

POLICY BRIEF:

Marijuana Legalization and Apartment Management

Starting January 1, 2020, it will be legal for residents over 21 years of age to purchase and possess up to 30 grams of marijuana in Illinois. While the state law bans smoking of marijuana in public areas like streets, parks and schools, possession and use of marijuana in apartments and homes is not explicitly banned by the law.

Controlling marijuana use

- ❖ **Landlords can prohibit cannabis consumption on rental property in Illinois.**
Nothing in the new law says that landlords are required to allow tenants or visitors to use cannabis or cannabis products on or in their property.
- ❖ To limit its use, consult with your attorney to ensure your non-smoking policy is updated to include marijuana smoking and vaporizing.
- ❖ While the law allows medical marijuana patients to possess and use the substance, owners can enforce uniform non-smoking policies anywhere on the property, including within the confines of a unit, unless a reasonable accommodation for the tenant requires smoking of the substance. Please consult with your attorney if you receive such a request.

Preventing marijuana-related complaints

- ❖ Marijuana use in apartment communities may lead to an increase in resident complaints stemming from secondhand smoke, smell, intoxication, disorderly conduct, usage in common areas, etc.
- ❖ All renters must abide by the rules within a lease agreement, which may include policies that prohibit marijuana use or possession for recreational purposes.
- ❖ Marijuana cannot be grown for recreational use without a license or prescription.
- ❖ Medical cannabis patients may grow up to five cannabis plants at their residence, but must submit documentation in support of a request for a reasonable accommodation to do so. Again, please consult with your attorney if you receive such a request.

For the full text of House Bill 1438, [click here](#).

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