

TRESPASS POLICY

Attachment No. 3 of the Dwelling Lease

1. Purpose

The Chester Housing Authority, hereinafter referred to as the “CHA”, is aware of the problem its residents face with the unwanted presence of persons on, in or about the property of the CHA. Recognizing the seriousness of drug activity as well as other criminal activity, including loitering, vandalism, curfew and weapons violations, the Authority adopts the following policy in an effort to enhance the safety, health and well being of its residents and its property.

The goal of the following policy is to reduce criminal activity, which threatens the peace and tranquility desired for public housing and its residents. The following policy is to be implemented and carried out under the laws of the State of Pennsylvania and the municipality.

2. Definitions

- a. Police Department: Chester Housing Authority Police Department
- b. Policy: The CHA Trespass Policy
- c. Trespass: For the purpose of this Policy, under Pennsylvania Law 18 PA. CSA §3503 (b) and (b.1) trespass is defined as follows:
 - i. **Defiant Trespass**: A person commits an offense if, knowing that he is not licensed or privileged to do so, enters or remains in any place as to which notice against trespass is given.
 - ii. **Simple Trespass**: A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or remains in any place for the purpose of:
 1. threatening or terrorizing the owner or occupant of the premises;
 2. starting or causing to be started any fire upon the premises;
 3. defacing or damaging the premises
- d. Banned Person: A person who has been prohibited from entering CHA Property in accordance with the Policy.
- e. CHA: The Chester Housing Authority.

- f. **CHA Property:** The properties owned and maintained by CHA. CHA Property is private property. CHA Property includes, but is not limited to, the buildings, and parks within the CHA communities, the common areas, and parking lots within the properties owned by CHA. Signs have been posted on CHA Property that clearly identify the property as private property.
3. **Application** – This Policy applies to all public housing developments owned and managed by CHA.
 - 3.1 The following persons are **presumed to have a legitimate purpose for being on CHA property and are NOT subject to a Trespass Notice (“Notice”) barring them from CHA property, unless otherwise mandated by law, or terms of this Policy or another CHA policy:**
 - a. CHA residents and members of their household listed on the lease.
 - b. Invited guests of CHA residents or household members who are accessing the development of the inviting resident or household member and while doing so are not engaged in unlawful activity or a breach of the peace, or who have not been served with an enforceable court order prohibiting contact with a CHA Resident, employee, or contractor.
 - c. Persons who are currently employed by the CHA while engaged in lawful behavior.
 - d. Contractors to CHA and their employees while engaged in lawful behavior.
 - e. Service providers while engaged in lawful behavior.
 - f. Persons with express permission from CHA to be on CHA property and while engaged in lawful behavior.
 - g. Emergency fire, police, medical and utility personnel.
 - 3.2 All other persons **without legitimate business** on CHA property are subject to being barred from CHA property, including, but not limited to:
 - a. Individuals or groups of individuals who are engaged in unlawful activity including breach of the peace, criminal harassment, drug possession or sale, stalking, vandalism and domestic violence.
 - b. Individuals or groups whose conduct constitutes a disturbance of the peaceful and quiet enjoyment of residents or otherwise threatens the health, safety, and welfare of residents, their household members, CHA staff or other persons lawfully on the property.
 - c. Individuals or groups ordered, by any court of competent jurisdiction, not to enter onto CHA property or to remain away from a resident, household member, CHA staff member or other person lawfully on the property.
 - d. An individual or group who engage in any **illegal behavior involving firearms or other deadly weapons, including, but not limited to unlawful possession, discharge, concealment, display or use of a said firearm or deadly weapon.**

4. **Trespass Determination.** As determined by CHA's authorized staff or agent, a person who has engaged in activity as discussed in Section 3.2 of this Policy, shall be banned from entering CHA Property.

4.1 The person being banned may be notified orally or in writing by CHA's staff or agent.

4.2 Following CHA's determination to ban a person from CHA Property, a CHA Police Officer or agent will complete a Trespass Notice. CHA will make a reasonable effort, **but is not required**, to deliver the Notice to the Banned Person. The Notice shall be distributed as follows:

Copy 1:	Chester Housing Authority Police Department – Community Enforcement Department
Copy 2:	Chester City Police Department
Copy 3:	Chester Housing Authority - Housing Operations Department
Copy 4:	Banned individual

4.3 A photograph of the Banned Person (*if available*) may be maintained by CHA Police. The Notice shall serve as notification that the Banned Person shall not enter any CHA Property and that he/she may appeal CHA's determination in accordance with **Section 5** of this Policy.

4.4 In the event that the Banned Person is a juvenile, CHA will make a reasonable effort, but is not required, to deliver the original Notice to the Banned Person's parent or legal guardian.

4.5 CHA Police Officers shall make a reasonable effort to include the following information in the Trespass Letter:

- a) the full name and address of the offender;
- b) the date the Trespass Letter is delivered to the banned individual;
- c) the resident/non-resident status of the individual;
- d) the development or location at which the incident occurred;
- e) the signature of the Police Officer or designated staff person banning the individual;
- f) the date, time and place the person was encountered for the offense;
- g) the reason(s) for banning; and
- h) a description of the individual, to include such information as birth date, social security number, and driver's license or other special identification.

- 4.6 The names of all Banned Persons will be placed on CHA's Trespass/Banned List, which shall be updated quarterly or as often as determined by the Executive Director. The Trespass/Banned List shall be distributed to (1) the Chester Housing Authority Police Department (2) all law enforcement officers working as agents for CHA (3) all property managers and (4) residents through newsletters, information bulletin boards or other mailings. The Trespass/Banned List shall be posted at each of the public housing developments and at CHA's main office.
- 4.7 Residents and members of the household shall take all reasonable steps to exclude Banned Persons from CHA Property. Such reasonable steps include, but are not limited to, the resident notifying the CHA Police and/or the Property Manager if a Banned Person is seen on CHA Property or in/around the resident's dwelling unit. **If it is determined that a resident or member of the resident's household invites, facilitates or permits a Banned Person to enter CHA Property, the resident will be in violation of the dwelling lease and subject to immediate lease termination procedures.**
5. **Appeal Process** - The Banned Person may request a hearing to be removed from the CHA Trespass List as indicated below:
 - 5.1 A request for an appeal of CHA's determination must be submitted to the Executive Director within three (3) days following issuance of the Notice. CHA will provide the grieving party with the date, time and place of the hearing within a reasonable amount of time. Should the grieving party fail to appear at the hearing, the determination of CHA shall be final.
 - 5.2 The Hearing Officer shall be the Executive Director or his/her designee, who will review each appeal and conduct a hearing.
 - 5.3 The Executive Director or his/her designee, will make a final determination that will be provided to the grieving party in writing. A copy of the final determination will also be delivered to the CHA Police Department and Property Manager of the development where the offensive activity had occurred.
 - 5.4 If it is the determination of the Executive Director to remove the Banned Person from the Trespass List, the Executive Director may remove him/her from the Trespass List immediately or for a probationary period of one (1) year.

5.5 Following the expiration of the period in which a Banned Person may appeal CHA’s determination, the following is the time period a Banned Person will be prohibited from entering CHA property. Depending on the circumstances, and in the sole discretion of CHA, CHA may lengthen or shorten the following waiting periods:

<u>Offense</u>	<u>Time Period</u>
Criminal activity involving the use or threatened use of of a weapon or instrument	5 years
Drug related criminal activity on or off the property	5 years
Eviction from CHA property (One Strike Policy)	5 years
Verbal or physical confrontation with CHA residents, Employees, agents, contractors, or Law Enforcement Officers	5 years
Violence or threat of violence against CHA residents, employees, agents, contractors, or Law Enforcement Officers	5 years
Criminal activity that threatens the health, safety and right to peaceful enjoyment	5 years
Sex offense subject to lifetime registration	lifetime
Manufacture or production of methamphetamine on the premises of federally assisted housing	lifetime
Property damage in excess of \$300	2 years

5.6 In extenuating circumstances and for good cause shown, the Executive Director may permit Banned Persons to enter certain CHA Property under restrictive visitation conditions. Examples of extenuating circumstances include, but are not limited to, a Banned Person visiting his/her child or ailing family member who resides in CHA Property, assisting a family member with a move from CHA Property, etc. In the sole discretion of CHA, the Banned Person may be permitted to enter certain CHA Property during business hours, may be required to check in and out with the CHA Police Department or Property Management Office or other restrictive conditions as determined by CHA.

6. Removal from Ban List

Persons listed on the Trespass/Ban List may not be removed by anyone except in consultation with the Executive Director.

COMMON AREAS

The following rules and regulations apply to all property owned, leased, or managed by the Chester Housing Authority (“CHA”).

As used in these rules:

- (a) **Common Area** means any part of a housing development that is not leased for the exclusive use and occupancy of a resident, his/her household members, and his/her guests and visitors, including any parking lot, park, playground, recreational area, sidewalk, courtyard, or yard (as defined below); and
- (b) **Yard** means the outside area adjacent to an apartment unit, including any patio or porch, which area:
 - (1) Is intended to serve as personal space for a resident of an apartment, his/her household members, and his/her guests and visitor and their guest, and
 - (2) Is generally bounded by other yard and sidewalks providing access to more than one apartment.

If any question arises concerning the boundaries of a resident’s “yard” the property manager of the development will, upon request, identify the boundaries.

NO ONE MAY:

1. Enter CHA Property at any time unless he or she is:
 - A resident or household member whose name is on the **current** dwelling lease for a unit in the property
 - An employee, agent, contractor, or service provider of CHA
 - An invited guest of a resident or household member
2. Consume, carry, display any alcoholic beverage in any common area.
3. Enter or use any playground, recreational area, basketball court or park after curfew.
4. Congregate outdoors with others in any common area, except in the **rear yard of a resident who is present with the visiting person(s).**
5. Stand, sit or walk on or across any electrical transformer, wall or fence.
6. Create a nuisance or otherwise unreasonably disturb the right to quiet enjoyment of the property, such as conduct that:

- Is loud or disorderly, including loud music from cars
- Impedes vehicular or pedestrian traffic
- Threatens or intimidates others

7. Engage in any illegal activity.

This attachment is hereby incorporated into and made a part of the Chester Housing Authority Dwelling Lease.

CHA Representative _____
(Signature)

(Date)

(Print name and title)

Tenant _____
(Signature)

(Date)

