

Chapter 17

Banning Policies and Procedures

INTRODUCTION

The following are the policies and procedures governing the implementation, administration, and enforcement of the Housing Authority banning regulation.

PART I: BAN POLICY

17-I.A. DUTIES AND RESPONSIBILITIES

At the discretion of the Director of the Housing Management Division, property management shall have the primary responsibility for the implementation, administration and enforcement of the Banning Regulation as it pertains to their respective assigned housing development and scattered sites. Property Supervisors shall be responsible for notifying residents of persons banned from HA property.

Security personnel and law enforcement personnel contracted to provide services at the various housing developments shall participate in the endorsement of the Banning Regulation. Such enforcement may include properly identifying trespassers, issuing citations, and notifying the respective Property Supervisor of such violation.

Managers shall, upon approval by the Director of the Housing Management Division, and at the discretion of the property management, be responsible for identifying Banning Violators, documenting violations by both residents and non-residents, and notifying the appropriate Property Supervisor of such violations.

17-I.B. BANNING REGULATIONS

A non-resident, including but not limited to, a guest or visitor of a resident, may be banned if they commit any of the following acts in or upon any area of a Housing Authority development.

Any misdemeanor or infraction that disturbs the peaceful enjoyment of the development, including, without limitation, illegal drug activity or violent criminal activity;

Destruction of either HA property or private property;

After warning; continuing to interfere with the job responsibilities of a HA employee or vendor; and/or

After warning; continual reports of disturbing other residents' peaceful enjoyment of the complex.

A former resident that was evicted under a 30-day eviction will be automatically banned.

A current resident may be banned from other HA sites.

The non-resident may be banned immediately if they commit one misdemeanor or infraction involving possession of a controlled substance or one felony under state or federal law in or upon any area of the HA development including without limitation, illegal drug activity or violent criminal activity.

The HA development includes, but is not limited to, a private road or curb area, sidewalk, parking lot, alley, park grounds, playground, basketball court, hallway, stairway, laundry or recreational room, community center, or other common area grounds, place, building or vacant lot on HA property.

If a non-resident violates paragraph 1 above, *the resident(s) they visit* can be served with a banning notice excluding the non-resident from the HA development. A form documenting the incidents leading to the service of the banning notice shall also be completed.

Residents known to associate with the banned non-resident shall receive notice of the person banned from HA property in the form of a letter from the HA. The letter will also state that pursuant to the resident's Lease Agreement, the resident, or member of the resident's household, shall not allow the person who has been excluded to be a guest of the resident in the HA development.

A list of banned non-residents will be distributed to HA management and staff security personnel and law enforcement, as appropriate. The list of banned non-residents will be located in management office for resident consumption. This list will respect who is banned excluding the reason.

It is the responsibility of the lease holder and their household to refer to the posted ban list.

If a banned non-resident comes on the HA development, he or she may be cited for trespass.

If the banned non-resident comes on the HA with a resident who has received notice of the person's banned status, the resident will receive a lease violation. If the resident has not received notice, the resident will be provided notice and warned about future activities with the banned non-resident.

PART II: BAN PROCEDURES

17-II.A. BREACH OF THE LEASE

One violation of the Banning Regulation by any household member of a unit shall constitute a breach of the Lease Agreement. Violation of the Banning Regulation by any household member shall constitute a material breach of the Lease Agreement, and shall be sufficient grounds for termination of the Lease Agreement.

17-II.B. NOTICES AND RECOMMENDATIONS

Once a non-resident is identified as a nuisance to the property by HA staff *or* a resident has requested a ban, the following will occur:

- A Ban Request form will be filled out and signed by the ban requester
- An Action Report will be written by HA staff
- The banned persons name, aliases and date of birth will be documented
- HA staff will process the ban request to Housing Management for approval
- Once approved, the banned persons information will be placed on the Ban List
- The Ban List will be made available to staff via computer, posted for resident reference and updates will be given to local law enforcement agencies.
- The ban is considered permanent until over turned by Property Manager or Informal Hearing

Once a resident is notified, in writing, of a non-resident being banned from the HA's property, the resident is deemed to have been put on notice that pursuant to their Lease Agreement they are prohibited from allowing a person who has been banned from HA property to be guest of the resident at the housing development. If a resident is observed associating with a banned non-resident on the housing development, he or she will be cited for a lease violation.

First Violation: Written notice shall be served on the head of household, by the HA, advising of the lease violation. The notice shall constitute a WARNING to the head of household that subsequent violations may result in termination of the Lease Agreement.

Second Violation: A Thirty-Day Notice to quit will be served on the head of household.

17-II.C. REMEDIES

Review of the Resident File

1. Recommendation for Referral: Property Management may offer a referral to counseling, if available, to a family in lieu of an eviction notice.

14-Day Notice

Notice to Comply

Notice to Pay Maintenance Charges

Counseling for Disturbing Neighbors

Counseling for any lease violation(s)

30-Day Notice to Cure or Quit

2. Thirty-Day Notice to Quit: If the head of Household and/or members of household should fail to complete counseling sessions, property management shall serve a Thirty-Day Notice to Quit based on the violations, and if appropriate, other violations of the lease.

17-II.D ENFORCEMENT

Security Personnel/Law Enforcement

Security personnel and law enforcement personnel contracted to provide services at the various housing developments shall participate in the enforcement of the Banning Regulation. Such enforcement shall include:

1. Violation Recognition: Should security/law enforcement officers observe a non-resident banned from the housing development in or about the HA complex, said officers shall have the authority to make inquiry to the individual(s) as to their identity, whether they are guest(s) of a resident, and their reason(s) for being on the property. The purpose of this inquiry is to determine whether a resident a subject to a lease violation, or a non-resident is subject to a trespass citation.
2. Citing Violations: Upon determining that an individual or individuals is in violation of the Banning Regulation, the law enforcement officer may so inform the resident and /or non-resident of the violation. The officer may then issue a written citation. One copy of the citation shall be filed with Property Supervisor for the development, and the law enforcement officer shall maintain a copy.

17-II.E. ENFORCEMENT BY RESIDENT MANAGER AIDES

Managers shall participate in the enforcement of the Banning Regulation by observing and reporting. Should Resident Managers observe a resident in violation of the Banning Regulation, the incident should be immediately documented, including the date, time, location, person's name (if known), and number of times the person has been observed in violation of the Banning Regulation. Such documentation should be recorded in the resident's file and memorandums concerning the Banning Violation(s) send to the Property Supervisor.

17-II.F. ENFORCEMENT BY MANAGEMENT

Property Management shall have the authority to serve warnings, breach of lease notification and/or 30-day notice of evictions for violations of the Banning Regulation.

17-11.G. GRIEVANCE PROCEDURE

After submitting ban requests or terminations of a ban to the property manager, HA residents shall have the right to file a grievance in response to actions taken by the HA concerning issuance of a Banning Notice or violations of the Banning Regulation. The non-resident cannot avail himself or herself or the grievance process.

The HA grievance Procedure is subject to the Code of Federal Regulations, Title 24, Part 966, revised as of April 1, 1985, and as further amended. Residents shall follow the grievance procedures as set forth in the ACOP.