

THE ALBANY COUNTY DISTRICT ATTORNEY'S

SAFE HOMES - SAFE STREETS INITIATIVE

**LANDLORD TRAINING, THE TRESPASS AFFIDAVIT
PROGRAM AND NARCOTICS EVICTION**

**INCLUDING A MESSAGE FROM
DISTRICT ATTORNEY
P. DAVID SOARES**





Dear Friends,

I believe that government has a fundamental obligation to provide an environment where people can be safe in their own homes.

One of the consequences of more aggressive enforcement of street crime is that many illegal operations are moved inside to take place within private property. This makes it more difficult for law enforcement and it can make life very difficult for peace-loving neighbors.

Since it is clear that effective law enforcement requires active citizen support, the **SAFE HOMES - SAFE STREETS INITIATIVE** creates a new partnership between community leaders, landlords, tenants, home owners and law enforcement. Through the **SAFE HOMES - SAFE STREETS INITIATIVE**, this coalition will have a contact within the District Attorney's Office dedicated to physically evicting those involved in crime in private dwellings.

The result of this program will be safer homes and more peaceful neighborhoods throughout Albany County. Please join me in this effort. Thanks so much for your help in making Albany the safest most peaceful County in upstate New York.

Sincerely,

P. David Soares
Albany County District Attorney

WHAT IS THE SAFE HOMES - SAFE STREETS INITIATIVE?

The **SAFE HOMES - SAFE STREETS INITIATIVE** is designed to create a partnership between landlords, tenants, homeowners, and law enforcement to eliminate the criminal element that conducts its illegal activities within private dwellings through an aggressive use of the power of eviction. It consists of three elements:

- Landlord Training
- The Trespass Affidavit Program
- Narcotics Eviction

WHY IS THIS PROGRAM NECESSARY?

When a criminal decides to do his business in an apartment building, he deprives the existing tenants of their right to the peaceful enjoyment of their own homes. Drug dealers create loud foot traffic at all times of the day and night and can be physically intimidating. The result is that honest peace-loving tenants move out, leaving the landlord with reduced incomes and the tenants searching for new homes.

WHO'S INVOLVED

The **SAFE HOMES - SAFE STREETS INITIATIVE** involves a coalition of tenants, landlords, and law enforcement. Specific participants include:

- The Office of the District Attorney
- The Albany Police Department
- United Tenants
- Albany Housing Authority
- Albany County Department of Social Services

STEP 1 - LANDLORD TRAINING

This Office, working with some of the larger, more established, landlords in Albany County, is developing a set of support materials which smaller landlords and property managers can use to improve the value of their properties by more carefully screening potential tenants to avoid problems and strengthening their hand in dealing with problem tenants.

We will be providing a series of workshops on tenant screening, lease negotiations, and eviction training. Specifically, this Office will work with existing landlords to supply the following kinds of support:

TENANT SCREENING

- Training landlords to screen prospective tenants and providing technical support to avoid leasing to known criminals.
- Training landlords and tenants to identify criminal behaviors along with the development of appropriate responses to these behaviors.

MODEL “ZERO TOLERANCE” LEASES

- Providing landlords with sample leases containing “Zero Tolerance” clauses for criminal behavior.

EVICITION SUPPORT

- Assisting landlords in the process of evicting tenants engaging in criminal activity.

INTERAGENCY COOPERATION

- Working with Police and prosecutors to target criminal behavior in private property and eliminate it.
- Coordinating with social service agencies to prevent criminals from receiving social service benefits.

STEP 2 – THE TRESPASS AFFIDAVIT PROGRAM

Poorly secured buildings can very often become safe havens for criminals and their illicit activity. Residents very often complain about the traffic of unknown individuals coming in and out of and loitering in the lobbies, hallways, stairs, and stoops of their buildings. These individuals often intimidate residents and sell or use narcotics.

The Trespass Affidavit Program is designed to fight this possibility by providing law enforcement with access to the buildings along with a list of registered tenants. If law enforcement comes upon an individual who is not registered to be in the building or is not a guest of one of the registered tenants, that individual can be arrested for trespassing and/or loitering and can be ordered to stay away from the building.

HOW THE TRESPASS AFFIDAVIT PROGRAM WORKS

When complaints are received by this Office, we will meet with building owners and property managers to request their participation in the Trespass Affidavit Program. If they agree to participate, they will be asked to sign an affidavit agreeing to become part of the program. Lists of registered tenants must be provided with the signed affidavits when returned. Signs will then be distributed to all those participating in the program at a cost of \$5.29 and will read:

NO TRESPASSING

THIS BUILDING IS FOR TENANTS AND THEIR GUESTS ONLY

**SAFE HOMES – SAFE STREETS TRESPASS AFFIDAVIT
PROGRAM**

TO REPORT ANY VIOLATIONS CALL 438-4000

These signs must be posted on the building to provide notice to law enforcement and all people that no trespassing is allowed.

STEP 3 - NARCOTICS EVICTION

The Narcotics Eviction Program targets drug dealers who have moved their activities into private apartments. This program will deny safe haven to known drug dealers by using a State Civil Statute, the Real Property Actions and Proceedings Law. Pursuing eviction under Civil Law as well as criminal prosecution provides prosecutors with a second tool to improve the quality of life and create safer communities.

The program works with landlords to provide them with technical support in the eviction process. In cases where the landlord fails to act in a timely manner, the District Attorney's Office will step in and execute the eviction. When the District Attorney's Office takes this step, it will also name the landlord as a respondent to the action subjecting the landlord to possible fines of up to \$5000 plus legal fees.

WHAT WILL TRIGGER AN EVICTION?

Law enforcement is often alerted to the existence of criminal behavior by anonymous tips or complaints. However, a tip will not be sufficient to trigger the eviction process. In order to start the eviction process, we will have to have the results of a search warrant or some "controlled buys" conducted by confidential informants documenting the existence of illegal activity in the specified location.

WHO CAN BE EVICTED?

The law permits the eviction of all tenants of the premises "if the tenant has knowledge of and acquiesced to the use of the demised premises for illegal activity." Additionally, if it can be shown that a tenant *should* have known that an illegal activity was taking place at the premises, that tenant can also be evicted.

WHAT IS THE LEGAL FOUNDATION OF THE PROGRAM?

The Real Property Actions and Proceedings Law permits the District Attorney's Office, as a law enforcement agency, to hold tenants civilly responsible for the illegal trade or business that

occurs within their premises regardless of whether the tenant is himself the individual involved in the illegal trade or business. This civil responsibility exists even prior to or in the absence of a criminal conviction.

HOW IT WORKS

After this Office obtains evidence indicating illegal activity taking place in a rental apartment, we will send a letter to the landlord providing notice to the landlord of the illegal activity and demanding that the landlord commence the eviction process by launching a Drug Holdover Proceeding. This Office can assist the process by providing necessary paperwork and access to police witnesses. After we send out the Notice letter to the landlord, the landlord has five days to commence action. If the landlord fails to do so, this Office will commence the action naming the tenant and the landlord as respondent. Experience around the State has shown that most landlords welcome the support of the DA's Office in evicting tenants engaged in illegal activities.

WHAT HELP IS AVAILABLE TO TENANTS?

This program will provide tenants with a friend in the District Attorney's Office who will aggressively pursue their complaints regarding illegal activities taking place in their buildings.

GET INVOLVED

LANDLORDS ARE THE GATE KEEPERS OF THE COMMUNITY

Through the **SAFE HOMES – SAFE STREETS INITIATIVE**, landlords can help themselves and help the community by ridding the neighborhoods of known threats. But first, you have to get involved! Call the District Attorney's Office at 487-5460 and join the **SAFE HOMES - SAFE STREETS INITIATIVE**.



Cleaning up the Community One Apartment at a Time

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