
MEDICAL MARIJUANA POLICY

The Housing Authority of the County of DeKalb hereby sets forth the following policy regarding medical marijuana.

1. In compliance with federal law under the Quality Housing and Work Responsibility Act of 1998, the Housing Authority of the County of DeKalb (HACD) will continue to prohibit the admission of individuals based on the illegal use of a controlled substance including medical marijuana as set forth in the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et.seq.).
 - a. New admissions of Public Housing tenants or Housing Choice Voucher tenants who state they use medical marijuana are prohibited into Public Housing and the Housing Choice Voucher program and all other programs and properties administered by the Authority.
2. HACD will continue to exercise its discretion under
 - a. the Admissions and Continued Occupancy Policy (ACOP) and 24 C.F.R. Section 966.4 (1)(5)(vii)(B) and (C) in deciding to terminate a tenant for illegal drug use including medical marijuana as set forth in the Compassionate Use of Medical Cannabis Pilot Program Act; and,
 - b. the Administrative Plan and 24 C.F.R. Section 982.552(c)(2)(i) in deciding to terminate assistance for illegal drug use including medical marijuana as set forth in the Compassionate Use of Medical Cannabis Pilot Program Act.
3. Current residents using medical marijuana are not subject to automatic termination. QHWRA provides the HACD with discretion to consider all circumstances and determine on a case by case basis when it is appropriate to terminate assistance. The HACD will exercise its discretion by considering but not limited to the following factors:
 - a. Possession of a valid Registry Identification Card.
 - b. Compliance with the HACD no smoking policy.
 - c. Compliance with the rules and regulations of The Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et. seq.).The HACD retains the discretion to consider any and all other factors it deems relevant in making the decision to terminate assistance.
4. The Authority fully supports and adheres to the Fair Housing Act (FHA), Section 504 of the Rehabilitation Act (Section 504) and Title II of the American with Disabilities Act (ADA); however “illegal drug use” under Section 504 and the ADA is determined exclusively by reference of the Controlled Substance Act which includes marijuana. Under federal law, the use of medical marijuana is illegal and therefore does not qualify an individual for a reasonable accommodation.