

**DHCD TENANT SELECTION
ADJUDICATORY HEARING**

DECISION INDEX
VOLUME XVIII

Includes all decisions made between May 21, 2005 and November 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 05/21/2005 To 11/20/2005

Dates	Case #	Type	Outcome	Summary
06/01/2005	1275	Priority	Upheld LHA	Applicant was living in doubled up living situation and was not "Homeless" as defined by LHA's tenant selection plan.
06/08/2005	1277	Ineligible	Upheld LHA	Applicant's large family size requires assignment to a 4 bedroom apartment at minimum. LHA's inventory does not contain any four bedroom apartments.
06/10/2005	1279	Unqualified	Upheld LHA	Applicant had 21 year adult criminal history which was not disclosed on his application. The most recent offense was in 2000 for 4th offense operating under the influence for which the Applicant was incarcerated for two years. Other prior convictions were for motor vehicle theft and breaking and entering. Applicant also requested reasonable accommodation to reside with disabled wife as her PCA. Meager evidence of rehabilitation insufficient to show mitigating circumstances. Live in PCAs must be qualified to reside in public housing.
06/27/2005	1284	Priority	Upheld LHA	Applicant accepted permanent housing in Section 8 SRO. Is no longer homeless as defined by LHA's tenant selection plan.
06/27/2005	1281	Unqualified	Upheld LHA	Applicant had history of criminal activity including convictions for possession and possession with intent to distribute heroin. Applicant had 90 days drug free at the time of the hearing and was living in a residential program. Insufficient time had passed to mitigate criminal history.

From 05/21/2005 To 11/20/2005

Dates	Case #	Type	Outcome	Summary
06/28/2005	1280	Unqualified	Upheld LHA	Applicant's daughter had CORI for 2003 Assault & Battery with a Dangerous Weapon, Assault & Battery on Ambulance Personnel and Shoplifting. Although daughter had been receiving drug treatment since the offenses, she was on probation until the week before the DHCD hearing and insufficient time had passed to conclude that criminal activity would not recur.
07/05/2005	1299		Dismissed	Applicant withdrew request for review.
07/08/2005	1265	Unqualified	Overtured LHA	Applicant had CORI for cocaine possession and motor vehicle violations from 1994 and earlier. In 1996, was charged with Breaking & Entering that was placed on file. After reviewing the severity, recency and nature of the offenses, it was concluded that criminal conduct was unlikely to reoccur if the Applicant became a public housing tenant.
07/11/2005	1286	Unqualified	Upheld LHA	Applicant was previously evicted from the LHA in 2003 because her boyfriend was selling heroin from her apartment. Applicant claimed that boyfriend was not living with her at the time and that he is not living with her now. No mitigating circumstances were shown
07/11/2005	1285	Unqualified	Upheld LHA	Applicant disqualified because of history of criminal activity from 1986-2004, with the most recent offense being Assault & Battery with a Dangerous Weapon for which he will be on probation until 2006. Short period of good behavior in supervised setting insufficient to overcome CORI which is long, serious and recent.

From 05/21/2005 To 11/20/2005

Dates	Case #	Type	Outcome	Summary
07/12/2005	1288	Unqualified	Dismissed	Applicant failed to appear for hearing.
07/14/2005	1289	Unqualified	Dismissed	Settled.
07/18/2005	1264	Unqualified	Upheld LHA	Applicant was former tenant of the LHA who admitted to LHA police that her boyfriend who was on probation for a drug offense was an unauthorized occupant of her apartment, and she vacated on threat of eviction in 2000. Applicant reapplied and told the LHA that she lied about her boyfriend living with her then and he is not living with her now. More recent landlord reference also showed complaints about her tenancy. No mitigating circumstances shown.
07/21/2005	1278	Unqualified	Upheld LHA	Applicant failed to pay rent at previous tenancy that she shared with her boyfriend. Although the Applicant claimed to have been out of work due to medical reasons, she failed to provide any documentation as requested by the LHA. A credit report also indicated that the Applicant failed to identify two prior residences on her application for housing.
08/01/2005	1267	Unqualified	Remanded to LHA	Applicant had been evicted from two prior tenancies for nonpayment. Applicant claimed both balances had been satisfied by the security deposit. Applicant also claimed that her boyfriend was the lessee in the first tenancy and that she was owed a rent abatement in the second. Remanded to allow LHA to review documents not previously submitted.
08/03/2005	1266	Unqualified	Upheld LHA	Applicant had criminal convictions for drug offenses in 1992 and 1994 and was on probation until 2000. Applicant's denial of drug involvement was not credible.

From 05/21/2005 To 11/20/2005

Dates	Case #	Type	Outcome	Summary
08/10/2005	1290	Unqualified	Upheld LHA	Applicant had history of criminal activity from 1993 to 2000 including violent and drug offenses. Relatively short period of good behavior does not outweigh long history of serious criminal conduct.
08/10/2005	1283	Unqualified	Upheld LHA	Applicant was evicted from prior tenancy because of a petition by neighboring tenants complaining that the Applicant had illegal drug use and prostitution occurring in his apartment. Applicant also had a history of criminal activity for drug offenses. Relatively short period of unsupervised good conduct insufficient to outweigh disqualifying misconduct.
08/17/2005	1292	Withdrawn	Upheld LHA	Applicant failed to respond to waiting list update for 5 months.
08/23/2005	1296	Unqualified	Upheld LHA	Applicant had long history of nonpayment of rent. Rent was not over 50% of her income when she first fell behind. Applicant made many agreements to pay that she violated.
08/29/2005	1301	Unqualified	Upheld LHA	Applicant had history of criminal activity including crimes of violence, drugs and property damage with the most recent conviction for Assault & Battery in 2004. Applicant had very poor credibility and no mitigating circumstances were shown.
09/06/2005	1293	Unqualified	Upheld LHA	Applicant is registered as Level 3 Sex Offender for convictions in 1994. He was released from prison in 1999 where he had completed treatment programs. Insufficiently strong showing of rehabilitation to overcome serious disqualifying misconduct.

From 05/21/2005 To 11/20/2005

Dates	Case #	Type	Outcome	Summary
09/12/2005	1295	Unqualified	Upheld LHA	Applicant had history of criminal activity including Robbery, Armed Robbery and most recently Assault & Battery in 2000. Applicant was paroled in 2003 and went to a rehabilitation facility for six months. Short period of good behavior in a supervised program insufficient to overcome serious disqualifying misconduct.
09/16/2005	1291	Unqualified	Upheld LHA	Applicant had CORI for crimes against persons and property with most recent conviction in 2004. Applicant claimed to be a victim of domestic violence and stated that she was receiving treatment and counseling for a number of years, but did not show any significant change in treatment or lifestyle since last conviction.
09/22/2005	1257	Unqualified	Dismissed	Applicant failed to appear for hearing.
09/23/2005	1302	Unqualified	Upheld LHA	Applicant had history of criminal activity spanning 23 years including crimes of violence and drug offenses and would be on probation until October, 2005. Insufficient time had passed to outweigh disqualifying misconduct.
09/27/2005	1309	Priority	Dismissed	Applicant failed to appear for hearing.
09/27/2005	1300	Unqualified	Upheld LHA	Applicant had history of criminal activity from 1987-2003 including illegal drug activity. Relatively short period of good behavior insufficient to overcome disqualifying misconduct.

From 05/21/2005 To 11/20/2005

Dates	Case #	Type	Outcome	Summary
09/29/2005	1305	Unqualified	Upheld LHA	Applicant was evicted from previous tenancy in 2004 for failure to report leaking toilet that caused damage and for keeping hamsters in violation of the lease which kept escaping and going in other apartments of the building. Applicant's claim that landlord was motivated by desire to replace Section 8 tenants with market rate tenants was not credible.
10/07/2005	1306	Unqualified	Upheld LHA	Applicant for Public housing and MRVP had been evicted for nonpayment of rent at prior Section 8 tenancy and also allowed her son to reside with he without authorization. No mitigating circumstances shown other than payment of the judgment.
10/31/2005	1312	Unqualified	Upheld LHA	Applicant had history of criminal activity including possession of hypodermic instruments in 2003, and Unarmed Robbery on a Victim over 60 and Assault & Battery in 2001. Recovery from substance abuse and short period of good behavior insufficient to outweigh criminal history.

From 05/21/2005 To 11/20/2005

Dates	Case #	Type	Outcome	Summary
10/31/2005	1263	Unqualified	Overturned LHA	<p>Applicant had been evicted from LHA for lighting small fires 12 years ago. There was also an incident involving fire when she left a previous tenancy at a rooming house 7 years ago. Since that time, Applicant has been under medication regimen and her psychiatric condition has been stable. Applicant provided new documents at the DHCD hearing not previously seen by the LHA. Remanded for reconsideration and evaluation for reasonable accommodation. After remand, LHA upheld its original decision and failed to address or consider a reasonable accommodation. A DHCD hearing was held on 9/28/2005 to take testimony from the Applicant's psychiatrist. The DHCD hearing officer determined that it would be reasonable to accommodate the Applicant by giving less weight to misconduct occurring before the Applicant's successful treatment for mental illness in 1997. Mitigating circumstances outweighed disqualifying misconduct.</p>
11/01/2005	1317	Priority	Dismissed	<p>Applicant failed to appear for hearing.</p>
11/03/2005	1308	Unqualified	Upheld LHA	<p>Applicant was former LHA tenant who did not pay rent on time and whose minor son committed serious criminal activity while a member of her household. The Applicant was not properly disqualified for nonpayment because LHA did not show monetary loss. Breaches of the Applicant's lease were not mitigated because her credibility was very poor and her bare word that her son would not reside with her was insufficient assurance.</p>

From 05/21/2005 To 11/20/2005

Dates	Case #	Type	Outcome	Summary
11/03/2005	1303	Unqualified	Upheld LHA	LHA did not determine whether Applicant paid over 50% of her income for rent, nor did it obtain sufficient details of damage to deny Applicant on these grounds. Applicant admitted that her estranged husband would cause disturbances when he came to the premises, but she denied that she had any responsibility to take any action to stop him. Disqualification upheld on these grounds.
11/08/2005	1298	Withdrawn	Overturned LHA	Applicant had criminal case that was continued without a finding. The LHA withdrew his application when it learned that he had violated his probation and when he could not show that the charge had been disposed of. The LHA's tenant selection plan did not permit the withdrawal of an application for either of these reasons, and the DHCD regulations do not permit it.
11/10/2005	1307	Unqualified	Overturned LHA	Applicant was intermittent household member in wife's Section 8 tenancy which was terminated for failure to pay damage claim. Landlord gave bad reference for disturbances and nonpayment of rent after termination of Section 8. LHA had previously housed Applicant's wife in public housing. Insufficient evidence of Applicant's responsibility to disqualify him based on wife's tenancies.
11/10/2005	1311	Unqualified	Dismissed	Applicant failed to appear for hearing.
11/16/2005	1297	Unqualified	Dismissed	Applicant failed to appear for hearing.

From 05/21/2005 To 11/20/2005

Dates	Case #	Type	Outcome	Summary
11/17/2005	1315	Unqualified	Upheld LHA	Applicant was former tenant in LHA's Section 8 program who was terminated for failure to provide income verification. The landlord reference said that she caused damage and disturbance in the premises and failed to pay rent. Insufficiently detailed information about the landlord's allegations of damage and disturbance to disqualify the Applicant, but disqualification upheld based on failure to meet the material terms of her tenancy and nonpayment of rent.