



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

FEB 2 2011

Mr. Vincent Palazzotto
Executive Director
Medical Marijuana Assistance Program of the Rockies
P.O. Box 40878
Denver, CO 80204-0878

Dear Mr. Palazzotto:

On behalf of Secretary Shaun Donovan, thank you for your letter requesting that the Department implement changes to its controlled substances policies to allow medical marijuana use in its public housing (PH) and housing choice voucher (HCV) programs.

Based on federal law, new admissions of medical marijuana users are prohibited into the PH and HCV programs. The Quality Housing and Work Responsibility Act (QHWRA) of 1998 (42 U.S.C. §13661) requires that Public Housing Authorities (PHAs) administering the Department's rental assistance programs establish standards and lease provisions that prohibit admission into the PH and HCV programs based on the illegal use of controlled substances, which includes state legalized medical marijuana. For existing tenants, QHWRA requires PHAs to establish standards that will allow the PHA to terminate assistance for use of a controlled substance. However, the law does not compel such action and PHAs have discretion to determine continued occupancy policies that are most appropriate for their local communities.

PHAs have discretion to determine, on a case by case basis, the appropriateness of program termination for the use of medical marijuana. PHAs in states that have enacted laws legalizing the use of medical marijuana, like those in Colorado, must therefore establish a standard and adopt written policy regarding whether or not to allow assistance for residents who are medical marijuana users. The decision of whether or not to allow the continued occupancy of medical marijuana users is the responsibility of PHAs, not that of the Department.

Thank you for your interest in the Department's programs. If you have any questions, please contact Shauna Sorrells, HUD's Director of Public Housing Programs, at shauna.m.sorrells@hud.gov.

Sincerely,

Milan M. Ozdinec
Deputy Assistant Secretary
for Public Housing and Voucher Programs