

**COLUMBIA HOUSING AUTHORITY**  
**COMMUNITY SAFETY PLAN**  
**BAN POLICY AND APPEALS PROCEDURE**

**Effective Date:** December 1, 2004

I. PURPOSE:

Pursuant to the authority set forth in federal and state law, this policy and procedure is adopted to establish, implement and enforce a written policy and procedure to ban person(s) from properties owned and managed by the Columbia Housing Authority (hereinafter "CHA"), which person threaten the safety, health or right to peaceful enjoyment of residents, visitors or guests of residents, or CHA employees or agents on properties owned and managed by CHA or CHA staff. The Board of commissioners of CHA finds and declares that drug-related activities and crimes of violence have occurred on properties owned or managed by CHA which have threatened and may continue to threaten the safety, health and right to peaceful enjoyment of residents, visitors or guests of residents and CHA employees and agents. A list of properties owned and managed by CHA is attached hereto as Appendix 1.

II. SCOPE:

By its adoption of this policy and procedure, the Board of Commissioners of CHA hereby delegates enforcement of this policy and procedure to its Community Safety Team. The Community Safety Team shall consist of a Community Safety Team Leader (the Executive Director of CHA); CHA Property Manager; all Department Heads of CHA; and the Chief of Police and/or official representatives for the Columbia Police Department. Any member of the community Safety Team may consult with law enforcement officers to implement and enforce this policy and procedure. Other persons and/or departments may be consulted to insure consistent application of policy and procedure.

III. GENERAL POLICY:

Residents are required to abide by the terms and conditions of their lease. Residents have the responsibility to insure that their household members and their guests or visitors comply with the terms and conditions of the lease. If it is determined that a resident, household member, visitor or guest of a resident or another person poses a threat to the safety, health or right to peaceful enjoyment of residents, household members, visitors, guests of residents, CHA employees or agents, any member of the Community Safety Team may investigate to coordinate compliance and enforcement efforts.

IV. WHAT CONSTITUTES BEING BANNED?

The following persons, based upon circumstances described hereinafter, may be banned from properties owned or managed by CHA:

A A Visitor/Guest of a resident may be banned from property owned or managed by CHA, if:

1. he/she is charged with or convicted of a drug-related crime, or other proscribed crime; or
2. there is competent, material and substantial evidence that he/she is engaged in an activity or activities which would constitute a drug-related crime or proscribed crime; or
3. he/she is engaged in any other activity which threatens the health or safety of residents, household members, visitors or guests of residents or CHA employees or agents which threatens the right of a resident to peaceful enjoyment of his/her tenancy; or
4. he/she is engaged in any activity which obstructs or interferes with the performance of duties by any CHA employee or agent.

**B. A Non-resident** is someone who is not a resident, a household member or a visitor or guest of a resident of property owned or managed by CHA, or who is not on the property to conduct legitimate business with a resident or household member or on behalf of CHA. Such persons may be banned from all property owned or managed by CHA if:

1. he/she is charged with or convicted of a drug-related crime or other proscribed crime; or
2. there is competent, material and substantial evidence that he/she is engaged in an activity or activities which would constitute a drug-related crime or other proscribed crime; or
3. he/she is engaged in any other activity which threatens the health or safety of residents, household members, visitors or guests of residents or CHA employees or agents or which threatens the right of a resident to peaceful enjoyment of his/her tenancy; or
4. he/she is engaged in any activity which obstructs or interferes with the performance of duties by any CHA employee or agent.

**V. DRUG-RELATED CRIMES; OTHER PROSCRIBED CRIMES:**

**A. Drug-Related Crimes:**

The illegal manufacture, sale, delivery or the possession with intent to manufacture, sell or deliver, or the possession or use of a controlled substance, as defined and listed in Title 39 of the Tennessee Code Annotated:

**B. Other Proscribed Crimes:**

All crimes that threaten the health and safety of residents or any attempt, solicitation, or facilitation of such crimes including but not limited to the following: murder, manslaughter, rape, sexual assault, statutory rape, assault, kidnapping, abduction, malicious injury or damage by use of explosive or incendiary device or material, burglary, breaking or entering, arson or other burnings, larceny, robbery, domestic criminal trespass, sexual exploitation of a minor, cyberstalking, prostitution, solicitation

of prostitution, promoting prostitution, loitering for the purpose of engaging in prostitution, offenses against the public peace, gambling, concealment or engaging a deadly weapon without a permit, or public nuisance or any attempt to commit crimes or aiding in or abetting crimes, as such crimes are defined and contained in Title 39 of the Tennessee Code Annotated.

VI. AUTHORIZATION:

Any member of the community Safety Team is authorized to recommend the banning of persons from properties owned or managed by CHA.

The Community Safety Team Leader is authorized to ban persons from all property owned or managed by CHA (See Appendix A-CHA properties).

VII. BANNING PROCEDURE:

- A. Once a person is identified as being engaged in the acts or activities for which he or she may be banned, any member of the Community Safety Team may submit a written investigative report and any recommendations to the Community Safety Team Leader for review and action (See Appendix B – Ban Recommendation form).
- B. If the Community Safety Team Leader concurs with the recommendation(s) submitted, he/she may approve the request and proceed with the issuance of a Notification of Ban to the affected person. Notice to the person shall be delivered by U.S. mail depository, addressed to the person's last known address, or upon hand delivery to the person's last known address by leaving the notice at that address with some person of suitable age and discretion then residing therein. If the person is a household member or a visitor/guest of a resident, notice shall also be provided to the resident. The notice shall state the reason for the person being banned from property owned or managed by CHA. The notice shall state that the person will be subject to arrest for trespassing if they do not adhere to the ban notification (See Appendix C– Ban Notification Letter).
- C. The name of the person banned will be added to the Ban List maintained by the Community Safety Team Leader. The Ban List shall be posted in the offices located on each property owned and managed by CHA. All Community Safety Team Members shall have regular access to the Ban List through the CHA and other communication methods.
- D. In the event the Community Safety Team Leader should desire clarification or further investigation of a ban request, a decision to ban may be delayed and/or denied until such time as clarification has been provided or the requested information is submitted for consideration.

VIII. THE BAN LIST:

- A. The Ban List and ban case filed shall be maintained by the Community Safety Team Leader in the administrative offices of CHA and shall be updated within three (3) business days when new names must be added or deleted. The listing

shall include the date of revision, name of the person being banned, effective date of the ban, and any limitations or exceptions on the ban.

- B. The Ban List shall be posted in the office located on each property owned or managed by CHA.
- C. Appropriate CHA staff shall also inform new residents of the existence of the CHA Ban Policy and Appeals Procedure. Information concerning the Ban List shall be included in the lease and explained as a part of new resident orientation.
- D. The Ban List shall be distributed monthly within the newsletter as published in order for all residents to have access to the most recent revised List.

IX. HOW LONG DOES A NAME REMAIN ON BAN LIST:

- A. Persons placed on the Ban List may file a written appeal for removal from the Ban List at any time after the ban commenced.
- B. If the person placed on the Ban List is not removed from the Ban List pursuant to the appeal process, unless the person has been convicted of a drug-related crime or other proscribed crime, the time period on the Ban List will not exceed one (1) year. Persons who have been arrested and convicted of a drug-related crime or other proscribed crime will not be considered for removal from the Ban List until all sentencing, probationary, parole and/or community service periods have been completed and the person is not engaged in or has not been engaged in any other acts or activities for which he/she may be banned. Subject to those requirements, the time period on the Ban List for person charged with and convicted of a drug-related crime or other proscribed crime shall be for the time period from the date the person is charged until the date of conviction and for three (3) years from the date of conviction.
- C. If a person is already on the Ban List and is convicted of an additional drug-related crime or other proscribed crime, that person will be assessed additional Ban List time and will not be considered for removal from the Ban List until the ban period has expired. Any person whose time period is extended on the Ban List may file a written appeal regarding the extension of time within thirty (30) days after the date of notice of the extension of time. Notice of the extension of time shall be made in the same manner as notice of placement on the Ban List.

X. PROCEDURE FOR APPEAL OF BAN:

- A. A person placed on the Ban List and any resident affected by the placement of the person on the Ban List shall have the right to appeal the issuance of a ban. The request for appeal must be made in writing and must be mailed or delivered to the office of the Columbia Housing Authority Attn: Community Safety Team Leader at 201 Dyer Street, Columbia, TN. 38401, within thirty (30) days after the date of notification of the ban. A person on the ban list may enter the CHA administrative offices solely for the purpose of delivering his/her appeal.

- B. The Community Safety Team Leader shall schedule a hearing within thirty (30) working days of the notice of appeal. Continuances requested by any party to the hearing may be granted by the Appeal Hearing Team for good cause shown.
- C. The appeal process shall follow the same procedures as that for the Grievance Procedure for residents. The Hearing Panel (which shall consist of the Community Safety Team) considering grievances under that policy shall be referred to as the Appeal hearing Team for the purposes of this policy.
- D. In considering the request for removal from the Ban List, the Appeal Hearing Team may consider the following:
  - 1. Evidence presented by the Community Safety Team Leader and/or any member of the Community Safety Team regarding the reason(s) for placing the person on the Ban List.
  - 2. Evidence presented by any resident affected by the ban.
  - 3. Evidence of dismissal of criminal charges.
  - 4. Evidence of completion of sentencing, probation or community service requirements.
  - 5. Evidence concerning the banned person's rehabilitation from the activities or acts for which he/she was banned.
  - 6. Evidence as to whether or not the person continues to engage in activities for which he/she may be banned.

Evidence may be in the form of testimony in person by sworn affidavit or in the form of documentary evidence.

- E. The Appeal Hearing Team shall determine whether or not good cause existed or still exists to ban the person based upon the evidence presented at the hearing. If the Appeal Hearing Team determines that good cause for the ban exists and the ban was issued appropriately, the ban shall remain in effect.

If the Appeal Hearing Team determines that a limited ban is more appropriate in any case where a complete ban was issued, the Team shall state the specific limitation of the ban, which would be effective immediately.

If the Appeal hearing Team determines that good cause for the ban did not or does not exist and the ban should not have been issued or should be lifted, the ban shall be lifted immediately with the name of the banned person being removed from the Ban List within three (3) business days of the date of the decision. The banned person shall be so advised at that time.

- F. Following their review, the Appeal Hearing Team shall state their decision orally at the conclusion of the hearing, and shall also provide thereafter a written decision to the person making the appeal. Reasons for the decision shall be included. The written decision shall be placed in the CHA files and a copy shall

be mailed or delivered by hand delivery to the banned person at his/her last known address. The Community Safety Team Members may access the written decision by use of the CHA computer System.

- G. If the Appeal Hearing Team determines that the person shall remain on the Ban List, that person may not submit a subsequent appeal until at least six (6) months after the date of the decision of the Appeal Hearing Team.

XI. EXPIRATION OF BAN PERIOD:

When the facts are made known to the Community Safety Team Leader, he/she shall remove a person from the Ban List upon the expiration of the applicable time period for that person or upon a decision by the Appeal Hearing Team that the person shall be removed from the Ban List. The Community Safety Team Leader shall also review the Ban List and shall remove from the Ban List any person whose name has been on the Ban List for three (3) years, unless there is competent, material and substantial evidence that the person should remain on the Ban List. Only the Community Safety Team Leader has authority to remove persons from the Ban List.

XII. SPECIAL CONSIDERATIONS DURING BAN PERIOD:

During the term of the ban notice, the Columbia Housing Authority shall have the authority, under special circumstances and pursuant to the written application of the person as described above, to give written special permission for the person to be on Housing Authority property at a particular time and for a particular purpose. Said permission shall only apply for the specific purposes and for the specific times in the letter. Said special permission shall not constitute a waiver of the provisions of the original notice, except for the specific terms and conditions of the special permission letter in this paragraph. Said letter shall be in the possession of the person while he is on Housing Authority property, and shall be produced upon demand by an employee or law enforcement officer. If the person fails to produce said letter, he shall be deemed to be in violation of the original trespass notice. (See Appendix D-Special Permission to Visit)

Adopted this the 18th day of November, 2004, and made effective December 1, 2004.

Resolution No. 04-53

## Appendix A

### Properties Owned and Managed by the Authority

- 46.1 Southern Hills Community (off Dyer Street) 66 Units  
Dyer Street  
Aldridge  
Richardson Street
- 46.2 Creekside Community (off Polk Street) 74 Units  
Willow Street  
Beech Street  
Sycamore Street  
Polk Street
- 46.4 Northridge (off East Burt Drive) 66 Units  
McBride Cir.
- 46.5 Northridge Annex (off East Burt Drive) 40 Units  
Ryan Place
- 46.6 Oakwood Community (off Wayne Street) 50 Units  
Paul Craft  
Barbara Dobbins  
Wayne Street