

**DHCD TENANT SELECTION
ADJUDICATORY HEARING**

DECISION INDEX

VOLUME XXXVI

Includes all decisions made between May 21, 2014 and November 19, 2014.
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 05/21/2014 To 11/20/2014

Dates	Case #	Type	Outcome	Summary
06/16/2014	1873	Unqualified	Upheld LHA	Applicant had a history of criminal activity and was classified as a Level 2 Sex Offender. The Applicant did not provide evidence of mitigating circumstances or rehabilitation, and did not show that his offenses were reasonably unlikely to reoccur.
06/17/2014	1881	Unqualified	Upheld LHA	Applicant's prior tenancy was terminated for disruptive conduct and threatening behavior. The Applicant denied the landlord's allegations and asserted that he was physically incapable of the conduct because of his disability and that the landlord was retaliating against him for complaining to HUD. No credible evidence of mitigating circumstances or rehabilitation were presented by the Applicant.
06/17/2014	1883	Priority	Upheld LHA	Application denied Emergency Case Status because the Applicant did not show that he was homeless or in a living situation in which there is a significant, immediate and direct threat to his life or safety.
06/19/2014	1884	Withdrawn	Remanded to LHA	Application withdrawn from waiting list because the Applicant failed to provide documentation of mitigating circumstances. Remanded to LHA to make determination of ineligibility because under the LHA's tenant selection plan and state law, applications may only be removed from the waiting list for failure to provide documents that are necessary for an LHA to process the application.

From 05/21/2014 To 11/20/2014

Dates	Case #	Type	Outcome	Summary
08/11/2014	1888	Ineligible	Remanded to LHA	Young disabled applicant found ineligible for elderly/handicapped housing because he was residing in federally subsidized housing in another community. Remanded to LHA with instructions to make a determination regarding the availability of affordable housing in the community in which the LHA is located.
08/12/2014	1885	Unqualified	Upheld LHA	Applicant had poor landlord references from three prior tenancies and had twice been evicted for nonpayment of rent. The LHA had also obtained a permanent injunction against the Applicant under c. 121B, §32C. No evidence of mitigating circumstances was presented.
08/14/2014	1875	Unqualified	Upheld LHA	Applicant was disqualified because of a conviction for Assault & Battery with a Dangerous Weapon in 2011, for which she was incarcerated. The Applicant subsequently was in counseling and in recovery from alcohol abuse and was employed. LHA found that mitigating circumstances did not outweigh disqualifying misconduct which was very serious, relatively recent, and highly relevant to housing, particularly where the Applicant had been residing in a supervised program.
08/20/2014	1889	Unqualified	Overtured LHA	Applicant was disqualified due to a conviction for drug trafficking. The Applicant's criminal offense took place 20 years ago, and she had been out of prison for twelve years, and gainfully employed. On these facts, evidence of rehabilitation outweighed disqualifying misconduct.
08/27/2014	1891	Priority	Upheld LHA	Applicant was no longer homeless at the time of screening.

From 05/21/2014 To 11/20/2014

Dates	Case #	Type	Outcome	Summary
09/02/2014	1890	Withdrawn	Overtured LHA	Application was withdrawn because the Applicant had failed to provide documentation. Withdrawal overturned because the Applicant had provided all documentation at the time of the hearing, and it was unclear that the documentation was reasonably necessary for the LHA to make a decision.
09/25/2014	1892	Unqualified	Upheld LHA	Applicant was disqualified because of bad landlord reference from previous tenancy at a rooming house. The landlord had prevailed against the Applicant in court, and his denials were not credible. Since that time, the Applicant has resided in shelters or supervised programs.
09/25/2014	1865	Preference	Upheld LHA	LHA disqualified the Applicant and then settled with her and returned her application to the waiting list. In the interim, the LHA reopened the waiting list and as a Standard applicant, the Applicant's wait time was increased. After review, it was found that the Applicant did not qualify for any priority or preference that she did not receive, and applicants with priority or preference would have gone ahead of her on the waiting list if it had been open throughout the relevant time period.
09/29/2014	1887	Unqualified	Upheld LHA	Applicant had a 17 year long history of criminal activity with his most recent conviction in 2006, for which he was incarcerated. Although the Applicant had attended rehabilitation and job training programs, this did not outweigh his long history of serious criminal activity.

From 05/21/2014 To 11/20/2014

Dates	Case #	Type	Outcome	Summary
10/15/2014	1894	Unqualified	Upheld LHA	Applicant was disqualified based on two landlord references citing poor housekeeping, hoarding and unsanitary conditions. There were no subsequent tenancies or other evidence of mitigating circumstances to show that the conditions would be unlike to reoccur if the Applicant became a public housing tenant.
10/28/2014	1895	Unqualified	Upheld LHA	Applicant was disqualified because of her history of criminal activity. Although the Applicant showed that she was allowed to withdraw her guilty plea and will be going to trial on her latest offense, she had prior convictions for violent offenses. Although the Applicant had intermittent counseling, her testimony was not credible and the mitigating circumstances did not outweigh her criminal history.
11/12/2014	1886	Unqualified	Upheld LHA	Applicant was disqualified because of 20 year history of criminal activity. Applicant had been on probation since his last conviction 2 1/2 years prior and was participating in treatment and rehabilitation programs, but this did not outweigh his long history of serious criminal activity.
11/13/2014	1900	Unqualified	Remanded to LHA	Applicant was disqualified for history of nonpayment of rent at prior tenancy. LHA determined that the nonpayment was disqualifying, but did not consider evidence of mitigating circumstances, including rehabilitation. Remanded with instructions to consider other mitigating circumstances.

From 05/21/2014 To 11/20/2014

Dates	Case #	Type	Outcome	Summary
11/13/2014	1893	Unqualified	Upheld LHA	Applicant was former participant in the LHA's Section 8 voucher program who was terminated for failure to report income and for signing a lease with his landlord sister in violation of program rules. No mitigating circumstances shown.
11/14/2014	1897	Unqualified	Upheld LHA	Applicant was evicted from her previous tenancy for nonpayment of rent. No mitigating circumstances were shown.
11/14/2014	1896	Unqualified	Overtumed LHA	Applicant was disqualified because a member of her tenant household had been convicted of illegal drug activity. Applicant showed that her former boyfriend had relapsed and was arrested for possession of drugs a few miles from her leased premises. She showed that after his arrest she removed him from the premises and from her lease, and she was allowed to remain. Her LHA application did not list him as a household member and she did not intend that he would reside with her in public housing. In these circumstances, mitigating circumstances outweighed the disqualifying misconduct.