

**DHCD TENANT SELECTION
ADJUDICATORY HEARING**

DECISION INDEX
VOLUME XX

Includes all decisions made between May 22, 2006 and November 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 05/22/06 To 11/21/2006

Dates	Case #	Type	Outcome	Summary
05/24/2006	1351	Unqualified	Overtured LHA	Applicant had CORI for serious illegal drug charges that took place in 1987. She defaulted in court, and did not appear in court on the charges until 1998 at which time the Applicant was given a 5-10 year suspended sentence and two years of probation which terminated in 2001. Applicant showed that she has been off drugs for 6-7 years and still attends counseling and treatment.
05/26/2006	1352	Unqualified	Upheld LHA	Applicant had long history of criminal activity from 1987-2000, including many repeat convictions for prostitution and drug offenses. Comparatively short period of recovery from substance abuse and good behavior in supervised setting insufficient to overcome disqualifying misconduct.
05/30/2006	1355	Unqualified	Upheld LHA	Applicant evicted from another housing authority for nonpayment of rent two years previously. No mitigating circumstances shown.
06/01/2006	1343	Unqualified	Upheld LHA	Applicant did not pay the rent when her husband left. She signed an Agreement for Judgment which allowed her to stay at the premises if she made certain payments. The Applicant did not make payments as agreed, nor did she pay 50% of her income. Applicant also did not pay rent at her subsequent tenancy which was rented for her by a social services agency. No mitigating circumstances to outweigh the nonpayment.

From 05/22/06 To 11/21/2006

Dates	Case #	Type	Outcome	Summary
06/06/2006	1320	Unqualified	Upheld LHA	Applicant's boyfriend was former LHA occupant who was removed from household for violent behavior. Applicant was evicted from most recent tenancy because of boyfriend's violent misconduct. Applicant asserted that if accepted for LHA tenancy would not allow boyfriend to live with or visit her on site. Applicant's credibility poor; bare unenforceable promise insufficient to outweigh disqualifying misconduct.
06/20/2006	1361	Priority	Upheld LHA	Applicant was former participant in LHA's MRVP who was evicted for nonpayment. Since that time she has been staying in shelters, with a friend and on the street. Applicant would not consider housing outside the Town. Applicant was not being displaced from a primary residence because of a medical emergency and did not meet the definition of "Homeless Applicant" under the Emergency Case Plan.
07/17/2006	1330	Unqualified	Remanded to LHA	Applicant was disqualified for criminal activity, bad landlord reference and misrepresentation. Criminal charges pressed against her were dropped. LHA did not show that the Applicant listed her children on the application with intent to deceive, and landlord reference was received after the private conference and the Applicant did not have notice to be able to prepare rebuttal. Remanded to LHA to give the Applicant notice and opportunity to be heard.
07/19/2006	1364	Unqualified	Dismissed	Case settled.

From 05/22/06 To 11/21/2006

Dates	Case #	Type	Outcome	Summary
07/25/2006	1363	Unqualified	Upheld LHA	Applicant was evicted from affordable housing in 2003. Applicant denied owing any rent and appealed the court's finding and sought injunctive relief which was denied. Applicant's denial was not credible and he failed to show mitigating circumstances.
08/02/2006	1360	Unqualified	Upheld LHA	Applicant for public housing and MRVP had been former Section 8 tenant who was evicted for nonpayment in 2004 after being terminated from the Section 8 program because of criminal activity. Landlord reference also claimed that she had unauthorized occupants residing in the unit. Applicant admitted that she was convicted of Assault & Battery on a Police Officer, Resisting Arrest and Carrying a Dangerous Weapon but claimed that she was the victim of domestic violence and police brutality. NBHA did not provide sufficient evidence of nonpayment and lease violations, but the Applicant's criminal activity is disqualifying and she showed no credible mitigating circumstances.
08/04/2006	1313		Overturned LHA	Applicant initially disqualified for threatening and abusive behavior toward LHA staff. In Private Conference decision, Applicant disqualified because of landlord references. There was insufficient evidence submitted on either grounds to show reason for denial under regulation, and LHA did not provide Applicant with sufficient notice to prepare rebuttal of landlord references.

From 05/22/06 To 11/21/2006

Dates	Case #	Type	Outcome	Summary
08/15/2006	1370	Unqualified	Upheld LHA	Applicant plead guilty to charges of Malicious Destruction of Personal Property and Disturbing the Peace in 2005 for which she received probation, and had prior offenses including Assault & Battery and Assault with a Dangerous Weapon. The Applicant denied committing the most recent offenses and showed that she is receiving mental health treatment. Applicant's denials were not credible and health providers letters did not provide adequate assurance that criminal activity would not reoccur.
08/23/2006	1359	Unqualified	Upheld LHA	Applicant had history of Assault and Sale of Illegal Drugs. He also failed to list his address in CT where his convictions occurred on his application. Applicant showed no credible mitigating circumstances,
09/06/2006	1374	Unqualified	Upheld LHA	Applicant had long history of criminal activity spanning 24 years, was released from prison 4 years ago and on probation until 11/06.. Applicant showed that he is in recovery from drug addiction and is legally blind. Insufficient mitigating circumstances to outweigh such a long and serious criminal history.
09/11/2006	1377		Dismissed	Applicant had requested Reconsideration by the LHA and the decision had not yet issued.
09/13/2006	1385			Applicant withdrew request for review.

From 05/22/06 To 11/21/2006

Dates	Case #	Type	Outcome	Summary
09/13/2006	1346	Unqualified	Upheld LHA	Applicant disqualified for criminal record and nonpayment of rent. Criminal activity consisted of Threatening, Possession with Intent to Distribute Cocaine, Trespassing and Larceny of a Motor Vehicles. The last offense was in 1994, and it might be a close question but the Applicant did not show mitigating circumstances regarding his eviction for nonpayment, which took place in 2001.
09/19/2006	1345	Unqualified	Upheld LHA	Applicant was a prior tenant of the LHA who was evicted for nonpayment and who left unauthorized occupants in the apartment. Applicant had subsequent eviction for nonpayment from private housing. Applicant asserted that she is mentally disabled and was a victim of domestic violence, but there was insufficient evidence of mitigating circumstances to overcome disqualifying misconduct.
09/19/2006	1367	Unqualified	Overturned LHA	Applicant disqualified because of nonpayment of rent and poor housekeeping at prior residence. Applicant proved that she paid well over 50% of her income for rent and that the landlord had been reported to the Board of Health for numerous code violations which were not corrected before she vacated at the recommendation of her social worker. Although she was also cited for poor housekeeping, this was mitigated by the poor conditions in the unit, a good reference from her current shelter provider, and the promise of stabilization services for one year.

From 05/22/06 To 11/21/2006

Dates	Case #	Type	Outcome	Summary
09/26/2006	1348	Unqualified	Upheld LHA	Applicant had lengthy history of serious criminal activity including illegal drug activity and larcenies with her most recent conviction occurring in 2002. Applicant asserted that her disqualifying conduct was outweighed by her recovery from drug addiction and her poor health. Poor health is not a mitigating circumstance recognized by the LHA's Tenant Selection Plan. Applicant had been in and out of recovery from drug addiction since 2001 and insufficient time had passed to show that criminal activity was unlikely to reoccur.
10/05/2006	1372	Unqualified	Upheld LHA	Applicant was disqualified because of CORI. He was released from prison one year ago after serving one year for 4th Offense OUI. Applicant was still on probation at the time of the hearing and attending AA, receiving outpatient treatment and subject to random alcohol screens. In sufficient time had passed to conclude that it is unlikely that the Applicant will reoffend.
10/06/2006	1375	Unqualified	Remanded to LHA	Applicant disqualified for history of criminal activity and failure to verify previous address. Applicant provided documentation verifying the address which showed that she had been evicted for nonpayment of rent by a landlord of a different name. Her CORI showed two pending charges but no convictions. Remanded to LHA to provide proper notice to the Applicant and to allow her to show mitigating circumstances on nonpayment of rent and misrepresentation grounds for disqualification.
10/17/2006	1380	Unqualified	Dismissed	Applicant failed to appear for hearing.

From 05/22/06 To 11/21/2006

Dates	Case #	Type	Outcome	Summary
10/18/2006	1365	Unqualified	Upheld LHA	Applicant had criminal history of repeated larcenies, possession of burglarious tools, Assault and Malicious Destruction of property from 1983 to 2000. Applicant was in poor health and argued that he was not likely to offend again. Applicant's testimony regarding the offenses was not credible. While a disability may make Applicant's criminal activity less likely, it is not impossible, and Applicant did not show any change of lifestyle or attitude to show rehabilitation.
10/23/2006	1386	Priority	Dismissed	Applicant withdrew request for review.
10/26/2006	1376	Unqualified	Upheld LHA	Applicant was former tenant of another LHA who was evicted for nonpayment of rent in 2003. No mitigating circumstances were shown. The facts of the LHA's other allegations were not sufficiently detailed to know whether they constituted grounds for disqualification.
10/30/2006	1384	Unqualified	Dismissed	Applicant had made request for reconsideration which was still pending at LHA.
10/31/2006	1383	Priority	Dismissed	Applicant withdrew request for review.
11/06/2006	1382	Unqualified	Upheld LHA	Applicant disqualified because of nonpayment of rent, disturbance of neighbors and damage to premises at former tenancy. Insufficient evidence provided of any grounds other than nonpayment. No mitigating circumstances shown for the nonpayment, Applicant raised and settled counterclaims and defenses in an Agreement for Judgment with the landlord and did not pay remaining rent balance.

From 05/22/06 To 11/21/2006

Dates	Case #	Type	Outcome	Summary
11/15/2006	1388	Unqualified	Upheld LHA	Both Applicants had CORI with recent convictions in 2002 and 2003. One of the Applicants was also a previous tenant of the LHA who was evicted for nonpayment of rent in 2002. Insufficient time had passed to conclude that criminal activity would not be repeated.
11/16/2006	1393	Unqualified	Upheld LHA	Applicant had CORI spanning the years 1992-2003 including drug related and violent criminal activity. Applicant was on probation until June, 2005 and then treated in an opiate dependence treatment program until April 2006. Mitigating circumstances do not outweigh disqualifying conduct.