

Combating Drug Trafficking in Our Communities: A Landlord's Role

INTRODUCTION

The United States Attorney's Office and your local police department are working together to address the use and sale of illegal drugs in our communities. As part of that work, we are reaching out to landlords and property managers to enlist their help in discouraging drug activity in rental units they own and operate. This flyer provides a few steps you can take to avoid leasing your property to a drug trafficker, and a few tips on what to do if one has already moved in.



BEFORE LEASING

Things to consider before leasing your property to a new tenant:

Screen tenants

Talk to potential tenants in person. Ask questions to learn who they are. Consider asking for references of landowners and property managers from places where they have previously resided.

Lease agreement terms

Include an explicit clause in the rental agreement that states that you – the landlord – have the option of evicting any tenant that is dealing or manufacturing drugs in the rental property, or allowing others to do so.

Property maintenance & appearance

Outdoor lighting and the maintenance and upkeep of outdoor areas is an important aspect of discouraging criminal activity. This can include the removal of abandoned vehicles, proper maintenance of landscaping, and the restoration of degraded fences.

Landlords who willingly and knowingly rent to a person that makes and/or deals drugs out of their rental property may face liability for anyone that may be injured or negatively affected as a result of these activities.

WHY IT MATTERS

It's no secret to anyone living in West Virginia that drug addiction has become an epidemic of substantial concern. Since 2000, the Mountain State has seen a significant increase of overdose deaths. Only by working together, through law enforcement, treatment, and preventive efforts, will we be able to stem the growing tide of drug addiction in our community. We ask that you please assist us in our efforts to disrupt the trafficking of controlled substances. Property owners and managers like you have the ability, and the responsibility, to prevent the use of housing units for the trafficking and manufacturing of controlled substances.

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DURING TENANCY

Recommendations to establish clear expectations and maintain vigilance:

Keep records of payment

Discourage rent payments in cash or barter, when possible. It is best to have proof of Payment, and lack thereof, for each rental property and tenant.

Visit your property often

Visit your property frequently or ask your manager and maintenance staff to do so. Talk with your tenants and neighbors while visiting.

Listen to other tenants

If tenants express concern or complain of suspicious activity, such as strange odors or a high amount of nonfamilial traffic in and out of a rental unit, listen to their complaints and respond accordingly.

Engage with the community

Participate in community meetings and events, which will ensure that you will be informed of new community developments and issues affecting your neighbors.

ACTIONS REQUIRED

If you suspect drug activity in your rental property you should:

Record details of suspects

Include names of suspects, license plate numbers, car models and color. Also note your reasons for suspicion. You may also consider installation of video recording devices in common areas, entryways, and outdoor spaces. You should do everything possible to discourage illicit activities, but please remember, your safety comes first and should remain your priority. Only reasonable efforts are required by the law.

Coordinate efforts

Seek support from community partners, including small businesses and churches.

Contact the police

Inform police of your concerns and provide as much detail as possible. Cooperate with ongoing investigations, including providing information as to official leaseholders. Offer to share security video and other information.

Eviction

Although an eviction may be costly, an eviction demonstrates that you are doing everything reasonably expected to prevent criminal use of your property. Contact local law enforcement for assistance in presenting evidence of drug trafficking and/or manufacturing during eviction proceedings.

CONSEQUENCES

Property managers and owners have the ability and the legal obligation to assist law enforcement in addressing drug trafficking activity that occurs on their property. Drug dealing decreases the value of a rental property and may attract other illicit activities and crime to the area. This liability exists even in the event that the landlord does not have actual knowledge of the illicit activities but the appointed property manager does; landlords are responsible for the actions and knowledge of their designated agents. In the event that the issue persists and the property owner fails to do everything that can reasonably be expected to prevent the illegal use of the property, the federal government has the option of initiating a civil asset forfeiture complaint to seize and/or forfeit the property to the government.

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