

Frequently Asked Questions: Homeowner's Association Trespassing Problems

Q: We have a problem with trespassers at our Homeowner's Association (HOA) pool. Can we file a Trespass Authorization Letter, and if not, what can we do?

A: The Trespass Authorization Letter is designed for properties that are “closed to the public” and the process is not suited for situations where an officer has to independently determine whether the trespassing party has been invited or not.

Police officers are not in a position to determine if pool users are HOA members or guests of members/tenants. Pool users, for example, could have been invited to the pool by HOA members or tenants, and therefore, officers are unable to verify whether the trespass in this situation is criminal in nature or not.

However, you always have the right to ask anyone to leave your private property. If you reside at the property and do not believe the person has been invited and is trespassing ask the person to leave the premises. Tell the person you are going to call the police if the person does not leave. If the person still refuses to leave the premises, you can call the police non-emergency number (619-691-5151) for assistance. However, please be aware that at night the police department may already be busy with higher-priority calls and responding to your specific location could take some time.

If the problem persists, contact your HOA and let them know that additional security measures need to be undertaken such as better restricted pool access, security, etc.

Q: What can I do if there is a specific person who continually causes problems at my property?

A: The Trespass Authorization Letter is not designed for use against a specific party – it is intended to be enforced against any and every trespassing person.

Regardless, you should document all the problems this person is causing at your property as it could be helpful in a criminal or civil lawsuit.

You may also consider filing a civil restraining order against the person if he or she is harassing or threatening you. Please see this link for information regarding this process: [San Diego Superior Court](#)

Q: I still have questions - who should I contact?

A: Please contact [Angela Gaines](#).