

Trespass Procedure

of the

Housing Authority of the City of Hagerstown

In an effort to preserve and protect the safety and peaceful community the Housing Authority of the City of Hagerstown (“HHA”) owns and or operates, HHA has determined a Trespass Procedure is necessary. This Procedure summarizes the procedures to ban individuals from HHA owned and or operated property. HHA’s actions under this Procedure are at its discretion. HHA is not a policing agency and has no police powers. This Procedure is not a promise to any third party of safety and is not intended to act as a guarantee or insurance to any person. HHA does not assume any liability to tenants, employees, or third parties by its failure to enforce a No Trespass decision.

HHA shall act in a non-discriminatory manner in its application of this Procedure and comply with all federal, state and local laws, regulations, and ordinance in implementing any action under this Procedure.

HHA reserves the right to update this Procedure from time to time.

1. The following actions may cause the initiation of No Trespass status:

- a) Criminal activity on HHA owned or operated Property
- b) Drug-related activity on HHA owned or operated property
- c) Registered Sex Offender Status
- d) Numerous disturbances on HHA owned or operated property
- e) Assault on an HHA employee
- f) Conduct which is determined by the HHA to be detrimental to HHA’s assets, employees, vendors, residents, and/or guests of its communities

Note: Before a *resident* can be issued a No Trespass letter, the eviction process must first be followed. When the eviction is final, a No Trespass letter is issued. *Non-residents* who are arrested for drug violations or serious criminal activity and *give an HHA address* are issued a No Trespass letter, even if the offense occurred *off-property*.

2. Making the case:

- a) Information to support a banning decision can be obtained from a variety of sources, including but not limited to police records, court records, witness statements, photos, and videos,
- b) Resident files are reviewed and supporting documentation noted.
- c) A computer report is generated of Security reports involving the person and/or address of the person(s) involved.
- d) Determinations are made on a case-by-case basis

3. Procedure:

- a) Letters issued by HHA are served by HHA employees, a processing company, or a Hagerstown Police Department (“HPD”) officer.
- b) All letters must be personally served on the tenant associated with the banned individual (not mailed). If the subject refuses receipt, a copy will be left at the tenant’s residence and the tenant file noted.
- c) A copy of the letter should be personally served on the banned individual. If the banned recipient cannot be personally served, HHA will mail a copy to the best-known address for the banned person in addition to delivery of notice to the associated tenant. If HHA is unable to determine a best-known address or serve the individual HHA will be left at the associated tenant’s residence and appropriate notes regarding delivery maintained.
- d) A listing of all persons who have received a No Trespass letter is kept by HHA in the ordinary course of its business . Copies are distributed to HHA’s Department of Security (“Security”) Housing Division, and HPD. To the extent possible, whenever a No Trespass Order is served on a subject, the name is placed on the list within three business days of service. The list is updated on the addition of each new entry and January of each calendar year, when records aged five years are reviewed for potential purge.
- e) A folder is kept for each person on the list with all documentation to be used for court or other inquiries.
- f) Sample letters are attached hereto for guidance purposes.

4. Notification to Community

- a) The list of people banned from HHA owned and or operated property is maintained by Security. The List is available for inspection upon request.
- b) Within five business days of revision, the new list is distributed to HPD.
- c) A copy of the list is posted in the HHA Main Office at 35 W. Baltimore Street, Hagerstown, MD. It is the responsibility of residents to check the list to ensure they are not violating their lease by hosting offenders. Reminders about the list and the No Trespass Policy are placed in the newsletters for residents once per quarter. A copy of the list is also posted on HHA’s website.
- d) As stated in each lease, allowing a banned individual in a leased premises for any reason and any amount of time is a material lease violation. Security will make a reasonable attempt to notify a resident who is suspected of hosting a banned person. This may be done via US mail, resident conference, or personal contact. Failure on the part of the HHA to make individual notification does not relieve the resident of responsibility or prevent HHA from taking lease enforcement action, including but not limited to pursuing lease termination through a Notice to Quit the property.
- e) A copy of this Procedure is available in the Hagerstown Housing Authority Main Office at 35 W. Baltimore Street, Hagerstown, MD. It is the responsibility of residents to be familiar with this Procedure. A copy of the procedure is also posted on HHA’s website.

5. Failure to Comply:

- a) HHA may notify HPD of banned non-residents seen on the HHA owned and / or operated property and seek assistance from the police to remove the individual.
- b) Non-residents who continue to come onto Housing owned or operated property after being duly notified may be arrested and prosecuted.
- c) HHA may take lease enforcement action against Residents who host those who have been banned from Housing property including but not limited to actions to terminate the tenancy.

6. Removal from the list:

- a) Any person wishing to have their No Trespass status revoked must submit their appeal in writing to HHA's Director of Security, along with any supporting documentation. Resident(s) and family members, in addition to the banned person, may also petition for the individual's ban to be rescinded.
- b) The Director of Security will review the case and may request additional information from the appellant. Security may investigate, research, and/or make efforts to verify the truth of the person's submitted information and independently determine if other actions have transpired since HHA reached a No Trespass decision.
- c) Be free from arrests for incidents of violence or drug-related criminal activity, or any other criminal or unsafe activity, for a period of five (5) years.
- d) Be free from arrests for trespassing onto HHA owned or operated property since the date the banning was imposed.
- e) Have satisfactorily completed a court ordered rehabilitative, counseling or community service-oriented program, if applicable.
- f) Have a family member currently residing in an HHA owned or operated property or have other compelling justification for rescission.
- g) Persons banned for murder, manslaughter, rape, attempted murder or any behavior that resulted in serious bodily harm to another individual are not eligible for rescission.
- h) Persons banned for drug-related criminal activity for manufacture or production of methamphetamines are not eligible for rescission.
- i). Persons subject to an HHA ban for any reason, who are later convicted of drug-related criminal activity for manufacture or production of methamphetamines on the premises of any federally assisted housing are not eligible for rescission.
- j). Due to the potential for injury and liability, registered sex offenders are ineligible for rescission.
- k) After review, the Director will submit the decision in writing, with documentation, to the Executive Director for approval. The appellant will be notified, in writing, of the decision.
- l) If the decision is in favor of the appellant, the No Trespass List will be revised and distributed appropriately, with a notation that the appellant is removed from No Trespass status. Tenants affected by the ban notice will be notified by the HHA in writing concerning the ban notice.

- m) In January of each calendar year, the list will be revised. Entries more than five years old will be removed as long as there has been no negative activity connected with the HHA or on its owned or operated properties.
- n) At its discretion, HHA may remove someone from the list. In conjunction with an on-going law enforcement investigation.
- o) At its discretion HHA may choose not to enforce a No Trespass decision.

Revised _____ 05/08/2025 gkendle