



## ***CANNABIS FAQ*** *Frequently Asked Questions*

**CAN PUBLIC HOUSING RESIDENTS USE MARIJUANA OR MARIJUANA PRODUCTS ON IHA PROPERTY?** While marijuana is legal under Missouri state law, the federal law remains unchanged and does not permit the use or possession of marijuana on federally subsidized property. IHA is committed to ensure a safe, responsible, fair and equitable implementation of the law and how the new law relates to federal laws governing the use of marijuana in public housing. IHA will be working with all residents and property managers to ensure that everyone understands their rights under the Missouri law.

**CAN I BE EVICTED FROM PUBLIC HOUSING IF I USE MARIJUANA OR MARIJUANA PRODUCTS?** IHA will maintain a balanced and reasonable interpretation of the new marijuana law and address matters involving the use and possession of marijuana on a case-by-case basis.

**MY HOUSING CHOICE VOUCHER (HCV)/PROJECT-BASED VOUCHER (PBV) PROPERTY OWNER/MANAGER PROHIBITS MARIJUANA USE. IS THAT LEGAL?** Yes. Property owners/managers can ban the use of marijuana at their properties and include this ban in a tenant's lease. It is best to check with the property owner/manager and read the lease carefully so you understand the terms.

**CAN I GROW MARIJUANA IN MY PUBLIC HOUSING UNIT?** No. It remains illegal to distribute or grow marijuana. Marijuana can only be legally purchased at licensed dispensaries. The production and private sale of marijuana remains illegal.

**MAY I REQUEST AN ACCOMMODATION TO USE MARIJUANA?** Federal and state nondiscrimination laws do not require PHAs and owners of other federally assisted housing to accommodate requests by current or prospective residents with disabilities to use medical marijuana. In fact, PHAs and owners may not permit the use of medical marijuana as a reasonable accommodation because: 1) persons who are currently using illegal drugs, including medical marijuana, are categorically disqualified from protection under the disability definition provisions of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act; and 2) such accommodations are not reasonable under the Fair Housing Act because they would constitute a fundamental alteration in the nature of a PHA or owner's operations.

**IN CONCLUSION,** PHAs and owners may not grant reasonable accommodations that would allow tenants to grow, use, otherwise possess, or distribute medical marijuana, even if in doing so such tenants are complying with state laws authorizing medical marijuana-related conduct. Further, PHAs and owners must deny admission to those applicant households with individuals who are, at the time of consideration for admission, using medical marijuana.