



Cannabis Policy

Policy Owners:	Cheryl Burns, Chief HCV Officer; Eric Garrett, Chief Property Officer
Responsible CHA Department:	Housing Choice Voucher & Property Offices
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POLICY STATEMENT

The Chicago Housing Authority's ("CHA") policy regarding cannabis ensures a safe, responsible, fair, and equitable balance between federal, state, and local laws that are not fully aligned with each other at present. According to federal law, *i.e.*, the Controlled Substances Act ("CSA"), 21 U.S.C. §§ 801, 841(a) *et seq.*, the manufacture, distribution, or possession of cannabis is a federal criminal offense. Recent changes in state and local law, *i.e.*, *Cannabis Regulation and Tax Act*, 410 ILCS 705, *et seq.*, legalized the recreational use of cannabis in Illinois and Chicago on January 1, 2020.

CHA's cannabis policy provides guidance to current residents in public housing ("Residents"), current participants in the Housing Choice Voucher ("HCV") Program ("Participants"), persons who are applicants on either a site-based waitlist or who are on a waitlist for a voucher ("Applicants"), and landlords in the HCV Program.

CHA seeks to work with Residents, Participants, Applicants and Landlords to provide information and guidance in their efforts to exercise their rights under local law without jeopardizing their housing under federal law.

POLICY

For persons who are not CHA Residents or Participants and are at the Application Stage, federal law, *i.e.*, the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. §§ 13661 and 13662), requires public housing authorities such as the CHA and landlords to establish standards that prohibit admission to housing programs to Applicants if they, or a member of their family, use a controlled substance such as cannabis at the time of their application for housing benefits.

The CHA does not require Applicants to undergo drug testing at the time of their application. The CHA requires a background check.

If the background check reveals a conviction for growing cannabis, or for its manufacture, distribution, or possession, the CHA's process accommodates consideration of mitigating circumstances that are presented, including the time, nature and extent of the Applicant's conduct, its impact on others, and any factors that might indicate a reasonable probability of favorable future conduct of the Applicant. The CHA's goals include promoting program integrity and an outcome where an Applicant's admission into one of its programs will not interfere with the health, safety, or right to peaceful enjoyment of the premises by one's neighbors.

The laws identified above also apply to Residents and Participants who currently live in subsidized housing. Although cannabis became legal under Illinois state law effective January 1, 2020, the federal laws remain unchanged and do not permit the use, possession, distribution, or growing of cannabis on federally subsidized property. It is, therefore, possible that a lease offered to a Participant by a landlord may include language that bans cannabis on the landlord's property. The CHA encourages its constituents to read their leases carefully and when necessary, consult with their Landlord with a goal of maintaining compliance with its terms.

In situations where there are allegations that a Resident or Participant has violated applicable cannabis laws, or where a landlord-owner of private property has filed an eviction action solely because a Participant engaged in the use, possession, distribution, or growing of cannabis, the CHA's lease or voucher review process accommodates consideration of relevant facts on a case-by-case basis and mitigating circumstances that are presented. These mitigating circumstances include the time, nature and extent of the conduct; the relationship of the conduct to the disability of a family member; its impact on others; the impact of a proposed action on family members; the viability of limiting a negative action to certain users rather than entire families; and any factors that might indicate a reasonable probability of favorable future conduct of the Resident or Participant, including rehabilitation. CHA's goal has been and continues to be housing stability.

The CHA's Cannabis Policy does not change federal, state, or local law. It is not intended to and does not create any new property interests for Applicants, Residents, or Participants. Nor is it intended to change, amend, or supersede the CHA's existing policy related guidance; *e.g.*, the CHA's Administrative Plan or the Admissions and Continued Occupancy Policy ("ACOP"). Instead, it reflects a balanced and reasonable approach that is intended to be interpreted holistically within the constraints of federal law, in conjunction with the CHA's existing policies, state law and in recognition of CHA Residents' and Participants' significant interest in remaining in CHA housing.

Cross references: See HCV Administrative Plan at Sections 2-II.B., 3-III.B., 3-III.C., 12-I.D., 18-III.G. 18-V.F., Glossary: *Drug-related criminal activity*; Public Housing ACOP at Sections I-B, II-G, XIII-C, and XVI.

This policy was approved by the CHA Board of Commissioners on January 21, 2020