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|  | **Negaunee Housing Commission**  **98 Croix Street**  **Negaunee, Michigan 49866**  **Phone: (906) 475-9107**  **Fax: (906) 475-6225**  ***Executive Director Email:*** [***mmwaters@negauneehousing.org***](mailto:mmwaters@negauneehousing.org)  ***Office Assistant Email:*** [***negauneehousingcommission@gmail.com***](mailto:negauneehousingcommission@gmail.com) |  |
| **EQUAL EMPLOYMENT**  **OPPORTUNITY** | **EQUAL HOUSING**  **OPPORTUNITY** |

**RESOLUTION #258**

**NEGAUNEE HOUSING COMMISSION**

**MARIJUANA (TETRAHYDROCANNABINOL, THC; CANNABIS)**

**& CONTROLLED SUBSTANCES POLICY**

**WHEREAS**: Marijuana is State legal, but federally illegal. The Negaunee Housing Commission is a federally funded and organized Public Housing Commission. Public Housing is a Federal Assistance Program, designating the Negaunee Housing Commission a Federal Property.

**WHEREAS**: Marijuana is regulated by both State and Federal law, and the Federal Controlled Substances Act (CSA) continues to prohibit the manufacture, distribution, and possession of marijuana even when State laws differ. Even though it is State legal, it is NOT legal on Federal Property.

**WHEREAS**: Under the Supremacy Clause of the US Constitution, article VI, paragraph 21; Federal law overrules State law where there is a direct conflict between them. Due to Federal prohibition, increased risk of fire, increased maintenance costs, noxious odor, and the known adverse health effects of marijuana on some people, the Negaunee Housing Commission hereby resolves to prohibit marijuana use, possession, manufacture, or distribution while on Negaunee Housing Commission property.

**WHEREAS**: If a person has a prescription for medical marijuana, the Federal Fair Housing Act states that a disability/handicap “does not include current, illegal use of or addiction to a controlled substance” as defined in the Controlled Substances Act.

**WHEREAS**: The Quality Housing & Work Responsibility Act of 1998 (Public Housing Reform Act; PHRA) requires that Public Housing (PH) authorities/commissions administering HUD’s rental assistance programs establish standards and lease provisions that prohibit admission into the PH programs based on the illegal use of federally controlled substances, which includes State-legalized marijuana.

**WHEREAS:** the Negaunee Housing Commission would resolve to set these rules for the handling of Marijuana/Cannabis/THC:

1. **Notice to Applicants.** All prospective residents and housing applicants 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, even if in the possession of a current medical marijuana registration, will not be allowed in or on the Negaunee Housing Commission Lakeview Apartments property.
2. **Admission Prohibited.** Admission into Lakeview Apartments is prohibited to any household with member(s) who are illegally using marijuana, or any other Controlled Substance (PHRA, 1998).
3. **Medical Marijuana is not a reasonable accommodation.** Federal nondiscrimination laws do not require Public Housing Authorities to allow marijuana use as a reasonable accommodation for disabilities.
4. **Compliance by Resident Guests.** Residents are responsible for informing guests, invitees, and business visitors of this Policy and for ensuring guests are in compliance with this Policy.
5. **Lease violation.** A violation of this Policy will be considered a Lease Violation which may result in termination of tenancy (Eviction).
6. **Complaints.** If a resident witnesses someone engaged in the use, etc. of marijuana in or on the Lakeview Apartments property, they are encouraged to report the violation to the management office in writing as soon as possible. Unless submitted as a signed, written complaint with proper form,[[1]](#footnote-1) a complaint will not be investigated
7. **Fraudulent Complaints.** If a resident *knowingly* *and with malicious intent* makes a fraudulent complaint, they will be subject to review to determine the damage such a complaint has caused and the repercussions faced by the malicious actor. This Policy is not to be used in order to cause undue harm or distress to other residents without due cause. A fraudulent and malicious claim can result in Eviction.
8. **Investigations.** Upon receiving a complaint, staff/management will take appropriate measures to investigate and then take subsequent enforcement action if necessary. The Executive Director is not required to take steps in response to illegal drug use or possession unless the Executive Director knows of the illegal use or possession, or has been given written notice in the form of a complaint (see 6).
9. **Communication of Procedure** **to Existing Residents.** This Resolution shall be communicated by the Negaunee Housing Commission Office to all new and current residents and employees of the Negaunee Housing Commission after its effective date as a Policy, not just a Procedure.
   1. New residents shall be given one (1) copy of the official Policy rules by the Office during Lease-up. The signed portion shall be placed in the resident’s file. The Resident shall keep the rules portion.
   2. Upon adoption of this Policy, all current residents of the Lakeview Apartments shall be given one (1) copy of the official Policy rules by the Office. After review, the resident must sign the included acknowledgement portion and return the executed portion to the Negaunee Housing Commission | Lakeview Apartments Office within ten (10) days. The Office shall place the signed portion in the resident’s file.
10. **Prohibition.** All Negaunee Housing Commission employees and all new and existing residents of the Lakeview Apartments and their guests are prohibited from the use of marijuana/THC/cannabis (or any other Schedule I drug) in or on the Lakeview Apartments property, including within individual units, yards, parking lots.

**WHEREAS**: The Negaunee Housing Commission resolves to not allow any Marijuana, Cannabis, THC, etc. products on the Lakeview Apartments property (including the yard and parking lots). We resolve to not allow illegal use\* of any THC product.

\**Illegal Use may be defined as* *any use of marijuana, recreational or medical. State legality is not to be weighted in this definition. The ownership of a prescription or card for medical marijuana does not negate illegal federal use.*

**NOW THEREFORE LET IT BE RESOLVED**, by the Commissioners for the Negaunee Housing Commission in Negaunee, Michigan, the Resolution #258 will be approved this \_th day of November, 2022.

**ROLL CALL TO VOTE**: Vice-President Elmer Rinehart- \_\_; Commissioner John McDonald- \_\_\_; Resident Commissioner Carol Scanlon- \_\_\_; Commissioner Jack Filizetti- \_\_\_; President Mike Neimi- \_\_\_.

**WHEREUPON**: Resolution #258 is declared passed this \_\_\_th day of November, 2022.

Signed,

Michael Neimi Marcia M. Waters

President Executive Director

1. The “Marijuana/ THC and Controlled Substances Procedure | Resident Complaint Form” can be found in the office upon request by any resident. [↑](#footnote-ref-1)