

NAMSDL



National Alliance for Model State Drug Laws

**LEGAL BARRIERS FOR PEOPLE
IN RECOVERY FROM DRUG AND
ALCOHOL ADDICTION:
HOUSING**

© 2011 Research is current as of November 17, 2011. In order to ensure that the information contained herein is as current as possible, research is conducted using both nationwide legal database software and individual state legislative websites. Please contact Heather Gray at (703) 836-6100, ext. 114 or hgray@namsdl.org with any additional updates or information that may be relevant to this document. This document is intended for educational purposes only and does not constitute legal advice or opinion. Headquarters Office: THE NATIONAL ALLIANCE FOR MODEL STATE DRUG LAWS. 215 Lincoln Ave. Suite 201, Santa Fe, NM 87501.

Seventeen states provide an exemption to anti-discrimination housing provisions for people who have been convicted of distribution or manufacturing of controlled substances. They are: Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Missouri, Nebraska, North Dakota, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.¹

Arkansas Code Annotated § 18-60-307(d)(2) provides that a plaintiff/landlord demanding possession of rental property whose purpose for demanding a writ of possession is that the defendant/tenant has been convicted of a violation of the Uniform Controlled Substances Act shall receive an expedited hearing. However, it is important to note that Ark. Code Ann. § 16-123-310 was amended in 2003 to delete a provision allowing discrimination against persons who had been convicted of manufacturing or distributing controlled substances.

While Florida does allow housing discrimination against persons with convictions for distribution or manufacturing of controlled substances, Fla. Stat. Ann. § 420.633 provides that a person and his or her spouse may be eligible to enter into a homestead agreement as a qualified buyer after the passage of three years if the applicant or his or her spouse has been convicted of a drug-related felony. Additionally, Florida has the “Addiction-Recovery Supervision Program,” the purpose of which is to assist persons with a history of substance abuse or addiction who are released from a correctional facility.² To qualify for the program, the individual must have a history of substance abuse or addiction, participated in a drug treatment program, not have any current or previous convictions for a violent offense or drug trafficking or the unlawful sale of controlled substances, no current or previous convictions for a property crime with certain exceptions, and no current or previous convictions for a traffic offense involving injury or death.³ If the individual qualifies, he or she must be given addiction-recovery supervision which includes post-release housing, programming, treatment, and other transitional services, including assistance with job placement.⁴

¹ See, Ala. Code § 24-8-7(f); Ariz. Rev. Stat. § 41-1491.14(C); Ark. Code Ann. § 16-123-307(e); Fla. Stat. Ann. § 760.29(5)(d); Ga. Code Ann. § 8-3-205(b)(4); 775 Ill. Comp. Stat. § 5/3-106(G); Ind. Code Ann. § 22-9.5-5-1(c); Ky. Rev. Stat. Ann. § 344.365(4); Mo. Rev. Stat. § 213.040(11); Neb. Rev. Stat. § 20-322(5); N.D. Cent. Code § 14-02.5-02(3); Okla. Stat. Ann. Tit. 25, § 1452(A)(18); S.C. Code Ann. § 31-21-70(F); Tenn. Code Ann. § 4-21-602(d)(3); Tex. Prop. Code Ann. § 301.021(c); Va. Code Ann. § 36-96.2(D); and W. Va. Code Ann. § 5-11A-8(b)(4)

² Fla. Stat. Ann. § 944.4731

³ Fla. Stat. Ann. § 944.4731(2)(a)

⁴ Fla. Stat. Ann. § 944.4731(3)(a)