

Colorado Springs Housing Authority Medical Marijuana (Cannabis) Policy

Background:

On February 10, 2011, the U.S. Department of Housing and Urban Development (HUD) issued a field Memorandum to all PHAs providing guidance and direction with respect to the use of Medical Marijuana in both Public Housing and Housing Choice Voucher programs. In that memorandum, Housing Authorities (HA) that operate in states that have enacted laws legalizing the use of medical marijuana were given specific direction in dealing with marijuana users. The memo clearly differentiates between two distinct groups: new admissions and current residents. While zero tolerance is specified for new admissions, housing agencies are given latitude as to whether or not to allow continued occupancy to tenants already receiving rental assistance under the program. Further, the memo *requires* that PHAs establish a standard and adopt written policy with respect to users of medical marijuana.

The policy statement below is hereby adopted in compliance with the requirement set forth by HUD.

Definitions:

Marijuana – any plant of the genus Cannabis; a coarse bushy annual with palmate leaves and clusters of small green flowers; yields tough fibers and narcotic drugs.

Medical Marijuana – Colorado Law

Cannabis for medical use in Colorado became legal in Colorado on June 1, 2001 by a majority vote of the public. The act removed state-level criminal penalties on the use, possession and cultivation of marijuana by patients who possess written documentation with a recommendation from their physician affirming that he or she suffers from a debilitating condition.

Conditions Approved for Use of Medical Marijuana in Colorado

- Cancer
- Glaucoma
- HIV/AIDS positive
- Cachexia
- Severe pain

- Severe nausea
- Seizures, including those that are characteristic of epilepsy
- Persistent muscle spasms, including those that are characteristic of multiple sclerosis
- Other conditions are subject to approval by the Colorado Board of Health

Cannabis Possession Maximum Quantities – Patients (or their primary caregivers) may legally possess no more than two ounces of a usable form of marijuana. Patients (or their primary caregivers) may legally possess no more than six marijuana plants, with three or fewer being mature flowering plants that are producing a usable form of marijuana.

Colorado Springs Housing Authority Marijuana Policy Statement

New Admissions Policy

The Colorado Springs Housing Authority (CSHA) will adhere strictly to the US Department of Housing and Urban Development federal law with regard to new admissions to Public Housing, any other federally subsidized program, i.e. multi-family, or Section 8 New Construction, and/or the Housing Choice Voucher (HCV) Section 8 program. As such, each applicant will be informed that the Controlled Substances Act (CSA) lists marijuana as a Schedule I drug and that the possession of marijuana or any other Schedule I drug, whether in possession of a current medical marijuana registration or not, will not be admitted under any circumstances to participate in any of the subsidized programs offered through the CSHA.

Current Residents Policy

The Colorado Springs Housing Authority (CSHA) will adhere strictly to the US Department of Housing and Urban Development federal law with regard to all use of marijuana or any other substance listed as a Schedule I drug under the Controlled Substances Act (CSA). As such, any existing plan participant known to possess such drugs or found to possess such drugs through discovery, arrest, informal hearing, registration, licensing, litigation or other verifiable means, will be terminated from Public Housing, any other federally subsidized program, i.e. multi-family, or Section 8 New Construction, and/or the HCV Section 8 program and given the same notice and rights as for any other cause for termination under the program. CSHA makes no distinction between medical marijuana and any other form of marijuana or Schedule I substance with respect to this policy. In instances where conflict may later arise in differences between federal and state laws governing the use of medical marijuana, CSHA will comply with the more restrictive.