

Trespass and Ban Policy of
The Housing Authority of the City of Robersonville

I. Purpose

The Housing Authority of the City of Robersonville (“RHA”) has adopted this trespass policy (the “Policy”) in an effort to enhance the safety and security of its properties within the City of Robersonville. The purpose of the Policy is to provide a written procedure for banning persons, who have engaged in activities that threaten the health, safety or right to peaceful enjoyment of RHA’s properties.

II. Definitions

- A. Police Department: The City of Robersonville Police Department (“Police Department”).
- B. Policy: The RHA Trespass Policy
- C. Trespass: For the purpose of this Policy, in accordance with the North Carolina General Statutes Section 14-159.11, et seq., criminal trespass is defined as follows:
 - 1. First degree trespass: A person commits the offense of first degree trespass when he or she, without authorization, enters or remains:
 - a. on premises of another so enclosed or secured as to demonstrate clearly an intent to keep out intruders, or
 - b. in a building of another.
 - 2. Second-degree: A person commits the offense of second degree trespass when he or she, without authorization, enters or remains on premises of another:
 - a. after having been notified not to enter or remain there by the owner, by a person in charge of the premises, by a lawful occupant, or by another authorized person , or
 - b. that are posted, in a manner reasonably likely to come to the attention of intruders, with notice not to enter the premises.
- D. Trespassed Person: A person who has been banned from entering RHA Property in accordance with the Policy.
- E. RHA: The Housing Authority of the City of Robersonville, North Carolina.

- F. RHA Property: The properties owned and maintained by RHA. RHA Property is private property. RHA Property includes, but is not limited to, the buildings, and parks within the RHA communities, the common areas, and parking lots within the properties owned by RHA. Signs have been posted on RHA Property that clearly identify the property as private property.

III. Procedure

- A. Authorized Persons. Entrance to RHA Property is restricted to RHA residents, their household members, authorized visitors and guests, as well as RHA staff, commissioners, representative agents, contractors, and law enforcement officials carrying out official RHA or law enforcement business.
- B. Persons Subject to Trespass. Any person who has engaged in activities that threaten the health, safety and right to peaceful enjoyment of RHA residents, household members, authorized visitors or guests, or RHA staff or agents may be prohibited from entering all RHA Property. Examples of persons who may be banned from RHA Property include, but are not limited to, the following:
1. A person who engages in a verbal or physical confrontation with any law enforcement officer, RHA staff or agent, resident, household member or authorized guest or visitor while on RHA Property.
 2. A person who engages in any drug related criminal activity on or off the property.
 3. A person who engages in any criminal activity that threatens the health, safety and right to peaceful enjoyment.
 4. A person who engages in any violent or threatened violence against any RHA resident, household member, authorized visitors or guest, or the staff or agents of RHA. (This includes domestic violence as described in Article 50B of the North Carolina General Statutes).
 5. A person who engages in criminal activity in which a deadly weapon or dangerous instrument was used, or threatened to be used, or any activity that resulted in physical injury to any person.
 6. A person who damages, destroys, vandalizes, defaces, or otherwise reduces the value of the real and/or personal property of RHA, its employees, commissioners, representatives, agents, residents, visitors and guests, contractors, any law enforcement official, or other member of the public.

7. A person who engages in any illegal behavior involving firearms or other deadly weapon, including, but not limited to unlawful possession, concealment or use of a said firearm or deadly weapon.
8. A person who commits a public nuisance, and other disorderly, lewd or lascivious conduct on RHA property.
9. A person who loiters, or otherwise fails to have any legal business, on RHA property.
10. A person who causes significant littering on RHA property.
11. A person who engages in any illegal behavior involving automobiles or other vehicles, including, but not limited to, reckless driving, joy riding, destruction, and theft.
12. A person who engages in any gang-related activity, including, but not limited to, grouping, or using hand signals, gestures, and/or clothing to show gang affiliation for the purpose of threatening or intimidating rival gangs, RHA residents, visitors and guests, RHA employees, commissioners, representatives, agents, contractors, and law enforcement officials carrying out official RHA or law enforcement business.
13. During a lease termination proceeding, a resident and/or household member may be banned from all RHA Property except for his/her unit and RHA community in which he/she resides, as determined by RHA. At the conclusion of the lease termination proceeding, RHA will determine if the resident and/or household member should be banned from all RHA Property.

C. Trespass Determination. As determined by RHA's authorized staff or agent, a person who has engaged in an activity that threatens the health, safety and right to peaceful enjoyment, as discussed in Section II.B. above, may be banned from entering RHA Property.

1. The person being banned may be notified orally or in writing by RHA's staff or agent. North Carolina law **does not require** that the Trespassed Person sign nor receive any documentation.
2. Following RHA's determination to ban a person from RHA Property, a RHA Trespass Letter ("the Trespass Letter") will be completed in by RHA's staff or agent. (Robersonville Police Chief) RHA will make a reasonable effort, but is not required, to deliver the original Trespass Letter to the Trespassed Person, and a copy to:

Robersonville Police Department
RHA Central Office
Banned individual

A photograph of the Trespassed Person (if available) may be maintained by RHA. The Trespass Letter shall serve as notice that the Trespassed Person shall not enter any RHA Property and that he/she may appeal RHA's determination in accordance with Section IV below.

- a. In the event that the Trespassed Person is a juvenile, RHA will make a reasonable effort, but is not required, to deliver the original Trespass Letter to the Trespassed Person's parent or legal guardian.
- b. RHA staff or agent shall make a reasonable effort to include the following information in the Trespass Letter:
 - (1) the full name and address of the offender;
 - (2) the date the Trespass Letter is delivered to the banned individual;
 - (3) the resident/non-resident status of the individual;
 - (4) the development or location at which the incident occurred;
 - (5) the signature of the Police Officer or designated staff person banning the individual;
 - (6) the date, time and place the person was encountered for the offense;
 - (7) the reason(s) for banning; and
 - (8) a description of the individual, to include such information as birth date, social security number, and driver's license or other special identification.
3. The names of all Trespassed Persons will be placed on RHA's Trespass/Banned List which shall be updated monthly or as often as determined by the Executive Director. The Trespass/Banned List shall be distributed to: 1) the Police Department, 2) all law enforcement officers working as agents for RHA; 3) all property managers; and) residents through posting. Copies are available in RHA Main Office.

1. If the Executive Director and Robersonville Police Department personnel collectively determine to remove the trespassed person from the Banned list, the Executive Director may remove him/her from the Trespass list immediately or for a probation period of one year.
2. The waiting period for any offense that the Robersonville Police Department deems probable is 3 years, for drug related offenses the period is 5 years, for any threat of violence 5 years, for any criminal activity that threatens the health, safety, or the right to peaceful enjoyment of the RHA residents, guests, or RHA staff performing daily duties, 7 years.
3. The Robersonville Police Department works as an agent for the RHA and therefor can impose these waiting periods thru the banning process on anyone committing a criminal act or act that violates the policies of the RHA.
4. All Lifetime sex offenders, or persons who commit a sexual offense are banned for life.
5. The manufacture or production of methamphetamine is life.
6. Any Person engaging in the act of selling a controlled substance on RHA property is 10 years.
7. Any Person who commits and/or is charged with assault on a Police Officer is 10 years.

Following the expiration periods noted above the Trespassed Person may submit a written request to the Robersonville Housing Authority, collectively with the Robersonville Police Department, or there representative, to be removed from the Banned List.

E. Restrictive Visitation. In extenuating circumstances and for good cause shown, the Executive Director may permit Trespassed Persons to enter certain RHA Property under restrictive visitation conditions. Examples of extenuating circumstances include, but are not limited to, a Trespassed Person visiting his/her child or ailing family member who resides in RHA Property, assisting a family member with a move from RHA Property, etc. In the sole discretion of RHA, the Trespassed Person may be permitted to enter certain RHA Property during business hours, may be required to check in and out with the Property Manager or under other restrictive conditions as determined by RHA.

V. Removal from Ban List

Persons listed on the Trespass/Ban List may not be removed by anyone except in consultation with the Executive Director.

EXHIBIT A
COMMON AREAS

The following rules and regulations apply to all property owned, leased, or managed by the Housing Authority of the City of Robersonville ("RHA").

NO ONE MAY:

1. Enter the property at any time unless he or she is:

A resident or household member whose name is on a dwelling unit for a unit in the property,

An employee or agent of RHA; or

A guest or visitor of a resident, household member or RHA.

2. Consume any alcoholic beverage in any common area:

3. At any time:

Congregate outdoors with others in any common area, except in:

The resident's own yard or

The yard of a resident who is present with the visiting person(s).

4. Stand, sit or walk on or across any electrical transformer, wall or fence.

5. Create a nuisance or otherwise unreasonably disturb the right to quiet enjoyment of the property, such as conduct that:

Is loud or disorderly;

Impedes vehicular or pedestrian traffic, or

Threatens or intimidates others.

6. Engage in any illegal activity.

As used in these rules:

- (a) Common Area means any part of a housing development that is not leased for the exclusive use and occupancy of a resident, his/her household members, and his/her guests and visitor, including any parking lot, park, playground, recreational area, sidewalk, or yard (as defined below); and
- (b) Yard means the outside area adjacent to an apartment unit, including any patio or porch, which area:
- (1) Is intended to serve as personal space for a resident of an apartment, his/her household members, and his/her guests and visitor and their guest, and
 - (2) Is generally bounded by other yard and sidewalks providing access to more than one apartment.

If any question arises concerning the boundaries of a resident's "yard" the property manager of the development will, upon request, identify the boundaries.

A violation of any of these rules will be considered a serious violation of the resident's lease, and may also be grounds for criminal charges against a resident or nonresident under applicable law, including trespass and disorderly conduct statutes.

NOTICE TO NON-RESIDENTS AND VISITORS TO THESE PREMISES

YOU WILL BE CONSIDERED A TRESPASSER AND SUBJECT TO ARREST AND PROSECUTION WITHOUT FURTHER NOTICE IF ANY OF THE FOLLOWING APPLIES TO YOU:

1. YOU ARE NOT AN AUTHORIZED GUEST OR VISITOR OF A RESIDENT OR EMPLOYEE OF THE ROBERSONVILLE HOUSING AUTHORITY ("HOUSING AUTHORITY").
2. YOU ENGAGE IN ANY ILLEGAL ACTIVITY.
3. YOU CONSUME ANY ALCOHOLIC BEVERAGE EXCEPT WITHIN THE PREMISES OF A RESIDENT.
4. YOU WALK OR STAND ON THE YARD OF ANY RESIDENT WITHOUT THE RESIDENT'S PERMISSION AND PRESENCE.
5. YOU SIT ON OR DISTURB ANY POWER TRANSFORMER.
6. YOU DRIVE A VEHICLE ON ANY YARD OR COMMON AREA, OR PARK IN ANY AREA NOT DESIGNATED FOR PARKING.
7. YOU MAKE MAJOR REPAIRS OR WASH A VEHICLE ON HOUSING AUTHORITY PROPERTY.
8. YOU SELL OR SOLICIT FOR SALE WITHOUT A PERMIT FROM THE CITY, OR YOU SELL OR SOLICIT BEFORE 8:00 AM OR AFTER 10:00 PM, EVEN WITH A PERMIT.
9. YOU ENGAGE IN ACTIVITIES THAT THREATEN THE HEALTH, SAFETY AND RIGHT TO PEACEFUL ENJOYMENT OF HOUSING AUTHORITY RESIDENTS, HOUSEHOLD MEMBERS, AUTHORIZED VISITORS OR GUESTS, OR GHA STAFF OR AGENTS AS DETERMINED BY THE HOUSING AUTHORITY.

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