



To Whom It May Concern:

You have inquired as to possible termination or modification of a Trespass Notice. There are four bases for termination or modification: a Residence Exception; an Exclusion Challenge; an Exemption for Special Access; and an Exclusion Termination. Each is described below.

RESIDENCE EXCEPTION

A recipient of a Trespass Notice who resides at a NYCHA address may obtain a residence exemption which allows the person to have access to the apartment in which he or she resides and any Common Areas of the housing development. A person who wishes to move into a NYCHA residence or who wishes to transfer from one NYCHA residence to another may request a new or modified Residence Exception by completing, signing and submitting to the Trespass Coordinator (in person or by mail) a Residence Exception Application together with any supporting documentary information. The Trespass Coordinator will grant a new or modified Residence Exception to a person wishing to move or transfer into a NYCHA residence only if the person has previously been authorized by NYCHA to reside at that residence.

EXCLUSION CHALLENGE

A recipient of a Trespass Notice, or a tenant of record of a NYCHA apartment who is interested in inviting such recipient to such tenant's apartment acting jointly with the recipient, may challenge an exclusion by completing, signing and submitting to the Trespass Coordinator (in person or by mail) an Exclusion Challenge Application together with any supporting documentation. The Trespass Coordinator will review the information submitted together with any documentary evidence provided in opposition to the Exclusion Challenge to determine whether there is information sufficient to support a reasonable belief that the recipient committed any of the following crimes: criminal sale of a controlled substance in the first, second, third, fourth, or fifth degrees or criminal sale of marijuana in the first, second, or third degrees. If the Trespass Coordinator determines that the exclusion is not warranted, the Trespass Notice recipient will no longer be excluded from NYCHA property as of the date set forth in the written decision of the Trespass Coordinator.

EXEMPTION FOR SPECIAL ACCESS

An Exemption for Special Access may be requested by completing, signing and submitting to the Trespass Coordinator (in person or by mail) an Exemption Application together with any supporting documentary information. Absent special circumstances, such as a judicial visitation order, an application for an Exemption for Special Access must be made jointly by a Trespass Notice recipient and a tenant of record of a NYCHA apartment interested in inviting such recipient to visit the tenant's apartment. The tenant's signature must be notarized and the tenant must list any other excluded individuals who have been granted Exemptions for Special Access to that tenant or any member of the tenant's household.

The Trespass Coordinator will review the information submitted together with any documentary evidence provided in opposition to the exemption request to determine whether the exemption is warranted.

An Exemption for Special Access will be granted upon proof of the following circumstances:

- (a) the Trespass Notice recipient is a caregiver for the tenant (or other individual residing with the tenant) who is infirm or disabled, and no reasonable alternative means of providing such care exist;
- (b) the recipient is a caregiver for his or her minor child or grandchild, who resides on NYCHA property with the tenant, and no reasonable alternative means of providing such care exist;
- (c) the recipient has parental visitation rights with respect to a child residing on NYCHA Property and it is necessary under the circumstances that such recipient be allowed access to NYCHA Property in connection with such visitation; or
- (d) any other situation where it is necessary under the circumstances presented that such recipient be allowed access to NYCHA Property for visitation and there is no reasonable alternative to allowing access for such visitation.

If the written decision of the Trespass Coordinator grants an Exemption for Special Access, such decision will set forth the nature and extent of the exemption. Absent extenuating circumstances set forth in such decision, a Trespass Notice recipient who is granted an Exemption for Special Access:

- (a) will only be permitted to proceed directly to and from the relevant apartment;
- (b) will not be permitted access to any other apartment on NYCHA property; and
- (c) will not be permitted access to any common areas of NYCHA property (or other areas closed to NYCHA residents), except for going to and coming from the relevant apartment.

EXCLUSION TERMINATION

A Trespass Notice recipient or a tenant interested in inviting such recipient to the tenant's apartment acting jointly with the recipient, may request termination of the exclusion by completing, signing and submitting to the Trespass Coordinator (in person or by mail) a Exclusion Termination Application together with any supporting documentary information.

The Trespass Coordinator will review the information submitted together with any documentary evidence provided in opposition to the request to determine whether the termination is warranted.

Termination of Exclusion will be granted upon proof of any of the following three circumstances:

- (a) The criminal charges listed above have been dismissed and the recipient is no longer subject to prosecution for such offense(s). This also applies in circumstances in which all criminal charges are resolved in a plea to one or more violations (but not to a felony or misdemeanor).
- (b) The recipient has met each of the following three requirements:
 - (1) has served his or her sentence (including the completion of probation and/or parole and the satisfaction of any other conditions imposed by the sentence);
 - (2) has had no further convictions for any drug offense for the following number of years following the completion of his/her sentence
 - (A) for class A, B and C felony convictions, six years;
 - (B) for class D and E felony convictions five years;
 - (C) for a class A misdemeanor, four years; and
 - (D) for a class B misdemeanor, three years and
 - (3) has no pending charges for any drug offense, at the time of his or her request that the Exclusion be terminated.

If the Trespass Coordinator grants termination of the exclusion, the recipient of the Trespass Notice will no longer be excluded from any NYCHA property as of the date set forth in the decision.

SUBMISSION OF APPLICATION

Enclosed find four applications: the Residence Exception Application; the Exclusion Challenge Application; the Exemption for Special Access Application; and the Exclusion Termination Application. Complete the appropriate application and submit it with supporting documents to the Office of the Trespass Coordinator, 90 Church Street, 9th floor, New York, NY 10007. If you have any questions, contact the Office of the Trespass Coordinator either in person, by mail, or by telephone at 212-306-6914.