

**DHCD TENANT SELECTION  
ADJUDICATORY HEARING**

**DECISION INDEX**

**VOLUME XXI**

Includes all decisions made between November 22, 2006 and May 22, 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 11/22/2006 To 05/22/2007

Dates	Case #	Type	Outcome	Summary
11/27/2006	1401	Unqualified	Dismissed	Applicant withdrew request for review.
11/28/2006	1391	Unqualified	Upheld LHA	Applicant was disqualified because she failed to report a change in her household composition when she was a Section 8 tenant. No evidence of mitigating circumstances was presented.
12/13/2006	1369	Unqualified	Upheld LHA	Applicant disqualified for history of criminal activity. Most recent conviction was for Possession of Hypodermic or Syringe, and Applicant admitted lengthy history of illegal drug activity. Short period of recovery from substance abuse and participation in community programs insufficient to outweigh disqualifying misconduct.
12/13/2006	1397	Unqualified	Upheld LHA	Applicant was evicted for nonpayment of rent from two prior tenancies. Applicant stated that her husband was responsible for the rent and that she paid the other bills. Applicant had signed the lease for one of the apartments, and although she claimed to be divorcing her husband, she admitted that she still resided with him and he was still responsible for paying the rent. Allocation of payment responsibilities between tenants does not constitute a mitigating circumstance which outweighs a history of nonpayment of rent.
12/14/2006	1394	Unqualified	Upheld LHA	Applicant was a tenant at another LHA who left owing a large rent balance because of a retroactive rent increase. Applicant claimed that her nieces who were living with her failed to provide their income verification. Income verification by all household members is an essential requirement of a public housing lease, not a circumstance which would mitigate the failure to pay rent.

From 11/22/2006 To 05/22/2007

Dates	Case #	Type	Outcome	Summary
12/18/2006	1399	Unqualified	Upheld LHA	Applicant had CORI for 2 Operating under the Influence offenses in 1994, and multiple sex offenses in 1986. Applicant was classified as a Level 2 Sex Offender with a "moderate risk to reoffend." Only mitigating circumstances shown were passage of time and good references from friends and relatives which did not outweigh serious disqualifying misconduct.
01/04/2007	1406	Unqualified	Remanded to LHA	LHA refused to accept application because Applicant owed LHA money from prior Section 8 tenancy. Since regulations were amended in 1996, they no longer allow LHAs to refuse to accept applications. LHAs may disqualify applicants for the same reasons, but only if not outweighed by mitigating circumstances.
01/05/2007	1389	Unqualified	Upheld LHA	Applicant had CORI for Rape, Threatening, and Violation of the Abuse Prevention Act in 1993, was incarcerated for two years and classified as a Level 3 Sex Offender, which was later reduced to a Level 2 Sex Offender. Applicant was former resident at another LHA where the tenant, his estranged wife, filed a complaint for Rape two weeks prior to the hearing. No mitigating circumstances shown other than the passage of time since his convictions.
02/05/2007	1407		Dismissed	Settled.
02/20/2007	1412	Unqualified	Upheld LHA	Applicant had history of criminal activity including Assault & Battery with a Dangerous Weapon and Larceny and short period of good behavior insufficient to outweigh disqualifying misconduct.

From 11/22/2006 To 05/22/2007

Dates	Case #	Type	Outcome	Summary
02/20/2007	1410	Unqualified	Upheld LHA	Applicant had criminal record for multiple convictions spanning the years 1974-2004, including drug and sex offenses. Applicant is recovering alcoholic and is now being treated for mental illness. Given length and severity of past record, mitigating circumstances insufficient to outweigh disqualifying conduct.
03/09/2007	1390	Unqualified	Overtured LHA.	Applicant admitted having been arrested for drug related charges on her application and noted that all charges had been dismissed. Her CORI showed no criminal record on file. LHA disqualified the Applicant on the basis of her statements on the application. There was no evidence upon which to base a finding that the Applicant had engaged in criminal activity.
03/14/2007	1404		Dismissed	Tenant was denied addition of household member. Filing of a grievance under LHA procedure is sole administrative remedy pursuant to 760 CMR 5.05(4).
03/19/2007	1381	Unqualified	Upheld LHA	Applicant's only landlord reference stated that he was evicted for nonpayment of rent and that he had disturbed neighbors. Inadequate evidence of disturbance, but nonpayment was disqualifying and Applicant's testimony concerning mitigating circumstances was not credible.
03/26/2007	1392	Withdrawn	Dismissed	Applicant withdrew request for review.

From 11/22/2006 To 05/22/2007

Dates	Case #	Type	Outcome	Summary
03/29/2007	1400	Unqualified	Overtured LHA	Applicant disqualified because of local police records. CORI revealed one incident of Larceny Over \$250 which was outweighed by the fact that it was an isolated offense that took place over thirty years ago. Three other more recent motor vehicle charges were dismissed. LHA did not show any other conduct by the Applicant that would be disqualifying under the regulation.
04/02/2007	1415	Unqualified	Dismissed	Case settled.
04/02/2007	1418	Withdrawn	Dismissed	Applicant only applied for federally subsidized housing.
04/04/2007	1402	Priority	Dismissed	Applicant withdrew request for review.
04/04/2007	1405	Unqualified	Dismissed	Applicant withdrew request for review.
04/09/2007	1411	Unqualified	Overtured LHA	Applicant was disqualified because of a poor reference from current landlord. Landlord said that Applicant was chronically late with monthly rent and did not pay for replacement of obstructed toilet. Late payment of rent is not a disqualifying history of nonpayment of rent and is not a material lease violation if the landlord takes no action. LHA did not rebut Applicant's claim that the toilet was plugged by materials which fell from the defective ceiling, and did not otherwise show that a member of the Applicant household was responsible for the damage.
04/10/2007	1433		Dismissed	Applicant withdrew request for review.
04/18/2007	1438		Dismissed	Case settled.

From 11/22/2006 To 05/22/2007

Dates	Case #	Type	Outcome	Summary
04/24/2007	1427	Unqualified	Remanded to LHA	Applicant admitted to giving false address to obtain benefits to which she was not entitled, but was not convicted of a crime. After the Private Conference, the LHA discovered that her husband was living with her although she did not list him on her housing application. Remanded to LHA to apply correct regulatory standard and to give the Applicant notice and opportunity to be heard regarding the misrepresentation on her application.
05/07/2007	1403	Withdrawn	Dismissed	Settled.
05/10/2007	1413	Unqualified	Upheld LHA	Applicant had CORI for Assault with a Dangerous Weapon, Threatening and Malicious Destruction and was still on probation. Applicant showed that he was being treated for psychiatric illness, but short period of good behavior on probation is insufficient to overcome history of criminal activity.
05/16/2007	1434		Dismissed	settled
05/17/2007	1419	Withdrawn	Remanded to LHA	Application was removed from the waiting list for failure to accept unit offer. Applicant had shown that she was a recovering substance abuser and the unit offered would increase the likelihood of relapse because it was in an area where she had former drug associates. Remanded to the LHA to consider reasonable accommodation on account of disability.