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Evicted 78-year-old tenant welcomed back as landlord revisits policy on medical pot

By THOMAS J. PROHASKA
NEWS STAFF REPORTER

A 78-year-old man who was evicted from Niagara Towers last week because he used medical marijuana has been told he's welcome back.

John Flickner has been in homeless shelters since his eviction last Tuesday from his federally subsidized apartment in Niagara Falls.

An official from LHP Capital, the Knoxville, Tenn., company that owns the 201-unit apartment building on Cedar Avenue, called him Sunday and offered to let him move back into his fourth-floor apartment. A company statement released Sunday did not say



Robert Kirkham/Buffalo News

"I really don't want to move back there," said John Flickner of the Niagara Towers apartment he was evicted from last week.

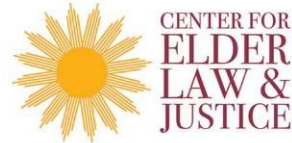
whether Flickner could use medical marijuana upon his return but said the company is "revisiting our policy for this evolving issue."

"I can tell you I really don't want to move back there," Flickner told *The Buffalo News* on Monday. "I was just kicked out by those lovely people there, in the end," Flickner said. "I will ask them to try to find me another place if they can."

But after spending five of the last six nights in homeless shelters in the Falls, Flickner sounded like he was ready to move back anyway.

"It's a roof over my head," he said.

See Evicted on Page A6



Dear Friends,

In the past several days, the Center for Elder Law & Justice played an important role assisting an elderly Niagara Falls man return to his apartment after he was initially evicted for using medical marijuana.

The story has been reported extensively by local media, the Associated Press, *The Washington Post* and Politico.

Our Supervising Attorney, Kevin Quinn, represented Mr. John Flickner throughout the eviction process. When a court sided with the landlord, Mr. Flickner decided he did not want to appeal. However, Kevin was able to negotiate with the landlord, who changed its mind and allowed Mr. Flickner to return to his apartment and continue to use medical marijuana. Kevin was there when Mr. Flickner returned (pictured here), just in time for the holidays.



The Buffalo News followed up with an editorial (*Shameful eviction of man from Niagara Falls apartment Dec. 11, 2018*):

There are nuances to the story of John Flickner, but the bottom line is this: A 78-year old man in failing health was evicted from his Niagara Falls apartment for legally using medically prescribed marijuana. The word shameful hardly begins to describe it.

At CELJ, we will continue to fight for hard-to-win cases, even against what seem to be insurmountable odds. The positive outcome of Kevin Quinn's superb representation of Mr. Flickner is yet another indication of why we believe that seniors living independently and with dignity is a hallmark of justice.

Sincerely,

Karen Nicolson
CEO