

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), gives notice of the adoption on an emergency basis of an amendment of Title 14 DCMR by adding a new Chapter 96, "Public Housing: Barring Policy." The new chapter will be an instrumental tool in providing safe and secure communities to DCHA residents. The new chapter will permit unauthorized non-resident persons to be barred from DCHA properties and permit any individual who violates a Bar Notice to be arrested for unlawful entry. This action is based on DCHA's statutory authority, found at D.C. Code § 6-203, to bar unauthorized persons from DCHA property.

The emergency action is based on the need to protect the DCHA's residents from unauthorized persons entering DCHA property to engage in criminal activity or otherwise disturb the DCHA's residents' right to quiet enjoyment of their tenancy. This rulemaking is necessary for the immediate protection of the public safety and justifies emergency action. This emergency rule was adopted on July 9, 2003, and became effective immediately on that date.

The Board of Commissioners of DCHA also gives notices of intent to take final rulemaking to adopt this amendment in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The emergency rule will expire on November 6, 2003, or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first.

Amendment: the new Chapter 96 is to read as follows:

"CHAPTER 96 PUBLIC HOUSING: BARRING POLICY

Secs.

9600 Barring Policy

9600 BARRING POLICY

9600.1 No person may enter upon DCHA property unless that person is authorized to be on the property. The only persons authorized to be on DCHA property are residents of the property, members of the resident's household, resident's guests, and persons employed by or doing business with DCHA at the property.

9600.2 Any unauthorized person identified in § 9600.1 may be subject to the issuance of a Bar Notice.

- 9600.3 Bar Notices shall only be issued to bar unauthorized persons from DCHA property. They may not be issued to bar persons from public streets or sidewalks, or private property adjoining DCHA property.
- 9600.4 Personal service or attempted service in writing of Bar Notices shall be made to each person barred from DCHA property. The Bar Notice does not have to be served on DCHA property to the barred person.
- 9600.5 Bar Notices shall only be issued by the following persons:
- (a) Members of the DCHA Police Department including sworn officers and special police officers;
 - (b) Members of the Metropolitan Police Department who are authorized by the DCHA Police Department Chief of Police; and
 - (c) Members of cooperative law enforcement task forces who are authorized by the DCHA Police Department Chief of Police.
- 9600.6 The issuance of a Bar Notice requires the barred person to immediately leave the DCHA property from which the person was barred and not return.
- 9600.7 Should the barred person fail to leave the DCHA property after the issuance of the Bar Notice, or later returns to the DCHA property noted on the Bar Notice at any time while the Bar Notice is in effect, the person shall be arrested for "unlawful entry" pursuant to D.C. Code § 22-3302 (2001 ed.) as amended.
- 9600.8 Bar Notices may be issued at the request of a resident. However, if the resident refuses to sign the Bar Notice, it shall not be issued against the barred person unless approved by the DCHA Police Department Chief of Police or his/her designee.
- 9600.9 Bar Notices shall remain in effect for an indefinite period time and may only be rescinded in writing by the DCHA Police Department Chief of Police or his/her designee."

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than sixty (60) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Office of the General Counsel, District of Columbia Housing Authority, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599. Copies of these proposed rules may be obtained from the DCHA at the same address.