

**APPENDIX P**

**MOLINE HOUSING AUTHORITY  
SMOKE FREE POLICY**

# Moline Housing Authority

## Smoke Free Policy

### I. Tobacco Products

The Department of Housing and Urban Development (HUD) has issued a final rule requiring all public housing authorities to establish a policy disallowing the use of prohibited tobacco products in all restricted areas. This policy is expected to improve indoor air quality; benefit the health of public housing residents, visitors, and staff; reduce the risk of catastrophic fires; and lower overall maintenance costs.

The use of tobacco products is prohibited inside all indoor areas of public housing, including but not limited to living units, indoor areas, laundry rooms, community facilities, day care centers, electrical closets, storage units, administrative office buildings, and in all outdoor areas within 25 feet of the housing and administrative office buildings.

Tobacco products is defined as all “prohibited tobacco products.” HUD defines all prohibited tobacco products as all tobacco products that involve the ignition and burning of tobacco leaves such as cigarettes, cigars, pipes, and water pipes (also known as hookahs).

This policy does not supersede state or local smoking bans.

### II. Medical Marijuana

1. In compliance with federal law under the Quality Housing and Work Responsibility Act of 1998 (QHWRA), the Moline Housing Authority (MHA) 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.).

2. MHA 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 MHA with the discretion to consider all circumstances and determine on a

case by case basis when it is appropriate to terminate assistance. The MHA 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 MHA 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.).
  - d. MHA retains the discretion to consider any and all other factors it deems relevant in making the decision to terminate assistance.
4. The MHA 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 to the Controlled Substance Act with includes marijuana. Under federal law, the use of medical marijuana is illegal and therefore does not qualify an individual for a reasonable accommodation.