



February 1, 2019

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Dear Section 8 Landlord:

In June 2018, Oklahoma voters approved a ballot question that allows a person in possession of a state-issued "medical marijuana" license to possess and consume marijuana under certain circumstances. It is important to note that federal law still classifies marijuana as an illegal substance. This overrides the medical marijuana law in Oklahoma. **Thus, it is still illegal to use marijuana – even for medical purposes – on federally subsidized property, including housing using a Section 8 Housing Choice Voucher.** For this reason, the Department of Housing and Urban Development (HUD) requires all public housing authorities to prohibit admission or continued program participation based on the illegal use of marijuana and other controlled substances.

The Oklahoma City Housing Authority ("OCHA") prohibits tenants, members of a tenant's household, or guests or other persons under a tenant's control or authority from engaging in any drug-related criminal activity. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug, as defined in Section 102 of the federal Controlled Substances Act (21 U.S.C. §102). Marijuana is still a drug (or "controlled substance") under this federal law. OCHA has adopted a "One Strike" or "Zero Tolerance" policy for drug-related criminal activity. **Any violation of these program obligations by a tenant, a member of a tenant's household, or a tenant's guest constitutes a serious material violation of the terms of that tenant's program participation and is grounds for terminating assistance to that tenant. The change in Oklahoma law does not change this requirement.**

In addition, Section 10 of Part B of the Housing Assistance Payments Contract ("HAP Contract") between Section 8 landlords and OCHA specifically makes an owner's engaging in any drug-related criminal activity a breach of the HAP Contract by the owner. **An owner's breach of the HAP Contract will result in OCHA's exercise of its available rights and remedies, potentially including termination of housing assistance payments, termination of the HAP Contract, and recovery of overpayments. The change in Oklahoma law does not change these provisions.**

In light of all the news about "medical marijuana" becoming "legal" in Oklahoma, we want to make sure all Section 8 landlords understand that marijuana is still illegal under federal law and still prohibited on property assisted by OCHA. OCHA will continue to do its part to enforce Section 8 program obligations and provide the best possible service for Section 8 program participants. Thank you for your cooperation.

Sincerely,


Mark W. Gillett
Executive Director

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