

Chapter 17

POLICY AND PROCEDURES CONCERNING THE BANNING OF INDIVIDUALS FROM HOUSING AUTHORITY PROPERTY

1. **General:** In accordance with 24 CFR 881.101, 960.205, and 966.4, the Housing Authority of the County of DeKalb (hereinafter HACD) has established that all residents of HACD have the right to the safe, peaceful and quiet enjoyment of his/her home and safe passage within their neighborhood or developments facility. It is agreed that those individuals or group of individuals who interferes with those rights and endanger the safety, peace, and/or security of a resident or other persons lawfully and peacefully upon the property, should be prohibited access to HACD property to prevent them from repeating such interference, acts, or conduct.
2. **Applicability:** HACD property refers to all property owned, leased, or managed by the HACD, directly or indirectly, in whatever form or wherever situated.
3. **Responsibility for Determination to Ban:** Individual or groups of individuals may be banned from HACD property as a result of reports concerning:
 - The sale, manufacture, distribution, use, or possession of a controlled substance, illegal drug, or drug paraphernalia.
 - The use of, threatened use of, displayed of, or illegal possession of weapons, firearms, or explosives. The use and possession of firearms and weapons shall not apply to law enforcement officers in the performance of their duties.
 - Robbery, burglary, or commission of a serious crime or felony against the person or property of the HACD, residents, employees, or any other individual or group of individuals.
 - The willful destruction of, or damage to, the property/premises of HACD residents, employees, or any other individual or group of individuals.
 - Any other activity that threatens the health, safety, or right of peaceful enjoyment of the property/premises of residents or employees of the HACD.
4. **Notification of Banning:** The HACD shall notify an individual of the decision to ban him or her from HACD property by the serving of the notice by an authorized agent. Such notice shall include the following information:
 - Name of banned individual
 - Address if available
 - Social Security and Date of Birth whenever available
 - HACD property the individual is banned from
 - Specific reasons for decision to ban
 - Consequences for violating ban notice.
 - Appeal rights

5. **Violation of Banned Notice:** The HACD shall consider the violation of the banned action as criminal trespass to state supported property and shall prosecute to the fullest extent of the law.
6. **Banned List:** The HACD shall maintain a list of all individuals banned from HACD property. Individuals will remain on the banned list for an indefinite period of time, subject to the grievance procedure. Individuals on the banned list at the time this policy is adopted will remain banned for minimum of (5) years from the date they were initially banned. Thereafter, they may file an appeal under Section IX, Grievance Procedure for Banned Individuals – 12-Months Appeal, to have their names removed from the list.
7. **Grievance Procedure for Banned Individuals:**
 - The notification to ban an individual from HACD property shall contain the reason for banning the individual and a notice that the banned individual has five (5) business days from the date of issuance of the notification to appeal the ban decision.
 - Requests for appeal must be submitted in writing to the HACD's main office at 310 N. 6th Street, DeKalb IL 60115, either in person during established business hours or by mail.
 - During the period of any appeal process, the banned individual shall not enter upon any HACD property. Should they do so, they will forfeit all rights under the appeal process for a minimum of five (5) years.
 - The Executive Director of the HACD or his designee shall schedule and hold an informal conference with the banned individual within five (5) business days from the receipt of the written request to appeal.
 - The Executive Director of the HACD or his designee shall notify the banned individual of the decision concerning his or her appeal within five (5) business days of the informal conference. That decision shall be final.
 - In the event of an unfavorable ruling, the banned individual shall remain banned from HACD property but may file a written request for appeal at the end of the five (5) years from the date of the initial appeal and every 12 months thereafter.

8. Grievance Procedure for Banned Individuals – 12-Month Appeal:

- Individuals banned from HACD property may file a written request with the HACD for an Informal Conference to appeal the continuation of the action banning him or her from HACD property.
- An appeal may be made at any time after the initial five-year bar period and no sooner than every 12-month period from the date of the latest 12-month appeal.
- If the banned action is overturned as the result of an appeal, the individual that has been banned from HACD property shall be allowed access to HACD property on a probationary basis during regular business hours for 6-months period of time. The HACD may establish other conditions and limitations as it determines necessary.
- If the banned individual participated in any of the actions in Section 3, during the 6-month probationary period, he or she will be immediately banned from HACD property and will not be eligible for an appeal of the actions for five (5) years from the date of the most recent notification of banning.
- If the banned individual does not participate in any of the actions detailed in Section IV, Reason for Banning, HACD will no longer restrict this individual's access to HACD property unless future actions so warrant.

9. Grievance Procedures for Banned Individuals – Hardship Appeal:

- Immediate members of the banned individual's family who are residents of the HACD may file a Hardship Appeal in writing requesting that the banned individual be allowed to visit for the following special occasions:
 1. Parental visits to children
 2. Funerals
 3. Serious family illness
 4. Family celebrations such as weddings, birthdays, anniversaries, etc.
- Such Hardship Appeals must be submitted to HACD's main office at 310 N. 6th Street, DeKalb IL 60115, either in person during established business hours or by mail.
- Permission must be obtained from the Executive Director or his designee, in writing, prior to the visit.
- When permission for visitation is granted, the HACD will execute an agreement with the signature of the parties involved that will establish the visitation rules. Violation of said rules may be considered a serious violation of the lease.
- Visitations will only be permitted during HACD business hours and the visiting banned individual must check in and out with the management office.
- Any violation of this section may result in the arrest of the banned individual and denial of future visitor privileges for a period of twelve (12) months.

- All banned individuals requesting relief through the Grievance process must give written consent for a criminal background check to be conducted. The criminal record will be considered by the Housing Authority in determining whether or not an individual will continue to be banned from Housing Authority property.