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All Sponsors, Management Agent,  
Local Housing Authorities

**Notice:** OPRHS 24-002

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**Distribution Date:** September 20, 2023

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**Subject: DOH Guidance on “Special Gardens”**

Beginning July 1, 2023, adults over the age of 21 in Connecticut are able to grow up to 3 mature and 3 immature marijuana plants in their home. Under the law, plants must be grown indoors and not be visible from the street. People may do so in their primary residence and where individuals under 21 cannot access the plants.

Housing Authorities, and other landlords (property owners/property managers) can pass reasonable rules and regulations and can amend such rules and regulations, but **ONLY** in compliance with state law, and in accordance with the notice provisions of the leases, as well as the rules and regulations governing the operation of those facilities. In other words, the landlord must give the tenants reasonable notice in compliance with the time periods in the lease of the implementation of new rules and if such provisions provide for a comment period, they must follow that as well. And if there are posting requirements, they must follow those as well. It would be the same as changing any other rule or regulation.

It is clear that a Housing Authority or a landlord (property owner/property manager) **cannot allow** the growth of such plants outside of individual units, as doing so would be an illegal activity under the law.

With respect to growing such plants inside in compliance with the provisions of the law, there is not really anything directly on point, as this is such a new issue. However, the Department is not aware of anything that would prevent a Housing Authority or a landlord from banning the growth of marijuana plants, even inside the unit, in compliance with the law, much the same way they can ban smoking, which is an otherwise legal activity.

The most important thing for any Housing Authority or landlord is that such rules must be applied fairly and uniformly to all residents under all circumstances, to avoid any allegations or appearances of discrimination. It is also important to note that the enforcement of any such rule must be consistent and uniform.

Please be aware that this is not legal advice, and housing authorities and landlords are encouraged to consult with their legal counsel on any specific policy prior to implementation.

If you or your staff have any question or need further assistance, please contact Michael Santoro at [Michael.Santoro@ct.gov](mailto:Michael.Santoro@ct.gov); Karen Futoma at [Karen.Futoma@CHFA.org](mailto:Karen.Futoma@CHFA.org) and Penny Fisher at [Penny.Fisher@CHFA.org](mailto:Penny.Fisher@CHFA.org).