

# Massachusetts Landlords Smoking Mad About New Medicinal Marijuana Law

By Richard D. Vetstein, Esq.



## Concern Over 60 Day Supply Provision & Federal Ban On Marijuana

Burned up Massachusetts landlords are fuming with concern over the state's newly passed but hazy medicinal marijuana ballot initiative. The law — rolling out Jan. 1 — grants medical marijuana users the right to grow a two-month supply of *cannabis sativa* at home if they cannot get to a marijuana dispensary because they are too sick or too broke. The new law also potentially opens landlords up to federal prosecution for violating the federal controlled substances laws.

Skip Schloming, executive director of the state's [Small Property Owners Association](#), expressed deep concern about the 60-day supply

provision:

*“You could have as many as 24 plants that are 6 feet tall,” Schloming told the Herald. “And that could cause all sorts of property damage, from water damage, to mold and humidity, to wiring issues that could cause a fire. ... This has the potential to be a disaster.”*

The SPOA called for a 6 month delay in implementing the law.

I hate to be a “buzz kill” for medical marijuana users, but I believe the landlords have a legitimate gripe. In the landlord-tenant context, landlords own the property and remain primarily responsible for what goes on in their apartment buildings. I’m no weed expert, but imagine a small studio apartment loaded with a veritable jungle of pot plants — a prospect which would frighten any residential landlord for a number of reasons.

First, a medical marijuana grower could be targeted for burglarization. If qualified users are truly sick and broke enough to qualify as home growers, then they would be equally vulnerable to pot bandits stealing their stash.

Second, maintaining marijuana cultivation requires specialized equipment not necessarily compatible with close-knit apartment living. I did some research, and found [this website dedicated to hydroponic growing equipment](#). Growing marijuana plants is fairly sophisticated. Growers need to monitor pH and moisture levels, carbon dioxide outputs and germination of seeds. Failure of this equipment could conceivably cause mold, mildew and other damage to interior units.

Bay State landlords are also concerned about running afoul of federal drug laws as marijuana remains a federally prohibited controlled

substance. Landlords are begging lawmakers to give them the right to refuse to rent to tenants who grow pot for medical use over fears their property could be seized. As [reported in the Boston Herald](#), commercial and residential landlords are right to worry, drug forfeiture attorneys say, because landlords can be charged as conspirators if their tenants are targeted by the feds.

No matter landlords' concerns, medical marijuana is here to stay in Massachusetts. It will be up to the state Department of Public Health — the same agency rocked by the [highly publicized state crime lab fiasco](#) — to enact sensible rules and regulations governing medical marijuana. Let's hope that the DPH considers the practicalities and logistics for marijuana growing in tight-knit apartment buildings. Strict rules on home growing eligibility are a must. Same for the approval of safe, tested growing equipment. Immunizing landlords from liability for medical marijuana growing or use by tenants would be another good idea.

We will see how it all plays out on Beacon Hill...

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Richard D. Vetstein, Esq. is a [Massachusetts real estate attorney who handles landlord-tenant matters and evictions throughout the state](#). He can be reached at [info@vetsteinlawgroup.com](mailto:info@vetsteinlawgroup.com).