

**DHCD TENANT SELECTION
ADJUDICATORY HEARING**

DECISION INDEX
VOLUME XXVII

Includes all decisions made between November 17, 2009 and May 21, 2010.
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 11/18/2009 To 05/21/2010

Dates	Case #	Type	Outcome	Summary
11/19/2009	1617	Priority	Dismissed	Applicant withdrew request for review.
12/09/2009	1614	Unqualified	Remanded to LHA	Applicant disqualified based on news report that she had been charged with participating in a municipal embezzlement, and on advice of counsel, she refused to discuss the charges with the LHA. At the DHCD hearing, Applicant testified that she was placed on 3 years probation and ordered to pay restitution for Larceny Over \$250 and/or Conspiracy to Commit Larceny. She also testified that she was being abused by her boyfriend who was taking her money for drugs. Remanded to LHA to consider mitigating circumstances and evidence of rehabilitation in the context of the nature and severity of the offense.
12/14/2009	1618	Unqualified	Upheld LHA	Applicant is Level 2 Sex Offender who claimed that he is innocent of the criminal offenses despite a guilty plea. Applicant had subsequent conviction for disorderly conduct and had not requested the SORB to change his classification. Insufficient mitigating circumstances or evidence of rehabilitation shown.
12/17/2009	1613	Unqualified	Upheld LHA	Applicant was prior participant in LHA's Section 8 voucher program who was terminated for drug activity, and who had a long history of criminal activity including drug offenses. At the time of the hearing, Applicant had recently left an abusive situation, was receiving mental health treatment and had regained custody of her son after negative drug tests. Short period of good behavior and treatment did not outweigh disqualifying misconduct.

From 11/18/2009 To 05/21/2010

Dates	Case #	Type	Outcome	Summary
12/29/2009	1622	Unqualified	Upheld LHA	Applicant had history of criminal activity including crime of violence and illegal drug activity. Mitigating circumstances did not outweigh recent criminal history.
01/04/2010	1616	Priority	Remanded to LHA	Applicant properly denied Acute Medical Priority because his situation did not meet the criteria of the Emergency Case Plan. LHA erred by not placing the application on the waiting list as a standard applicant.
01/05/2010	1628		Dismissed	Untimely filed.
01/15/2010	1619	Unqualified	Remanded to LHA	Applicant for AHVP and MRVP was disqualified because he is a registered sex offender. LHA applied the federal standard which is not applicable to state programs where mitigating circumstances must be considered in every case. Remanded to the LHA to consider mitigating circumstances including but not limited to the fact that the Applicant had his classification reduced to a Level 1 by the SORB and was successfully treated for a mental disability.
01/22/2010	1621	Unqualified	Upheld LHA	Applicant had long history of serious criminal activity. Most recent conviction was for trafficking cocaine for which he was released from prison 4 years prior to the hearing. Applicant showed that he was in recovery from substance abuse and receiving ongoing counseling. Mitigating circumstances did not outweigh disqualifying misconduct.

From 11/18/2009 To 05/21/2010

Dates	Case #	Type	Outcome	Summary
01/29/2010	1627	Unqualified	Remanded to LHA	Applicant's wife was former tenant of the LHA who left on threat of eviction after a drug raid on her apartment. The LHA failed to give the Applicant notice and an opportunity to be heard after locating material evidence and it also failed to obtain CORI reports for the Applicant household members prior to disqualification.
02/08/2010	1625	Withdrawn	Overtured LHA	Application withdrawn from the waiting list for failure to respond to final screening notice. Applicant had not changed his address and had responded promptly to all other notices. Applicant's testimony that he failed to receive the notice was credible.
02/09/2010	1632	Unqualified	Upheld LHA	Applicant had recent history of criminal activity including Prostitution, Assault & Battery with a Dangerous Weapon, Disorderly and Larceny. Since her last offense she has been obtaining treatment and has a good reference from a shelter program. Relatively short period of good behavior in a supervised setting insufficient to outweigh criminal activity.
02/10/2010	1624	Unqualified	Dismissed	Private Conference not held.

From 11/18/2009 To 05/21/2010

Dates	Case #	Type	Outcome	Summary
02/23/2010	1630	Unqualified	Overtured LHA	Applicant's Criminal Offender Record Information showed an arrest for Driving Under the Influence of Liquor in 2008 which was continued without a finding. By the time of the DHCD hearing, case had been dismissed upon payment of outstanding fees. Mitigating circumstances outweighed disqualifying misconduct where the type of offense would have no impact on neighboring tenants and it was an isolated incident.
03/01/2010	1637	Priority	Dismissed	Applicant withdrew request for review.
03/03/2010	1620	Unqualified	Upheld LHA	Applicant had two recent convictions for Possession of a Class B Controlled Substance and was on probation at the time of the Private Conference. Applicant had participated in treatment and was in recovery from substance abuse and employed. Give the recency and repeat nature of the offenses, insufficient time had passed to determine that criminal conduct was unlikely to reoccur.
03/08/2010	1626	Unqualified	Dismissed	Applicant failed to appear for hearing.
03/08/2010	1623	Priority	Dismissed	Applicant withdrew request for review.
03/15/2010	1610	Priority	Upheld LHA	Applicant allowed her ex-husband to move into her apartment, and when he did not get along with her son, she moved out to live with her Aunt. The Applicant was not "homeless" under the Emergency Case Plan because she voluntarily vacated her apartment.

From 11/18/2009 To 05/21/2010

Dates	Case #	Type	Outcome	Summary
04/06/2010	1635	Unqualified	Upheld LHA	Applicant was evicted from another LHA after a drug raid on her apartment. She also owed rent to that LHA. Although Applicant had been residing in a supportive housing program since her eviction, she did not show any reason that she would be unlikely to repeat her disqualifying misconduct if she were granted another public housing tenancy.
04/07/2010	1636	Unqualified	Upheld LHA	Applicant had history of nonpayment from two previous tenancies as well as other lease violations. Applicant's denials were not credible.
04/09/2010	1652		Dismissed	Applicant withdrew request for review.
04/12/2010	1638	Priority	Dismissed	Settled.
04/23/2010	1639	Unqualified	Upheld LHA	Applicant was former tenant of the LHA who vacated during eviction proceedings for sexual assault on another resident. Applicant also had prior history of criminal activity and left owing rent. The criminal sexual assault charge was subsequently dropped, but the available evidence showed that it was probable that he committed the offense and no mitigating circumstances were shown. The Applicant's testimony was not credible.
04/30/2010	1629	Unqualified	Upheld LHA	Applicant was former tenant of the LHA who vacated with an outstanding rent balance. In his current affordable apartment, he had poor rent paying habits, permitted unauthorized occupants and disturbed other residents. No mitigating circumstances were shown.

From 11/18/2009 To 05/21/2010

Dates	Case #	Type	Outcome	Summary
04/30/2010	1641	Unqualified	Remanded to LHA	Applicant had been a tenant of the LHA for 11 years. In 2008, her mental disability worsened, and she refused services. She was hospitalized and vacated the premises voluntarily. She subsequently resided in a group home and her condition stabilized, and her providers assert that she is ready to live independently again. Remanded to LHA to consider reasonable accommodation on account of disability.
05/21/2010	1644	Unqualified	Upheld LHA	Applicant disqualified because prior landlord evicted her for nonpayment of rent and claimed damage in the premises. At the time of the hearing, the Applicant had paid a small amount of the rent that was outstanding. She acknowledged that her dog had damaged the premises and expected her security deposit to cover it. Rent was within her ability to pay at the time of her nonpayment. Mitigating circumstances do not outweigh disqualifying conduct.
05/21/2010	1660	Unqualified	Upheld LHA	Applicant had a history of criminal activity including Arson of a Dwelling in 2006. The Applicant also failed to provide information about his housing history and there was contradictory information received by the LHA regarding his addresses. No mitigating circumstances were shown.

From 11/18/2009 To 05/21/2010

Dates	Case #	Type	Outcome	Summary
05/21/2010	1643	Unqualified	Upheld LHA	Applicant disqualified because of history of criminal activity and bad credit report. Applicant had never had her own tenancy, and bad credit was not grounds for disqualification because it did not show nonpayment of rent or other tenancy related debt. Applicant also had a relatively recent conviction for a violent criminal offense and did not show evidence of mitigating circumstances or rehabilitation sufficient to outweigh it.