

(Draft Policy)

OTTUMWA HOUSING AUTHORITY DRUG SCREENING POLICY FOR HOUSING PARTICIPANTS

Policy Brief & Purpose

This drug screening policy explains how and when the Ottumwa Housing Authority (OHA) tests prospective residents and adult household members (hereinafter collectively referred to as "applicants") for eligibility for housing in any OHA-owned or managed property for substance use. **The sole purpose of implementing this Drug Screening Policy is to ensure that all residents are entitled to "health, safety, [and the] right to peaceful enjoyment of the premises" per federal law.**

Legal Basis for Policy

Based on Federal Regulation, a public housing authority (PHA) must refuse admission to a household if it is determined that any household member is currently engaged in the use of illegal drugs and has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. REQUIRED DENIAL OF ADMISSION [24 CFR 960.204]

Drug means a controlled substance as defined in section 802 of the Controlled Substances Act [21 U.S.C. 802]. *Currently engaged in the illegal use of a drug* means a person has engaged in the behavior recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member [24 CFR 960.205(b)(1)].

OHA Policy further defines *currently engaged in* as any use of illegal drugs during the previous six months.

The PHA must further refuse admission of a household if the PHA determines that it has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. REQUIRED DENIAL OF ADMISSION [24 CFR 960.204]

POLICY

All residents are entitled to "health, safety, [and] peaceful enjoyment of the premises." To achieve this, drug testing is mandatory when screening applicants for supported housing in OHA-owned or managed properties.

When screening applicants for eligibility to move into an OHA-owned or managed property, OHA requires them to pass a drug test for illegal substances. This drug test will be the final stage before eligibility to move in. Applicants have the right to refuse drug testing and thus decline residency at OHA properties.

Applicants who test positive for illegal substances fail our drug test and will not be eligible for a housing unit.

January 23, 2025

Individual rights

State-licensed laboratories and medical professionals will conduct drug tests. Results from any drug test will remain confidential. Applicants will receive a copy of their test results upon request.

We will use the most nonintrusive types of drug tests available. For example, we will choose hair sample tests over urine sample tests when possible.

Drugs OHA Tests For

Illegal drugs we test for include cocaine, methamphetamine, heroin, phencyclidine (PCP), and other drugs specified by law.

Non-Discrimination

OHA does not discriminate against people with disabilities who may need to take prescription medicine for their conditions. However, the Ottumwa Housing Authority also wants to ensure that residents don't breach our policy and risk their and their neighbors' health or safety. This is why we have established drug screening procedures. We test all applicants based on their certification of eligibility for assistance. We do not single out applicants based on protected characteristics (e.g., race, gender, familial status, disability.)

Marijuana

OHA treats marijuana as a special case, given that our current test format utilizes hair follicle, our current drug screen excludes marijuana use (as THC can remain present in hair beyond the scope of our definition of current use).

If an applicant tests positive for marijuana, and the applicant fails the drug test, OHA may refuse to offer them a housing unit, subject to the current State of Iowa law.

If an applicant is using medical marijuana in a country or state that allows for legal, medical use, the applicant may be required to provide a doctor's note medical marijuana card and a valid prescription. OHA won't ask the applicant to disclose their condition. Possession of medical marijuana on the property is subject to the current State of Iowa law.

Prescription Drugs

We do not test applicants for prescription drugs.

If an applicant's prescribed medication (e.g., types of opiates) brings about positive results, OHA may ask a medical professional to provide additional guidance.

Testing Residential Units

OHA will periodically perform inspections in the units for evidence of illegal drug use. Additional tests may be conducted if there is reasonable suspicion of illegal drug use (for example, evidence observed in routine maintenance work or during unit inspections) or if the OHA receives reports or complaints from neighbors or other residents.

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Contesting False Positives

If an applicant tests positive for illegal drugs and ~~disputes~~ disputes the validity of the results, Ottumwa Housing Authority may order a retest at the applicant's/tenant expense, when appropriate, in OHA's sole discretion.

Alcohol

OHA will not test applicants for alcohol. If alcohol is suspected in *inappropriate behavior* directed toward other Residents, Guests, or Ottumwa Housing Authority Staff. In that case, it is the *behavior* that will warrant further action, up to and including termination of the lease or ban from OHA properties.

Disclaimer: This drug testing policy is meant to provide general guidelines and should be used as a reference. It may not consider all relevant local, state, or federal laws and is not a legal document.