

**INFORMAL HEARING DECISION LETTER**

*If you need this document in a different language or **LARGER FONT** or if you need a reasonable accommodation (persons with disabilities), please call 312-935-2600 or TTY: 312-461-0079. Advance notice of seven days is required in order to arrange for interpreter services.*

April 27, 2012

Voucher #: [REDACTED]

JANE DOE [REDACTED]  
[REDACTED]

Chicago, Illinois 60647

Dear JANE DOE [REDACTED]

Please be advised that the Chicago Housing Authority's Housing Choice Voucher (HCV) Program has decided to **REINSTATE your assistance with conditions** in light of testimony, documents and evidence presented at the Informal Hearing held on March 29, 2012. **This decision is final\*** and based on the following:

**Attendees:**

CHA: Mr. R.K., CHA Presenter

Participant: Ms. JANE DOE [REDACTED]  
Ms. Neha Lall, Legal Assistance Foundation of Metropolitan Chicago  
Ms. Melissa Gworek, Legal Assistance Foundation of Metropolitan Chicago

**Case Summary:**

JANE DOE [REDACTED] is the Housing Choice Voucher (HCV) Participant assigned voucher # [REDACTED] Intent to Terminate (ITT) assistance notice for violations of certain Family Obligations dated October 31, 2011 was mailed to JANE DOE [REDACTED] at the address of record.

The ITT alleged the following:

**Violation of Family Obligations:**

D4. Engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

Head of Household failed criminal background check

\*rev. 3/11, barcode: Hearing Sch Ltr

**CHA HOUSING CHOICE VOUCHER PROGRAM OFFICE LOCATIONS**

( ) Central Office  
60 E. Van Buren Street, Chicago, IL 60605

( ) Southwest Office  
10 W. 35th Street, Chicago, IL 60616

CHA Customer Call Center / TTY  
312-935-2600 / 312-461-0079

( ) South Office  
1749 E. 75th Street, Chicago, IL 60649

( ) West Office  
2750 W. Roosevelt Road, Chicago, IL 60608

Web  
www.thecha.org/hcv

# CHANGE.

CHICAGO HOUSING AUTHORITY  
HOUSING CHOICE VOUCHER PROGRAM

¡Este documento es importante, tradúzcalo inmediatamente!

**JANE DOE** submitted a request for an Informal Hearing.

## Testimony, Evidence and Documents Presented by CHA:

CHA Presenter R.K. presented the case for CHA, providing the following documentary evidence in support of the termination of assistance under the HCV Program for **JANE DOE**

**CHA Exhibit 1:** Notice of Informal Hearing addressed to Ms. **JANE DOE** at [REDACTED] Chicago, Illinois 60647, dated February 28, 2012.

**CHA Exhibit 2:** Intent to Terminate letter addressed to **JANE DOE** dated October 31, 2011.

**CHA Exhibit 3:** Informal Hearing Request Form from **JANE DOE** dated December 28, 2011.

**CHA Exhibit 4:** Chicago Housing Choice Voucher Program Family Obligations form signed by **JANE DOE** dated September 3, 2009.

**CHA Exhibit 5:** Chicago Housing Choice Voucher Program Family Obligations form signed by **JANE DOE** dated August 14, 2007.

**CHA Exhibit 6:** Chicago Housing Choice Voucher Program Family Obligations form signed by **JANE DOE** dated February 10, 2005.

**CHA Exhibit 7:** Screening Reports, Inc. Criminal Background Report for **JANE DOE**

**CHA Exhibit 8:** Certified Statement of Conviction/ Disposition for **JANE DOE** for case # [REDACTED]

**CHA Exhibit 9:** Certified Statement of Conviction/ Disposition for **JANE DOE** for case # [REDACTED]

**CHA Exhibit 10:** Felony Complaint dated May 1, 2010.

**CHA Exhibit 11:** CPD Original Case Incident Report (# [REDACTED])

**CHA Exhibit 12:** Letter to **JANE DOE**

The CHA and Ms. **DOE** made opening statements. Following opening statements, the parties stipulated to the admission of all of the CHA documents into evidence. CHA Presenter R.K. briefly described each document. CHA Exhibit 1 is a notice of Informal Hearing sent to Ms. **DOE** at [REDACTED] IL 60647. CHA Exhibit 2 is the Intent to Terminate (ITT) assistance

\*rev. 3/11, barcode: Hearing Sch Ltr

### CHA HOUSING CHOICE VOUCHER PROGRAM OFFICE LOCATIONS

( ) Central Office  
60 E. Van Buren Street, Chicago, IL 60605

( ) Southwest Office  
10 W. 35th Street, Chicago, IL 60616

CHA Customer Call Center / TTY  
312-935-2600 / 312-461-0079

( ) South Office  
1749 E. 75th Street, Chicago, IL 60649

( ) West Office  
2750 W. Roosevelt Road, Chicago, IL 60608

Web  
www.thecha.org/hcv

**CHANGE.**  
CHICAGO HOUSING AUTHORITY  
HOUSING CHOICE VOUCHER PROGRAM

¡Este documento es importante, tradúzcalo inmediatamente!

notice for violations of certain Family Obligations dated October 31, 2011, which was mailed to **JANE DOE** at the address of record.

The ITT alleged the following:

Violation of Family Obligations:

D4. Engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

Head of Household failed criminal background check.

**JANE DOE** submitted a request for an Informal Hearing, which is marked as CHA Exhibit 3.

Next Mr. R.K. introduced CHA Exhibit 4, which is an HCVP Family Obligations form. This document reflects that **JANE DOE** was aware of and understood her family obligations, particularly as they related to illegal criminal activity as evidenced by her signature on the document on September 3, 2009. Specifically, this document notes the family obligation contained in the ITT and includes the sentence, "I understand any violation of my family obligation will result in my family's termination from the program" directly above the signature line. (CHA Exhibit 4). CHA Exhibits 5 and 6 are older Family Obligations forms. Both Exhibits include the family obligation prohibiting illegal criminal activity and have the same sentence above the signature line as CHA Exhibit 4. Ms. **DOE** signed CHA Exhibits 5 and 6 on August 14, 2007 and February 10, 2005 respectively.

Mr. R.K. testified that CHA Exhibit 7 is a Screening Reports Inc. document that was run for household member **JANE DOE** on October 1, 2011. On this screening report, there were two felonies listed against **JANE DOE**. One felony was for possession of a controlled substance on June 2, 2010 and the other for possession of cocaine between 15-100 grams on November 27, 2007. (CHA Exhibit 7).

CHA Presenter R.K. then presented CHA Exhibit 8, a Certified Statement of Conviction/Disposition for case number [REDACTED] IL v. **JANE DOE** Ms. **DOE** was charged with felony possession of between 15 and 100 grams of cocaine. Ms. **DOE** pled guilty and was sentenced to probation, which was completed unsatisfactorily. (CHA Exhibit 8).

CHA Presenter R.K. next presented CHA Exhibit 9, a Certified Statement of Conviction/Disposition for case number [REDACTED] IL v. **JANE DOE** Ms. **DOE** was charged with felony possession of a controlled substance. Ms. **DOE** pled guilty and was sentenced to serve eighteen months in the Illinois Department of Corrections. (CHA Exhibit 9).

CHA Exhibit 10 is a Felony Complaint for case no. [REDACTED] which resulted in the conviction referenced in CHA Exhibit 9. Mr. R.K. noted that the address where the offense was committed as [REDACTED]. CHA Exhibit 11 is the arrest report for this same case, which occurred in 2010.

\*rev. 3/11, barcode: Hearing Sch Ltr

**CHA HOUSING CHOICE VOUCHER PROGRAM OFFICE LOCATIONS**

( ) Central Office  
60 E. Van Buren Street, Chicago, IL 60605

( ) Southwest Office  
10 W. 35th Street, Chicago, IL 60616

CHA Customer Call Center / TTY  
312-935-2600 / 312-461-0079

( ) South Office  
1749 E. 75th Street, Chicago, IL 60649

( ) West Office  
2750 W. Roosevelt Road, Chicago, IL 60608

Web  
www.thecha.org/hcv

# CHANGE.

CHICAGO HOUSING AUTHORITY  
HOUSING CHOICE VOUCHER PROGRAM

¡Este documento es importante, tradúzcalo inmediatamente!

Lastly, CHA Presenter R.K. introduced CHA Exhibit 12, which is a letter from the CHA addressed to Ms. **DOE**, and mailed prior to the hearing containing all the criminal documents that have been presented in this hearing. Mr. R.K. noted that he and Ms. **DOE** counsel have been in contact and have exchanged documents in advance.

CHA Exhibits 1-12 were admitted into evidence. The CHA rested its case.

## Testimony, Evidence and Documents Presented by the HCV Program Participant:

- DOE** Exhibit A: September 4, 2007 Chicago Police Department arrest report of **ABUSER** RD # [REDACTED]
- DOE** Exhibit B: People v. **ABUSER** Criminal Complaint (Case no. [REDACTED])
- DOE** Exhibit C: Order for Special Conditions of Bail (Case no. [REDACTED])
- DOE** Exhibit D: October 14, 2007 Chicago Police Department arrest report of **ABUSER** RD # [REDACTED]
- DOE** Exhibit E: People v. **ABUSER** Criminal Complaint (Case no. [REDACTED])
- DOE** Exhibit F: Cook County Inmate Identification Card of **ABUSER** dated 10/14/2007
- DOE** Exhibit G: **JANE DOE** v. **ABUSER 2** ([REDACTED]) Plenary Order of Protection dated March 31, 2007 and valid until March 30, 2007
- DOE** Exhibit H: Haymarket Center Treatment Progression Report dated September 8, 2010
- DOE** Exhibit I: Certificate of Completion of Parenting and Child Guidance Classes, Haymarket Center, dated August 31, 2010
- DOE** Exhibit J: Certificate of Completion of Residential Treatment, Haymarket Center, May 6, 2010 through Sept. 8, 2010
- DOE** Exhibit K: June 28, 2010 Haymarket Treatment Program Verification of Enrollment
- DOE** Exhibit L: Certificate of Completion of Family Bridges Workshop (Within my Reach), dated May 14, 2010
- DOE** Exhibit M: Decatur Correctional Center, 1 year Parole Re-Entry Plan, dated January 28, 2011
- DOE** Exhibit N: Certificate of Completion of Substance Abuse Treatment Level I, Association House, dated August 9, 2011

\*rev. 3/11, barcode: Hearing Sch Ltr

## CHA HOUSING CHOICE VOUCHER PROGRAM OFFICE LOCATIONS

( ) Central Office  
60 E. Van Buren Street, Chicago, IL 60605

( ) South Office  
1749 E. 75th Street, Chicago, IL 60649

( ) Southwest Office  
10 W. 35th Street, Chicago, IL 60616

( ) West Office  
2750 W. Roosevelt Road, Chicago, IL 60608

CHA Customer Call Center / TTY  
312-935-2600 / 312-461-0079

Web  
www.thecha.org/hcv

# CHANGE.

CHICAGO HOUSING AUTHORITY  
HOUSING CHOICE VOUCHER PROGRAM

¡Este documento es importante, tradúzcalo inmediatamente!

- DOE** Exhibit O: February 28, 2011 toxicology report, Association House
- DOE** Exhibit P: June 2, 2011 toxicology report, Association House
- DOE** Exhibit Q: January 25, 2012 letter from [REDACTED], Certified Alcohol and Drug Counselor, Association House
- DOE** Exhibit R: March 22, 2012 letter from [REDACTED] Social Worker and Child Welfare Clinician, Association House
- DOE** Exhibit S: Resurrection Behavioral Health appointment notice for April 23, 2012
- DOE** Exhibit T: March 7, 2012 letter from [REDACTED] **JANE DOE** landlord

## Testimony of **JANE DOE**

Ms. **DOE** testified that she is 37 years old and has six children between the ages of 3 months and 16 years. She has lived in the same apartment for four years and she has been an HCVP participant for 11 years. Ms. **DOE** is unemployed but receives social security monthly. Ms. **DOE** has mental disabilities including depression and suffered head injuries and loss of hearing in one ear as a result of a car accident.

Ms. **DOE** testified that **ABUSER** was her first love since she was a teenager. She had a relationship with him off and on since 2007. Her relationship with him was "horrible" as he was abusive and physically violent towards her. On September 4, 2007 Mr. **ABUSER** beat Ms. **DOE** in a restaurant and she and her kids were forced out of the restaurant and Mr. **ABUSER** continued to beat Ms. **DOE**. Police officers who were driving by saw the incident, grabbed Mr. **ABUSER** off of Ms. **DOE** and arrest him. **DOE** Exhibit A is a police report detailing this incident. **DOE** Exhibit B is the complaint in this matter noting that Mr. **ABUSER** "punched, pulled and shoved victim about the head." **DOE** Exhibit C is the Order for Special Conditions of Bail in this matter and includes a prohibition against Mr. **ABUSER** using illegal drugs and a no contact order for Mr. **ABUSER** regarding Ms. **DOE**

Ms. **DOE** testified that on many occasions when she and Mr. **ABUSER** were driving that he would become angry with her and accuse her of looking out the window at men that she wanted to "be with." He would call her a "[expletive]"

Another instance of violence against Ms. **DOE** occurred on October 14, 2007. Mr. **ABUSER** and Ms. **DOE** were at a party and he accused her of talking to other men and wanting to have sex with other men. She wanted to leave the party and when she got home he followed her and broke her hallway window to force entry into the house. She called her brother asking for help. She ran out the front door and her brother came and pulled him away. The police arrived shortly thereafter. Mr. **ABUSER** had slapped her, punched her and she had scratches on her face. **DOE** Exhibit D is a

1.1, barcode: Hearing Sch Ltr

## CHA HOUSING CHOICE VOUCHER PROGRAM OFFICE LOCATIONS

( ) Central Office  
60 E. Van Buren Street, Chicago, IL 60605  
( ) South Office  
1749 E. 75th Street, Chicago, IL 60649

( ) Southwest Office  
10 W. 35th Street, Chicago, IL 60616  
( ) West Office  
2750 W. Roosevelt Road, Chicago, IL 60608

CHA Customer Call Center / TTY  
312-935-2600 / 312-461-0079  
Web  
www.thecha.org/hcv

# CHANGE.

CHICAGO HOUSING AUTHORITY  
HOUSING CHOICE VOUCHER PROGRAM

¡Este documento es importante, tradúzcalo inmediatamente!

police report for this incident. In relevant portion, the narrative stated, "...The offender had pushed and hit her and broke her window. Victim had visible signs and scratches on her face but refused to sign complaints. RO's [Responding Officers] signed complaints on victim's behalf because victim stated that she feared retaliation from the offender...Victim given domestic information report...Offender stated that he argued with the victim because she was overweight from eating chips and drinking too much soda." Ms. **DOE** stated that Mr. **ABUSER** was emotionally abusive to her as well.

Some examples of the emotional abuse were Mr. **ABUSER** threats that if she ever left him he would "change" her and make her "look ugly." He would also take her key and lock her inside her house overnight (with her children) so she couldn't go out and see other people and he accused her of having sex with her landlord. She felt very scared, intimidated, and she felt like she had no one.

**DOE** Exhibit E is the Cook County Circuit Court complaint for this incident, dated October 14, 2007. This complaint states that Mr. **ABUSER** "pushed and hit **JANE DOE** with his hands causing minor scratches **JANE DOE** face." Ms. **DOE** was happy that Mr. **ABUSER** was arrested and he was in jail for about one month. However, Ms. **DOE** was also very scared because she knew he would come out and she was very fearful he would retaliate against her.

**DOE** Exhibit 7 is Mr. **ABUSER** inmate identification card noting his book date is October 14, 2007.

Ms. **DOE** was arrested in 2007. Mr. **ABUSER** brother and friends who were all Latin Kings with Mr. **ABUSER** told Ms. **DOE** that she had to deliver a package because Mr. **ABUSER** was in jail and he couldn't do it and it was her fault he was in jail. She did not feel like she could say no since she knew that Mr. **ABUSER** was going to get out of jail and she thought he would hurt her if she said no. When she delivered the package, she was arrested, convicted and put on probation.

As part of her probation she had to attend regular meetings with her probation officer and take drug drops. She tried to comply with the terms of her probation and she was not using any drugs.

Next, Ms. **DOE** discusses her relationship with **ABUSER 2**. He is her kids' father and she has had a relationship with him since 1999. He verbally abused her during their relationship. He called her a "[expletive]" and he would say things like, "you can't change an [expletive] into a housewife." Ms. **DOE** and Mr. **ABUSER 2** would fight because she believed he was taking drugs. She believed he was taking heroin and crack cocaine. She said things would "come up missing" such as money for bills, the kids bicycles and scooters and gold. He was physically abusive as well a few times. He slapped her at his mom's house when they were living there and the police came. Ms. **DOE** states, "At that time I had nowhere to go, I didn't have no Section 8."

Her romantic relationship with Mr. **ABUSER 2** ended in 2004. He harassed her after their relationship ended. He used the kids as a way to harass her. He would come over and ask to use the car. One time he came and just took the keys and crashed the car. Ms. **DOE** called the police and filed an order of protection against him. Mr. **ABUSER 2** was at the court hearing and he lost as the judge granted Ms. **DOE** the order of protection. This order of protection is **DOE** Exhibit G.

\*rev. 3/11, barcode: Hearing Sch Ltr

## CHA HOUSING CHOICE VOUCHER PROGRAM OFFICE LOCATIONS

( ) Central Office  
60 E. Van Buren Street, Chicago, IL 60605  
( ) South Office  
1749 E. 75th Street, Chicago, IL 60649

( ) Southwest Office  
10 W. 35th Street, Chicago, IL 60616  
( ) West Office  
2750 W. Roosevelt Road, Chicago, IL 60608

CHA Customer Call Center / TTY  
312-935-2600 / 312-461-0079  
Web  
www.thecha.org/hcv

# CHANGE.

CHICAGO HOUSING AUTHORITY  
HOUSING CHOICE VOUCHER PROGRAM

¡Este documento es importante, tradúzcalo inmediatamente!

The order of protection is dated March 31, 2005 and states that Mr. **ABUSER 2** is to have no unlawful contact with Ms. **DOE** for a two-year period of time.

Following the issuance of this order however, Mr. **ABUSER 2** continued to come to her house without permission. One time Ms. **DOE** called the police but he left before they arrived. He came over to her house sometimes while he was on drugs. She would ask him to leave her house but he wouldn't leave sometimes because he was high and needed a place to sleep. Ms. **DOE** felt that she was still unable to make him leave. Mr. **ABUSER 2** was in and out of jail throughout those years. Ms. **DOE** kept thinking and hoping he would change, but he never did.

Ms. **DOE** did allow Mr. **ABUSER 2** to use her car. Sometimes he would use the car to pick up the kids from school and he would take the kids to the park. She let him take the car also because he would bother her and it was easier just to let him take it so he would leave her alone.

On June 2, 2010 Ms. **DOE** was pulled over for a traffic violation on her way to Walgreens. The officer asked her if she had ever been locked up or on probation and she said yes. They told her to get out of the car to search the car. She didn't know that there were drugs inside the console of her car. Ms. **DOE** testified that the drugs were **ABUSER 2**. She was arrested while she was still on probation. Ms. **DOE** admits she pled guilty to possession of these drugs that were not hers because she knew the drugs were found in her car and she didn't have a lawyer and she wanted to leave jail. She knew that if she fought it and was found guilty later she could be locked up for even longer. Ms. **DOE** was sentenced to 18 months in the Cook County jail.

While in jail, Ms. **DOE** participated in various programs with the Haymarket Center. Those programs included: group counseling, relapse prevention, drug education, aftercare planning, criminal thinking, coping skills, individual counseling, stages of change, parenting classes, group resolution, support groups, women of power, healthy relationships, community/goal setting, and life skills. Ms. **DOE** has a Cook County Sheriff's Department of Women's Justice Services Haymarket Center Status Report of Treatment Progression documenting this. (**DOE** Exhibit H). **DOE** Exhibit I is a certificate of completion for a "Parenting and Child Guidance" class at Haymarket in August of 2010. **DOE** Exhibit J is another certificate from Haymarket for completion of residential treatment in 2010.

**DOE** Exhibit K is a letter from Ms. **DOE** case manager in the Haymarket Treatment Program. In relevant part the letter reads, "While in this program, participants are provided with Substance Abuse treatment, life skills classes...parenting classes, domestic violence groups, sexual trauma survivor groups and a mental health team for client with mental disorders. This program is designed to assist participants with getting their lives together so that they may become productive members of our society." (**DOE** Exhibit K). Ms. **DOE** completed a Family Bridges Workshop called "Within My Reach" on May 14, 2010 and has received a Certificate of Achievement for this. (**DOE** Exhibit L).

After serving time in the Cook County Jail, Ms. **DOE** was transferred to the Decatur Correctional Center where she also received services. She received schooling there. While Ms. **DOE** had already completed her GED, she had low scores so she took some classes. **DOE** Exhibit M is Ms.

## CHA HOUSING CHOICE VOUCHER PROGRAM OFFICE LOCATIONS

( ) Central Office  
60 E. Van Buren Street, Chicago, IL 60605  
( ) South Office  
1749 E. 75th Street, Chicago, IL 60649

( ) Southwest Office  
10 W. 35th Street, Chicago, IL 60616  
( ) West Office  
2750 W. Roosevelt Road, Chicago, IL 60608

CHA Customer Call Center / TTY  
312-935-2600 / 312-461-0079  
Web  
www.thecha.org/hcv

# CHANGE.

CHICAGO HOUSING AUTHORITY  
HOUSING CHOICE VOUCHER PROGRAM

¡Este documento es importante, tradúzcalo inmediatamente!

DOE reentry plan from the Decatur Correctional Center. After being released from prison, Ms. DOE has continued to attend classes and receive services from the Association House of Chicago. Exhibit N is a certificate of completion for Ms. DOE "for the successful completion of 20 hours" of substance abuse treatment. (DOE Exhibit N).

DOE Exhibit O and P are two toxicology reports from Association House reflecting negative results for drug and alcohol testing on February 28, 2011 and June 2, 2011 respectively. DOE Exhibit Q is a service verification letter from Association House of Chicago. The letter states, "Ms. JANE DOE received services here at Association House of Chicago; Admission Date: 2/28/2011 and is currently receiving treatment services to date. During her attendance, Ms. DOE adhered to all rules and regulations and was respectful to participants, guests and employees, completed her services in good standing and has volunteered her personal time to assisting others. We understand that Ms. DOE has made some seriously poor decisions that have resulted to her dire situation. We also understand that she had reconciled those errors by working diligently to become a better person... Ms. DOE has 6 children ranging from the ages of 16 to 1 month old, let's not make a poor decision resulting into the homelessness of a sustained family unit." (DOE Exhibit Q).

DOE Exhibit R is a letter from Ms. [REDACTED] a social worker at Association House. In part her letter reads,

"Ms. DOE has been very open to completing all of my recommendations to provide for the safety and well-being of her children. I have visited her home weekly and found that they have a loving, nurturing family life and that she is very committed to creating a healthy life for her six children. From what Ms. DOE and I have processed together in the past 9 months, she has grown and changed both as a woman and a mother and has come to terms with her history as a victim of domestic violence. JANE has learned the tools in parenting classes and domestic violence services to protect herself and her children from future harm. She now understands the impact of domestic violence on her children and has learned health ways to communicate in relationships.

JANE has been completely compliant with all services and has verbalized during home visits that she has begun a new chapter in her life and is ready to leave the past behind. I firmly believe that JANE is ready to start fresh. In order to continue down the clean path she has started on, your consideration is appreciated in allowing her Section 8 status to be reinstated. With conviction, I can say that I firmly believe that you will have no problems in the future with this client." (DOE Exhibit R).

DOE Exhibit S, is a scheduling notice for Ms. DOE seeking a psychiatric evaluation at Resurrection Health Care. Ms. DOE has also attended domestic violence counseling at Connections Center, with her counselor, [REDACTED]. She has learned through counseling that she is not alone, she is a survivor, and she can change.

Ms. DOE testified that her mom and stepfather and dad and stepmother all used drugs. Her stepfather has contracted HIV from his use of intravenous needles, and her mother contracted hepatitis and is now a "sick woman" because of her kidney failure. They were all using drugs.

rev. 3/11, barcode Hearing Sch Ltr

## CHA HOUSING CHOICE VOUCHER PROGRAM OFFICE LOCATIONS

( ) Central Office  
60 E. Van Buren Street, Chicago, IL 60605  
( ) South Office  
1749 E. 75th Street, Chicago, IL 60649

( ) Southwest Office  
10 W. 35th Street, Chicago, IL 60616  
( ) West Office  
2750 W. Roosevelt Road, Chicago, IL 60608

CHA Customer Call Center / TTY  
312-935-2600 / 312-461-0079  
Web  
www.thecha.org/hcv



# CHANGE.

CHICAGO HOUSING AUTHORITY  
HOUSING CHOICE VOUCHER PROGRAM

¡Este documento es importante, tradúzcalo inmediatamente!

while she was growing up. Her counseling has taught her how to separate herself from drug users by setting a boundary. She used to accept drug users in her life since they were human, but now she knows that she has to set a boundary because drug users in her life are toxic.

Ms. **DOE** stated that she doesn't know where Mr. **ABUSER** is and that Mr. **ABUSER 2** is incarcerated. Her children are all "doing fine now." Her 16 year-old is preparing himself for the ACT test and he is an honors student. Her 11 year-old struggles with math, but he is in tutoring. Her 8 year-old is receiving tutoring also. Her five year-old is in pre-4 and doing well preparing for kindergarten. Her 3 year old will soon be attending Pre-3.

**DOE** Exhibit T is a letter from Ms. **DOE** landlord, Ms. **DOE**. The letter states in relevant part,

"I am the owner of the property located at **DOE**. For the past three years, **JANE DOE** has been my tenant through the Section 8 voucher program. **JANE** lives in the unit with her six young children. **JANE** is a kind and pleasant person, and I have enjoyed having her as my tenant. Even though she has six children and suffers from disabilities herself, I have found her to be an organized individual. She keeps her unit clean and seems to manage her responsibilities with patience. Her children are well mannered and well behaved.

...I don't want to lose a tenant like **JANE**. Furthermore, I know that with her limited income, **JANE** and her children rely on her housing subsidy to maintain safe and decent housing. **JANE** loses her subsidy, I fear that she and her six young children would become homeless." (**DOE** Exhibit T).

## Cross Examination of **JANE DOE**

Ms. **DOE** has been on Section 8 for 10-11 years. Yes, she signed the family obligations numerous times. (CHA Exhibit 4-6).

In 2007 she was arrested around October 31<sup>st</sup> of 2007. She remembers that she came home on Halloween. She went to a bond hearing at 26<sup>th</sup> and California.

In 2005 she had problems with **DOE** (**ABUSER 2**). She knew by the white powder on his nose that he was on drugs and by his smell that he had been drinking. He is the father of two of her children and after he left the apartment things would come up missing. She never actually saw Mr. **ABUSER 2** take anything from her apartment but she knew it wasn't her children as they were too young. She has never seen any drugs before except for marijuana. Her parents used drugs but she had not seen the drugs growing up. She didn't know what the drugs looked like first-hand.

In 2007 she suspected that **DOE** (**ABUSER**) had drugs. **DOE** sold and used drugs and as a teenager she and he smoked marijuana together. When she was given the package by **DOE** friends she suspected it had drugs in it.

\*rev. 3/11, barcode: Hearing Sch Ltr

## CHA HOUSING CHOICE VOUCHER PROGRAM OFFICE LOCATIONS

( ) Central Office  
60 E. Van Buren Street, Chicago, IL 60605  
( ) South Office  
1749 E. 75th Street, Chicago, IL 60649

( ) Southwest Office  
10 W. 35th Street, Chicago, IL 60616  
( ) West Office  
2750 W. Roosevelt Road, Chicago, IL 60608

CHA Customer Call Center / TTY  
312-935-2600 / 312-461-0079  
Web  
www.thecha.org/hcv

# CHANGE.

CHICAGO HOUSING AUTHORITY  
HOUSING CHOICE VOUCHER PROGRAM

¡Este documento es importante, tradúzcalo inmediatamente!

In 2010 she let [REDACTED] (ABUSER 2) use her car. She did not see him put drugs inside her car, she didn't see him place the drugs there. She is not sure where exactly the drugs were. She got pulled over for a traffic violation on the way to Walgreens. She was on probation when she was arrested in 2010 from her felony in 2007.

She spent time in the County Jail. She did not report her absence from the unit to the CHA as her children stayed in the unit with her mother and oldest son watching over the other kids.

While in custody, she successfully completed a drug treatment program despite the fact that she was not a drug user. She completed the program so that she could go home earlier on house arrest. Also, she was learning about the effects of drugs. She said she would not have entered a drug program if it were not a condition to get out on house arrest. She completed a drug treatment program at Association House as part of her parole. Likewise, she would not have entered that treatment but for it being required for her parole. Her parole ended on January 28, 2012.

In 2007 she was arrested for selling drugs to a police officer. She was with [REDACTED] and he was in her car but he did not get arrested. The police said the drugs were hers and she admitted that they were hers. For that case, she hired an attorney, Earnest DeBenedetto to defend her.

She has been in her unit for 3-4 years and she is still receiving services to get help and get educated.

Both sides made closing arguments and the hearing was concluded.

## Findings of Fact:

JANE DOE [REDACTED] is a Housing Choice Voucher Program participant;

JANE DOE [REDACTED] is the head of household;

JANE DOE [REDACTED] signed the Chicago Housing Choice Voucher Family Obligations forms on February 10, 2005, August 14, 2007 and September 3, 2009;

JANE DOE [REDACTED] pled guilty to felony possession of cocaine in 2007 in case no: [REDACTED]

JANE DOE [REDACTED] pled guilty to felony possession of a controlled substance in 2010 in case no: [REDACTED]

JANE DOE [REDACTED] was a victim of domestic violence for all relevant periods .

## Analysis:

When determining whether to terminate assistance under the HCVP to a participant we must first consider the relevant authorities.

\*rev. 3/11, barcode: Hearing Sch Ltr

## CHA HOUSING CHOICE VOUCHER PROGRAM OFFICE LOCATIONS

( ) Central Office  
60 E. Van Buren Street, Chicago, IL 60605

( ) Southwest Office  
10 W. 35th Street, Chicago, IL 60616

CHA Customer Call Center / TTY  
312-935-2600 / 312-461-0079

( ) South Office  
1749 E. 75th Street, Chicago, IL 60649

( ) West Office  
2750 W. Roosevelt Road, Chicago, IL 60608

Web  
www.thecha.org/hcv

# CHANGE.

CHICAGO HOUSING AUTHORITY  
HOUSING CHOICE VOUCHER PROGRAM

¡Este documento es importante, tradúzcalo inmediatamente!

The Chicago Housing Authority (CHA) is a municipal corporation that administers the Housing Choice Voucher Program (HCVP). This program is funded by the U.S. Department of Housing and Urban Development (HUD).

The HCVP provides rental subsidies to eligible families for safe, decent and affordable housing in the private market. In administering the HCVP, CHA relies on the rules, policies, procedures and regulations set forth in the Federal Code of Regulations ("CFR") and in its Administrative plan (CHA Admin Plan) for the allocation as well as termination of assistance for applicants and participants. [24 CFR 982 and 983 et. al and the CHA Admin Plan for the HCVP 09/2010]

JANE DOE [REDACTED] Drug Related Criminal Activity [24 CFR 5.100]

## Chapter 12 Termination of Assistance and Tenancy 12- I. E.

### CHA POLICY

*The CHA will terminate a family's assistance if any household member has violated the family's obligation not to engage in any drug-related or violent criminal activity during participation in the HCV program.*

*The CHA will consider all credible evidence, including but not limited to, any record of arrests and/or convictions of household members related to drug-related or violent criminal activity, any eye witness accounts any agent and /or employee of the CHA's investigation indicating current drug-related or violent criminal activity, regardless of whether the family member has been arrested or convicted ....*

### 2-II.E. Terminating the Assistance of Domestic Violence, Dating Violence or Stalking Victims and Perpetrators [Pub.L. 109-162, Pub.L. 109-271]

The Violence Against Women Reauthorization Act of 2005 (VAWA) provides that "criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be a cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, or stalking."

I find that JANE DOE [REDACTED] is a victim of domestic violence as defined under VAWA and her case will be analyzed accordingly.

#### I. Documentation

##### *Victim Documentation*

##### *CHA Policy*

An applicant claiming that the cause of an unfavorable history is that a member of the applicant

\*rev. 3/11, barcode: Hearing Sch Ltr

#### CHA HOUSING CHOICE VOUCHER PROGRAM OFFICE LOCATIONS

( ) Central Office  
60 E. Van Buren Street, Chicago, IL 60605

( ) Southwest Office  
10 W. 35th Street, Chicago, IL 60616

CHA Customer Call Center / TTY  
312-935-2600 / 312-461-0079

( ) South Office  
1749 E. 75th Street, Chicago, IL 60649

( ) West Office  
2750 W. Roosevelt Road, Chicago, IL 60608

Web  
[www.thecha.org/hcv](http://www.thecha.org/hcv)

# CHANGE.

CHICAGO HOUSING AUTHORITY  
HOUSING CHOICE VOUCHER PROGRAM

¡Este documento es importante, tradúzcalo inmediatamente!

family is or has been a victim of domestic violence, sexual violence, dating violence, or stalking must provide documentation

- (1) demonstrating the connection between the abuse and the unfavorable history and
- (2) naming the perpetrator of the abuse.

The documentation may consist of any of the following:

A statement signed by the victim certifying that the information provided is true and correct and that it describes bona fide incident(s) of actual or threatened domestic violence, sexual violence, dating violence, or stalking, a police or court record documenting the domestic violence, sexual violence, dating violence, or stalking, documentation signed by a person who has assisted the victim in addressing domestic violence, sexual violence, dating violence, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical or other knowledgeable professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

I find that Ms. **DOE** has met the burden of demonstrating the connection between the abuse and her unfavorable history. Ms. **DOE** testified that because her abusive boyfriend, **ABUSER** was in jail for abusing her, she feared retaliation if she didn't comply with his gang's request that she participate in a drug deal. Ms. **DOE** provided corroborating documentary evidence of the underlying incident (**DOE** Exhibits D-F) whose dates match with the CHA evidence presented against Ms. **DOE** on this allegation (CHA Exhibits 7-8). In the second felony drug charge, Ms. **DOE** testified credibly that she was fearful of Mr. **ABUSER 2** and again supplied an order of protection barring him from contacting her. (**DOE** Exhibit G). However, as he was the father of two of her children, she did not exclude him for her life completely, despite her continuing to feel threatened. She testified that it was Mr. **ABUSER 2** drugs that were found in her car and I find her testimony credible.

I find that Ms. **DOE** presented substantial documentation of her abuse, and named both of her abusers by name. She has submitted arrest reports, orders of protection, and an inmate card that coincides with the arrest date for domestic violence and letters from those helping her to recover from the abuse. (**DOE** Exhibits A-G, M, Q-R).

## II. PHA Confidentiality Requirements

All information provided to the PHA regarding domestic violence, sexual violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence. The PHA will maintain confidentiality of information received and shared, and keep all information provided confidential. The PHA will not enter information into any shared database nor provide information to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

I hereby order that in compliance with the confidentiality protections that the CHA circulate this decision to as few people as possible and that it not be made available as part of a public or universal file.

\*rev. 3/11, barcode: Hearing Sch Ltr

### CHA HOUSING CHOICE VOUCHER PROGRAM OFFICE LOCATIONS

( ) Central Office  
60 E. Van Buren Street, Chicago, IL 60605

( ) Southwest Office  
10 W. 35th Street, Chicago, IL 60616

CHA Customer Call Center / TTY  
312-935-2600 / 312-461-0079

( ) South Office  
1749 E. 75th Street, Chicago, IL 60649

( ) West Office  
2750 W. Roosevelt Road, Chicago, IL 60608

Web  
[www.thecha.org/hcv](http://www.thecha.org/hcv)

### III. Consideration of Mitigating Circumstances

The offenses against **JANE DOE** who is the head of household, are that she pled guilty to felony possession of cocaine in 2007 and felony possession of a controlled substance in 2010. Ms. **DOE** has been on notice that she could lose her housing voucher for failure to comply with CHA policies and family obligations. (CHA Exhibits 4-6). It is undisputed that **JANE DOE** was arrested and pled guilty to felony drug charges twice while a participant in the HCVP. This is a violation of Ms. **DOE** family violations. Ms. **DOE** testified that she is a victim of domestic violence and has provided sufficient documentary evidence to support this claim. (**DOE** Exhibits A-G, M, & Q-R). Under CHA policy, there are some factors that may be considered when deciding whether or not to terminate assistance.

#### *CHA Policy*

The CHA will also consider the same extenuating circumstances as would be considered when determining whether to deny or terminate assistance under 24 CFR 982.552(c)(2). These include: The CHA may consider all relevant circumstances such as:

- the seriousness of the case,
- the extent of participation or culpability of individual family members,
- mitigating circumstances related to the disability of a family member, and
- the effects of denial or termination of assistance on other family members who were not involved in the action or failure
- the family's recent history and the likelihood of favorable conduct in the future

First, I will address the seriousness of Ms. **DOE** felony drug convictions. It is undisputed by all parties involved that the charges were serious and that Ms. **DOE** was guilty of possessing drugs on the occasions alleged. Based on the totality of the circumstances, I find that Ms. **DOE** was fearful for her safety when she sold the drugs to the undercover officer in 2007 and when she allowed **ABU ABUSER 2** to repeatedly access her car so that he would leave her unit and leave her alone in 2010. Ms. **DOE** testimony was credible and her story plausible. Her testimony was particularly credible because she did not appear to be hiding anything, testifying openly and honestly even to the facts that were not in her favor. She explained that her guilty plea in both instances seemed like the safest way to avoid extensive jail time, which was critical since she had to take care of her children. These two incidents, given Ms. **DOE** explanation and her currently seeking assistance to avoid these situations in the future, does not warrant terminating her assistance.

When looking at the culpability of other family members, all the other family members are children and bear no culpability for any of this and should not be unfairly punished. Furthermore, Ms. **DOE** does not have a past history of drug use, nor has she had any drug offenses since. The evidence reflects that the drug issues in Ms. **DOE** life were really the result of her abusive relationships, and Ms. **DOE** is working very hard to address the root causes of those issues as well as finding ways to prevent them in the future. She has cited that she is learning how this behavior has affected her children. It would cause an extreme hardship to her family to terminate

\*rev. 3/11, barcode: Hearing Sch Ltr

#### **CHA HOUSING CHOICE VOUCHER PROGRAM OFFICE LOCATIONS**

( ) Central Office  
60 E. Van Buren Street, Chicago, IL 60605

( ) South Office  
1749 E. 75th Street, Chicago, IL 60649

( ) Southwest Office  
10 W. 35th Street, Chicago, IL 60616

( ) West Office  
2750 W. Roosevelt Road, Chicago, IL 60608

CHA Customer Call Center / TTY  
312-935-2600 / 312-461-0079

Web  
[www.thecha.org/hcv](http://www.thecha.org/hcv)

# CHANGE.

CHICAGO HOUSING AUTHORITY  
HOUSING CHOICE VOUCHER PROGRAM

¡Este documento es importante, tradúzcalo inmediatamente!

all of them for Ms. **DOE** poor decisions resulting from abuse and fear. In sum, I do not believe her conduct in these incidents should terminate her from the HCV Program.

I consider also that Ms. **DOE** is disabled. She receives income from social security for her disability and she cannot hear out of one ear. She suffers from depression and is seeking psychiatric care. (**DOE** Exhibit S). These factors would provide additional hardship to Ms. **DOE** if her housing voucher were terminated.

I believe Ms. **DOE** has demonstrated a strong likelihood of success in future. She has sought after and participated in numerous rehabilitation programs in understanding drug use, abuse, relationship violence, parenting and other life skills. Ms. **DOE** has demonstrated strong support from members of her community and her landlord. (**DOE** Exhibits Q-R & T).

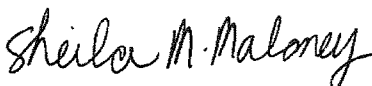
Ms. **DOE** has never had any problems with criminal or drug conduct absent the two incidents described above, both of which she explained plausibly and credibly. Ms. **DOE** will be reinstated to the HCVP subject to the condition below.

## Conclusion:

Having considered all of the testimony presented and documents submitted into evidence, and having considered the circumstances and factors delineated by HUD and the CHA Admin Plan, respectively, as to whether a participant's family assistance should be terminated, I find by a preponderance of the evidence that although **JANE DOE** technically violated her Family Obligations, Ms. **DOE** offense does not rise to the level of termination from the voucher program.

Accordingly, **JANE DOE** assistance under the HCVP with respect to Voucher # **DOE** is reinstated, subject to the following conditions:

Ms. **DOE** must arrange to attend a HCVP Family Obligations briefing within 30 days after the date of this decision, with the exact date of such briefing to be scheduled by the HCVP. Failure to attend this briefing will result in assistance being terminated. Ms. **DOE** should also be mindful that future violations of the family obligations may not be viewed with as much leniency in the future.



Sheila Maloney  
Hearing Officer, CHA

cc: File

\*rev. 3/11, barcode: Hearing Sch Ltr

## CHA HOUSING CHOICE VOUCHER PROGRAM OFFICE LOCATIONS

( ) Central Office  
60 E. Van Buren Street, Chicago, IL 60605  
( ) South Office  
1749 E. 75th Street, Chicago, IL 60649

( ) Southwest Office  
10 W. 35th Street, Chicago, IL 60616  
( ) West Office  
2750 W. Roosevelt Road, Chicago, IL 60608

CHA Customer Call Center / TTY  
312-935-2600 / 312-461-0079  
Web  
www.thecha.org/hcv

**CHANGE.**  
**CHICAGO HOUSING AUTHORITY**  
**HOUSING CHOICE VOUCHER PROGRAM**

¡Este documento es importante, tradúzcalo inmediatamente!

*\* If your assistance has been terminated and you believe that the decision outlined above is contrary to CHA policies and procedures or HUD rules and regulations, your only recourse is to file a petition known as a Writ of Certiorari with the Circuit Court of Cook County within the next six months from the date of this decision.*

\*rev. 3/11, barcode: Hearing Sch Ltr

---

**CHA HOUSING CHOICE VOUCHER PROGRAM OFFICE LOCATIONS**

( ) Central Office  
60 E. Van Buren Street, Chicago, IL 60605  
( ) South Office  
1749 E. 75th Street, Chicago, IL 60649

( ) Southwest Office  
10 W. 35th Street, Chicago, IL 60616  
( ) West Office  
2750 W. Roosevelt Road, Chicago, IL 60608

CHA Customer Call Center / TTY  
312-935-2600 / 312-461-0079

Web  
[www.thecha.org/hcv](http://www.thecha.org/hcv)