



clearing
cannabis
convictions

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Housing Law FAQ

ILLINOIS RECREATIONAL CANNABIS LEGALIZATION & HOUSING LAW

Even though cannabis is legal in Illinois, there are still limits on who can buy it and where you can use it. Just like the way alcohol and cigarettes are legal, there are still rules and limits. See IllinoisLegalAid.org for more information.

Does Cannabis Use Impact Federally Subsidized Housing?

- You cannot use or possess cannabis at your home if you live in federally subsidized housing! **Cannabis is still considered an illegal drug under federal laws**, so the use of cannabis or crime on or off the premises could lead to an eviction or denial from housing.
- Renters who live in federally subsidized housing, such as public housing or Section 8 *can be* evicted or denied housing because of cannabis use or prior criminal charges.
- Renters in subsidized housing also need to make sure their guests do not break the housing rules by possessing or using cannabis on the property or they will risk eviction or subsidy termination.
- There is a ban on all smoking in federally subsidized housing, including cigarettes and e-cigarettes, so smoking cannabis on the premises is also breaking a rule under this smoking ban.

Does Cannabis Use Impact Private Rental Housing?

- Landlords cannot be penalized for renting to someone legally using cannabis.
- Private leases can limit possession and/or the use of cannabis inside a unit, just like smoking cigarettes can be limited.
- For renters with a medical cannabis card, landlords can limit their ability to smoke cannabis in the property but cannot prohibit them from using cannabis in other ways.
- If the lease prohibits smoking or other use of cannabis, breaking that rule could lead to an eviction.
- Renters cannot possess or use cannabis in their residence if licensed childcare, foster care, or similar social services are conducted on the premises.
- Condominium association rules can limit smoking cannabis within the individual units, but not using cannabis in other ways. Rules can prohibit any use of cannabis in public areas. Landlords can always have rules in their lease that are stricter than the association rules.

Can I Grow Cannabis at Home?

Individuals with a Medical Cannabis Card, who are 21 years or older, can grow up to five cannabis plants in a private residential household, in a locked room, with no access to anyone under 21. It must be outside of public view and with permission from the owner. A landlord can ban renters from growing cannabis on the property *if the ban* is in the lease. Renters can never grow cannabis in federally subsidized housing.

Information provided by New Leaf Illinois grantee Prairie State Legal Services

This information is for educational purposes only and does not constitute legal advice.