

# Housing Authority of the City of Erie

## TRESPASS / BANNING PROCEDURE

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In an attempt to lessen the impact of crime on public housing residents, the Housing Authority of the City of Erie has adopted a Trespass/Banning Policy. The Trespass/Banning Policy, adopted by the Board of the Housing Authority, attempts to ban from Housing Authority property those individuals who cannot legally claim residence or entitlement to Housing Authority properties, who do not have legitimate reasons and/or permission for access to Housing Authority premises, or who have engaged in illegal or inappropriate behavior that could adversely affect Housing Authority public housing residents, employees, or property.

The enforcement of this policy ultimately rests upon the police officers of the City of Erie who patrol Housing Authority property. The following procedure regarding the Trespass/Banning Policy should be followed by these police officers during their patrolling of the Housing Authority properties:

- I. The “Banned” list – Those individuals who are named on the “Banned” list are individuals who have been banned from all Housing Authority property (which does not include public rights-of-way or sidewalks) because the Housing Authority considers them a threat to the health and safety of its tenants and staff, and because they are currently engaged in inappropriate behavior on Housing Authority property, which includes the following:
  - suspected or actual criminal activity, including drug trafficking, drug use/possession
  - loitering in common areas (e.g., playgrounds, parking lots, driveways, basketball courts, open fields)
  - illegal gambling on Authority property
  - consumption of alcoholic beverages in common areas (e.g., playgrounds, parking areas, driveways, basketball courts, open fields)
  - obstructing or interfering with the police or Housing Authority staff in the performance of their duties
  - playing loud music
  - performing automotive repairs on Housing Authority property
  - driving a vehicle on Housing Authority property other than designated roadways and parking areas

- vandalizing or littering Housing Authority property
- congregating in common areas (e.g., playground, parking areas, driveways, basketball courts, open fields) after dark
- carrying a handgun or other prohibited weapon, without a license
- pointing and/or discharging a gun on Authority property
- bringing an animal onto Housing Authority property

Individuals identified for inappropriate behavior (listed above) **must also** have a history that includes one or more of the following:

a. CONVICTION OF ANY OF THE FOLLOWING CRIMINAL ACTS

- (1) Acts of violence
- (2) Any drug violations
- (3) Any firearms violations
- (4) Non-violent felonies
- (5) Disorderly conduct
- (6) Protection form Abuse violations against a public housing tenant
- (7) Loitering in aid of drug offense
- (8) Defiant trespass

b. EVICTION FROM PUBLIC HOUSING FOR REASONS OTHER THAN NONPAYMENT OF RENT.

c. PREVIOUSLY-ISSUED TRESPASS WARNINGS BY THE ERIE POLICE DEPARTMENT.

II. If a police officer observes an individual on Housing Authority property (not public rights-of-way or public sidewalks), which the officer has reasonable suspicion to believe is on the Housing Authority “Banned” list, the officer should take the following action:

a. OBTAIN THE ACTUAL IDENTITY OF THE INDIVIDUAL.

b. REFERENCE THE HOUSING AUTHORITY’S “BANNED” LIST AND DETERMINE WHETHER THE INDIVIDUAL HAS BEEN PLACED ON THE “BANNED” LIST.

- (1) If the officer determines that the individual is on the “Banned” list, the officer shall provide verbal or written warning to the individual for defiant trespass. The officer shall notify the Housing Authority (on daily activity report) that the individual was warned for defiant trespass.

- (2) If the officer determines the individual has been previously warned for being on the property, the officer should arrest the individual for defiant trespass.
  - (3) In the event the individual is arrested for defiant trespass, the officer shall notify the Housing Authority (on daily activity report) that a previously warned individual was arrested for defiant trespass.
- III. If a police officer observes an individual engaging in “inappropriate behavior” as set forth in I. above, that individual should be identified and warned that his/her behavior could lead to “banning” from Housing Authority property. This warning should be noted on the officer’s daily activity report.
- IV. The Housing Authority will update the “Banned” list based upon the information contained on the daily activity reports, information provided by the managers, or other sources available to the Authority. The “Banned” list will be updated and reissued monthly. Only the Executive Director has the authority to place individuals on the “Banned” list.
- V. Michael Fraley has been designated as the liaison officer for the Authority on this procedure. He can be contacted at 452-2425.
- VI. Procedure for an individual to apply to be removed from the Housing Authority of the City of Erie “Banned” list.
  - a. Any person who has been on the Housing Authority of the City “Banned” list for at least one year may apply in writing to the Executive Director of the Authority for removal from the list. They must be able to show proof they meet all of the following criteria.
    - Not have been on probation or parole for one year;
    - No violation(s) of the Trespass and Banning Policy for one year prior to applying for removal;
    - No pending criminal charges;
    - No convictions for criminal activity in the year prior to applying for removal from the “Banned” list; and
    - Not currently named in a Protection from Abuse Order.
  - b. If an individual applies for removal from the “Banned” list and can show they meet the criteria outlined in section A, a hearing will be scheduled with the Executive Director. It is the responsibility of

the individual on the “Banned” list to provide the Authority with proof that he/she meets the criteria outlined in section A. At the hearing, the Executive Director will determine if the criteria for removal from the “Banned” list has been met. A decision will be made within thirty days of the hearing.

- c. If an individual is denied removal from the “Banned” list, he/she may apply for removal again after one year.
- d. If an individual is removed from the “Banned” list and subsequently causes a problem in public housing, as identified in I above, that individual will be placed back on the Authority’s “Banned” list.

VII. These procedures will be reviewed and revised on an as-needed basis.