

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,  
PENNSYLVANIA**

<b>LYCOMING HOUSING AUTHORITY</b>	:	
<b>Plaintiff</b>	:	
	:	
<b>vs.</b>	:	<b>NO. 08-00,984</b>
	:	
<b>JENNIFER EVERLY</b>	:	
<b>Defendant</b>	:	

**OPINION**

This matter comes before the Court for non-jury trial as a result of an eviction action filed by the Plaintiff against the Defendant, Jennifer Everly, a tenant in the Authority's Penn Vale housing development in Loyalsock Township. Ms. Everly had been a tenant at the project for more than five years before receiving an eviction notice dated March 31, 2008. Mr. Harold Beamer, the father of defendant's two children had originally received a defiant trespassing notice, Exhibit B, from the Authority on December 21, 2005 barring him from Housing Authority property. Ms. Everly received a copy of that notice. Both prior to and thereafter, in violation of the notice, Mr. Beamer has frequented the Plaintiff's property on numerous occasions disturbing the peaceful enjoyment of the premises for neighbors and other residents. The Court finds as credible the testimony of Christy Leinbach in general and specifically finds credible her testimony about numerous complaints from neighbors about loud music, drinking and swearing by Mr. Beamer. The Authority, on many occasions, personally discussed with defendant the need to have Mr. Beamer excluded from the premises, and Ms. Everly indicated that she would not allow him to return to the premises, but she did not follow through on that promise. In fact, the Court specifically finds that on numerous occasions, Ms. Everly permitted Mr. Beamer on the premises. The Court does not find credible Ms. Everly's testimony that she did not invite him and was

somehow frightened to exclude him from the premises contrary to her obligation. Mr. Beamer, the excluded guest, pled guilty before this court on October 10, 2007 for criminal trespass to the premises. Despite that plea, Housing Authority employees continued to observe Mr. Beamer on Housing Authority premises in the company of Ms. Everly. Also, the eviction notice, exhibit D, was issued to the defendant, Ms. Everly, as a result of Mr. Beamer again being on the property on or about March 31, 2008.

Pursuant to that eviction notice, Ms. Everly had the opportunity for a review of the decision. No request for a review was made. The Court finds no violation of Ms. Everly's due process rights. The Court does not believe the lease in any way was an unreasonable restriction on Ms. Everly's guest privileges, and the Authority's lease was in compliance with applicable federal regulations. This is not a simple case of a one time defiant trespass but presents a course of conduct on the part of both Ms. Everly and Mr. Beamer that defies the basic covenants made in the lease. The Court believes that it is reasonable if not required for the Housing Authority to protect the threat to the safety and right of the peaceful enjoyment of their residents residing in the immediate area of Ms. Everly.

The Court believes the case of Lycoming Housing Authority v. Debra Klopp 98-01,890; 98-02,009 (Lycoming March 29, 1999) authored by former President Judge Smith is very instructive and supports this decision. The Court adopts Judge Smith's conclusion as follows:

Public housing is an important social program which is immensely valuable to low income families who cannot afford private housing. The laudable goal is to provide families with a decent, affordable home in a safe environment instead of being forced to live in poverty-stricken, crime-ridden neighborhoods. Unfortunately, public housing has not always lived up to this promise. Instead of being a safe haven, all too many public housing projects have become hotbeds of crime and drugs. If we are ever to turn the tide and make public housing all it was intended to be, public housing agencies must have the power to take pre-emptive, preventative measures to keep out those individuals who would ruin one of the most important social programs ever created. Id at 24.

The Court concludes as follows:

1. Defendant Jennifer Everly specifically breached paragraph IX -A9 of her lease and specifically subsection (d).
2. Defendant Jennifer Everly knowingly assisted Mr. Beamer in violating the defiant trespass notice.
3. Neither the Pennsylvania Landlord Tenant Act nor the Federal Housing Authority regulations require a landlord to permit an admitted defiant trespasser to continue to frequent their premises.
4. Plaintiff, Lycoming County Housing Authority, is entitled to possession of the leasehold premises located at 1462 Randall Circle, Loyalsock Township, PA.

**ORDER**

**AND NOW**, this \_\_\_\_ day of September, 2008, after non-jury trial, the Court enters a verdict in favor of the Plaintiff, Lycoming County Housing Authority, against Jennifer Everly. It is **ORDERED AND DIRECTED** that possession of the premises known as 1462 Randall Circle, Loyalsock Township, PA is granted to the Plaintiff, Lycoming County Housing Authority. Defendant, Jennifer Everly is **ORDERED** to quit the premises and remove herself from the leasehold not later than 30 days from the date of this order.

By the Court,

Richard A. Gray, Judge

RAG/kae  
cc: John Bonner, Esq.  
Jennifer Ayers, Esq.