

# **GALLIA METROPOLITAN HOUSING AUTHORITY NO-TRESPASS POLICY**

## **1. PURPOSE AND MISSION STATEMENT OF POLICY**

It is Gallia Metropolitan Housing Authority's (GMHA) mission to provide safe, decent and affordable housing to Gallia County residents. GMHA adopts this trespass policy ("policy") in an effort to further this mission. Recognizing the seriousness of criminal activity, GMHA retains the right to refuse entrance or access to its property by any persons who engage in conduct and activities that threaten the well-being and the lives of its residents, its staff, or impede the GMHA from fulfilling its mission. Federal law mandates that each GMHA tenant ensure that his or her guests do not engage in any criminal activity that threatens the health, safety or right to peaceful enjoyment of other GMHA residents. In response to GMHA'S mission and Federal law, GMHA adopts this trespass policy.

## **2. PROCEDURE**

- A. **Authorized Persons:** Entrance to GMHA property is restricted to GMHA residents, their household members, authorized visitors and guests, and except as provided in Section B, GMHA staff, agents or contractors, and persons providing municipal services and law enforcement officials.
- B. **Persons Subject to GMHA Trespass List:** Any person who has engaged in activities that threaten the health, safety and right to enjoyment of GMHA residents, household members, authorized visitors and guests, service providers, or GMHA Staff or agents may be prohibited from entering all GMHA property. *For the purposes of this policy 'service provider' includes home health aides, visiting nurses, postal employees; or persons providing a legitimate social or municipal service.*

Examples of persons who may be banned from GMHA property include, but are not limited to, the following:

- A person who engages or has engaged in any drug related criminal activity on or off GMHA property.
- A person who engages in any activity that threatens the health, safety and right to peaceful enjoyment of GMHA residents, authorized guests, and GMHA staff or agents.
- A person found to be unlawfully in possession of a deadly weapon, as described in Section 2923.11 of the Ohio Revised Code, on GMHA property.
- A person who damages, destroys, vandalizes, defaces or otherwise reduces the value of the real and/or personal property of GMHA, or that of its employees, agents, residents, visitors, guests, contractors, any law enforcement official, service providers or other members of the public.

- **A person who engages or has engaged in any violent criminal activity or any act of threatened violence against any GMHA residents, household members, authorized visitors or guests, or the staff and agents of GMHA (this includes domestic violence as defined in section 2919.25 of the Ohio Revised Code).**
  - **A person who engages or has engaged in a verbal or physical confrontation with any GMHA resident, household member, visitor, guest, GMHA staff or agents, or any law enforcement officer on GMHA property.**
  - **A person who commits a crime of disorderly conduct as defined in ORC 2917.11 on GMHA property.**
  - **A person who has previously been evicted from GMHA housing due to criminal activity, including tenants who voluntarily vacate during the pendency of an eviction action.**
  - **A person who habitually loiters or otherwise fails to have any legitimate legal business on GMHA property.**
  - **A person who engages or has engaged in any illegal activity involving a deadly weapon or firearm including, but not limited to, unlawful possession, concealment or use of said deadly weapon or firearm.**
  - **A person subject to any type of court order to stay away from GMHA residents, household members, authorized visitors or guests, or GMHA staff, agents, contractors and law enforcement officials or GMHA property.**
  - **A person convicted of any crime categorized as a felony.**
- C. Placement on GMHA'S Trespass List: As determined by authorized GMHA staff or agent, a person who has engaged in any activity listed in Section II (B) may be placed on the GMHA Trespass List and therefore banned from entering all GMHA property.**
- D. Notice to Banned Person: If a last known address of person being placed on the GMHA Trespass List is known, GMHA will make a reasonable effort, but is not required, to notify the banned person either verbally or in writing. The notice will include the reason for placement on the GMHA Trespass List.**
- E. Notice to Affiliated GMHA Resident: If GMHA is aware of banned person being affiliated with any GMHA resident, GMHA will notify the resident(s) of GMHA'S determination to place the banned person on the GMHA Trespass List.**

**F. Contents of Notice: GMHA will make a reasonable effort to include the following in the Trespass Notice:**

- i. Full name and address of banned person**
- ii. The date of incident**
- iii. The location of incident**
- iv. The reason for placement**

**G. Effect of Placement on Trespass List: Persons on the GMHA Trespass List are banned from entering all GMHA property wherever it is located. Any banned person on GMHA property is subject to criminal prosecution. Any tenant who knowingly invites any banned person onto GMHA property will be in breach of their GMHA lease agreement and may be subject to lease termination and/or an eviction action.**

**H. Appeal /Grievance Process:**

**a. GMHA Tenant:** Any GMHA resident impacted by the placement of a person on the GMHA Trespass List is entitled to appeal the placement in accordance with GMHA'S Grievance Procedure, including requesting a grievance hearing.

- i. The grievance must be submitted within ten calendar days of the issuance of the Trespass Notice to the tenant.**
- ii. If the tenant has not been served a Notice of Trespass for the banned person, the tenant may submit a grievance within ten calendar days of gaining knowledge that the banned person is on the GMHA'S Trespass List.**

**b. Banned Non-Resident:** Any person banned from GMHA property can appeal the determination by submitting a letter to the Executive Director or authorized staff member.

- i. Authorized GMHA staff member will review the placement and issue a written decision to the banned non-resident within 14 days of receiving the appeal.**
- ii. Banned persons are NOT subject to the GMHA Grievance Procedure.**

**I. Removal from Trespass List:**

**a. A banned non-resident or affiliated resident may request removal of the banned person from the Trespass List after a waiting period. GMHA should not unreasonably deny the request after the following waiting periods have expired:**

	<b><u>Offence</u></b>	<b><u>Time Period</u></b>
<b>i.</b>	<b>Drug related activity on or off the premises</b>	<b>5 years</b>
<b>ii.</b>	<b>Criminal activity that threatens the health, safety and right to peaceful enjoyment</b>	<b>5 years</b>
<b>iii.</b>	<b>Person found unlawfully in possession of</b>	

	<b>a deadly weapon on GMHA property</b>	<b>5 years</b>
<b>iv.</b>	<b>Person who damages, destroys, defaces or otherwise vandalizes property</b>	<b>3 years</b>
<b>v.</b>	<b>Person engaged in verbal or physical confrontation on GMHA property</b>	<b>5 years</b>
<b>vi.</b>	<b>Sex Offence subject to lifetime registration</b>	<b>Lifetime</b>
<b>vii.</b>	<b>Manufacture or production of methamphetamine on the premises of federally assisted housing</b>	<b>Lifetime</b>
<b>viii.</b>	<b>Person previously evicted from GMHA</b>	<b>1 year</b>
<b>ix.</b>	<b>Persons subject to court stay away order</b>	<b>as long as Court order is effective</b>
<b>x.</b>	<b>Person convicted of any felony</b>	<b>5 years</b>
<b>xi.</b>	<b>Person engaged in any crime involving the use of a firearm or deadly weapon</b>	<b>5 years</b>
<b>xii.</b>	<b>Person engaged in any violent criminal activity</b>	<b>5 years</b>
<b>xiii.</b>	<b>Person habitually loitering with no legitimate interest</b>	<b>18 months</b>

**b. Exceptions to the waiting period may be made at the discretion of GMHA'S Executive Director or authorized staff member. Exceptions may be limited to supervised access or limited access to GMHA property.**

**c. All requests for removal from the Trespass List must be made in writing.**

**d. A response should be made within 14 days of the submission and be in writing.**

**e. If GMHA denies the request, the reason must be included in the denial.**

### **III. Trespass List Maintenance**

**a. GMHA'S Public Housing Department will maintain the Trespass List.**

**b. In the event the banned person is a juvenile, GMHA will make a reasonable effort, but it not required, to deliver the trespass notice to the banned persons parent or legal guardian.**

**c. A photograph of the banned person (if available) may be maintained by GMHA.**

**d. The names of all banned persons will be placed on GMHA'S Trespass List.**

**e. Quarterly, or as determined by GMHA'S Executive Director, an updated Trespass List shall be distributed to all property managers and law enforcement officers.**

**f. The Trespass List will be displayed in a conspicuous manner at every property management office and will be available for review by all GMHA residents upon request.**