



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-1000

OFFICE OF CONGRESSIONAL AND
INTERGOVERNMENTAL RELATIONS

The Honorable Eleanor Holmes Norton
U.S. House of Representative
Washington, DC 20515-5101

Dear Representative Norton:

On behalf of Secretary Marcia Fudge, thank you for your letter requesting the Department of Housing and Urban Development (HUD) exercise executive discretion to not enforce rules that bar the use of marijuana in federally assisted housing, including Public Housing and Section 8 housing. The following information is from HUD's Office of Public and Indian Housing (PIH).

As you know, consistent with federal law, HUD prohibits the admission of users of marijuana to HUD assisted housing, including those who use medical marijuana. Pursuant to the Controlled Substances Act, 21 U.S.C. Section 801 et. seq., marijuana is categorized as a Schedule 1 substance; therefore, the manufacture, distribution, or possession of marijuana is a federal criminal offense. Section 577 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA) requires that public housing authorities (PHAs) administering HUD rental assistance programs establish standards and lease provisions that prohibit admission to HUD rental assistance programs based on the illegal use of controlled substances, including state legalized medical marijuana. Absent a change in federal law, HUD does not have the discretion to admit users of marijuana, including medical marijuana, to the Public Housing program.

With regard to continued occupancy after admission, QHWRA requires that PHAs establish policies allowing the termination of the tenancy of any household where the PHA has determined that a member is illegally using a controlled substance or the use thereof interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents. Therefore, QHWRA provides discretion to PHAs and owners to determine, on a case-by-case basis, when it is appropriate to terminate the tenancy of the household. A HUD issued memo providing guidance on this issue is enclosed with this letter.

I hope the information provided is helpful. Please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Brundage".

Sarah J. Brundage
General Deputy Assistant Secretary for
Congressional and Intergovernmental Relations

Enclosure