

# **Nelson Housing Authority**

## **BAR & BAN POLICY**

### **Policy**

It is the policy of the Nelson Housing Authority to provide for the safe and peaceful enjoyment of the Authority properties for all residents, their guests and employees of the Authority.

The lease signed by each tenant makes the tenant responsible for the conduct of the tenant's guests or family member. While visitors are welcome, they are expected to act in an appropriate and lawful manner at all times. They are expected to limit their visits to the tenant's apartment and yard. Engaging in criminal activity or unreasonably disturbing residents or staff of public housing will not be tolerated.

In keeping with this policy, it sometimes becomes necessary and prudent to bar or ban persons from the property to prevent the disruption of a safe, lawful and peaceful environment. Persons banned under this policy shall be prohibited from entering upon any Authority property for any reason. If a person banned under this policy enters such properties during the ban time period, it shall be a violation of Nebraska criminal trespass laws.

### **Procedures**

#### **Authority to Ban:**

The employees of the Authority have the authority to initiate a ban of persons whose conduct on the property cause a threat to the safety or operation of Authority properties or create a disruption to the maintenance of a lawful, peaceful or safe environment at any Authority property. The Authority employee in such circumstances may initiate a ban of such person and direct the person to leave the property or contact the police department to remove the person immediately from the property. The employee shall promptly inform the Property Manager of the action; the name of the individual(s) issued a ban, the person's address, if known, and other identifying information.

Examples of conduct that may result in a person being banned from Nelson Housing Authority property include but are not limited to arson, murder, rape, battery, burglary, theft, robbery, criminal trespass, criminal damage to property, drug use or distribution, or illegal sale of alcohol. Other conduct occurring on Nelson Housing Authority property that may result in banning include threats of harm, harassment, interference and intimidation of Authority staff or a police officer, activities that violate state gambling laws, trespassing, stalking, criminal violation of stay away protection orders or restraining orders and any other illegal activity or activity that significantly interferes with the maintenance of a safe, lawful or peaceful environment.

#### **Duration of Ban**

Persons banned from Nelson Housing Authority properties shall not come on the Authority properties during the ban period. The ban period will be for a length of time specified at the time



the ban is initiated or in the ban notice. The ban period may vary depending on the seriousness of the offense or infraction. The following are examples of ban periods that may be imposed for illegal activity on the Authority property:

1. Any person that causes a disturbance that required police intervention may be banned for up to five years.
2. Any person convicted of a felony crime on the property may be banned from the property for a lifetime.
3. Any person convicted of the possession, sale, or distribution of controlled substances on the property may be banned from the property for a lifetime.
4. Any person that endangers the health and welfare of the residents of staff may be banned for a lifetime.
5. Any person who harms or attempts to harm an employee of the Authority through assault or violence may be banned for a lifetime.
6. Any person convicted of manufacturing methamphetamine (speed) may be banned from property for a lifetime.
7. Any person convicted for child molestation may be banned from the property for a lifetime.

**Ban Procedures:**

1. Once a ban has been initiated, the Public Housing Manager shall obtain the identifying information regarding the banned individual and contact the police to inform them of the name of the banned person, other available identifying information, the details of the incident that caused the ban, and the ban period. When possible, a notice of the ban shall be served on the individual by law enforcement or staff, if an address for the person banned is known, the Public Housing Manager will send a notice by first class mail informing the individual the reason for the ban, the ban period, and the procedure by which the person may seek to have the ban removed. However, the efforts of the Authority to provide written notice shall not invalidate an oral notice, which shall have the same force and effect as a written notice.
2. The Public Housing Manager of the Authority will maintain a list of all persons banned from the Nelson Housing Authority property. He or she will review it annually to determine whether an individual no longer constitutes a threat to the residents or staff of the Authority. Any individual whose ban period has expired or who no longer considered a threat shall be removed from the ban list.
3. The Authority will maintain and update a list of persons who are included on the ban list. Residents will be supplied with an updated list of persons banned from property at their initial lease signing and on their annual re-certification for continued occupancy. A copy of this policy shall be provided to the head of household at initial lease recertification for continued occupancy. Also, the Ban Policy will be posted at each Site.
4. Residents who allow banned persons to visit shall be subject to termination of their tenancy if the banned person engages in conduct in violation of the lease while on the Authority property.



5. Any person banned from the Authority properties is forbidden to trespass upon any properties owned by Nelson Housing Authority. If such person is found to be or seen on the property, all employees are directed and shall be obligated to call law enforcement to have the trespassing person arrested. The Authority may pursue prosecution of such individuals.

**Appeal Procedures:**

One appeal of a banning of an individual may be made to the Executive Director or designee for consideration. A banned person who wishes to be removed from the banned list must submit a request in writing to the Executive Director within five (5) days from the date on the Notice. The written request must include the reason for the request and any justification or extenuating circumstances requested for consideration in connection with the appeal. Proof of rehabilitation is required for any removal of a ban that originated from the use of drugs.

The Executive Director or designee will contact the person submitting the appeal to confirm that the appeal is being reviewed. The Executive Director will advise whether additional information or a meeting is needed to evaluate the appeal. The Executive Director may ask for pertinent documentation prior to making a decision. The Executive Director may at his or her discretion schedule a meeting with the banned person and other interested or involved parties e.g., law enforcement officials or other authority property residents. After receiving all information requested and holding a meeting, if necessary, the Executive Director will make a determination and inform the requester in writing of the decision and the reasons for the decision. The Executive Director's decision is the final administrative decision of the Authority.

Nothing in this Ban Policy shall abrogate any rights which residents or the Authority may have under law or under the lease.

The following Resolution as introduced by the Executive Director Julie Worman read in full and considered:

**Resolution #-082-17-2018**

Resolution to amend and add the Ban & Bar Policy to the archives of the Nelson Housing Authority held at the regular meeting on the 13<sup>th</sup> day of August, 2018 at 4:30 p.m.

Be adopted as introduced and read, by motion from Commissioner Steve Kile and seconded by Commissioner Jim Woerner and upon roll call the "Yays" and "Nays" were as follows:

**Yays 4**

**S. Kile  
J. Jensen  
J. Murray  
J. Woerner**

**Nays 0**

