

ST. CLAIR COUNTY HOUSING AUTHORITY
BAN AND BAR POLICY

St. Clair County Housing Authority (SCCHA) management has determined that it is appropriate to adopt a policy to allow for the banning from its properties persons who:

- a) were previously convicted of a felony crime that occurred on or near public housing property;
- b) have been formally charged with a felony crime that occurred on or near public housing property, but the case has not been adjudicated;
- c) have a record of repeated misdemeanor convictions for crimes that were drug related or of a disruptive/violent nature and occurred on or near public housing property;
- d) have repeatedly demonstrated actions/behaviors while on public housing property that are disruptive, combative, abusive, and/or otherwise violent in nature;
- e) have felony convictions that involve drugs and/or violence regardless of the location of the crime.

SCCHA has determined that persons with the described criminal histories are significant contributors to lawlessness, vandalism, drug trafficking, and other illegal activity on and near **SCCHA** premises and, therefore, these persons constitute a severe threat to the peace, tranquillity, safety and lawful conduct and operation of **SCCHA** properties and to its resident's occupancy. Therefore, said persons shall be considered **non-resident trespassers upon and shall be banned from SCCHA property.**

Pursuant to law, **non-resident trespassers** shall be issued a **notice** that they are forbidden to **trespass** upon **SCCHA** property before they are prosecuted for such conduct.

Notice shall be issued, in the form attached hereto, and shall direct the violator that he/she shall not enter or be on **SCCHA** premises, including private streets, parking areas, common grounds, **SCCHA** management/maintenance offices/buildings and tenant residences.

The **Executive Director** shall issue the determination to **ban** a person based upon information regarding criminal activities available from law enforcement and other officials in the criminal justice system. Persons convicted of qualifying criminal activity up to one year prior to the effective date of this policy and anytime thereafter may be banned under the terms of this policy. The term "qualifying criminal activity" refers to criminal actions, which occurred on or near **SCCHA-operated property**, except for crimes involving drugs and/or violence which are included regardless of the location, and include all felony convictions, unless it is determined by the **Executive Director** that the offense does not relate to public safety/endangerment or is determined not to be of a nature that would impair the social environment of the development.

When practical, notice shall be **personally served** upon the offending individual by law enforcement officials specifically empowered to do so, **SCCHA** staff, and/or others as may be appropriate. **Notice** may also be **served** using the **U.S. Mail service, utilizing certified delivery, return receipt requested.**

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Upon **service** of such notice, or as soon as reasonably possible thereafter, the individual making such service shall notify the **SCCHA Executive Director** and the local police department of issuance of the notice and provide a copy of same promptly thereafter to both the **Executive Director** and the local police department. Notification shall include the identity of the person receiving such notice, the reason for issuance and a certification regarding service (i.e. delivery).

Upon receiving notice, any individual who thereafter violates same shall be immediately reported to the local police department for **apprehension** and **arrest**. **SCCHA** staff, contractors, and agents shall thereafter render all possible cooperation and assistance to the local police departments and prosecuting agencies in the enforcement of such notice and prosecution of offending individuals.

SCCHA shall endeavor through cooperation and collaboration with local law enforcement, the State's Attorney's Office, and others in the criminal justice system to have a person convicted of a felony crime occurring on **SCCHA property banned and barred** from **SCCHA** property as a **stipulation/condition** of the **sentencing order**.

Persons banned, either through order of the court or **SCCHA** action, shall remain banned until the ban and bar declaration has been officially terminated by action of the **Executive Director**. Persons banned may apply for **reconsideration** and/or **recession** of the ban order at any time, except those resulting from court order, who may not apply for reconsideration/recession before the end of the term specified in the sentence order. If the sentence order does not specify a ban term, it shall be construed to coincide with the full term of the sentence order, including any probation and parole periods.

Reconsideration/recession requests must be submitted in written form to the **Executive Director** and must specify the reasons the banned person believes the ban order is not appropriate.

The **Executive Director** may at his discretion schedule a meeting with the banned person and other interested/involved parties (i.e. law enforcement), to discuss the matter. A written letter of determination shall be issued by the **Executive Director** within 10 working days of receipt of the reconsideration request or the last meeting held to review the determination. The decision of the **Executive Director** shall be final, notwithstanding an opposing court order.

SCCHA shall compile a **list of all persons banned** under the policy and shall post the same in each of its Management Offices/Community Centers. The list shall be updated on a regular basis, as needed to reflect additions/deletions.

Residents of **SCCHA** properties are responsible for being aware of persons officially banned from **SCCHA** property. Residents who allow banned persons to visit the premises the resident leases from **SCCHA** shall be considered in material violation of the lease agreement and shall be subject to lease termination. Residents subject to lease termination or other adverse action based upon violation of the terms and conditions of this policy, shall have the **right to appeal** the determination through **SCCHA's established Grievance Procedure**.