

Charlottesville Redevelopment and Housing Authority

**No Trespass Authority
Administrative Policy #1002
Approval 12/20/12**

The Charlottesville Redevelopment and Housing Authority (CRHA) seek to eradicate criminal activity, including but not limited to, illegal drug activity on its properties. To achieve this end, it is hereby established as the policy of CRHA that all sites are closed to public use and travel. CRHA's private streets, sidewalks, and parking lots within the agency's ownership, maintenance, dominion and/or control shall only be accessible to lawful residents of CRHA and individuals with a legitimate reason to visit, which shall include invited guests, or individuals present on official CRHA business and/or to provide approved services to residents (hereinafter "individuals with a legitimate reason to visit"). The attached policy is intended to promote safe housing sites and to ensure the peaceful enjoyment of the property by lawful residents. Therefore CRHA grants to the Charlottesville Police Department a limited agency relationship to ensure that CRHA's sites are closed to public use and travel.

I. Grant of Authority

CRHA does hereby grant to every Charlottesville police officer, within the scope and purpose of this policy the, the following authority:

- A. To go on or to remain upon CRHA property at any time to investigate or enforce his policy prohibiting trespassing;
- B. To post "No Trespassing" signs on CRHA property if necessary and approved by the CRHA executive director;
- C. To stop and question any non-resident person on CRHA property upon reasonable, articulable suspicion that the person does not have a legitimate reason to visit the property to determine if the individual has a legitimate reason to visit;
- D. To direct any non-resident without a legitimate reason to visit to leave CRHA's property, if the officer reasonably concludes that it is more likely than not that the person does not have a legitimate reason to be on the property (mere presence on CRHA property or refusal to respond to questions do not constitute facts that can be considered in making this determination);
- E. To bar and issue trespass notices to non-residents, if the officer reasonably concludes that it is more likely than not that the person does not have a legitimate reason to be on CRHA property and who returns to CRHA property after being instructed to leave;

- F. To bar and issue trespass notices to any non-resident if the officer reasonably concludes that it is more likely than not that the person has engaged in or attempted to engage in any behavior on CRHA property that would constitute criminal activity or is found to be in possession of a controlled substances without a prescription;
- G. To bar and issue trespass notices to any non-resident if the officer reasonably concludes that it is more likely than not that the person has engaged in behavior on CRHA property that constitutes any of the following: (1) a nuisance as described in this policy, (2) a lease violation on the property, (3) the quiet enjoyment or peace of lawful residents, or (4) any other activity that threatens health and safety;
- H. To file criminal complaints and obtain warrants charging persons with trespassing on CRHA property when supported by probable cause;
- I. To testify on behalf of CRHA as their representative in any prosecution arising out of barment or trespass actions and any criminal activity on CRHA property.

II. Notice of Barment to Executive Director

Charlottesville police shall formally notify the executive director, or his/her assigned staff, within 24 hours of the issuance of any trespass or barment notice by Charlottesville police. Upon notification that an individual has been barred by the police or a property manager, the Executive Director shall review the action taken and approve or disapprove the barment within thirty (30) business days of the barment action. CRHA shall notify the barred individual within fifteen business days of this decision. All Barment notices shall be in accordance with Code of Virginia 55-248.31:01 Barring guest or invitee of tenants, and shall specify the conduct of the guest or invitee which is the basis for the Landlord's action.

III. Length of Barment for Certain Violations

To ensure fairness and proportionate response to lease infractions or criminal activity by individuals visiting CRHA property, there will be a three step process to the time length that a person may be barred from a CRHA property based on the first offense. The Executive Director, or assigned staff, has the authority to determine the length of the barment under the following guidelines:

- A. If the Executive Director or his/her assigned staff reasonably believes that an individual has been a nuisance on CRHA property and/ or engaged in activities that violated the CRHA lease, the Executive Director or his/her designee may bar that individual from CRHA property for up to **six (6) months**. Upon the conclusion of that term, the individual may apply to be removed from the list by signing a release for a criminal background check and filling out a request form, available at the Central Office, via fax, or online. Completed forms with the individual's signature will be accepted in person at the CRHA Central Office or at any of the CRHA site offices. Upon receipt of both forms, the Executive Director

shall respond within fifteen (15) business days and the individual shall be unbarred unless CRHA can provide written documentation of additional prohibited conduct that poses a threat to CRHA residents and property.

For the purpose of this policy the term nuisance shall include but not be limited to any activity or behavior that is unreasonable, unwarranted, or unlawful on CRHA's property where such activity or behavior interferes with the quiet enjoyment or use of CRHA's property. Under this policy an activity or behavior shall rise to the level of a nuisance when an individual is warned and asked to stop an activity or behavior by an authorized agent of CRHA and ignores the request. Specific behaviors that constitutes a nuisance include but are not limited to screaming, cursing, fighting, public intoxication and threatening behaviors on the CRHA property.

- B. If the Executive Director or his/her designee finds that on CRHA property an individual engaged in behavior that would constitute a misdemeanor under the laws of the Commonwealth of Virginia and/or behavior that would constitute a non-violent and/or low level drug charge not involving manufacture or distribution of controlled substance under the laws of the Commonwealth of Virginia , whether or not such individual was convicted of such offense, the Executive Director or his/her authorized agents may bar that individual from CRHA property for up to, **two (2) years**. Upon the conclusion of that term, the individual may apply to be removed from the list by signing a release for a criminal background check and filling out a request form, available at the Central Office, via fax, or online. Completed forms with the individual's signature will be accepted in person at the CRHA Central Office or at any of the CRHA site offices. Upon receipt of both forms, the Executive Director shall respond within fifteen (15) business days and the individual shall be unbarred unless CRHA can provide written documentation of additional prohibited conduct that poses a threat to CRHA residents and/or CRHA property.
- C. If the Executive Director or his/her designee finds that on CRHA property an individual engaged in behavior that would constitute domestic violence, drug manufacture/distribution, and/or violent criminal activity, whether or not such individual was convicted of such offense, the Executive Director or his/her authorized agents may bar that individual from CRHA property for up to, seven (7) years. Upon the conclusion of that term, the individual may apply to be removed from the list by signing a release for a criminal background check and filling out a request form, available at the Central Office, via fax, or online. Completed forms with the individual's signature will be accepted in person at the CRHA Central Office or at any of the CRRA site offices. Upon receipt of both forms, the Executive Director shall respond within fifteen (15) business days and the individual shall be unbarred unless CRHA can provide written documentation of additional prohibited conduct that poses a threat to CRHA residents and property. The Executive Director may require that the individual participate in a

community service program as referenced in IV.A.3. herein prior to removal from the barment list.

- D. In addition to the steps above, should an individual be unbarred and subsequently engage in conduct for a second time that warrants barring, then the individual may be barred for two times the period of time that corresponds to the reason for the second offense. Those engaging in behavior that warrants subsequent barring shall be required to meet personally with the Executive Director before being considered for unbarment.

Notwithstanding any provision above, the current barment list of the CRHA shall be deemed approved. All individuals currently barred shall be subject to this policy after approval and may apply to be unbarred based on the timelines set forth herein and in accordance with the terms and conditions of this policy. See Section IV which defines the process for requesting unbarment.

IV. Unbarment Process.

- A. The Executive Director may, at their sole discretion, rescind any trespass or barment notice issued at any time. The Executive Director may take into consideration an early unbarment when a resident applies for the early unbarment of their guests where such resident agrees in writing to take responsibility for that guests conduct on CRHA property.
 1. Upon conclusion of the barment term, the individual may apply to be removed from the list by signing a release for a criminal background check and filling out a request form, available at the Central Office, via fax, or online. Completed forms with the individual's signature will be accepted in person at the CRHA Central Office or at any of the CRHA site offices. Upon receipt of both forms, the Executive Director shall respond within fifteen (15) business days and the individual shall be unbarred unless CRHA can provide written documentation of additional prohibited conduct that poses a threat to CRHA residents and property.¹

Upon review of the request, the Executive Director shall respond within thirty (30) business days. If the Executive Director determines that the barment shall not be withdrawn, a tenant seeking that an individual be unbarred may request a meeting with the Executive Director to discuss the reasons given for denying the request. Upon receipt of such a request, CRHA Executive Director shall set up a face to face meeting with the individual, Restorative Justice and/or OAR. At that meeting the Executive Director and the individual will discuss the reasons the individual seeks to be unbarred.

2. If the request for unbarment is from an individual who was barred for domestic violence, drug manufacture/distribution and/or violent criminal activity, The Executive Director may require the individual to participate in

community service and/or restorative justice activities prior to having such barment lifted in accordance with this Section. The Executive Director shall only require community service where he/she agrees to lift the barment upon satisfactory completion. Upon satisfactory completion of the community service the individual shall be unbarred. At the meeting, the tenant and/or the individual requesting to be unbarred shall have the right to have an advocate present.

- B. After the meeting, the Executive Director will conduct an investigation and/or consult with police, probation officers, social services departments and/or other service providers, and any references provided by the tenant and/or the individual requesting the withdrawal of the barment status. In determining whether or not to grant a request for unbarment, the Executive Director shall consider the reasons for the barment, the individual's cooperation with the barment, past or future community service performed by the individual and any other factors that the Executive Director deems relevant in making the decision.
- C. Noting in this section shall be construed as a prohibition on the CRHA for taking lease enforcement action against a tenant whose invited guest has engaged in conduct on CRHA's property where the premises are located which violates the terms and conditions of the rental agreement, a local ordinance, or a state or federal law.

V. Appeal Process

- A. For an individual seeking removal from the list without support from a CRHA tenant, the decision of the Executive Director after a face to face meeting shall be final and binding.
- B. For an individual with the support of a CRHA tenant, after the face to face meeting resulting in the Executive Director's decision to continue the barment, the individual and the tenant may jointly appeal this decision to an Appeal Board established by CRHA Board by providing a written notice to the Executive Director within 30 business days of the Executive Director's decision.
- C. Nothing in this policy shall preclude or prevent barred individual from seeking relief through court proceedings.

VI. Temporary & Special Permission Visitation

- A. A tenant may apply to have a guest visit on special occasions or for good cause. The tenant shall request in writing that an individual currently barred from visiting a CHRA property be allowed to visit on special occasions for good cause. These special occasions or good cause events may include, but are not limited to, graduations, birthdays, holidays, matters relating to child care or elder care, or assistance with relocating large home items.

B. The Executive Director or assigned staff shall have sole discretion to allow temporary one-time or on-going visits by barred individuals if he or she provides a legitimate reason to be on CRHA