Legislation Details (With Text)

File #:	Res 0296-2018	**Version:**	*	**Name:**	NYCHA to add unlawful possession of marijuana and criminal possession of marijuana in the 4th & 5th degrees to its list of "overlooked offenses.
Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Public Safety
On agenda:	4/11/2018				
Enactment date:				**Enactment #:**	

Title: Resolution calling on the New York City Housing Authority (NYCHA) to add unlawful possession of marijuana and criminal possession of marijuana in the fourth and fifth degrees to its list of "overlooked offenses," and stop considering these offenses as grounds for termination of tenancy.

Sponsors:

Indexes:

Attachments: 1. Res. No. 296, 2. April 11, 2018 - Stated Meeting Agenda, 3. Hearing Transcript - Stated Meeting 4-11-18, 4. Minutes of the Stated Meeting - April 11, 2018, 5. Committee Report 2/27/19, 6. Hearing Testimony 2/27/19, 7. Hearing Transcript 2/27/19, 8. Committee Report 3/26/19, 9. Hearing Transcript 3/26/19, 10. March 28, 2019 - Stated Meeting Agenda with Links to Files, 11. Hearing Transcript - Stated Meeting 3-28-19, 12. Minutes of the Stated Meeting - March 28, 2019

Date	Ver.	Action By	Action	Result
4/11/2018	*	City Council	Introduced by Council	
4/11/2018	*	City Council	Referred to Comm by Council	
2/27/2019	*	Committee on Public Safety	Hearing Held by Committee	
2/27/2019	*	Committee on Public Safety	Laid Over by Committee	
2/27/2019	*	Committee on Civil and Human Rights	Hearing Held by Committee	
2/27/2019	*	Committee on Civil and Human Rights	Laid Over by Committee	
2/27/2019	*	Committee on Justice System	Hearing Held by Committee	
2/27/2019	*	Committee on Justice System	Laid Over by Committee	
2/27/2019	*	Committee on Consumer Affairs and Business Licensing	Hearing Held by Committee	
2/27/2019	*	Committee on Consumer Affairs and Business Licensing	Laid Over by Committee	
3/26/2019	*	Committee on Public Safety	Hearing Held by Committee	
3/26/2019	*	Committee on Public Safety	Approved by Committee	Pass
3/28/2019	*	City Council	Approved, by Council	Pass

Res. No. 296

Resolution calling on the New York City Housing Authority (NYCHA) to add unlawful possession of marijuana and criminal possession of marijuana in the fourth and fifth degrees to its list of "overlooked offenses," and stop considering these offenses as grounds for termination of tenancy.

By the Public Advocate (Mr. Williams) and Council Members Ampry-Samuel, Reynoso, Lander, Kallos, Rivera, Ayala and Miller

Whereas, Scientific and medical studies have shown that marijuana is less harmful than legal substances such as alcohol and tobacco; and

Whereas, A 2015 study published in *Scientific Reports* found that marijuana is 114 times less deadly than alcohol; and

Whereas, That study also found that marijuana presented the lowest mortality risk of the drugs it examined, which also included tobacco, cocaine, heroin, ecstasy, and methamphetamines; and

Whereas, Marijuana has a well-documented history of health benefits; and

Whereas, In January of 2017, the United States National Academies of Science, Engineering, and Medicine released a report that analyzed more than 10,000 studies and found strong evidence that marijuana lessened chronic pain in adults as well as various side effects of multiple sclerosis and chemotherapy; and

Whereas, Moreover, experimentation with cannabis has become common in the United States; and

Whereas, A Marist poll released in January found that 52 percent of American adults have tried marijuana and that 56 percent believed the drug to be "socially acceptable;" and

Whereas, Even though cannabis poses no unique harms, offers medical benefits, and has been used by millions, prospective residents of public housing in New York City can face up to three years of ineligibility if they are convicted of misdemeanor marijuana possession, under federal law and Housing and Urban Development (HUD) regulations; and

Whereas, These directives also burden the relatives of those who have been convicted, as NYCHA can deny admission to family members of individuals convicted of Class A or B misdemeanors; and

Whereas, In recent years, both federal and local agencies have sought to mitigate these collateral consequences; and

Whereas, In June of 2011, HUD Secretary Shaun Donovan advised executive directors of public housing authorities across the country to consider "second chances," and examine "all factors that might

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suggest favorable future conduct" in reviewing applications from potential tenants; and

Whereas, In November of 2014, the New York Police Department (NYPD) announced that it would stop arresting those found to be in possession of up to 25 grams of marijuana, and begin issuing court summonses and fines instead; and

Whereas, It is worth noting that New York is one of sixteen states that does not ban individuals from receiving public assistance due to a prior drug conviction; and

Whereas, New York state law still treats possession of marijuana in a public place, which can include transportation facilities, parks, and places of amusement, as a crime, for which one can spend as many as three months in jail; and

Whereas, This means that an applicant for public housing who was found in possession of a small amount of marijuana in a public park, a class B misdemeanor, could not only spend time in jail but also make his or her family ineligible for public housing for three years; and

Whereas, NYCHA has the discretion to determine which offenses it overlooks and which it considers for prospective applicants; and

Whereas, In accordance with existing medical consensus, and consistent with prior federal and local policy shifts, adding fourth and fifth degree marijuana possession to NYCHA's list of overlooked offenses would not only preserve access to public housing for thousands but also prevent families from adverse circumstances in the event of a minor drug infraction; now, therefore, be it

Resolved, That the Council of the City of New York calls upon NYCHA to add unlawful possession of marijuana and criminal possession of marijuana in the fourth and fifth degrees to its list of "overlooked offenses," and stop considering these offenses as grounds for termination of tenancy

MK
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1/2/18