

**DHCD TENANT SELECTION  
ADJUDICATORY HEARING**

**DECISION INDEX**  
**VOLUME XXII**

Includes all decisions made between May 23, 2007 and November 23, 2007.  
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 05/23/2007 To 11/23/2007

Dates	Case #	Type	Outcome	Summary
05/23/2007	1426		Dismissed	Reported as settled.
05/23/2007	1428	Unqualified	Upheld LHA	Applicant failed to pay rent at previous LHA tenancy and failed to pay rent at next subsequent tenancy. No demonstration of successful rent paying habits at any tenancy. Insufficient evidence of poor housekeeping to be disqualifying, but upheld on history of nonpayment.
05/30/2007	1409	Unqualified	Upheld LHA	Applicant had lengthy criminal history from 1987-2005 and also had a history of nonpayment from a prior LHA tenancy. Applicant's recent treatment for substance abuse and mental illness not sufficient to outweigh disqualifying conduct and no evidence was presented indicating that rent paying habits would be significantly improved in the future.
05/31/2007	1425	Unqualified	Upheld LHA	Applicant had long history of criminal convictions from 1970 through 2004, and he was released from prison in 2002. Applicant has multiple medical conditions and is in recovery from substance abuse. Mitigating circumstances do not outweigh long serious criminal history.
06/04/2007	1432	Unqualified	Upheld LHA	Applicant disqualified because of bad landlord reference. Landlord sent written warning to Applicant in 2006 threatening eviction for her repeated intentional violation of parking rules and altercations with other tenants. Applicant's denials were not credible and no mitigating circumstances were shown.

From 05/23/2007 To 11/23/2007

Dates	Case #	Type	Outcome	Summary
06/05/2007	1435	Unqualified	Upheld LHA	Applicant had 40 criminal convictions over 18 year period ending in 2005. Applicant had been in recovery from substance abuse for two years, is being treated for mental illness and is employed. Mitigating circumstances insufficient to outweigh long history of serious criminal activity.
06/11/2007	1423		Dismissed	Applicant withdrew request for review.
06/15/2007	1420	Unqualified	Upheld LHA	Applicant had a 22 year record of criminal convictions, including crimes of violence, with the most recent offense in 2004. Since that time the Applicant was living in transitional housing programs, is employed and has been doing volunteer work. Short period of rehabilitation in supervised programs does not outweigh long history of serious repeated criminal activity.
06/21/2007	1436	Unqualified	Upheld LHA	Applicant was prior tenant of the LHA who caused disturbances during his short tenancy. He also had a record of violent criminal activity. Applicant had been in treatment for substance abuse and mental illness for a short time, but could provide no positive landlord references for his short tenancies in and out of state. The LHA discovered that Applicant failed to list one former address on his application. Mitigating circumstances did not outweigh disqualifying misconduct.

From 05/23/2007 To 11/23/2007

Dates	Case #	Type	Outcome	Summary
06/22/2007	1395	Unqualified	Remanded to LHA	Applicant disqualified because of history of criminal activity and reference from current landlord stating that he was behind in his rent. LHA erroneously considered CORI which had been subsequently corrected by the Applicant. LHA failed to notify the Applicant that he was also being disqualified based on nonpayment. Remanded for LHA to reconsider corrected CORI and to allow Applicant notice and opportunity to be heard regarding nonpayment.
06/27/2007	1437	Unqualified	Overturned LHA	Applicant was convicted of embezzling a large sum of money from her employer and ordered to pay restitution. The circumstances of the offense were such that it is unlikely that Applicant would engage in criminal misconduct in the future.
07/10/2007	1443	Unqualified	Upheld LHA	Applicant was former tenant of the LHA who was evicted for nonpayment of rent. She was also subsequently evicted from a private tenancy for nonpayment. Applicant had resided as an unauthorized occupant with another LHA tenant, claiming to be her personal care attendant and had caused disturbances. Applicant only received notice of the nonpayment grounds before the Private Conference. Upheld on those grounds; no mitigating circumstances shown.
07/12/2007	1453		Dismissed	Applicant withdrew request for review.

From 05/23/2007 To 11/23/2007

Dates	Case #	Type	Outcome	Summary
07/13/2007	1442	Unqualified	Upheld LHA	Applicant had 18 year criminal history including violent crimes and drug offenses. Short period of recovery from substance abuse and good behavior while in supervised programs insufficient to outweigh disqualifying misconduct.
07/18/2007	1444	Withdrawn	Upheld LHA	Applicant failed to provide documentation of her residences for the past year despite numerous requests and extensions of time by the LHA.
07/26/2007	1447	Withdrawn	Upheld LHA	Applicant failed to verify residence on the streets for past 9 months. LHA would have accepted documentation from homeless workers who supply food, clothing and blankets to those who do not want to go to shelters, or the police, or friends or family that knew the Applicant's circumstances but the Applicant refused to provide any verification which is necessary to determine his qualification for housing.
08/03/2007	1439	Unqualified	Upheld LHA	Applicant disqualified based on criminal history. Most recent conviction was for Driving Under the Influence in 2006. His criminal record from ten years prior included Breaking & Entering, Mayhem, and Assault & Battery with a Dangerous Weapon. Applicant did not show mitigating circumstances, and testimony attempting to minimize the seriousness of the offenses negatively affected credibility of his rehabilitation claims.
08/15/2007	1434	Priority	Dismissed	Applicant withdrew request for review.

From 05/23/2007 To 11/23/2007

Dates	Case #	Type	Outcome	Summary
08/15/2007	1450	Unqualified	Upheld LHA	Applicant had criminal record for possession of illegal drugs, the most recent of which was in 2005. He also had prior convictions for Breaking & Entering and Distribution of illegal drugs. Applicant is in recovery from drug addiction and living in transitional housing. Short period of good behavior while in a supervised program insufficient to outweigh disqualifying misconduct.
08/16/2007	1449	Unqualified	Upheld LHA	Applicant had history of criminal activity including Identity Fraud, Credit Card Misuse, and Knowingly Receiving Stolen Property the most recent of which was in 2006. Applicant showed that she was employed and doing volunteer work. Short period of good behavior on probation insufficient to outweigh recent disqualifying misconduct.
08/16/2007	1430	Unqualified	Remanded to LHA	Applicant had history of criminal activity which she misrepresented on her application. Although the Applicant's convictions were 10 years old she presented no evidence of mitigating circumstances other than her medical condition and did not speak on her own behalf at the Private Conference. At the DHCD hearing, the Applicant claimed to have received psychiatric treatment. Remanded to the LHA to reconsider based on the new information presented.

From 05/23/2007 To 11/23/2007

Dates	Case #	Type	Outcome	Summary
08/16/2007	1440	Unqualified	Upheld LHA	Applicant is Level 2 Sex Offender on supervised parole until 2011. Applicant is in recovery from alcoholism and has received intensive treatment. Inadequate basis for finding that disqualifying misconduct would be unlikely to reoccur.
08/21/2007	1454	Unqualified	Upheld LHA	Applicant was evicted for nonpayment of rent at prior tenancy. Rent was not over 50% of household income and Applicant failed to pay any rent for a considerable period. No mitigating circumstances were shown.
09/11/2007	1457	Unqualified	Upheld LHA	Applicant had a long history of criminal activity, and was on probation until June 2007. Applicant had been in treatment and recovering from drug addiction for three years, but insufficient time had past to determine that the applicant would not engage in criminal misconduct in the future.
10/10/2007	1467	Unqualified	Upheld LHA	Applicant had convictions for Assault & Battery, Breaking & Entering in 2002 and prior convictions in 2001. Applicant completed substance abuse program in 2002 and was enrolled in an educational program. Evidence of rehabilitation did not outweigh history of criminal activity.
10/24/2007	1465	Priority	Dismissed	Applicant withdrew request for review.

From 05/23/2007 To 11/23/2007

Dates	Case #	Type	Outcome	Summary
11/02/2007	1460	Unqualified	Upheld LHA	Applicant had history of criminal activity beginning in 1981 including crimes of violent and disorderly conduct. Most recent offense was in 2001. At the time of his application, Applicant was in a halfway house for substance abuse, and at the time of the DHCD hearing he had been in a veterans' SRO for 3 months. Applicant did not provide any evidence of good conduct for periods that he was living out of state, and recent evidence of good conduct and alcohol treatment did not outweigh history of criminal activity.
11/16/2007	1470	Priority	Remanded to LHA	Applicant provided documentation that she was the victim of domestic violence, but did not verify that she was displaced from a primary residence as the result. Contradictory evidence provided by the Applicant casts doubt on the credibility of her claims, but remanded to the LHA with instructions to determine authenticity of new evidence provided.