**HOUSTON HOUSING AUTHORITY**

**Public Housing Curfew Policy**

The City of Houston has enacted a juvenile curfew ordinance. See Code of Ordinances, Chapter 28, Article V. In the event of a conflict between this policy and the Code of Ordinances, the Code of Ordinances shall govern.

1. **DEFINITIONS (Sec. 28-171)**
	1. Adult: an individual who has attained the age of eighteen (18).
	2. *Curfew hours:* the period between the hours of 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 6:00 a.m. of the following day, or between the hours of 12:00 a.m. (midnight) and 6:00 a.m. on any Saturday or Sunday, and, if recommended by the chief of police and ordered by the mayor, from time to time shall include the hours between 9:00 a.m. and 2:30 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday for such time as may be determined by the mayor, not to exceed 180 consecutive days.
	3. Emergency: an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term shall include but not be limited to a fire, natural disaster, vehicular accident, or a serious medical condition of sudden onset.
	4. Guardian: the person who, under a court order, is the guardian of the person of a minor or the public or private agency with whom a minor has been placed by a court.
	5. Minor: any person under 17 years of age.
	6. Parent: the natural or adoptive mother or father of a minor.
	7. Public place: any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartments, office buildings, transport facilities, restaurants, theaters, game rooms, shops and shopping centers.
2. **OFFENSES (Sec. 28-172)**
	1. It shall be unlawful for any minor to knowingly remain, walk, run, stand, drive, or ride about, in or upon any public place, including Houston Housing Authority property, during curfew hours.
	2. It shall be unlawful for the parent or guardian having legal custody of a minor to knowingly allow or permit the minor to be in violation of the curfew.
3. **DEFENSES (Sec. 28-173)**
	1. The minor was accompanied by his or her parent or guardian;
	2. The minor was accompanied by an adult designated by his or her parent or guardian;
	3. The minor was on an errand made necessary by an emergency;
	4. The minor was attending a school, religious, or government-sponsored activity or was traveling to or from a school, religious, or government-sponsored activity;
	5. The minor was engaged in a lawful employment activity or was going directly to or coming directly from lawful employment;
	6. The minor was on the sidewalk directly in front of the place where he or she resides;
	7. The minor was on an errand directed by his or her parent or guardian;
	8. The minor was in a motor vehicle involved in intrastate or interstate transportation;
	9. The minor was engaged in, participating in, or traveling to or from any event, function, or activity for which the application of Section 28-172 would contravene his or her rights protected by the State of Texas or United States Constitution;
	10. The minor was married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code;
	11. With respect to the hours between 9:00 a.m. and 2:30 p.m., the offense occurred during the school summer vacation break period of the school in which the minor is enrolled or on a holiday observed by the closure of classes in the school in which the minor is enrolled or that the minor has graduated from high school or received a high school equivalency certificate;
	12. With respect to the hours between 11:00 p.m. and 12:00 a.m. (midnight), the day following the offense is a holiday observed by the closure of classes in the school in which the minor is enrolled; or
	13. The minor was attending or was traveling to or from a recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor.
4. **PENALTIES (Sec. 28-176)**

Law enforcement officers will carefully assess each situation regarding a possible infraction of the curfew. The following are possible penalties:

* 1. Each violation of this article shall be punishable by a fine not to exceed $50.00.
	2. Any minor charged with a violation of this article will be referred to the Municipal Courts Department Teen Court Program by order of the presiding judge.
	3. Upon making a court appearance, any minor charged with a violation of this article shall receive information from the office of the chief clerk of the municipal courts outlining the process for expunction of the violation.

In addition to the penalties set forth, any violation of the curfew will be considered a lease violation and may result in the termination of the Lease and eviction.

**TENANT ACKNOWLEDGMENT**

By my signature below, I acknowledge that I have received the HHA’s Curfew Policy and agree to comply with the provisions. I understand that any violation of this policy and the established HHA procedures shall be considered a violation of my Residential Lease Agreement and may be cause for lease termination.

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Tenant Name Tenant Signature Date

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Household Member Name Household Member Signature Date

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Household Member Name Household Member Signature Date

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Household Member Name Household Member Signature Date