

**DHCD TENANT SELECTION
ADJUDICATORY HEARING**

DECISION INDEX

VOLUME XLVI

Includes all decisions made between May 4, 2019 and January 31, 2023.
Requests for copies of decisions should be made by case number to the DHCD Legal Office.
All identifying information will be deleted from copies provided.

From 05/04/2019 To 01/31/2023

Dates	Case #	Type	Outcome	Summary
06/25/2019	2058	Ineligible	Dismissed	Applicant submitted letter dated 6/25/19 requesting to withdraw Applicant's request for a DHCD hearing.
07/01/2019	2060	Ineligible	Dismissed	Applicant sent letter withdrawing the request for review based on reconsideration decision placing applicant on the waiting list.
08/16/2019	2059	Ineligible	Remanded to LHA	LHA denied application on the grounds that the Applicant was classified a Level 2 Sex Offender based on criminal activity in 1992. Remanded for a new determination to allow LHA to consider the mitigating circumstances that were presented at the hearing.
09/10/2019	2065	Unqualified	Upheld LHA	Applicant disqualified for failure to provide landlord references and for having a history of criminal activity. Overturned LHA on the issue of landlord references because the applicant had always lived in the family home never had a tenancy. Upheld LHA regarding the history of criminal activity because Applicant's relatively short period of recovery did not outweigh 19 year history of drug offenses and property crimes.
01/15/2020	2075	Withdrawn	Dismissed	Applicant's counsel submitted a letter dated 1/15/20 requesting Applicant's appeal be withdrawn as Applicant had obtained adequate housing.

From 05/04/2019 To 01/31/2023

Dates	Case #	Type	Outcome	Summary
01/16/2020	2066	Unqualified	Upheld LHA	Applicant was found unqualified for misrepresenting or falsifying information on Applicant's application for state-aided public housing, specifically, failing to disclose the transfer of a piece of real property. Applicant failed to present convincing evidence that the failure to disclose the transfer of property was unintentional.
01/16/2020	2069	Preference	Overtured LHA	Applicant was found ineligible for Local Preference for allegedly not having a Primary Residence in the local jurisdiction. However, Applicant sufficiently demonstrated that Applicant had a principal residence in the local jurisdiction that made Applicant eligible for Local Preference.
01/16/2020	2070	Priority	Upheld LHA	Applicant was found ineligible for Priority 4(C) - Abusive Situation for failing to meet the definition of "Homeless Applicant" as Applicant had caused or substantially contributed to the homeless situation by being evicted for non-payment of rent. Evidence presented indicated that Applicant's eviction proceeding for non-payment of rent began nearly a year before Applicant alleged any abuse to have begun.
02/11/2020	2067	Unqualified	Dismissed	By letter dated 2/11/20, the LHA reconsidered its previous determination and offered Applicant housing.

From 05/04/2019 To 01/31/2023

Dates	Case #	Type	Outcome	Summary
02/12/2020	2071	Unqualified	Remanded to LHA	Applicant was found unqualified for a history of poor housekeeping and non-payment of rent. At the hearing, Applicant presented evidence that the landlord reference relied upon by the LHA in finding Applicant to have a history of poor housekeeping was submitted by an abuser of Applicant, and was therefore unreliable. Furthermore, Applicant presented new evidence that the arrears owed to a previous residence had been paid in full, information the LHA did not previously have. Therefore, the case was remanded to the LHA for further considerations in light of the new evidence.
02/12/2020	2072	Preference	Upheld LHA	Applicant was found ineligible for Veterans Preference. Applicant admitted at the hearing that Applicant was neither a veteran nor a dependent of a veteran, and therefore did not meet the definition of veteran contained in M.G.L. c. 121B, sec. 1.
02/19/2020	2068	Unqualified	Upheld LHA	Applicant was found unqualified for a history of disturbing neighbors, a history of poor housekeeping, abusive and threatening behavior towards LHA employees, and a history of non-payment of rent. The LHA was upheld only on the issue of Applicant's history of non-payment of rent which, if repeated in public housing, would result in monetary loss.

From 05/04/2019 To 01/31/2023

Dates	Case #	Type	Outcome	Summary
04/03/2020	2074	Ineligible	Upheld LHA	Applicant was found ineligible for Priority 4 - Severe Medical Emergency following a finding that Applicant did not meet the definition of "Homeless Applicant" as Applicant was not imminently faced with displacement from Applicant's Primary Residence. Applicant testified at the hearing that Applicant would remain at the Primary Residence for at least 6 more months.
04/06/2020	2073	Unqualified	Upheld LHA	Applicant was disqualified for failing to provide information reasonably necessary for the LHA to process the application. Specifically, Applicant failed to provide any tenancy information or landlord references for any tenancies other than Applicant's most recent tenancy. At the Private Conference Applicant admitted to having previous tenancies from which Applicant was evicted, but continued to withhold tenancy information and landlord verification.
03/18/2021	2076	Unqualified	Overturned LHA	Applicant was found unqualified for allegedly disturbing neighbors at a prior residence, causing damage to a prior residence, and for a history of non-payment of rent. There was insufficient evidence to indicate Applicant had previously disturbed neighbors or that Applicant damaged a previous property. Furthermore, the eviction case upon which the LHA relied waived Applicant's arrears and, therefore, it could not be said that Applicant has a history of non-payment of rent that would, if repeated by a tenant in public housing, result in monetary loss.

From 05/04/2019 To 01/31/2023

Dates	Case #	Type	Outcome	Summary
05/05/2021	2078	Unqualified	Upheld LHA	Applicant failed to provide the LHA with adequate housing history to screen Applicant for state-aided public housing despite numerous attempts by the LHA over a period of several months to obtain the necessary information.
05/10/2021	2081	Unqualified	Upheld LHA	Applicant was disqualified for a history of prior criminal conduct, specifically multiple convictions for possession and distribution of illegal substances. Applicant did not dispute these convictions and provided conflicting, unreliable testimony as to the conduct that led to the convictions. Applicant's inconsistent testimony and lack of corroborating evidence failed to demonstrate mitigating circumstances sufficient to outweigh the disqualifying behavior.
07/01/2021	2080	Ineligible	Upheld LHA	Applicant was found ineligible for Housing Situation Priority for failing to provide sufficient information to show that Applicant was, or would imminently be, displaced from his Primary Residence and thus did not meet the definition of "Homeless Applicant". Applicant failed to provide any reliable documentation showing Applicant was displaced from a Primary Residence.
12/07/2021	2082	Unqualified	Upheld LHA	Applicant was disqualified for a history of prior serious criminal conduct consisting of six felony convictions for sex crimes against minors, resulting in Applicant being registered as a Level 3 Sex Offender. Applicant did not dispute that Applicant committed the criminal conduct and provided scant evidence of mitigating circumstances insufficient to outweigh the disqualifying behavior.

From 05/04/2019 To 01/31/2023

Dates	Case #	Type	Outcome	Summary
01/10/2022	2089	Unqualified	Upheld LHA	Applicant was found disqualified for disturbing neighbors, causing damage, displaying poor housekeeping habits, and failing to meet material lease terms during a prior state-aided public housing tenancy. Applicant provided non-credible testimony, made light of the previous serious lease violations, and failed to present sufficient mitigating circumstances that would potentially outweigh the disqualifying conduct.
02/07/2022	2087	Withdrawn	Dismissed	Applicant's representative submitted a letter on 2/3/22 requesting to withdraw Applicant's request for a DHCD hearing.
04/28/2022	2085	Unqualified	Remanded to LHA	Applicant was disqualified for prior criminal conduct and a history of non-payment of rent. The LHA engaged in procedural error by failing to consider mitigating circumstances prior to finding Applicant disqualified, and the decision was therefore remanded back to the LHA.
05/04/2022	2095	Withdrawn	Dismissed	Applicant's representative submitted an email dated 5/3/22 requesting to withdraw Applicant's request for a DHCD hearing.
09/26/2022	2088	Unqualified	Remanded to LHA	Applicant was disqualified for poor landlord references. The LHA committed procedural error by failing to consider mitigating circumstances prior to finding Applicant disqualified, and the decision was therefore remanded back to the LHA.

From 05/04/2019 To 01/31/2023

Dates	Case #	Type	Outcome	Summary
10/06/2022	2093	Ineligible	Remanded to LHA	Applicant was found ineligible for Priority 4(B) - Homeless Due to Severe Medical Emergency. The LHA found Applicant ineligible for Applicant's failure to prove Applicant was displaced from a Primary Residence. The decision was remanded to the LHA to consider if it was possible and reasonable to accommodate Applicant under the disability anti-discrimination laws.
12/20/2022	2094	Unqualified	Upheld LHA	Applicant was found unqualified for two previous convictions for possession of child pornography, resulting in Applicant being registered as a Level 2 Sex Offender. The mitigating circumstances presented by Applicant were insufficient to outweigh the disqualifying conduct.
12/20/2022	2096	Unqualified	Remanded to LHA	Applicant was disqualified for various felonies committed over twenty years before Applicant applied for state-aided public housing. At the hearing, Applicant submitted new evidence that the LHA had not previously considered regarding a mistake on Applicant's CORI and the sealing of Applicant's CORI. The case was therefore remanded to the LHA to make a new determination consistent with the new evidence.