

### **Can you be evicted from your home?**

Similar to other entities that are obligated to follow federal law, federally subsidized housing is established by the United States Housing Act of 1937, and is administered by United States Department of Housing and Urban Development. The Anti-Drug Abuse Act of 1988, required HUD to enact guidelines that landlords must maintain a drug-free housing policy on the premises of public housing, and defines "drug-related criminal activity" as illegal use or possession with intent to use a controlled substance as defined in the CSA.

However, there are no similar restrictions for housing that is not public or HUD subsidized housing that must follow HUD guidelines. As such, the use of marijuana would be treated like any other medication or legal smoking device. If a person lives in a facility that bans smoking, the resident would need to ask for a reasonable accommodation under the Fair Housing Act to smoke. However, because of the effects on other residents, some housing providers may deem the accommodation not to be reasonable, or to cause a fundamental alteration to the housing services offered. In order to respond to issues regarding reasonableness or fundamental alteration, I would suggest an ionizer or other devices to ensure that the smoke smell does not leave the confines of the home.