

“NO TRESPASS” POLICY
FOR THE
GLOUCESTER CITY HOUSING AUTHORITY

ISSUANCE OF "NO TRESPASS" LETTERS BY GLOUCESTER TOWNE APARTMENTS

Section 1 Banning of Guests and Other Invited Persons

1.1 Banning and Notice

- A. In an effort to provide a decent, safe and sanitary environment for the residents of the Gloucester City Housing Authority, individuals who are not residents may be placed on written notice that they are no longer welcome at any Gloucester City Housing Authority owned property or properties.
- B. A decision to ban the individual shall be made upon receipt and review of police reports, disturbances on the property, loitering, security notices, incident reports, and/or other notices issued by Gloucester City Housing Authority, Gloucester City Police Department, the Camden County Prosecutor's Office or any other law enforcement agency. The standards for said decision are contained in Section 5 below. Said decision shall be made by the Gloucester City Housing Authority Executive Director or management agent upon consultation with the Solicitor and the City of Gloucester Police Department representative. A copy of the crime report or security notice may accompany the notification letter. The notification letter shall state the grounds for the banning and the process for appeal.

1.2 Notice to Tenant

- A. Notification of the action taken will be sent to the appropriate tenant (Exhibit "B"), in the event the incident which caused Gloucester City Housing Authority to request the individual to be banned from Gloucester City Housing Authority properties happened at the tenants property.
- B. This letter will be sent to all adult members of the household of the leaseholder responsible for the unit where the incident occurred or connected to where the incident occurred.

1.3 Hearing

Leaseholders may follow the Gloucester City Housing Authority grievance procedure to request that parties placed on the "No Trespass" list be allowed access to their unit or on their property. It will then be the decision of the Gloucester City Housing Authority as to whether individuals may be removed from the list. Management will render its decision with ten (10) days of the Hearing, in accordance with the grievance process. This Hearing is independent of the hearing afforded the person placed on the "No Trespass" list set forth in Section 8 below.

Section 2 Banning of Other Individuals

2.1 Banning Notice

Gloucester City Housing Authority may also issue "No Trespass" letters (Exhibit "A") to individuals who are the subject of crime reports or security notices for actions that have taken place in parking lots, common areas, etc., or at units. A decision to ban the individual shall be made upon receipt and review of police reports, disturbances on the property, loitering, security notices, incident reports, etc. issued from Management, Gloucester City Police Department or the Camden County Prosecutor's Office and all other relevant evidence. The standards for said decision are contained in Section 5 below. Said decision shall be made by the Property Manager or designee upon consultation with the Solicitor and the City of Gloucester Police Department representative. A copy of the crime report or security notice may accompany the notification letter. The notification letter shall state the grounds for the banning and the process for appeal.

2.2 Notice to Tenant

- A. Notification of the action taken will be sent to the appropriate Gloucester City Housing Authority tenant (Exhibit "B"), in the event the incident which caused Gloucester City Housing Authority to request the individual to be banned happened within the tenant's dwelling unit or at the property.
- B. This letter will be sent to all adult members of the household of the leaseholder responsible for the unit where the incident occurred or connected to where the incident occurred.

Section 3 Initial Hearing on Banning

3.1 Initial Request for Hearing

Individuals being banned pursuant to Paragraph 1.1 and 2.1 above can request to be removed from the list by submitting a written Request for Hearing (Exhibit "C") to the Executive Director/Property Manager, Gloucester City Housing Authority, 101 Market Street, Gloucester City, NJ 08030, within ten (10) days of the date of the notification letter. Hearings will be set by appointment only and a Notification of Hearing (Exhibit "D") will be sent to the individual's mailing address set forth on the Request for Hearing.

3.2 Location of Hearing

All Hearings will be conducted at the office of Gloucester City Housing Authority, 101 Market Street, Gloucester City, NJ 08030, unless the written statement advising of a scheduled hearing states otherwise.

3.3 Hearing Procedure

- A. The individual will be allowed fifteen (15) minutes for his/her case to be presented to management. The individual may be represented by an attorney licensed to practice law in the State of New Jersey. NO other person may represent the individual. An attorney does not need to be present for the hearing.
- B. Witnesses who can provide information pertinent to the case at hand will be permitted to testify. However, the total time will be limited to the allotted fifteen (15) minutes.
- C. Individuals arriving more than 15 minutes late for the scheduled hearing time without accepted justification shall forfeit their hearing rights and shall remain on the "No Trespass" list.
- D. Management will issue a written decision to the individual within thirty (30) days of the date of the hearing. This decision will be the final administrative decision of the Gloucester City Housing Authority.

Section 4 Subsequent Review of Banning

4.1 Review Upon Request by Banned Individual

A. Criterion

Any person who has been banned for a least ~~twelve (12)~~ twenty four (24) months may request to be removed from the list by submitting a written Request for Hearing (Exhibit "C") to the Property Manager, Gloucester Towne Apartments, 101 Market St., Gloucester City, NJ 08030. A hearing will be set by appointment only and a Notification of Hearing (Exhibit "D") will be sent to the individual's mailing address set forth on the Request for Hearing.

B. Location of Hearing

All Hearings will be conducted at the office of the Gloucester City Housing Authority, 101 Market St., Gloucester City, NJ 08030 unless the written statement advising the individual of a scheduled hearing states otherwise.

C. Hearing Procedure

- 1) The individual will be allowed fifteen (15) minutes for his/her case to be presented to the Management. The individual may be represented by an attorney licensed to practice law in the State of New Jersey.
- 2) Witnesses who can provide information pertinent to the case at hand will be permitted to testify. However, total time will be limited to the allotted 15 minutes.
- 3) Individuals arriving more than fifteen (15) minutes later for the scheduled hearing time without accepted justification shall forfeit their hearing rights and shall remain on the "No Trespass" list.

- 4) The Management of Gloucester Towne Apartments will issue a written decision to the individual within thirty (30) days of the hearing. This decision will be the final administrative decision of the Management of Gloucester Towne Apartments.

4/2 There shall be no automatic review of the "No Trespass" list.

Section 5 Standards for Banning

5.1 Standards

Gloucester City Housing Authority has established the following standards that prohibit admission/access to the property of the Gloucester City Housing Authority.

- A. If the Gloucester City Housing Authority determines that an individual is currently engaging in or has engaged in any of the following:
 1. Drug-related criminal activity.
 2. Illegal drug use or a pattern of illegal drug use which may adversely affect the health or safety of, or the right to peaceful enjoyment of the premises by residents.
 3. Violent criminal activity
 4. Other criminal activity which may threaten the health or safety of, or the right to peaceful enjoyment of the premises by residents.
 5. Other criminal activity which may threaten the health or safety of the management staff, or persons performing management functions on behalf of the Gloucester City Housing Authority, including a management employee or a contractor, subcontractor or other agent.
- B. Gloucester City Housing Authority determines that an individual has ever been convicted of a drug-related criminal activity.
- C. Gloucester City Housing Authority determines that an individual has a history of criminal activity which, if continued, could adversely affect the health, safety or welfare of residents.
- D. If the Gloucester City Housing Authority determines that an individual has been convicted of criminal activity which, if continued, could adversely affect the health, safety or welfare of the residents.

5.2 Definitions

- A. **"Violent criminal activity"** is defined as any of the following:
 1. Murder, manslaughter, aggravated manslaughter, conspiracies to commit murder, solicitation of murder or attempted murder.
 2. Assault, including but not limited to, initiating or participating in threats of verbal or physical assault against any resident, employee, officers of any law enforcement agency, or any contractor, subcontractor or other agent.
 3. Rape or sexual assault, including but not limited to, forcible sexual acts, sexual abuse, deviated sexual abuse, statutory rape, sodomy, carnal abuse, incest, and/or any not-forcible sexual acts with a minor or with someone unable to give legal or factual consent.
 4. Burglary, theft, larceny, robbery, kidnaping or extortion.

5. Weapons offenses including, but not limited to, unlawful sale, distribution, manufacture, alteration, transportation, possession, or use of a deadly or dangerous weapon or accessory.
6. Pornography, pimping or prostitution.

B. "Other criminal activity" is defined as any of the following:

1. Vandalizing, damaging, defacing, destroying or removing any parts of Gloucester City Housing Authority property.
2. Child neglect or endangerment.
3. Frequent and/or loud parties, public nuisance, such as indecent exposure, public defecating or urination.
4. Stalking, harassment of residents or guests, unwanted visitation, domestic violence, not otherwise included in the definition of violent criminal activity.
5. Public drunkenness, brawling and verbally abusive altercations.
6. Deceitful or intentional misrepresentation to unlawfully deprive a person(s) of his or her property or legal rights including, but not limited to, check fraud, confidence games, counterfeiting and credit fraud.
7. Motor vehicle theft including, but not limited to, theft of autos, trucks, motorcycles, boats, etc. and includes receiving, possessing, stripping, transporting and reselling stolen vehicles, and unauthorized use of a vehicle (joyriding).

C. "Drug related criminal activity" is defined as any of the following:

1. Drug trafficking including, but not limited to manufacture, distribution, sale, smuggling, and possession with intent to sell, including attempts of same.
2. Drug possession including, but not limited to, possession or use of an illegal drug.
3. Illegal or unauthorized drug use including, but not limited to, use of prescription drugs for uses other than intended or prescribed, use and/or possession of prescription drugs prescribed to someone other than the person for whom it is prescribed, theft of prescription medications, and/or excessive use of prescription medications.
4. Drug related criminal activity and criminal activity shall include, but is not limited to, the illegal possession, manufacture, sale, distribution, or use, of a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 U.S.C. 802] and/or as further defined in N.J.S.A. 2C:35-10 et seq.

D. Criminal Charge and Conviction

For the purposes of this Policy, it is not necessary for there to be a charge and/or conviction for any of the criminal activity set forth herein to be established as the basis for a decision to ban the actor.

Section 6 Miscellaneous

6.1 Service of Notice

All "No Trespass" letters will be issued by the Gloucester City Housing Authority Solicitor and a copy maintained in the Gloucester City Housing Authority office location. Notice shall be served by the City of Gloucester Police Department, and/or by certified mail, return receipt requested and by regular mail.

6.2 No Trespass List

The "No Trespass" List shall be maintained and updated upon any charges by the Gloucester City Housing Authority and will be forwarded to the City of Gloucester Police Department.

EXHIBIT "A"

(DATE)

Sent via Hand Delivery

(Name of Banned Person)

(Address)

RE: GLOUCESTER CITY HOUSING AUTHORITY
NO TRESPASSING
(Name of Banned Person) (DOB: (Date of Birth))

Dear (Mr. Ms. Mrs. Name):

You are hereby given official notice that you are NOT PERMITTED on the property of the Gloucester City Housing Authority located at, _____ . If you are seen on the property by any employees, residents or police officers, you may be charged with criminal trespass.

The basis for this action is: (state basis)

You may appeal this action by submitting a written Request for Hearing to the Property Manager of Gloucester City Housing Authority., 101 Market St., Gloucester City, NJ 08030 within ten (10) days of the date of this notification letter. A copy of the "No Trespass" Policy is attached hereto. Hearings will be set by appointment only and notification of the Hearing will be sent to your mailing address set forth on the Request for Hearing (attached hereto).

Thank you for your anticipated compliance.

Very truly yours,

cc: Solicitor for the Gloucester City Housing Authority
PRD Management
Gloucester City Housing Authority
(Name). Gloucester City Police Dept.
(Name of tenant)
File

PROOF OF SERVICE

On _____, 20__, I, the undersigned, being over the age of eighteen (18), served the original within Banning Letter to the person named therein via hand delivery to _____ at _____.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATED: _____ SIGNED: _____

Address for service:

(Name of Banned Person)
(Address of person being served)

EXHIBIT "B"

Sent via Hand Delivery

(Date)

(Name of Tenant)

(Address of Tenant)

RE: GLOUCESTER CITY HOUSING AUTHORITY
NO TRESPASSING
Banned Person: (Name of banned person)

Dear (Mr. Ms. Mrs. Name):

You are hereby given official notice that (name of person banned) is **NOT PERMITTED** on the premises of Gloucester City Housing Authority,. If you permit (Name of banned person) in or around your apartment, you will be in violation of your lease and will be subject to eviction.

Further, you should assume that (name of banned person) is banned from the premises until Gloucester City Housing Authority advises you in writing that anything has changed.

You may appeal this action by submitting a written Request for Hearing to the Property Manager at Gloucester City Housing Authority, 101 Market St., Gloucester City, NJ 08030, pursuant to the grievance procedure to request that parties on the "No Trespass" List be allowed access to your unit. A copy of the "No Trespass" Policy is attached hereto.

Thank you for your anticipated compliance.

Very truly yours

cc: Solicitor for the Gloucester City Housing Department
PRD Management
(Name), Gloucester City Police Dept.
Name of tenant
File

PROOF OF SERVICE

On _____, 20__, I the undersigned, being over the age of eighteen (18), served the original withing Notice of Banning Letter to the Tenant named therein via hand delivery to

_____, at _____

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willingly false. I am subject to punishment.

DATED: _____, 20__ SIGNED: _____

Address for service:

(Name of Tenant)
(Address of Tenant)

EXHIBIT "C"

REQUEST FOR INITIAL HEARING

To: Gloucester City Housing Authority
Management Office
101 Market St.
Gloucester City, NJ 08030

From: Your Name: _____

Your Address: _____

Please be advised that I would like a hearing with regard to the "No Trespass" letter issued to me on _____ (Date of letter).

The basis for my appeal will be as follows:

I understand that the appeal will take place at the office of Gloucester City Housing Authority at the above address (unless I am advised of another location). I further understand that I will have 15 minutes to present my position and that I may have any witnesses I intend to present with me at that time (their testimony is counted as part of my 15 minutes).

DATED: _____ SIGNED: _____

EXHIBIT "D"

NOTIFICATION OF HEARING

From: Gloucester City Housing Authority
101 Market Street
Gloucester City, NJ 08030

To: (Name of banned person)
Address Line

Please be advised that a Hearing with regard to the "No Trespass" letter issued to you on (Date of no trespass letter) has been scheduled for [Date of Hearing] at [Time of Hearing]. The Hearing will take place at the Management Office of Gloucester City Housing Authority, 101 Market Street, Gloucester City, New Jersey, 08030.

You are further advised that the Procedure for the Hearing is as follows:

- 1) You will be allowed fifteen (15) minutes to present your case to Management.
- 2) Witnesses who can provide information pertinent to your case will be allowed. However, total time will be limited to the allotted 15 minutes.
- 3) It is your responsibility to contact and have your witness(es) at the Hearing.
- 4) General rules of evidence apply. This means you must have witnesses testify. Reference to what people would or have said but are not present, signed statements and references to documents not present at the Hearing will not be permitted.
- 5) Individuals arriving more than fifteen (15) minutes late for the scheduled hearing time without accepted justification shall forfeit their hearing rights and shall remain on the "No Trespass" list. You may be represented by an attorney of your choosing. No attorney is required. No one other than an attorney licensed in the State of New Jersey may represent you.
- 6) Management will issue a written decision to the individual within 30 days of the date of the Hearing. This decision will be the final administrative decision of the Management.

Sincerely,
