

MODEL MEMO

Give Staff Tips for Rooting Out Unauthorized Occupants

Here's a model memo you can adapt and give to staff to train them on how to discourage unauthorized occupancy and detect unauthorized occupants. Show this memo to your attorney before adapting it for use at your site.

UNAUTHORIZED OCCUPANTS

To: **ALL STAFF MEMBERS**

FROM: **MANAGEMENT**

DATE: **MARCH 1, 2016**

In an effort to protect the owner's tax credits and to keep this site a pleasant and welcoming place for our households, ABC Site would like to take an aggressive stance against unauthorized occupants. Studies show that relatives or acquaintances of residents who move in without management's knowledge are often the source of a site's crime problems. Also, if an unauthorized occupant does something wrong at the site—for example, damages a unit—we can't hold him responsible for his actions since we have no lease agreement with him. In addition, unauthorized occupants can overtax our site's resources, such as our water heater systems or available parking spaces.

To avoid such problems with unauthorized occupants, we've put together the following tips for you to follow to help discourage unauthorized occupancy, detect unauthorized occupants, and deal with any unauthorized occupants you may discover:

DISCOURAGING UNAUTHORIZED OCCUPANTS

It's critical to discourage unauthorized occupants from moving into the site in the first place. You can do so by making sure you enforce the guest policy. We have a written guest policy that limits the number of guests residents can have, as well as the amount of time guests can stay at our site. Make sure you enforce this policy consistently.

DETECTING UNAUTHORIZED OCCUPANTS

Doing the following will help you detect unauthorized occupants who are living in ABC Site:

- ◆ **Look for parking permits in all cars.** ABC Site requires all residents to post parking permits in their cars. So look for cars without parking permits, as they may belong to unauthorized occupants.
- ◆ **Make sure guests park in designated spaces only.** All guests are required to park in designated visitor spaces only. Check the designated visitor parking area daily, and jot down the license plate numbers of any cars that have been there too long so that they can be monitored further.
- ◆ **Periodically audit apartment occupants.** Do a periodic audit of apartment occupants to get a recent record of who's living in each unit. Doing this will also give residents the message that we're paying attention to who's living in the units and that we won't tolerate unauthorized occupants. To conduct an audit, send residents a letter every six months or so that asks them to list the occupants of their apartment and to return the letter to the management office. In the letter,

remind residents that our lease requires tenants to notify management immediately of any change in the number of persons residing in the unit.

- ◆ **Make inquiries if unauthorized occupants suspected.** Unless it would be dangerous to do so, the easiest way to determine if someone who looks unfamiliar is actually an unauthorized occupant is to ask. Knock on the door of the unit in question, and ask who's living there. If this direct approach isn't feasible, you can ask residents in neighboring apartments if they've noticed someone new living in the apartment in question, or you can ask maintenance staff if they believe an unauthorized occupant is living in a certain apartment.
- ◆ **Schedule maintenance visits to inspect fire and safety devices.** Periodically schedule visits for maintenance staff to inspect fire and safety devices. This will give maintenance staff an opportunity to look around for signs of unauthorized occupants. Maintenance staff should simply do a visual scan for such clues as multiple beds in bedrooms or sleeping bags on the floor, which may indicate that unauthorized occupants are living in the apartment. Maintenance staff should report any suspicious finding to management.
- ◆ **Question strangers to ascertain occupancy status.** If you notice a stranger around the site, approach him and ask him where he lives. This should be done in a non-confrontational manner by simply saying hello and asking the person to remind you which apartment he lives in and whether he needs anything to be done in connection with his apartment.

DEALING WITH UNAUTHORIZED OCCUPANTS

Do the following when you discover an unauthorized occupant:

- ◆ **Issue notice.** Immediately send a notice to the household head asking him to identify any new household members. By sending this notice, we are giving the household a chance to comply with our site's rules and the notice shows our state housing agency that we're being vigilant. Also, if we end up in court seeking an eviction because of the unauthorized occupant, the notice will show that we tried to deal reasonably with the problem before taking any drastic steps.
- ◆ **Document everything that takes place.** Make sure you document everything in connection with an unauthorized occupant, including complaints from other residents, observations from maintenance staff, and any conversations or encounters you have with the unauthorized occupant or household who's housing him.