

MCKEAN COUNTY HOUSING AUTHORITY
DEFIANT TRESPASS POLICY

SECTION 1 General Bar Policy

- A. The McKean County Housing Authority is a housing authority organized and existing under the laws of the Commonwealth of Pennsylvania, and in particular, the Housing Authorities Law, 35 P.S. 1541 et seq. The purpose of the Authority is to provide safe, sanitary, residential accommodations for persons of low and moderate income. Persons residing in Housing Authority property are entitled to the quiet and peaceful enjoyment of their property.
- B. In order to promote and implement this purpose, the Authority is authorized and empowered to adopt rules and regulations pertaining to the safe, quiet and peaceful enjoyment of the property by the residents who live there. Any resident who breaches the provisions of his or her lease will be evicted, and any person invited or uninvited who breaks the law on Housing Authority property in such a manner so as to threaten or impair the safe, sanitary, peaceful and quiet enjoyment of Authority property will be barred from Authority property. This policy is in addition to and is not intended to limit any remedy provided under the Expedited Eviction of Drug Traffickers Act, 35 P.S. section 780-151 et seq.

SECTION 2 Barring Conduct

Any resident or any other person, who commits an act of violence on Housing Authority property or engages in any type of drug related activity, shall be barred from all Housing Authority property. Any tenant of the Housing Authority who commits an act described in this policy shall be subject to eviction and shall be barred from Housing Authority properties under this policy.

Any person found to be squatting on Housing Authority property shall be barred from all Housing Authority property.

Any person that is not a current tenant, that is found to be on property and disturbing the residents' right to peaceful enjoyment of their accommodations, will be barred from all Housing Authority property.

At the request of a Domestic Violence victim, abusers listed on HUD Form 91006 will be barred from all Housing Authority property.

SECTION 3 Duration of Bar

- A. Any person who commits an act classified under Pennsylvania law as murder of any degree shall be barred for life from entry upon any property of the McKean County Housing Authority.
- B. Any person who commits an act of the nature stated in Section 2 and classified under Pennsylvania law as a felony shall be barred from all Authority property. Any person requesting to be removed from the ban list must request a hearing with the Authority Grievance Officer.
- C. The duration of any bar imposed under this policy shall begin on the date notice is issued by the property manager.

SECTION 4 Bar Notice

- A. All such acts and alleged acts as defined in Section 2 shall be reported to the Property Manager of the Authority by an Authority employee within five (5) days of when such an act comes to his or her attention.
- B. The Authority shall also request and receive police incident reports from the various police authorities any time an incident of the nature in Section 2 occurs on Authority property.
- C. Once the alleged act is reported to the Property Manager, he or she shall issue a bar notice to the actor at the actor's last known address.
 - a. The notice shall be based upon the conduct stated in Section 2.
 - b. The notice shall inform the actor that he or she has the right to appeal the bar notice to the Grievance Officer of the Authority in accordance with Section 6.

SECTION 5 Service of Notice

- A. The bar notice shall be mailed to the actor at his or her last known address by certified mail, return receipt requested or by hand delivery.
- B. If mailed, the certified mail receipt card shall be attached to the Authority's copy of the bar notice.
- C. A copy of the bar notice shall also be sent to the applicable police authorities.
- D. If applicable, a copy of the bar notice shall also be sent to any tenant household with whom the barred person has affiliations.

SECTION 6 Appeal

- A. Any actor receiving a bar notice shall have the privilege of appealing the issuance of the bar notice to the Grievance Officer of the Authority.
- B. The appeal must be filed in writing and state the specific reason or reasons why the actor should not be barred for the violation of the provisions of Section 2 of this Policy.
- C. The appeal shall not act as a supersedes of the bar.
- D. The Grievance officer shall set a hearing for the appellant within twenty (20) days of the receipt of the appeal and notify the appellant of the same.
- E. All appeals shall take place during regular business hours of the Authority.
- F. The Grievance officer shall make his or her decision within 10 business days of the appeal hearing.
- G. Failure of the appellant to appear shall automatically be grounds for dismissal of the appeal.
- H. When the bar is reversed, the Authority shall notify the local police department of the removal of the bar.

SECTION 7 Bar Log and Positing

- A. The Authority shall maintain a log of all persons barred from Authority property.
- B. The log shall show the effective date of the bar.
- C. In addition to the bar log, the Authority shall maintain a file with all bar notices and mail receipts.

- D. The bar log shall be available for Tenant view and inspection in the management office of each residential development owned or managed by the Authority.
- E. A Notice as to the existence and location of the Defiant Trespass Log and the duty of each and every tenant to periodically inspect the list to insure that any guest of a tenant is not on the Defiant Trespass List shall be posted in a conspicuous location at the management offices.

SECTION 8 Violation

Any person violating the provisions of this bar policy shall be immediately reported to the appropriate law enforcement department for arrest and prosecution under 18 Pa.C.S.A. section 3503, or eviction as the case may be.

SECTION 9 Adoption – Amendment – Ratification

- A. This policy is hereby officially adopted by the Board of Commissioners of the McKean County Housing Authority as a regular meeting thereof held on the 19th day of January, 2012, a quorum of the Board being present and a majority voting in favor thereof.
- B. This policy may be amended in writing by majority vote of the Board of Commissioners.
- C. All prior acts of barring persons from Authority property are hereby ratified and confirmed.

The Defiant Trespass List is updated whenever a person is added or removed from the list.

Property Managers are responsible for keeping the Defiant Trespass listing up-to-date

NOTICE

The McKean County Housing Authority has a Defiant Trespass Policy which prohibits certain individuals from entering upon Housing Authority property, including any occupied rental unit or common area.

It is the responsibility of each tenant to ensure that your guest and people that come to visit you are not on the Defiant Trespass List. A copy of the list of those individuals who are barred from Housing Authority property is available for tenant inspection in the management office and should be reviewed by each tenant periodically.

You can be evicted for permitting persons on the Defiant Trespass List to visit with you on Authority property.