

RESOLUTION NO.: \_\_\_\_\_  
DATE ADOPTED: \_\_\_\_\_

## **BAN & CRIMINAL TRESPASS POLICY**

### **Policy**

It is the policy of Atlanta Property Management to provide for the safe and peaceful enjoyment of the PHA properties for all tenants, their guests and employees of the PHA.

The dwelling lease signed by each tenant makes the tenant responsible for the conduct of their household members, guests, and anyone visiting. While visitors are welcome, they are expected to act in an appropriate and lawful manner at all times. They are expected to limit their visits to the tenant's apartment and yard. Engaging in criminal activity or disturbing any tenant or staff of the PHA will not be tolerated.

In keeping with this policy, it sometimes becomes necessary and prudent to ban persons from the property or issue a Criminal Trespass Notice to prevent the disruption of a safe, lawful and peaceful environment. Persons banned or issued a Criminal Trespass Notice under this policy shall be prohibited from entering upon any PHA property for any reason. If a person banned under this policy enters such properties during the ban time period, they will then be issued a Criminal Trespass Notice. If a person who received a Criminal Trespass Notice under this policy enters such properties, it shall be a violation of Texas Criminal Trespass laws.

### **Procedures**

The employees of Atlanta Property Management have the authority to initiate a ban of a person whose conduct on the property causes a threat to the safety or operation of PHA properties or creates a disruption to the maintenance of a lawful, peaceful or safe environment at any PHA property. The PHA employee in such circumstances may initiate a ban of such person and direct the person to leave the property or contact the police department to remove the person immediately from the property. The employee shall promptly inform the Executive Director of the action; the name of the individual(s) issued a ban, the person's address, if known, and other identifying information.

Examples of conduct that may result in a person being banned from PHA property include but are not limited to interference and intimidation of PHA staff or law enforcement personnel, consumption of alcohol in public, loitering, loud music, littering, vandalism, arguing, not getting along with others, or owing PHA money for rents, damages and other charges. Other conduct occurring on PHA property that may result in a Criminal Trespass Notice include but are not limited to arson, murder, rape, assault, battery, burglary, theft, robbery, criminal trespass, criminal damage to property, drug use or distribution, illegal sale of alcohol, activities that violate state gambling laws, threats of harm, harassment, trespassing, stalking, criminal violation of stay away protective orders or restraining orders and any other illegal activity or action that significantly interferes with the maintenance of a safe, lawful or peaceful environment.

Persons banned or issued a Criminal Trespass Notice shall not come on any PHA properties. The following are examples of time periods that may be imposed for illegal activity on the PHA property:

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| Three (3) Years | Any person convicted of a felony crime; Any person convicted of the possession, sale, or distribution of controlled substances; Any person that endangers the health and welfare of the tenants or staff  |
| Five (5) Years  | Any person who harms or attempts to harm an employee of the PHA through assault or violence; Any person who committed fraud on their housing application.   |
| Permanently     | Any person who has a history of drug use without evidence of rehabilitation; Any person convicted of manufacturing methamphetamine (speed); Any person who is subject to a lifetime registration requirement under a state sex offender registration program; Any person convicted for child. |

Once a ban or Criminal Trespass Notice has been initiated, the Executive Director shall obtain the identifying information regarding the individual and contact the police to inform them of the name of the person, other available identifying information, the details of the incident that required such action. When possible, a notice of the action taken shall be served on the individual by law enforcement or staff. If an address for the person is known, the Executive Director will send a notice by first class mail informing the individual the reason for the action, the time period, and the procedure by which the person may seek to have the action removed (if applicable). However, the efforts of the PH to provide written notice shall not invalidate an oral notice, which shall have the same force and effect as a written notice.

The Executive Director of the PHA will maintain a list of all persons banned and issued a Criminal Trespass Notice from the PHA property. PHA shall review it annually and determine whether an individual no longer constitutes a threat to the residents or staff of the PHA. Any individual whose time period has expired or who no longer considered a threat shall be removed from the list and a notification of such removal will be mailed to the person's last known address.

The PHA will maintain and update a list of persons who are included on the list. Tenants will be supplied with an updated list at their initial lease signing, at annual re-certification for continued occupancy, and a copy shall be posted in the PHA's office.

Tenants who allow persons banned or issued a Criminal Trespass Notice to visit shall be subject to termination of their dwelling lease.

Any person banned or issued a Criminal Trespass Notice from PHA properties is forbidden to trespass upon any properties owned by the PHA. If such person is found to be or seen on property, all employees are directed and shall be obligated to call law enforcement to have the trespassing person arrested. The PHA may pursue prosecution of such individuals.

### **Appeal Procedures**

One appeal may be made to the Executive Director for consideration. A person who wishes to be removed from the list must submit a request in writing to the Executive Director. The written request must include the reason for the request and any justification or extenuating circumstances requested for consideration in connection with the appeal.

The Executive Director will contact the person submitting the appeal to confirm that the appeal is being reviewed. The contact should be made within fifteen days, unless the Executive Director is unavailable during that period. The Executive Director will advise whether additional information or a meeting is needed to evaluate the appeal. The Executive Director may ask for pertinent documentation prior to making a decision. The Executive Director may at their discretion schedule a meeting with the person and other interested or involved parties e.g., law enforcement officials or other PHA property tenants. After receiving all information requested and holding a meeting, if necessary, the Executive Director will make a determination and inform the requester in writing of the decision and the reasons for the decision. The Executive Director's decision is the final administrative decision of the PHA.

A tenant who wishes to appeal a ban or Criminal Trespass Notice of an individual may use the PHA grievance procedures for the appeal. In connection with a ban of a tenant's guest, a tenant further may use the grievance procedures to appeal any lease violation issued for the tenant's failure to control his/her guest.

Nothing in this policy shall abrogate any rights which tenants or the PHA may have under law or under the lease.