

# **BAN AND CRIMINAL TRESPASS POLICY**

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## HOUSING AUTHORITY OF THE COUNTY OF ARMSTRONG

### **BAN AND CRIMINAL TRESPASS POLICY**

#### **Section 1 – Purpose**

The purpose of the Housing Authority of the County of Armstrong is to provide decent, safe, sanitary, and affordable residential housing for lower income persons. Persons residing in Housing Authority properties are entitled to the quiet and peaceful enjoyment of their property. In order to minimize, reduce and prevent potential and real criminal, drug, and nuisance activity which threatens the peace and tranquility of Housing Authority properties and neighborhoods, the Housing Authority is authorized and empowered to adopt policies and procedures to establish this goal.

Residents who violate the provisions of their lease and are evicted (excluding evictions for non-payment rent) and persons who do not have a legitimate reason or permission to be on Housing Authority property or have engaged in illegal or inappropriate conduct that could adversely affect residents, other persons in the vicinity, employees, or the property in general will be barred.

#### **Section 2 – Persons Subject to Ban and Criminal Trespass**

- A. Any person whose residency has been terminated (except for non-payment of rent) by the Housing Authority or is otherwise living in a Housing Authority rental unit in violation of a lease agreement.
- B. Any non-resident who has no legal right or legitimate reason to be on the Housing Authority property.
- C. Persons who engage in activities that threaten the health, safety and right to peaceful enjoyment of Housing Authority residents, household members, authorized visitors, Housing Authority staff or its agents such as:
  - i. Activity involving the use or threatened use of weapon or other instrument to inflict injury or to intimidate another person.
  - ii. Violent and non-violent criminal behavior on Housing Authority property.
  - iii. Damaging, destroying, defacing, vandalizing any property of the Housing Authority or others by malicious acts.
  - iv. Verbal or physical confrontation with other persons while on Housing Authority property.

- v. Conduct involving vehicles, including by not limited to, reckless driving, joy riding, destruction and theft on Housing Authority property.
- vi. Conduct that causes a disturbance or nuisance, a display of intoxication, exhibits disorderly, lewd, or lascivious conduct toward residents or while on Housing Authority property that interferes with the residents' right to peaceful enjoyment.
- vii. Loitering or littering on Housing Authority property, and engaging in any gang-related activity, including but not limited to, grouping, using hand signals, gestures, and/or clothing to show gang affiliation for the purpose of threatening or intimidating other person.

### **Section 3 – Ban and Criminal Trespass Period**

- A. Lifetime Ban Offenses. Criminal convictions for the following offenses shall result in an automatic lifetime ban:
  - i. Sex offense subject to lifetime registration.
  - ii. Murder, homicide, domestic violence, dating violence, sexual assault or staling as described in the Violence Against Women Act, or child molestation.
  - iii. Manufacture or production of methamphetamine on the premises of any federally assisted housing development.
- B. Felony criminal convictions shall result in a ban of 7 to 10 years as determined at the sole discretion of the Housing Authority.
- C. Misdemeanor criminal convictions shall result in a ban of 6 months to 5 years as determined at the sole discretion of the Housing Authority.
- D. Convictions for Drug Offenses Under Title 35 shall result in a ban of 1 year to 15 years as determined at the sole discretion of the Housing Authority.

For pending charges and all other activities not resulting in a criminal conviction, but are classified as activities that threaten the health, safety and right to peaceful enjoyment of Housing Authority residents, household members, authorized visitors, and Housing Authority staff or its agents, the ban period will be at the sole discretion of the Housing Authority. Depending upon the specific circumstances, the ban period may be renewed at expiration.

### **Section 4 – Notice of Ban and Criminal Trespass**

Property Managers will be responsible for issuing notifications in accordance with this Policy. The Notice, at a minimum, will include:

- A. The full name and last known address of the person subject to the ban;
- B. The reason(s) for the ban, including the location, date, and time in which the incident occurred; and,
- C. The properties from which the person is banned and a statement that if they return to Housing Authority property they will be subject to arrest.

#### **Section 5 – Service of Notice**

- A. The Notice will be mailed to the person at his/her last known address by certified mail, return receipt requested and first class mail, postage prepaid.
- B. Service will be considered complete upon mailing per Paragraph A above.
- C. If the banned person is a resident, family member, guest, or otherwise connected with a resident, a copy of the Notice will be provided to the resident.
- D. A copy of the Notice will be provided to the local law enforcement agency.

#### **Section 6 – Temporary Lift of Ban and Criminal Trespass Notice**

The Executive Director, at his/her discretion, may temporarily lift the Notice for a banned person to have access to specific Housing Authority properties under restrictive visitation conditions. For example, to permit the banned person to visit or pick-up their child as part of a custody agreement or to visit an ailing family member.

The banned person must submit a written request to the Executive Director specifying the reason they are requesting the lift. If approved, the Executive Director will determine the period of the temporary lift.

If the person commits a subsequent offense, the lift will immediately be rescinded and future lift requests will not be considered and the initial ban period may be extended in accordance with Section 3 above.

#### **Section 7 – Ban List and Posting**

The Housing Authority will maintain a list of all persons banned from Housing Authority property that include name, date of the Notice, and date of ban expiration. Copies of all Notices along with receipts of mailing will be retained until the ban expires. The list will be updated as necessary and will be provided to local law enforcement, and occupancy and tenant selection staff.

The list will be posted for resident review at the property management office, the resident's respective building/site (if management office is not on site), and the Administration Office. It is the residents' responsibility to periodically review the list to ensure that none of their

guests are on the list. The Housing Authority will provide a notice (attached) to residents, including new admissions, of their responsibility to review the list and where the list will be posted.

#### **Section 8 – Violation**

Any person violating the provision of this bar policy will be immediately reported to the appropriate law enforcement agency for arrest and prosecution under 18 Pa. C.S.A. §3503.

## **BAN AND CRIMINAL TRESPASS POLICY**

### **NOTICE TO RESIDENTS**

The Housing Authority of the County of Armstrong has a Ban and Criminal Trespass Policy which prohibits certain persons from entering upon Housing Authority property, including any occupied unit or common area.

It is the responsibility of each resident to ensure that their guests, visitors, caregivers, etc. are not on the ban and trespass list. A copy of the list of persons who are banned from Housing Authority property will be posted for resident review at the property management office, the resident's respective building/site (if office is not on site), and the Administrative Office.

Residents may be evicted for permitting persons who are on the Ban and Trespass List to be on Housing Authority property.

**HOUSING AUTHORITY OF THE COUNTY OF ARMSTRONG - TRESPASS BAN LIST POSTING**[illegible][illegible]