

Pike County Housing Authority
Trespass Policyⁱ

Introduction

This section explains the components of the Pike County Housing Authority's (PCHA) trespass policy, based on HUD regulations, State of Illinois statutes, and PCHA policy decisions.

HUD provides no guidance on the subject of trespass. Therefore, it is up to the PCHA to have specific policies in place to deal with the issue in a legally sound manner.

PCHA policies related to trespass are broken out into 5 sections:

Section I: Residents Right to Guests and Visitors. This section describes PCHA's resident's rights to have guests and visitors.

Section II: Authorized Persons. This section describes what persons are considered authorized to enter the premises of PCHA property.

Section III: Unauthorized Persons. This section describes what persons are NOT considered authorized to enter the premises of PCHA property.

Section IV: Criminal Trespass. This section defines criminal trespass, describes what criminal trespass is, who is subjected to that status, and how long the status remains with the person.

Section V: Criminal Trespass Appeals. This section describes the resident's right to appeal the criminal trespass status.

Section I: Residents Right to Guests and Visitors

I.A. Overview

The PCHA has substantial and meaningful ties to the residents of public housing and the surrounding communities. For this reason, it is essential to establish policies that protect the right of tenants to have visitors and provide the PCHA with a tool to keep unauthorized, disruptive, and dangerous persons off of housing development property.

I.B. Guests and Visitors

PCHA Policy

PCHA residents have a right to have both visitors and guests to their public housing unit. A visitor shall be defined as someone visiting socially for a short period of time and is not being provided accommodations via PCHA property. A guest shall be defined as someone who is staying for a longer period of time and is being provided accommodations via PCHA property. The resident is responsible for the behavior of both visitors and guests. Both visitors and guests must conduct themselves in a manner that is not in violation of the tenant's lease.

I.C. Approval of Guests and Visitors

PCHA Policy

All guests staying longer than 7 days require prior written approval of the PCHA since they are being provided accommodations via PCHA property. If a guest is staying longer than 14 days they will be reviewed by PCHA to determine as to whether they should be included in the residents household. Visitors do not require prior written approval of the PCHA since they are not being provided accommodations via PCHA property.

Section II: Authorized Persons

II.A. Authorized Persons

PCHA Policy

Authorized Persons are individuals entering PCHA property who are PCHA residents, their household members, authorized guests, and visitors entering with the resident's permission, as well as PCHA staff, commissioners, agents, contractors, security and law enforcement officials carrying out official PCHA or law enforcement business.

II.B. Visitors Entering with Resident's Permission

PCHA Policy

The PCHA will not require written notification from the resident when a visitor is expected, but the PCHA will seek a resident's approval of a visitor's presence at the time when a visitor is observed on the property. If the PCHA is unable to confirm the tenant's approval of that visitor, they will be required to leave the property.

Section III: Unauthorized Persons

III.A. Unauthorized Persons

PCHA Policy

Unauthorized Persons are individuals entering PCHA property who are not PCHA residents, or their household members, who are not authorized guests, and are not visitors entering with the resident's permission. Some examples of Unauthorized Persons include, but are not limited to, the following:

- Visitors who do not have the approval of the resident to be on PCHA property.
- Guests who have not been approved to be on PCHA property.
- Residents without valid identification.
- Residents or persons who have been previously convicted for Criminal Trespass on any PCHA property.
- Evicted from federally assisted housing for drug-related criminal activity.
- Convicted of the production or manufacture of methamphetamine on the premises of federally assisted housing.

- Registered sex offenders.
- Felons convicted of the production of methamphetamines.

III.B. Consequences for Unauthorized Persons

PCHA Policy

The PCHA or its agents will require Unauthorized Persons to immediately leave the property. If the Unauthorized Persons immediately leave the property then there will be no further action. If the Unauthorized Persons do not immediately leave the property then they will be subject to the Criminal Trespass provision in this policy as outlined in Section IV, below.

SECTION IV: Criminal Trespass

IV.A. Overview

This section provides a definition of Criminal Trespass, who is subject to Criminal Trespass, the consequences of Criminal Trespass, Criminal Trespass resulting in “Barred” status, and the length of Criminal Trespass resulting from “Barred” status.

IV.B. Definition of Criminal Trespass

PCHA Policy

The definition of Criminal Trespass for this policy is the definition of such found in the State of Illinois statutes.

Criminal Trespass is when a person knowingly and without legal authority enters or remains within or on a building; or enters upon the land of another after receiving, prior to such entry, notice from the owner or occupant that such entry is forbidden; or remains upon the land of another, after receiving notice from the owner or occupant to depart; or presents false documents or falsely represents his or her identity orally to the owner or occupant of a building or land in order to obtain permission from the owner or occupant to enter or remain in the building or on the land.

A person has received notice from the owner or occupant, that he/she has been notified personally, either orally or in writing, of a printed or written notice forbidding such entry that has been conspicuously posted or exhibited, at the main entrance to such land or the forbidden part thereof.

IV.C. Persons Subject to Criminal Trespass

PCHA Policy

Persons who are considered to be in violation of the Criminal Trespass statute, and therefore this policy, are Unauthorized Persons who do not leave the public housing property when required to do so by this policy, the PCHA, the PCHA’s agents, or those whose behavior on site is a:

- Disturbance of the resident’s peaceful enjoyment of the premises. A complaint should be filed with PCHA and/or law enforcement regarding this behavior.
- Destruction of the public housing property.

- Threat to the health or safety of residents, PCHA staff, or their agents.
- Drug-related criminal activity.
- Illegal use of a drug.
- Pattern of illegal use of a drug that interferes with the health, safety, or right to peaceful enjoyment of the premises by residents. A complaint should be filed with PCHA and/or law enforcement regarding this behavior.
- Criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including PCHA staff residing on the premises) or by persons residing in the immediate vicinity of the premises. A complaint should be filed with PCHA and/or law enforcement regarding this behavior.
- Abuse of alcohol or a pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by residents. A complaint should be filed with PCHA and/or law enforcement regarding this behavior.

IV.D. Consequences of Criminal Trespass

PCHA Policy

When a person is subject to the Criminal Trespass statute and this policy, they:

- Must leave the property immediately or the PCHA will have them arrested for Criminal Trespass.
- Must not return to the property or any other PCHA property or the PCHA will have them arrested for Criminal Trespass.
- Residents known to associate with a “Barred” individual shall receive notice that the individual is “Barred” from PCHA property. The notice shall also state that pursuant to the Resident’s lease, the resident or members of the resident’s household shall not allow the individual who has been “Barred” from entering the property. Allowing the individual onto PCHA property shall be considered a lease violation.

IV.E. Criminal Trespass Resulting in “Barred” Status

PCHA Policy

Persons who are subject to the Criminal Trespass statute and this policy will be “Barred” from the property where the incident(s) occurred and any other PCHA property for the time periods noted in Section IV.F., unless they have been successful in seeking “Appeal” from the PCHA as detailed in Section V.A.

IV.F. Length of Criminal Trespass for “Barred” Status

PCHA Policy

The persons subject to the Criminal Trespass provision in this policy will be considered to be “Barred” from PCHA property for the following time periods:

One year

- Unauthorized Persons as outlined in Section III.A.
- Residents or persons “Barred” for Criminal Trespass from any PCHA property for reasons other than those listed in Section IV.F.

Five Years – Determined by the severity of the offense

- Registered Sex Offenders other than those subject to life time registration.
- Drug-related criminal activity.
- Violent criminal activity.
- Residents or persons who have been previously convicted for Criminal Trespass on any PCHA property.
- Criminal activity that threatens the health, safety, or welfare of tenants.
- Criminal activity that threatens the health or safety of PCHA staff, contractors, subcontractors, or agents.
- Criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse.

Ten Years – Determined by the severity of the offense

- Registered Sex Offenders other than those subject to life time registration.
- Drug-related criminal activity.
- Violent criminal activity.
- Residents or persons who have been previously convicted for Criminal Trespass on any PCHA property.
- Criminal activity that threatens the health, safety, or welfare of tenants.
- Criminal activity that threatens the health or safety of PCHA staff, contractors, subcontractors, or agents.

- Criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse.

Lifetime

- Conviction for drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.
- Subject to a lifetime registration requirement under a state sex offender registration program.

SECTION V: Criminal Trespass Appeals

V.A. Criminal Trespass Appeals Process

PCHA Policy

A resident may request a hearing to remove the “Barred” individual from the PCHA’s Criminal Trespass list in accordance with the PCHA’s Grievance Procedure as detailed in their Admissions and Continued Occupancy Policy (ACOP). If it is the determination of the Hearing Officer to remove the person from the Criminal Trespass list, the Executive Director or designee will remove him/her from the Criminal Trespass list.

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