

# PUBLIC HOUSING TENANTS



**UNDER FEDERAL LAW**, marijuana is still listed as a Schedule I drug, defined as a substance with a very high potential for abuse and no accepted medical use in the United States. PHA is required to establish occupancy standards and lease provisions that will allow the PHA to terminate assistance for use of a controlled substance. State laws that legalize marijuana directly conflict with the occupancy standards for federally assisted housing. Under the Federal Public Housing Program, Federal law pre-empts State law. **In summary, even if it is legal to possess and cultivate marijuana under State Law, it is not legal under Federal Law for renters under the Federal Public Housing Program.**

The U.S. Department of Housing and Urban Development (HUD) has not provided Housing Authorities with guidance on non-medical marijuana use in federally assisted units located in states which have legalized marijuana for personal use. Until PHA receives new guidance for HUD, PHA's policy regarding non-medical marijuana will be the same as its current policy regarding medical marijuana.

- 1. Participants may not cultivate marijuana for personal use in the unit.**
- 2. Participants are prohibited from smoking marijuana in any building that has a NO SMOKING POLICY.**
- 3. Participants may not smoke marijuana in any common area, or public space.**

**PHA considers possession of marijuana in excess of one ounce and any sale or distribution of marijuana to be a serious violation of Public Housing rules and will be a basis for termination of your rental assistance.**