

# **BROCKTON HOUSING AUTHORITY**

## **BANNING AND TRESPASS POLICY**

(Approved December 27, 2000)

The Brockton Housing Authority (“BHA”) is concerned about the impact of crime on our residents. It is the policy of the BHA to invoke appropriate measures under the law to ensure the safety, security, and welfare of legitimate residents and housing staff on all BHA properties.

### **I. GENERAL PROVISIONS**

#### **A. Purpose**

To ban, arrest, and/or prosecute individuals who threaten the health, safety, and right of peaceful enjoyment of our residents and staff or who cannot legally claim residence or entitlement to BHA properties or who do not have legitimate reasons and/or permission for access to BHA premises.

#### **B. Who Uses**

BHA property managers, staff, security personnel, the Brockton Police Department, community law enforcement agencies, and other individuals authorized to control activities on BHA properties.

#### **C. Implementation**

Training on the BHA’s banning procedures will be provided to BHA staff and pertinent Brockton Police Department personnel. Included in such training will be the role of staff and neighborhood police regarding service and enforcement of this trespass policy, reporting and tracking responsibilities, awareness of the common areas / public roadways within our developments, and issues related to visits to family members by persons who have been served a no trespass notice.

### **II. APPLICATION**

#### **A. Banning of Residents**

Residents may be barred from all BHA properties except their units and immediate area pending lease termination if any of the following are found to be applicable to the resident:

1. Resident is engaged in drug-related or criminal activity on or near BHA properties.
2. Resident acts in a manner so as to threaten safety and well being of residents, staff, police, and others.
3. Resident repeatedly acts or acted so as to threaten or disturb the safety and well being of residents, staff, police, and others.

Residents evicted from any BHA property may be barred from returning to any property owned or managed by the BHA with the ban effective the date of their last day of occupancy.

## **B. Banning of Non-Residents**

A non-resident or unauthorized guest (i.e. one who is not listed on any lease held by the BHA and has no legitimate business on BHA property) may be barred for:

1. Suspected or actual criminal activity, including drug trafficking and drug use and/or possession
2. Acting as a lookout or facilitator for drug-related or any criminal activities.
3. Damaging BHA property.
4. Loitering in common areas or on other BHA property without legitimate purpose or presence of BHA residents with whom the person is visiting.
5. Public consumption of alcoholic beverages on BHA properties.
6. Obstructing or interfering with police or BHA staff in the performance of their duties.
7. Acting in a manner so as to disturb the safety and well being of residents, staff, police, and others.

These conditions apply to legitimate guests of residents as well.

## **C. Trespass**

Individuals on the BHA ban (“No Trespass”) list can be arrested for trespassing on BHA properties at any time if observed on designated BHA property while the ban is in effect. Arrests may be effected:

1. Immediately by the police when the person is observed on property.
2. Via warrant if observed on property by personnel without arrest powers.

### **III. PROCEDURES**

#### **A. Notification**

All persons to be barred from BHA property will be given original copies of a No Trespass Notice issued under signature of the BHA's Executive Director. This notice will inform the individual that failure to comply with the Notice constitutes criminal trespass in violation of Massachusetts General law, Chapter 266, Section 120 and will include: 1) the name and address of the offender, 2) the development or location from which the offender is barred, and 3) the effective date of barring. This notice will be delivered via hand, certified/return-receipt requested mail, and/or to last address of record. Copies of this notice will be delivered to the Chief of the Brockton Police Department and the BHA's Protective Services Coordinator. BHA property management staff also will receive a copy to keep on file for future reference in court cases or hearings.

#### **B. No Trespass List**

All persons banned from BHA properties will be placed on an official "No Trespass" list indicating their active ban status. This list will be published on a monthly basis and distributed to 1) BHA property management staff, 2) BHA resident safety staff, 3) all law enforcement officers working as agents for the BHA, 4) the Brockton Police Department and other community law enforcement agencies, and 5) all others requesting a copy.

The BHA will maintain a database of all persons banned from BHA properties. In addition to the information contained in the notification letter, this database will include: identifying information on the offender, their resident/non-resident status, who requested the barring, the reason, and wherever possible a picture of the individual. A printed log of this database will be maintained at the Brockton Police Department and the BHA.

#### **C. Effective Period of Ban**

All persons banned from BHA properties will remain on the No Trespass List for a period of one year from the issue date of the No Trespass Notice. Should a person violate the ban order at any time during that one-year period, a new one-year period will take effect as of the date of such violation.

**D. Family Visits**

Reasonable accommodation requests will be reviewed.

**E. Removal From No Trespass List**

Persons on the No Trespass List may not be removed by anyone except the Executive Director of the BHA.

The Executive Director may remove the ban or no trespass order under the following conditions:

1. Evidence that the ban was issued in violation of the procedures.
2. Evidence that the information resulting in the ban was erroneous.
3. Evidence that the conditions bringing about the ban no longer exist.
4. Completion of a violation-free, one-year period.
5. Other compelling reasons.

A request for removal of a ban prior to the end of a one-year period must come from a BHA head of household. The resident requesting such removal of a ban must meet with representatives of the BHA to hear the reasons why the person in question was banned and to explain the reasons for requesting removal of that ban. The resident requesting such removal also must sign a statement:

- accepting responsibility for any and all actions of the person in question while on BHA property, and
- acknowledging that he or she, as the requesting party, will be subject to immediate eviction if the person in question engages in any illegal activities while on BHA property.