Resolution \_#339\_\_\_\_\_\_\_\_

Adopted\_\_10/26/2017\_\_\_\_

**HARVARD HOUSING AUTHORITY**

**BAN AND BAR POLICY**

**Policy**

It is the policy of the Harvard Housing Authority (“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 and family members. 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. Engaging in criminal activity or unreasonably disturbing residents or staff of public housing will not be tolerated.

Examples of conduct that may result in a person being banned from Authority property include but are not limited to arson, murder, rape, battery, burglary, theft, robbery, criminal trespass, criminal damage to property, debt due the Authority, drug use or distribution, or illegal sale of alcohol. Other conduct occurring on Authority property that may result in banning include, but are not limited to, disturbing the peace of residents, guests and staff through words, sounds, or actions, 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 and peaceful environment. The Authority has determined that persons with the described conduct above are significant contributors to lawlessness, vandalism, drug trafficking and other illegal activity on and near the Authority premises and , therefore, these persons constitute a severe threat to the peace, tranquility, safety and lawful conduct and operation of Authority properties and to its resident’s occupancy, therefore, said person shall be considered not-resident trespassers upon and shall be banned from the Authority property.

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.

**Authority to Ban:**

The Executive Director (E.D.) of the Authority has the authority to initiate a ban and bar of person(s) whose conduct on the property cause a threat to the safety of operation of Authority properties or staff or contractors or create a disruption to the maintenance of a lawful, peaceful or safe environment at any Authority property. The Authority Executive Director 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 Executive Director shall promptly inform the staff and police department of the action; the name of the individual(s) issued a ban, the person’s address, if known, and other identifying information.

**Duration of Ban**

Persons banned from Authority properties shall not enter upon 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 activity on the Authority property:

 1. Any person that disturbs the peace of residents, guests and/or staff through words, sounds,

 or actions may be banned up to 5 years.

2. Any person that causes a disturbance that required police intervention may be banned for

 up to 10 years.

3. Any person convicted of a felony crime may be banned from the property for life.

4. Any person convicted of the possession, manufacture, sale, or distribution of controlled

 substances may be banned from the property for life.

5. Any person that endangers the health and welfare of the residents or staff may be banned

 for life.

6. Any person who harms or attempts to harm an employee of the Authority through assault

 or violence may be banned for life.

7. Any convicted sex offender will be banned from the property for life.

8. Any person convicted of any violent act or theft may be banned from the property for life.

9. Any person that harasses, interferes, threatens, and/or intimidates residents, guests, and/or

 staff may be banned up to 5 years.

**Ban Procedures:**

1. Once a ban has been initiated, the E.D. 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 E.D. will deliver a notice by first class mail, utilizing certified delivery, return receipt requested or in person 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 Executive Director will maintain a list of all persons banned from the Harvard Housing Authority property. The list will be reviewed 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 is 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 and Bar Policy will be posted.
4. Residents who allow banned persons to visit shall be subject to termination of their tenancy.
5. Any person banned from the Authority properties is forbidden to trespass upon any properties owned by Harvard 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 of the Harvard Housing Authority. 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 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 decision of the Authority.

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

**HARVARD HOUSING AUTHORITY**

**PARKVIEW APARTMENTS**

**P.O. BOX 366, 502 E. WALNUT STREET**

**HARVARD, NE 68944**

**Harvard Housing Authority Ban and Bar Policy Certification**

I have received a copy of the Harvard Housing Authority Ban and Bar Policy.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Tenant’s Printed Name

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Tenant’s Signature

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Date