

**DHCD TENANT SELECTION
ADJUDICATORY HEARING**

DECISION INDEX
VOLUME XXIII

Includes all decisions made between November 24, 2007 and May 24, 2008.
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 11/24/2007 To 05/24/2008

Dates	Case #	Type	Outcome	Summary
11/26/2007	1451	Unqualified	Upheld LHA	Applicant had history of criminal activity from 1977 to 2006 which he denied on his application. LHA also discovered addresses at which the Applicant lived which he failed to list on his application, and the Applicant was evicted for nonpayment of rent from one of these addresses. Applicant offered no evidence of mitigating circumstances or rehabilitation.
11/26/2007	1464	Priority	Upheld LHA	Application for Emergency Case Status denied because Applicant did not document that she lived with her abuser and that she was displaced from that residence due to abuse.
11/30/2007	1455	Priority	Upheld LHA	Applicant applied for Abusive Situation Priority because she was the victim of domestic violence who had her batterer removed from the home and was evicted for nonpayment of rent four months later. Upheld LHA because Applicant was not displaced by a serious and direct threat to her life of safety.
12/05/2007	1462	Unqualified	Dismissed	Applicant withdrew request for review.
12/06/2007	1471	Unqualified	Upheld LHA	Applicants disqualified for poor prior tenancies, history of criminal activity and failure to list a prior residence on their application. No mitigating circumstances shown.

From 11/24/2007 To 05/24/2008

Dates	Case #	Type	Outcome	Summary
12/11/2007	1468	Unqualified	Upheld LHA	Applicant had history of violent criminal activity with most recent offense in 2004. She had successfully resided in a transitional housing program for one year at the time of the hearing. Relatively short period of good conduct while on supervised probation and in a structured program insufficient to outweigh disqualifying misconduct.
12/14/2007	1461	Unqualified	Remanded to LHA	Applicant had history of criminal activity, the most recent offense being Trafficking Cocaine in 1988 for which he was incarcerated for 3-5 years. The LHA requested that the Applicant provide documentation of his rehabilitation and he failed to do so at the Private Conference. The Applicant provided documentation at the DHCD hearing, and the case was remanded to allow the LHA to consider it.
01/04/2008	1463	Unqualified	Upheld LHA	Applicant failed to pay rent at two previous tenancies. Applicant's apartment was raided and boyfriend was arrested for drug dealing in housing complex at last tenancy. No mitigating circumstances were shown.
01/17/2008	1481	Unqualified	Upheld LHA	Applicant was former LHA tenant who had bad reference from LHA and from a subsequent tenancy. During the prior LHA tenancy Applicant damaged the premises and had bad housekeeping and unauthorized occupants. In his subsequent tenancy, the landlord complained about noise disturbing other tenants. Applicant's denials were not credible and he did not provide evidence of mitigating circumstances.

From 11/24/2007 To 05/24/2008

Dates	Case #	Type	Outcome	Summary
01/17/2008	1475	Unqualified	Upheld LHA	Applicant was former tenant of LHA who vacated without notice and failed to pay rent when she was incarcerated for 5 years. Applicant had long history of criminal activity with her most recent release from prison in 2001. Applicant had been in transitional housing program for 6 years and in recovery from substance abuse. Insufficient time had passed while in supervised program to outweigh long serious history of criminal activity.
01/18/2008	1479	Unqualified	Upheld LHA	Applicant had history of criminal activity and had been off probation for her most recent offense less than one year ago. Applicant also graduated from a short substance abuse program in 2006. Short period of good conduct does not outweigh history of criminal activity.
01/23/2008	1482		Dismissed	Applicant withdrew request for review.
01/25/2008	1459	Unqualified	Upheld LHA	Applicant had 28 year history of serious criminal activity, but for the last 18 months was in recovery from substance abuse and participating in a treatment program. Relatively short period of rehabilitation does not outweigh disqualifying misconduct.
02/05/2008	1485	Priority	Upheld LHA	Applicant was denied Emergency Priority for an Abusive Situation because she did not provide third party verification. At the DHCD hearing, she testified that she was not living with her abuser when the abuse occurred, and, thus, she did not meet the criteria for the priority.

From 11/24/2007 To 05/24/2008

Dates	Case #	Type	Outcome	Summary
02/06/2008	1466	Unqualified	Upheld LHA	Applicant's household member had long history of serious criminal activity, with the most recent offense in 2007 for which he was still on probation. The member had received treatment and counseling since 2005. Insufficient time had passed to outweigh history of criminal activity.
02/28/2008	1487	Unqualified	Overtured LHA	Applicant was convicted of Murder in 1971 when he was 20 years old. He was released from prison in 1987 after serving 15 years. Applicant has been employed and lived in the community since that time with no other offenses or negative references. It is reasonably certain that he will be unlikely to engage in criminal misconduct in the future.
02/29/2008	1484	Unqualified	Remanded to LHA	Applicant had criminal convictions for shoplifting and larceny, the most recent offenses occurring 5 years ago. Applicant is current tenant of another LHA which had filed summary process against her for nonpayment of rent twice. In the first case, the Applicant paid the rent balance in full. The Applicant claimed that in the second case a settlement was reached because she had defective housing conditions. Criminal activity and first nonpayment case inadequate basis for disqualification, but remanded to the LHA to consider evidence of mitigating circumstances regarding the second nonpayment case.

From 11/24/2007 To 05/24/2008

Dates	Case #	Type	Outcome	Summary
03/12/2008	1474	Unqualified	Upheld LHA	Applicant failed to pay rent at current tenancy because her boyfriend was incarcerated. Rent did not exceed 50% of household income and no other mitigating circumstances were shown.
03/20/2008	1489	Unqualified	Upheld LHA	Applicant disqualified for CORI consisting of over 30 offenses under 7 aliases in a 17 year period, including crimes of violence. At the time of the hearing, the Applicant had almost 3 years of good behavior and abstinence from alcohol while incarcerated, on probation and in a supervised transitional housing program. Mitigating circumstances and evidence of rehabilitation not sufficient to outweigh long history of serious repeated disqualifying misconduct.
03/21/2008	1493	Withdrawn	Upheld LHA	Applicant refused offer of housing because it was a studio instead of a one bedroom apartment. He did not document a good cause reason for a special housing assignment under the LHA's tenant selection plan.

From 11/24/2007 To 05/24/2008

Dates	Case #	Type	Outcome	Summary
04/04/2008	1491	Priority	Overtured LHA	Application denied Abusive Situation Priority because the Applicant did not verify that she was displaced from a "primary residence." Applicant and her husband had resided with her in-laws for several years, then had a short tenancy from which they were evicted for nonpayment, then returned to the in-laws'. Applicant left there after 6 months and went into a domestic violence shelter. Applicant testified that she had no intent to move, but her DSS Social Worker required her to leave in order to keep custody of her children. In this situation, written statements of Applicant and the Social Worker are sufficient to show "primary residence."
04/14/2008	1498	Unqualified	Remanded to LHA	Applicant disqualified for history of criminal activity including drug offenses. Record showed pending charge of Operating After Suspension in 2007, other than that most recent offense was in 2000. At DHCD hearing, Applicant provided evidence of substance abuse treatment since 1999, reduction of one charge, and dismissal of the most recent charge. Remanded to LHA to permit it to consider the new evidence.
05/01/2008	1494	Unqualified	Upheld LHA	Applicant had 15 year history of criminal activity. At the time of the hearing, was in recovery from substance abuse for almost two years, employed and residing in a transitional housing program. Long serious history of criminal activity not outweighed by relatively short period of good behavior while incarcerated, on probation, and in supervised program.

From 11/24/2007 To 05/24/2008

Dates	Case #	Type	Outcome	Summary
05/01/2008	1490	Priority	Upheld LHA	Application denied priority status for inaccessibility of dwelling unit under the LHA's Tenant selection plan. Applicant did not show that unit was inaccessible, nor did she show that her landlord had no legal obligation to accommodate her.
05/02/2008	1496	Unqualified	Overtured LHA	Applicant was residing in a nursing home because of morbid obesity. The LHA reviewed her file at the facility and found that she had a history of inappropriate social behaviors and was verbally abusive and aggressive. There were no specific incidents cited, and there was insufficient information to find that the Applicant engaged in disqualifying misconduct.
05/02/2008	1497	Ineligible	Remanded to LHA	Young mentally disabled applicant determined ineligible because he was living independently and his doctor did not certify that his ability to live independently would be improved if living in public housing. Remanded to LHA to determine whether there is other affordable housing in the community or whether the Applicant will be forced to live in substandard housing or pay excessive rent as required by the regulation.
05/05/2008	1472	Priority	Dismissed	Applicant withdrew request for review.

From 11/24/2007 To 05/24/2008

Dates	Case #	Type	Outcome	Summary
05/19/2008	1488	Unqualified	Remanded to LHA	Applicant disqualified because of CORI. Most recent convictions were in 2004-2005, prior to which there was no criminal activity since 1995. LHA's disqualification notice referred to a charge which was not on the CORI. Applicant claimed to have been in recovery from substance abuse but testimony and documentation were vague and contradictory. Remanded to LHA to correct disqualification notice and consider any corroborating evidence of mitigating circumstances.