

THE CITY OF FRANKLIN HOUSING AUTHORITY

BAN POLICY

POLICY:

It is the policy of the City of Franklin 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. 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 any resident 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 Texas criminal trespass laws.

AUTHORITY TO BAN:

The employees of the Authority have the authority to initiate a ban of persons whose conduct on the property causes a threat to the safety or operation of Authority properties or creates 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 Authority property include but are not limited to arson, murder, rape, assault, battery, burglary, theft, robbery, criminal trespass, criminal damage to property, drug use or distribution, or illegal sale of alcohol. Other conduct occurring on 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 protective 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 Authority properties shall not come on Authority properties during the ban period. The ban period will be one year or less.

BAN PROCEDURES:

1. Once a ban has been initiated, the property manager shall obtain the identifying information regarding the banned individual and provide the police with 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. A copy of the ban notice form is attached as Appendix A. To the extent feasible, the property manager will send a notice by first class mail providing the reason for the ban, the ban period, the ban policy, and any documentation supporting the reason for the ban. An oral notice will be given only if it is the most effective way to communicate with a person with a disability requiring an oral notice.

2. The Executive Director of the Authority will maintain a list of all persons banned from Franklin Housing Authority property. He or she will review the ban list every 90 days to determine whether an individual still constitutes a threat to the residents or staff of the Authority. If no threat is evident and the individual's ban period have expired, the individual will be removed from the ban list. The Executive Director will also update the ban list when a person is added or removed.

3. Within five days of issuing a ban, the Executive Director will provide written notice to all residents of the person subject to a ban. The notice will clearly state the name of the individual, the date of their ban, and the date the ban ends. He or she will send a ban list to the residents every ninety (90) days or sooner if there is a change in the list.

4. The Executive Director will maintain a list of all persons placed on the ban list and make that list available to any resident or the Department upon request.

5. The Executive Director will keep a written record of why a person is placed on the ban list, including the following:

A. The banned individual's name, race, national origin, age, and whether or not the individual is a person with a disability,

B. The relationship, if any, of the individual to any Housing Authority residents,

C. The initial date of the proposed ban,

D. The reason for the individual's ban which will include a reference to the applicable portion of the Ban Policy and supporting documentation;
Supporting documentation will include:

1. the date, time, and context of the event if the ban is based on an event that occurred on the Housing Authority property;

BAN PROCEDURES CONT:

2. a transcript or detailed summary of any oral communications;
 3. copy of any and all written communications;
 4. the name and contact information, including the email address and phone number of at least two (2) witnesses to the event. If there are only (2) witnesses, one (1) cannot be an employee or agent of the Housing Authority.
6. If an individual's proposed ban is based on criminal activity, the Executive Director will provide written proof of the date of conviction of the individual, or copies or other evidence of an active restraining or protective order that was violated by the banned individual. Evidence of a dismissal, deferred adjudication/probation, or other evidence may be used at the hearing to overturn the ban. The board will have the authority to overturn the ban, and will do so, upon receiving evidence showing that the ban was not appropriate.
 7. If an individual's ban is being extended beyond the initial term, the Executive Director will submit written documentation detailing the reasons for a continued ban. For an individual to remain on the ban list, they must continue to pose a threat to the health or safety of Housing Authority residents, and there must be no less severe but reasonable alternative to keep residents safe. The Executive Director cannot merely resubmit the same documentation for the individual but must submit additional evidence which documents how the individual continues to pose a threat that can be alleviated by no other means than a ban.
 8. 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 Authority property.
 9. Any person banned from Authority properties is forbidden to trespass upon any properties owned by Franklin Housing Authority. If such person is found to be or seen on such 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.
 10. If the banned individual is a relative of an Authority resident, the Board of Commissioners will consider if a ban outweighs the resident's right to visit with their family. The Executive Director must demonstrate that the individual to be banned is an immediate and present danger to the health or safety of the Authority residents. A past criminal record cannot be relied upon to ban any individual who is also a relative of a resident. If the Board of Commissioners conclude that the risk posed by the individual is not enough to outweigh their right to visit their family, the Board may take other measures to ensure the safety and well-being of the residents. Such measures can include banning the person from common space while allowing them to visit their family's unit(s); limiting the time the individual may spend on housing authority property; etc.

NOTE:

No person will be banned due to an inability to pay monetary fees, fines, or damages of any kind owed to the Authority unless those fees or fines are a result of damage to the property of the Authority, its participants or one of its staff or contractors.

APPEAL PROCEDURES:

One (1) appeal of a banned individual may be presented for consideration by the Appeals Board which is comprised of the Board of Commissioners and one (1) member of the Resident Advisory Committee who will vote on the initial ban and whether to uphold, dismiss, or modify the length of the ban.

*Every banned individual will have the same right to appeal their ban regardless of the reason for the ban. A banned person who wishes to be removed from the ban list must,

- A. submit a request in writing to the Executive Director within sixty (60) days of their ban. The written request must include the reason for the request and any justification or extenuating circumstances requested for consideration in connection with the appeal.
- B. A date to appear before the Appeals Board will be arranged for that individual who will then be notified of the date by the Executive Director or his aid. The individual will accept this date or request another date.
- C. The Board may request pertinent documentation to support your claim.
- D. The Board of Commissioners will convene and vote on the appeal within five (5) business days of receipt of the appeal; failure to vote will result in an overturning of the ban.
- E. For any less restrictive measure imposed, the restricted individual will maintain the same appeal rights as if they had been banned completely.
- E. Missing or failing to reschedule your appointment will be considered acceptance of your ban status.

A resident may also approach the Appeals Board to contest any lease violation issued for the failure to control his or her guest.

This Ban Policy is separate and distinct from the Housing Authority's requirement to comply with state and federal law and policies concerning sex offenders, protective orders, or other court orders.