

Firearm Policy

Knox County Housing Authority
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Article I. Purpose / Scope of the Policy

- Section 1.01** On 07/09/2013, the State of Illinois passed the Firearm Concealed Carry Act (The Act), referenced at 430 ILCS 66. Per the public act, citizens that are eligible will be able to apply for and obtain licenses to carry a concealed weapon. The State of Illinois began issuing concealed carry permits as of 02/01/2014.
- Section 1.02** The Act gives the individuals the right to carry a concealed handgun as they travel within the State of Illinois. Included in the Act are exceptions pertaining to certain properties. Per 430 ILCS 66/65, there are twenty-three (23) property exceptions listed in which concealed carry is prohibited. Among the property exceptions are buildings or portions of buildings under the control of local government; building, real property and parking area under the control of a pre-school or childcare facility; and public playgrounds.
- Section 1.03** This policy was written in accordance and is in compliance with the Firearm Concealed Carry Act.
- Section 1.04** This firearm policy is about the concealed carry of said firearms, not the resident. This policy does not preclude anyone who carries a weapon in accordance with the Act from residency with the Knox County Housing Authority; rather it simply requires that all tenants abide by the Firearm Policy.
- Section 1.05** The Knox County Housing Authority has adopted this policy for the following reasons:
- (a) To establish a clear protocol for ownership and possession of firearms within Knox County Housing Authority programs;
 - (b) To clearly outline practices and procedures for carrying a concealed firearm on Knox County Housing Authority property;
 - (c) To establish resident and agency responsibility in carrying out the provisions of this policy;
 - (d) To allow KCHA staff, agents, vendors, and contractors the opportunity to perform their job functions in an environment that is free from the presence of concealed firearms.
- Section 1.06** This policy applies to all residents, visitors, employees and covers all buildings, property, and vehicles owned and operated by the Knox County Housing Authority.

Article II. Definitions

Section 2.01 The following definitions will be utilized in reference to the implementation and enforcement of this policy:

- (a) Firearm: a portable gun, being a barreled weapon, that is capable of launching one or more projectiles often defined by the action of an explosive. Examples include, but are not limited to a stun gun or taser, a machine gun, a short-barreled rifle, a pneumatic gun, spring gun, paintball gun, B-B gun, etc.
- (b) Concealed Firearm: a loaded or unloaded handgun carried on or about a person completely or mostly concealed from view of the public or on or about a person within a vehicle.
- (c) License: a license issued by the Department of State Police to carry a concealed handgun.
- (d) Licensee: A person issued a license to carry a concealed handgun.
- (e) Unit of Local Government: counties, municipalities, townships, special districts, and units, designated as units of local government by law, which exercise limited governmental powers or powers in respect to limited governmental subjects
- (f) Building: Any building owned and operated by the Knox County Housing Authority, including common areas.
- (g) Offices: Knox County Housing Authority staff offices, program offices, and entrances to/from such space.
- (h) Common Areas: Area(s) that is available for use by more than one person. For the purpose of this policy, the common areas referred to include lobbies, restrooms, community rooms, computer labs, playgrounds, patios, gazebos, and athletic courts.

Section 2.02 The definitions contained within this section of the policy will be referenced throughout this policy, the Knox County Housing Authority Admissions and Continued Occupancy Plan, the Knox County Housing Authority Public Housing Lease, and any lease addendum (such as the Concealed Carry Acknowledgement and House Rules).

Article III. General Provisions

Section 3.01 The Knox County Housing Authority will promote this policy in the following manner:

- (a) This policy shall be posted for public review and comment prior to taking effect;
- (b) The Knox County Housing Authority will hold a public hearing in regards to this policy to discuss and review comments from residents and the community;
- (c) This policy will be incorporated into the Knox County Housing Authority's lease (either by article or addendum), as well as the KCHA's Admissions and Continued Occupancy Policy (ACOP), Section 8 Administrative Plan, and the KCHA Personnel Policy;
- (d) All new and current residents will be required to sign a lease addendum, which includes concealed carry provisions set forth in this policy, no later than 03/31/2014;

- (e) All current and new residents will receive a copy of this policy, and be required to sign a certification form acknowledging they have received and read this policy;
- (f) “No Handgun” signs will be placed outside and inside buildings throughout KCHA properties to ensure permit holders and licensees are properly notified.

Section 3.02 Effective April 01, 2014, this Firearm Policy shall take effect and become enforceable. This policy specifically applies to any person(s) who resides at, works at, or visits KCHA properties including, but not limited to, the following people:

- (a) All current and new residents;
- (b) Visitors and guests of residents;
- (c) Resident service providers;
- (d) Knox County Housing Authority staff;
- (e) Knox County Housing Authority contracted vendors or agents and their employees;

Section 3.03 Knox County Housing Authority residents may own and possess firearms within their lawfully leased KCHA residence, provided said ownership and possession of the firearms complies with all federal, state, and local laws.

Section 3.04 The Knox County Housing Authority is a unit of local government of the State of Illinois, and as such, concealed firearms are prohibited from being in the possession of any person, or stored in any building or property owned or under the control of the Knox County Housing Authority except:

- (a) Within a residence of a properly licensed firearm owner;
- (b) Reasonable transportation of concealed firearms to and from said residence;
- (c) When specifically permitted by the Firearm Concealed Carry Act.

Section 3.05 Areas in which the carrying of a firearm, concealed or otherwise, will be prohibited include:

- (a) Buildings and offices as defined in Section 2.01 of this policy;
- (b) Common areas as defined in Section 2.01 of this policy;
- (c) Agency vehicle fleet;

Section 3.06 Residents who can lawfully possess firearms including those who have a permit to carry concealed handguns, are allowed by this Policy to possess their firearms while passing through PHA property where firearms are otherwise prohibited, such as the common areas of PHA residential buildings, for the sole purpose of transporting their personal firearms directly to or from their residence, their vehicle, or away from KCHA property. All weapons transported through areas where firearms are prohibited shall be stored in a case, unloaded, and otherwise possessed and transported in the manner required by law. Storage and possession of firearms in a Resident’s vehicle in a PHA parking lot is allowed as permitted by the Concealed Carry Act and Illinois Law.

- Section 3.07** Concealed carry of firearms is not allowed in any building owned or controlled by the Knox County Housing Authority that does not include residential units.
- Section 3.08** There are uses of facilities and activities at locations on some Knox County Housing Authority property where firearms are prohibited at all times even if the owner of the firearm is properly licensed pursuant to the Firearms Concealed Carry Act. Those uses include:
- (a) Child Care Facilities (day care and pre-school)
 - (b) Educational facilities (GED classes, computer network centers)
 - (c) Playgrounds
- Section 3.09** The Knox County Housing Authority will post signs, as required by the Firearms Concealed Carry Act, at all property owned or under the control of the KCHA where concealed carry of firearms is not permitted by the Act.
- Section 3.10** If a firearm is found in a Knox County Housing Authority residence, property, or in the possession of a resident of the KCHA, the resident will produce – upon request – their firearm owner’s identification card and/or their concealed carry permit, to allow the KCHA to determine that person or resident is lawfully in possession of the firearm.
- Section 3.11** A resident will be subject to lease termination if the resident, a household member, guest, or invitee of the resident possesses on Knox County Housing Authority owned or controlled property in violation of federal, state, or local law.
- Section 3.12** Resident Responsibilities under this policy include:
- (a) Resident shall be responsible to inform all members of the household, visitors, and guests of the KCHA Firearm policy;
 - (b) Residents are responsible for the actions of his/her household members, guests, visitors, invitees, agents, employees, or other persons present in their dwelling unit in reference to this policy;
 - (c) Acknowledgement that KCHA’s ability to police, monitor, or enforce the agreements of this policy is dependent in significant part on compliance by residents, visitors, and guests;
 - (d) If a resident witnesses someone in violation of this policy, it shall be their responsibility to report the violation to the property management office as soon as possible. It is the preference of the Knox County Housing Authority to receive said complaints in writing.
- Section 3.13** The Knox County Housing Authority will exercise all regulatory authority within its power to enforce this policy, in addition to working closely with law enforcement officials towards 100% compliance. However, the KCHA cannot and does not warranty or promise that the property, buildings, and dwelling units will be free from firearms.
- Section 3.14** Enforcement of this policy will be administered in the following manner:
- (a) A resident will be subject to lease termination if the resident, a household member, guest, or invitee of the resident possesses on Knox County Housing Authority owned or controlled property in violation of federal, state, or local law.

- (b) It shall be the responsibility of property managers to enforce this policy at each program site;
- (c) Property managers will investigate all complaints received;
- (d) Property managers will take immediate and appropriate lease enforcement action consistent with Section 3.15 of this policy;

Section 3.15 Lease Violation Provisions

- (a) Failure to comply with any provisions set forth as a result of this policy shall be considered a material violation of the lease and subject residents in violation to adverse action, up to and including termination of lease;
- (b) Lease violations will be assessed in the following manner:
 - (i) 1st Violation - Property manager will visit the resident, accompanied by a law enforcement official, and document any evidence; resident will receive a final lease violation letter advising FINAL NOTICE PRIOR TO TERMINATION; subsequent unit inspections will be scheduled to monitor future compliance with this policy.
 - (ii) 2nd Violation – Termination of lease
- (c) If a resident is found to be unlawfully in possession of a firearm, the resident will be accorded the opportunity to prove ownership of the firearm.
 - (i) Produce any ownership licenses, FOID cards, or other paperwork which demonstrates legal, lawful possession of the firearm in question;
 - (ii) Provide proof of application for ownership licenses, FOID cards, or other paperwork which demonstrates the resident is in the process of license application. In this case, the resident in possession of the firearm will be required to remove the firearm from the unit until which time as all legal requirements have been fulfilled and evidence of such supplied to the Knox County Housing Authority.

Section 3.16 Exceptions

- (a) Personnel authorized to carry firearms in the performance of their duties (i.e. law enforcement personnel) will be exempted from this policy.

Section 3.17 Notwithstanding anything to the contrary, the failure of the Knox County Housing Authority, its property managers, employees and agents, to enforce the terms and conditions of this policy shall not, in anyway, give rise to a cause of action by any resident, guest, invitee, agent or other person who may be present on Knox County Housing Authority property against, or create any liability on the part of, the Knox County Housing Authority, its property managers, employees and agents.