balance to the LHA from a previous tenancy because she failed to give proper notice of termination. Applicant was also disqualified because during her 16 year tenancy she had painted her unit without approval and left her stove and refrigerator in dirty condition. Damage and poor housekeeping not shown to be sufficient for disqualification. Nonpayment of rent outweighed by her long successful prior and current tenancies.
05/04/2006	1341	Unqualified	Upheld LHA	Applicant was former tenant in LHA's MRVP from which she got a very bad reference. A second landlord reference noted the same problems. No mitigating circumstances were shown.