

**DHCD TENANT SELECTION
ADJUDICATORY HEARING**

DECISION INDEX
VOLUME XIII

Includes all decisions made between November 20, 2002 and May 18, 2003.

Requests for copies of cases should be made by case number.

All identifying information will be deleted from copies provided.

From 11/20/2002 To 05/18/2003

Dates	Case #	Type	Outcome	Summary
11/20/2002	1097	Unqualified	Dismissed	Applicant withdrew request for review.
11/26/2002	1098	Priority	Upheld LHA	Applicant arrived in the US in May, 2002 and was living with relatives since that time. Situation does not meet the definition of "Homelessness" under the LHA's Tenant Selection Plan.
11/26/2002	1065		Dismissed	Applicant withdrew request for review.
11/27/2002	1101		Dismissed	Settled.
12/04/2002	1085		Dismissed	Applicant failed to appear for hearing.
12/09/2002	1094	Priority	Upheld LHA	Applicant denied Homelessness Priority because she was evicted for nonpayment of rent and was not homeless for a "no fault" reason.
12/09/2002	1096	Unqualified	Dismissed	Applicant failed to appear for hearing. Had only applied for federally subsidized housing.
12/11/2002	1109		Dismissed	Applicants withdrew request for review.
12/11/2002	1087	Unqualified	Upheld LHA	LHA disqualified Applicant for CORI and ownership of a large dog. Dog ownership not grounds for disqualification. Recent conviction for Knowingly Being Present Where Heroin Is Kept is disqualifying, particularly when it took place in the Applicant's Section 8 subsidized apartment and resulted in her eviction.
12/13/2002	1102	Unqualified	Dismissed	Applicant failed to appear for hearing.
12/19/2002	1105		Dismissed	Applicant withdrew request for review.
12/19/2002	1111		Dismissed	Applicant withdrew request for review.

From 11/20/2002 To 05/18/2003

Dates	Case #	Type	Outcome	Summary
01/06/2003	1104	Unqualified	Upheld LHA	Applicant was evicted from LHA housing in 1996 for nonpayment of rent. Vacancy inspection showed damage to the premises. Tenant file memoranda showed that Applicant had also been warned about loud parties. No mitigating circumstances or evidence of rehabilitation shown.
01/14/2003	1107		Dismissed	Settled.
01/27/2003	1113	Withdrawn	Upheld LHA	Applicant failed to respond to waiting list update. Applicant had moved and failed to notify the LHA of new address.
02/10/2003	1115	Unqualified	Upheld LHA	Applicant had criminal convictions from 1986 to 2000, including possession and possession with intent to distribute a Class A substance (heroin) and motor vehicle violations. Insufficient mitigating circumstances or evidence of rehabilitation shown to overcome disqualifying misconduct.
02/14/2003	1100	Unqualified	Remanded to LHA	Applicant had CORI from 1993 to 1996 including Prostitution, Larceny from a Person, Unarmed Robbery, Possession of Cocaine, Possession of Hypodermic Instruments, Trespassing, Disturbing the Peace, Larceny by Check and Receiving Stolen Property. LHA notified her that she was disqualified because of the CORI, but later added an eviction from another LHA and failing to provide an address on her application. At the DHCD hearing, the Applicant provided new documentation of her participation in a drug rehab program. Remanded case so that Applicant would have an opportunity to be heard on the new grounds and so that the LHA could consider the new evidence of mitigating circumstances.

From 11/20/2002 To 05/18/2003

Dates	Case #	Type	Outcome	Summary
02/24/2003	1112	Unqualified	Upheld LHA	Applicant was convicted of Trespassing, Distribution/Dispensing Class B (cocaine), Shoplifting, Assault & Battery, Threat to Commit Murder, Breaking & Entering in the Daytime with Intent to Commit a Felony, and Larceny and was released from prison in 1999. Applicant's explanation of the circumstances underlying the offenses were not credible.
02/27/2003	1118	Ineligible	Remanded to LHA	LHA applied the wrong standard in determining eligibility of handicapped person. Remanded to allow applicant to provide third party verification that ability to live independently would improve if living in public housing.
02/27/2003	1117		Dismissed	Applicant requested review of expiration of MRVP voucher. Not reviewable under DHCD regulations.
02/28/2003	1116		Dismissed	Applicant failed to appear for hearing.
03/07/2003	1119	Priority	Upheld LHA	Applicant denied "Homeless" priority because he was renting a room in a friend's apartment. Did not meet definitional criteria in LHA's Tenant Selection Plan.
03/20/2003	1106	Unqualified	Upheld LHA	Applicant had CORI spanning thirty years, including violent and drug related crimes. Applicant was incarcerated for 26 of those 30 years. Sought elderly/housing as disabled person with end stage lung disease. Risk of serious misconduct too great to be outweighed by mitigating circumstances.

From 11/20/2002 To 05/18/2003

Dates	Case #	Type	Outcome	Summary
03/20/2003	1114	Unqualified	Remanded to LHA	Applicant disqualified from public housing in accordance with the terms of her MRVP voucher because she was terminated from the MRVP program within previous 3 years. LHA did not consider mitigating circumstances. Remanded to LHA to determine whether Applicant unqualified under 760 CMR 5.08.
03/26/2003	1099	Unqualified	Remanded to LHA	Applicant disqualified because CORI revealed that the Applicant had pending drug charges not disclosed on her application, and that she had lived at an address not listed on her application. LHA notified her that she was disqualified because of her CORI. Applicant showed at Private Conference that charges were dismissed or continued without a finding. LHA then disqualified her based on misrepresentations on her application. Remanded to the LHA in order for the Applicant to receive proper notice and opportunity to respond to the disqualifying misconduct alleged by the LHA.
04/03/2003	1126	Unqualified	Upheld LHA	Credit bureau report listed addresses that the Applicant failed to list on her application. Applicant's explanation that she had not bothered to notify anyone of her change of address for five years was not credible.
04/07/2003	1125	Unqualified	Overtured LHA	Applicant disqualified for nonpayment of mortgage. LHA made numerous procedural errors and did not consider whether the Applicant was paying over 50% of her income or other mitigating circumstances. Overtured because Applicant had sold the home and paid off the mortgage and thus these were not circumstances which would result in a monetary loss by the LHA.

From 11/20/2002 To 05/18/2003

Dates	Case #	Type	Outcome	Summary
04/22/2003	1127	Unqualified	Upheld LHA	Applicant was convicted of Rape of a Child, Indecent Assault and Battery on a Child, and Pornography in 1998 for which he was incarcerated and then placed on probation until 2011. Insufficient mitigating circumstances shown.
04/25/2003	1129	Unqualified	Dismissed	Applicant failed to appear for hearing.
04/28/2003	1122	Unqualified	Remanded to LHA	LHA got bad reference from prior landlord. At DHCD hearing, Applicant provided a good reference from the same landlord. Remanded back to LHA to determine the authenticity and credibility of the landlord's apparent retraction of the bad reference.