THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE
165 S. FRENCH BROAD AVE.
ASHEVILLE, NC 28801

DRAFT – TRESSPASSING & BAN LIST POLICY

Effective [Insert 2026 Date]

I. PURPOSE AND AUTHORITY

Based on applicable federal, state, and local law, this policy is adopted to establish trespass notification and enforcement procedures for properties owned or managed by **The Housing Authority of the City of Asheville, hereinafter referred to as "HACA."**

This policy authorizes HACA to restrict access to its properties when an individual's conduct on or near HACA property threatens the safety, health, or right to peaceful enjoyment of residents, guests, or HACA staff.

Residents of HACA properties are required to comply with the Residential Lease Agreement and House Rules and are responsible for ensuring that household members, guests, and visitors comply with this policy.

This policy is adopted pursuant to HACA's authority under federal regulations governing public housing and assisted housing programs, including but not limited to 24 CFR Parts 5 and 960, and applicable HUD guidance related to property management, resident safety, and peaceful enjoyment.

II. SCOPE AND APPLICABILITY

This policy applies to:

- All HACA-owned or managed properties
- All non-residents, residents, former residents, household members, guests, and visitors
- All HACA staff, including Protective Services, Site Management, and other Authorized HACA Staff involved in enforcement or administration of this policy

This policy applies uniformly and shall be enforced in a manner consistent with HUD's nondiscrimination requirements at 24 CFR § 5.105.

III. GROUNDS FOR ISSUANCE OF A TRESPASS NOTICE

A. Non-Residents

Any person who is not a HACA tenant or a household member listed on a tenant's lease may be issued a trespass notice and placed on the ban list when credible evidence exists that the individual has engaged in any of the following activities on or near HACA property:

1. Criminal activity that threatens the health, safety, or right to peaceful enjoyment of HACA residents, guests, staff, or agents;
2. Criminal activity that threatens the health, safety, or peaceful enjoyment of persons residing in the immediate vicinity of a HACA property;
3. Violent criminal activity on or near HACA property;
4. Drug-related criminal activity on or near HACA property;
5. Fleeing to avoid prosecution, custody, or confinement after conviction for a felony

offense;

6. Violating a condition of probation or parole where the violation threatens the safety or peaceful enjoyment of HACA residents or staff;
7. Abuse of alcohol or controlled substances that threatens health, safety, or peaceful enjoyment; or
8. Other conduct that seriously disrupts residents' peaceful enjoyment of their homes or results in damage or destruction of property.

B. Former Residents or Household Members

A current or former HACA tenant or household member may be issued a trespass notice and added to the ban list for conduct described above **only after** the individual has:

- Moved out,
- Been evicted through court proceedings, or
- Been formally removed from the lease.

IV. AUTHORIZATION AND DESIGNATED STAFF

HACA shall designate Authorized HACA Staff responsible for issuing trespass notices, maintaining the ban list, and reviewing requests for placement, extension, or removal.

Authorized HACA Staff may include, but are not limited to:

- Directors of Site Management
- HACA Protective Services Staff
- Other HACA staff formally designated for this purpose

All actions taken under this policy shall follow established HACA protocols.

Designation of Authorized HACA Staff under this policy constitutes an administrative function and does not confer adjudicatory authority beyond that permitted under applicable HUD regulations.

V. PROCEDURE FOR ISSUANCE AND PLACEMENT ON THE BAN LIST

A. Initiation of Request

A request to place an individual on the ban list may be initiated by:

- Law enforcement officers
- HACA Protective Services Staff
- Directors of Site Management
- Other Authorized HACA Staff

The request must be supported by credible evidence.

B. Review of Evidence

Designated HACA Staff shall review the request to determine whether credible evidence exists to justify placement on the ban list. Credible evidence may include, but is not limited to:

- Verbal or written statements from law enforcement
- Verbal or written statements from HACA staff
- Statements from residents or community members
- Security camera footage

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- Other physical or documentary evidence

C. Issuance of Trespass Notice
If credible evidence is found, a trespass notice shall be served by:

- First-class mail to the individual's last known address, or
- Hand delivery to the last known address by leaving the notice with a person of suitable age and discretion

Service shall be considered complete upon mailing or delivery.

If the individual is a former household member or guest of a current resident, notice shall also be provided to the resident.

The notice shall include:

- The reason for the trespass determination
- The effective date of the trespass
- Notification that entry onto HACA property may result in arrest for trespassing

D. Ban List Management
The individual's name shall be added to the ban list, and appropriate notification shall be provided to law enforcement.

The ban list shall be maintained by HACA and include:

- Name of the individual
- Effective date of the trespass
- Duration and expiration date
- Any extensions, revisions, limitations, or exceptions

The ban list shall be accessible to relevant HACA personnel through a secure internal system or designated HACA platform.

The ban list shall be reviewed and updated **monthly**, on the first business day of each month, and as needed beyond that date.

Issuance of a trespass notice under this policy does not constitute a lease termination, eviction action, or criminal adjudication and does not alter any grievance or hearing rights afforded to residents under HUD regulations.

VI. RESIDENT NOTIFICATION AND ORIENTATION

HACA shall inform residents of the trespass policy and their responsibilities under this policy during resident orientation.

Residents are responsible for ongoing compliance with the policy and for ensuring that household members, guests, and visitors comply with the trespass restrictions as a condition of the lease and House Rules.

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VII. REPEAT VIOLATIONS AND EXTENSIONS

If an individual who is already on the ban list commits an additional trespass or engages in conduct that independently justifies placement on the list, a new trespass notice shall be issued.

Each qualifying infraction shall result in an additional **three (3) year** trespass period, calculated from the date of the most recent infraction. Trespass periods are cumulative.

VIII. REMOVAL AND APPEALS PROCESS

A. Administration

All requests for removal from the ban list shall be administered by **HACA Protective Services Staff** and other Designated HACA Staff.

B. Eligibility for Removal

An individual may request removal from the ban list after **three (3) years** from the date of the most recent infraction, provided no further incidents have been reported or documented during that period.

C. Application Process

Requests for removal must be submitted through a formal application process, which shall be made available online. Applicants must provide required identifying information and any supporting documentation specified by HACA.

D. Review Criteria

Applications may be evaluated based on factors including, but not limited to:

- Completion of all court proceedings or incarceration related to the incident
- Absence of further trespass or criminal activity
- Compliance with the original trespass notice
- Evidence of behavioral change, rehabilitation, education, employment, or restorative actions

IX. ADMINISTRATIVE REVIEW

In addition to individual applications, HACA shall conduct an administrative review of the ban list at least annually to identify individuals eligible for removal based on time elapsed and lack of further violations.

X. LIMITATION OF LIABILITY

HACA's adoption and enforcement of this policy does not make HACA the guarantor of the safety of residents, staff, or visitors. HACA shall take reasonable steps to enforce this policy but shall not be liable for conduct occurring in violation of the policy without notice or opportunity to act.

Nothing in this policy creates a duty or obligation beyond those imposed by applicable law.
If any provision of this policy is determined to be invalid or unenforceable by a court of competent

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jurisdiction, such determination shall not affect the validity or enforceability of the remaining provisions.

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