



# KEEPING ILLEGAL ACTIVITY OUT OF RENTAL PROPERTY:

A POLICE GUIDE FOR  
ESTABLISHING LANDLORD  
TRAINING PROGRAMS

MONOGRAPH

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Bureau of Justice Assistance

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**Bureau of Justice Assistance**

# Keeping Illegal Activity Out of Rental Property:

## A Police Guide for Establishing Landlord Training Programs

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# Executive Summary

The Landlord Training Program emphasizes cooperation among property owners, tenants, and law enforcement agencies to help neighborhoods fight drug-related crime. Supported and praised by often opposing groups, the program delivers two important messages: that effective property management can significantly benefit the health of a community and that accessible, legitimate techniques can stop the spread of drug activity on rental property.

Establishment of Landlord Training Programs will require a commitment to substantive problem solving and to building and sustaining effective community partnerships. Relying as it does on these concepts of community policing—especially the encouragement of community-based problem solving as a goal—the Landlord Training Program can be part of a strong, proactive community policing effort.

This monograph, *Keeping Illegal Activity Out of Rental Property: A Police Guide for Establishing Landlord Training Programs*, was developed to help police agencies implement Landlord Training Programs in their communities. The monograph contains two distinct sections:

**Section I provides a program overview for law enforcement personnel.** Section I is written for law enforcement personnel who wish to understand the history of the Landlord Training Program and gain perspective on what it takes to implement a program for an individual jurisdiction.

**Section II reproduces the national version of the *Landlord Training Program Manual*.** This is the manual that landlords receive at the training. It is provided in this monograph for law enforcement because it is the best way to show directly the content, scope, and paradigm of the Landlord Training Program.

# **Section I**

## **Program Description**

# Introduction

## The Community Policing Connection

The Landlord Training Program emphasizes cooperation among property owners, tenants, and law enforcement agencies to help neighborhoods fight drug-related crime. Enthusiastically supported and praised by often opposing groups, the program delivers two important messages: that effective property management can significantly benefit the health of a community and that accessible, legitimate techniques can stop the spread of drug activity on rental property.

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## The Genesis of the Landlord Training Program

The Landlord Training Program began, originally, with a group of frustrated citizens who were organizing to move drug dealers out of their neighborhood. These neighbors—many of whom were renters themselves—began to focus on two important facts:

- **The traditional policing approach of waiting for enough evidence to serve a search warrant often results in a solution that comes too late to preserve community livability.** Most communities can handle some short-term drug activity without suffering substantial harm to the neighborhood's livability. But when drug operations are allowed to continue unabated for months, or even years, the harm to the community becomes extreme. In many instances, by the time the drug dealers are removed, many good citizens have already left the neighborhood, property values have declined, other good citizens have chosen not to move into the area, and those left behind face life in a neighborhood that is now much more vulnerable to crime. In a community-oriented context, search warrants must be seen as just one of many tools available to address drug problems, not as the only available tool. If a warrant cannot be served quickly enough to

prevent major harm to a community, other (often civil) solutions should be pursued.

- **Most landlords are not skilled in the prevention of illegal activity on rental property but are willing to learn.** Community organizers noticed that, despite the commonly held image that all landlords with problem tenants are irresponsible citizens, most landlords when contacted wanted to help but needed better information about how to approach the problem.<sup>1</sup> Clearly, there was an untapped resource in rental property owners. From the civil side of the law, landlords are the first line of defense when a tenant's lease-violating behavior threatens neighborhood livability. As such, landlords who understand the scope of their ability to prevent illegal activity can be a valuable resource. Because most drug activity (growing, manufacturing, and distributing drugs) takes place on rental property, the concept of the Landlord Training Program was born.

The content of the program was developed through a process of intensive research involving hundreds of organizations and individuals, including landlords, management associations, tenant advocates, private attorneys, public defenders, personnel from public housing agencies, tenant screening companies, and narcotics detectives.

Funding for the program was provided through several Bureau of Justice Assistance (BJA) grants, as well as in-kind support from the city of Portland, Oregon. The program was designed and developed by John Campbell—now of Campbell DeLong Resources, Inc.—the citizen organizer who first recognized the potential of such an approach. The first training program was conducted in Portland in November 1989, with 94 landlords participating. By the fall of 1995, over 7,000 landlords and property managers had attended Portland's program, representing well over 100,000 rental units. The Portland program was the first of its kind in the nation and has received recognition as an "innovation in state and local government" from the Kennedy School of Government at Harvard University.

Although the story begins in Portland, it does not end there. Since the success of the first training session in 1989, jurisdictions in many states have adapted the program to their own communities, often adding valuable innovations. States where versions of the program have been developed include Arizona, California, Colorado, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nevada, New Mexico, New York, North Carolina, Ohio, Oregon, Texas, Utah, Virginia, Washington, and Wisconsin.

<sup>+</sup> To be sure, irresponsible landlords do exist and often take up a disproportionate amount of police resources as a result of behavior that runs the gamut from the merely irresponsible to the criminal. However, most landlords who have problems with illegal activity on their property don't fit this category—that is, they would prefer to act more responsibly and will change their approach if trained.

Among other notable locations, Milwaukee, Wisconsin, has received national recognition for its adaptation of the program. In addition, many Arizona cities are now offering a three-phase version of the program. Targeted primarily to multifamily properties, the Arizona model combines a landlord training program with a separate onsite Crime Prevention Through Environmental Design (CPTED) property review and an apartment watch orientation for tenants.

The program and its national variations have evolved over the past 10 years to reflect the experiences and comments of those who have participated in the program. However, although the program has evolved substantially since it began, in most jurisdictions it remains true to its community-oriented roots; although the targeted audience is owners and managers of rental property, the purpose of the program is to serve the communities in which their properties are located.

The purpose of this monograph is to review the elements of the core Landlord Training Program as well as some of the more effective innovations that have been developed by other jurisdictions. The intent of this review is to give police an overview of potential approaches and an understanding of the scope of work involved.

### Core Program Overview

The Landlord Training Program teaches rental owners and managers how to keep drug activity off their property. The program was developed with input from people on all sides of the issue—not only landlords and property management associations, but legal aid attorneys, tenant advocates, public housing agency personnel, police officers, and many others.

The Landlord Training Program delivers two important messages: (1) effective property management can have a major impact on the health of a community and (2) there are simple, legal, and fair techniques that can be used to stop the spread of drug activity on rental property. The program does not teach landlords how to be "junior narcotics agents" or to do police work. It emphasizes their responsibility as landlords to work with police and neighbors to keep drug and other illegal activity out of their rental properties. The course content includes:

- **Orientation.** The role of the landlord in keeping neighborhoods healthy and what it takes to build and maintain healthy communities.
- **Preparing the Property.** How the concept of CPTED can best be used to prevent illegal activity on rental property.
- **Applicant Screening.** How to screen out dishonest applicants, while ensuring that honest applicants are encouraged to apply for housing. Identifying warning signs of dishonest applicants.

- **Rental Agreements.** Approaches that will strengthen the landlord's ability to evict drug dealing tenants.
- **Ongoing Management.** How to manage property in a way that discourages illegal behavior and ensures early warning should such behavior occur.
- **Community Building.** How to strengthen the sense of community in multifamily housing and the benefits for managers and residents in doing so. Discussion of apartment watch and how to work with neighbors.
- **Warning Signs of Drug Activity.** The drugs involved and the behavior associated with growing, dealing, and distributing drugs. The indicators of clandestine labs.
- **Crisis Resolution.** The options, the process, and the practical application in various situations where illegal activity is apparent.
- **Working With the Police.** What to expect, what not to expect, and how to get maximum cooperation.
- **Section 8 (Subsidized Housing).** The Section 8 housing subsidy program, including the rights and responsibilities of both landlords and tenants. Differences in rights and responsibilities between the typical private rental situation and the Section 8 program.

The training's impact is a function of the quality of information presented and the number of landlords and property managers who attend training sessions. To bring about a fundamental shift in approaches to property management, a significant number of the landlords in a community must take the course. That is why an integral part of the program is the "marketing" of it—the techniques used to make sure that landlords attend the program. The core program, therefore, has three basic elements, described below.

### **1. The training manual.**

The manual follows the course information and is designed to be a "plain English" reference source. In addition to covering course content, manuals adapted to local jurisdictions typically include copies of applicable laws and references to support organizations. Evaluations of the original manual, developed for Portland, validate its effectiveness: trainees have consistently rated the manual a highly readable source of valuable information. A complete copy of the manual, adapted for national distribution and called the *National Program Manual*, is presented in the second part of this monograph.

### **2. Marketing/outreach.**

Marketing is critical to the success of the program, because the benefit to the community increases as more landlords are trained. Although media

exposure, word-of-mouth, and contact with property management companies are all important, it is also important to make direct contact with owners of impacted rental property.

Agencies that have used a letter of invitation sent directly by the chief of police have had considerable success in encouraging landlords to attend the training program. Using such an approach, more than 8,000 landlords representing more than 110,000 rental units attended the Portland training between 1989 and 1999. Results in other jurisdictions have varied and appear to depend on both the level of commitment to comprehensive marketing and the quality of the training product delivered. In communities where strong training is conducted and the commitment to marketing is high, attendance results are comparable to those experienced in Portland. Additional discussion of marketing approaches can be found beginning on page 28 of this monograph.

### 3. The training itself.

This is a 6- to 8-hour course offering detailed information in a lively, interactive format.

## Results Summary

Results from posttraining surveys and 6-month followup surveys confirm that trainees both learn important information from the course and take substantial action as a result of the course. Findings include the following:

- **Trainees needed the course information.** In surveys taken at the Portland trainings, one in four landlords reported problems with drug activity in a rental unit in the past 2 years.<sup>1</sup>
- **Six months later, perception of training value remained strong.**<sup>2</sup> While at-the-training evaluations showed positive ratings, more significant is the fact that trainees continued to appreciate the training well after they had completed the course. In 6-month followup surveys, over 90 percent of trainees agreed that they felt more secure in their ability to screen applicants, were more likely to recognize drug activity should it occur, and were more confident of their ability to evict tenants involved in such activity should the need arise.
- **Six months later, 91 percent of trainees reported having made changes in the way they manage their properties.** Most landlords reported taking multiple steps to improve conditions in their properties. Some of the steps included developing written applicant screening criteria, conducting more thorough maintenance inspections, cutting back shrubs, adding lighting or otherwise improving visibility

in rental units, updating rental forms to match current laws, trading phone numbers with neighbors, and starting apartment watches.

- **Landlords who had problems with drug activity used the training to help solve such problems.** Fifteen percent of respondents in followup surveys (221 out of 1,512) had to deal with drug activity on their properties within 6 months after taking the training.<sup>3</sup> Of those respondents, 94 percent (208 out of 221) used information from the training to address the situation (see appendix J for text of survey).
- **The experience of police officers on the streets also validates the impact of this training on drug activity.** In multifamily property, where statistics on the impact of management changes are easiest to track, trainees who applied the program concepts have seen dramatic reductions in illegal activity. Police agencies that conduct calls-for-service research have reported reductions in calls of 70 percent or more in some properties. Also, officers involved in solving drug house problems report that when illegal activity *does* occur on property owned or managed by a graduate of the program, less police time is typically required to address the problem—trained landlords are generally more aware of their responsibility to act and of their options in doing so.

The combined power of the manual, marketing, and training can result in a growing base of landlords who are better able to help reduce crime, fear, and disorder in a community. As a result, the Landlord Training Program can be a powerful tool to generate more effective partnerships with landlords and their tenants. Police officers who have worked closely with the program report a transformation in the attitudes of landlords with whom they deal. A police captain who oversees the Portland Police Bureau's specified crime/warning letter program described the difference this way:

[Before landlord training and related efforts began] I spoke with many landlords who often were reluctant, if not even hostile, about assuming any responsibility for criminal activity on their properties. The concept that they were expected to be part of the solution to crime problems was foreign and unsettling to say the least.... I have sensed a remarkable change in the attitudes of landlords over the past 5 years. First, very few calls even get through to me questioning the warning letters, and the ones who do never question the appropriateness or authority of our actions. The only question now seems to be "What do you want me to do?". . . I am sure this is due [in part] to the cumulative effect of the many landlord training classes which have been conducted.<sup>4</sup>

Such attitudinal changes are difficult to measure statistically and even harder to link with specific causes. However, it is clear that in those communities where the Landlord Training Program is being used

## Keeping Illegal Activity Out of Rental Property: Program Description

properly, the attitudes of landlords and property managers have begun to change. The following are a few examples of the way that program participants describe the value of the training:

- Participant One: We screen much more closely. . . . We verify everything on a tenant's application—I can't tell you how much we needed the course. We are more confident now and we refer to our handbook regularly.
- Participant Two: I appreciate this program and feel, if the majority of rental owners are given this training, our city will improve and crime will decrease. As a landlord and homeowner in the city, I hope this will be the case. Very effective use of community policing funds. Thanks.
- Participant Three: Basically the training gave me more faith in myself to go ahead and act.
- Participant Four: This proactive approach is just what we need—not only as landlords, but as committed citizens.

Overall, it is clear the training reaches a broad cross-section of landlords and managers, provides information and perspectives not found elsewhere, and motivates real change in the way rental owners and managers take care of their property.

# Getting Started

## Elements of Success

For a Landlord Training Program to be successful, it must meet the following basic design criteria:

### **1. Have the right trainer/program manager.**

Research from around the country consistently shows that the factors that correlate most strongly with program success are the commitment, understanding, and enthusiasm of the program coordinator/trainer. Jurisdictions where the commitment is low, or where rotational policies prevent personnel from developing the expertise to understand the program, will have difficulty succeeding.

### **2. Be tailored to the jurisdiction.**

It is very important that jurisdictions answer a basic question before implementing the program: "What problem(s) are we trying to solve?" Every community has its own particular crime problems, landlord/tenant laws, rental practices, housing characteristics, ethnic/cultural issues, and political climate. The causes for community problems are equally diverse. In one community, training alone may be all that is needed to help turn a problem around. In another, solving the problem may require a coordinated effort of training, enforcement, and much more.

### **3. Be designed around an understanding of the concerns of both landlords and tenants.**

The course was developed to be communicated in terminology familiar to the average landlord and to speak directly to a landlord's needs and concerns. Landlords must believe their problems are understood before they will consider new attitudes or approaches. Developing an understanding of these problems takes time and study. Trainers must research local landlord/tenant law and develop an expertise in its application—the trainer should understand applied landlord/tenant law the way a dedicated police officer understands applied criminal law.

The course was also designed to give landlords legal and fair methods of preventing drug activity—approaches that will benefit not just landlords, but also honest tenants and neighbors. For this reason, the trainer must understand not just the concerns of landlords, but also the concerns of tenants.

In many jurisdictions, the program has received enthusiastic support from groups that often sit on opposing sides of landlord/tenant issues:

landlords, property management associations, legal aid attorneys, neighborhood activists, and local public housing agency personnel. However, it is also important to note that in a few jurisdictions where the viewpoints of tenant advocacy groups were not fully considered when the program was developed, substantial tension has grown between program implementors and tenant rights advocates.

**4. Be built on a coalition of support from both landlord and tenant advocates.**

Unless the program's goals and methods are fully understood, some of the people who will be called on to support the program may be reluctant to do so. Across the country, important work has been done to help prevent abuse by unresponsive or uncaring landlords. Some of those who have been fighting for improvements in tenant rights may initially view training landlords as a threat to that cause. Indeed, a poorly implemented program could be harmful to tenants. That is why it is important for the trainer to study the issues thoroughly and why partnerships with both tenant and landlord advocates should be developed before implementing a program.

A well-implemented program can be a unifying force for positive relationships between tenants and landlords, something an entire community will welcome. However, if done poorly or without developing the necessary partnerships, the program could reinforce the presumption that police favor citizens who own property over those who do not. In fact, it was just this type of perception that forced one city to close its Landlord Training Program until it could successfully negotiate an agreement on training content with local tenant rights advocates who had not been included in the initial program development.

**5. Be solution oriented.**

The training should focus only on practical ways to address the problem of illegal activity on rental property. The program is not a forum for discussing how landlord/tenant laws or the criminal justice system should change. It does not teach how "the system" is supposed to work; it teaches how it actually does work. This practical focus is a key strength of the training program.

**6. Be marketed for a broad impact.**

As mentioned earlier, the impact of the training is a function of two factors: the quality of the material presented and the number of landlords who take the course. Therefore, both training content and marketing are important. Unless many landlords are reached by the program, the training is of little value to the broader community.

## First Decisions

Three basic questions must be answered in the affirmative before beginning the program:

### **1. Do we have a rental-based crime problem?**

If your community is plagued by drug houses, gang activity, or other chronic criminal problems that are frequently based in rental housing, the training program can be valuable for gaining more help from the property management community to solve the problems.

### **2. Is the problem large enough to require a formal program?**

While the tools in the training can be applied wherever there is a problem with illegal activity in rental property, a full program—as described in this monograph—may not be necessary. In a community with a small rental base and the resources to contact every landlord when necessary, there may be no need to establish an entire program; it may be sufficient to ensure that a member of the police department is well versed in the issues covered here. Conversely, if the number of complaints received about illegal drug or gang activity outstrips law enforcement officials' capacity to respond, then the Landlord Training Program can generate valuable and willing assistance from landlords and property managers.

### **3. Do we have the funding, commitment, and political support to do it right?**

The Landlord Training Program is not a simple program to implement, and it does not lend itself to partial implementation. To have a significant impact, substantial work is involved. Although the workload may be on the shoulders of one person or spread among two or three, the program requires a minimum of one full-time employee, or the equivalent, for the first 6 months of program development and a minimum of one-third that time commitment after 6 months. However, some jurisdictions use more than one full-time staff person to maintain an ongoing program. Implementing the program also requires developing expertise and consistency. Volunteers, part-time trainers, officers who rotate in and out of training duties, or "panels" of local experts recruited to present each seminar will not accomplish the program's goals.

## Key Personnel

The program requires an individual who can conduct trainings and handle program management and another person who can manage the marketing and logistics tasks involved. Brief descriptions of these positions follow.

## **1. Trainer/Project Coordinator.**

The most important personnel decision is selecting the person who will fill the roles that require the highest skill levels: those of trainer and project coordinator. There is more continuity in having these tasks handled by the same person. However, some division of labor among two or more people also is possible.

This role includes responsibility for the entire program. This person must make the time commitment to get the program off the ground and become its first trainer. Other responsibilities include guiding the marketing strategy, organizing scheduling and logistics, and making continual updates and improvements to the training overall. This individual also will research and write all supplemental training materials needed to adapt the national manual to local laws and ordinances, as well as provide basic program management skills.

More specifically, the role of trainer will require the following skills and qualifications:

- **A background that includes working directly to solve problems in neighborhoods affected by illegal activity.** The training must not be presented from the tenant's or the landlord's point of view, but from the *neighborhood's* point of view. Such a perspective comes most naturally to crime prevention-oriented officers and staff or to neighborhood organizers who have worked directly with the problem on their own street.

Selecting a sworn officer to become the first trainer has both benefits and drawbacks. The key benefit: once an officer can provide the training, it becomes easier to "institutionalize" the program as a department problem-solving tool. The most common drawback: because the program requires a long-term commitment to succeed, an officer who is rotated to new duties too quickly may not be in the trainer position long enough to get the program under way or to maintain continuity.

- **Comfortable making energetic professional presentations in public.** The person should have experience in providing training. Audience-trainer interaction and the ability of the trainer to respond to landlords' questions are crucial to training success. This requires strong training skills and solid confidence in the training material.
- **The ability to sort through the nuances of the legal process and explain them in lay terms.** Landlord/tenant laws are typically designed with the idea that landlords and tenants should be able to understand them without substantial legal assistance. In practice, there are twists and turns that many find confusing. A large part of the trainer's task is to sift through the legal language and present

each step in terms that the average landlord or property manager can understand.

- **Strong writing skills.** A critical early stage of the trainer's job will be to research and write the materials needed to adapt the *National Program Manual* to local laws and ordinances. This will apply especially to state statutes regarding eviction. Again, the goal is to make the materials clear and readable for landlords who may have little knowledge of the legal process.
- **A sense of empathy and diplomacy.** A balanced approach that takes into account the perspectives of a variety of advocate groups is critical to the success of the program, both in terms of generating support for the program and in terms of the program's ability to reduce drug activity in residential neighborhoods. A successful trainer/coordinator should understand and embrace the concerns of the full spectrum of involved parties: tenants, landlords, judges, public housing agencies, legal aid attorneys, and aggrieved neighbors.

For this reason, it is generally desirable to select a trainer who is neither an advocate for landlords nor an advocate for tenants. The training should not be used to advance the agenda of either landlord or tenant rights but to promote the welfare of the whole community, landlords and tenants included. The program's success hinges on the trainer's understanding that a community-oriented property management approach serves honest tenants better and is also a better long-term business approach for the landlord.

Similarly, if an attorney is selected to teach the course, that person must be able to do more than just teach law. The trainer must be able to understand and teach perspectives that are not defined by law—that is, the trainer should go beyond explaining what a landlord must do or must not do and also explain what a landlord may do. The focus of the course must remain on empowering landlords and managers to manage their property effectively. Courses that focus only on explaining the law will not motivate trainees to adopt a community-oriented property management approach.

- **Experience managing at least one rental property.** While this is not considered a mandatory prerequisite, it is certainly a significant advantage. Credibility with trainees is much easier to establish if the trainer has direct experience managing rental property.
- **Time.** Assuming one person handles both the trainer and project coordinator roles, this position would require a full-time employee for up to 6 months. After this period, the time commitment will be less: one-third to one-half the time, depending on the configuration of program responsibilities and the number of trainings offered per year.

## 2. Marketing Assistant.

The marketing assistant makes sure the marketing and registration logistics work smoothly. Tasks include reserving training facilities, developing databases, coordinating mailings, managing the training registration/confirmation process, organizing sales and distribution of manuals, and handling all logistics associated with setting up and running the training programs. This person also handles all day-to-day logistics associated with evaluating the program.

The marketing assistant will need to:

- **Be comfortable working with the public.** The job requires extensive public interaction, both over the phone and in person.
- **Have clerical-level computer skills.** These include word processing skills to generate marketing materials and database management skills for mailings and registration.
- **Be efficient in handling logistical details and meeting deadlines.** With many different tasks to coordinate, strong organizational skills are a must.
- **Have time to commit.** The job calls for three-quarters to full-time employment for 2 months, followed by approximately one-half time. The actual time involved may be less—it will depend on the distribution of responsibilities and the number of trainings offered per year.

## Building and Maintaining Trainer Expertise

Establishing trainer expertise begins with selecting personnel with the type of background described in the *Key Personnel* section, beginning on page 13. However, the ability to provide effective training also requires developing and maintaining a knowledge base about current and evolving landlord/tenant issues. Trainers who are committed to providing a high-quality program will make sure that they:

- **Participate heavily in the research described in the Developing a Local Manual section.** This will help provide the trainer the necessary base of expertise to provide an effective program.
- **Take the opportunity to attend any locally offered property management trainings as well as any trainings offered to teach tenants about their rights under the law.** By attending such events, trainers will develop a greater understanding of the issues that fuel landlord/tenant law debates and a deeper understanding of the importance of a police-sponsored training program that maintains a fair and balanced approach toward landlord/tenant issues.

- **Develop working relationships with local experts.** These should include, at a minimum, individuals in the community who are recognized advocates for the rights of landlords, as well as individuals who are recognized advocates for the rights of tenants. By consulting experts on both sides before making substantive changes in training content, the trainer can help ensure a balanced program approach.
- **Seek out educational opportunities for developing and maintaining trainer skills.** Professional trainer skills are beyond the scope of this monograph, but it is certainly worth emphasizing that developing and maintaining effective skills in adult learning training techniques will benefit the program.

## Developing a Local *Manual*

It is essential to have program materials that are accurate, fair, effective, and readable. In addition, during the process of developing the program materials, the trainer/coordinator also will develop the necessary expertise to present the training.

The *National Program Manual* included in this monograph provides a strong training foundation and can be used effectively by a knowledgeable trainer. However, laws governing landlord/tenant relationships vary significantly, not only by state, but also by city and county. Because the *National Program Manual*, which has been adapted for national distribution, does not articulate these laws, the value of the program and the training will be enhanced substantially if additional information, tailored to local laws, also is presented. The degree to which tailoring to local law and customs will be necessary depends on two factors:

### 1. The uniqueness of the laws and practices.

Research into the local law and typical rental practices will give the trainer an understanding of the level of tailoring required.

### 2. The sophistication of the likely audience.

If problem rental properties are typically owned by "mom and pop" landlords—people who generally own fewer than 20 units and for whom management of rental property is not a full-time occupation—then it is very important to tailor the information and develop a detailed understanding of the nuances of local laws. This audience has the least knowledge of landlord/tenant law and operates most often on "folk law" or on law that is long out of date. The "mom and pop" audience will respond very well to specific information that focuses on how to manage various parts of the rental process more appropriately.

In contrast, if rental property problems are typically seen at large, multi-unit properties with onsite resident managers who work for property management companies, the focus of the training should be different. The details of eviction, for example, are not as important to this group—they typically already have company policies and corporate attorneys who keep them up to date.

The types of issues that are most important to tailor for a jurisdiction include:

- **Specifics of local civil rights laws.** Nationally, fair housing law prohibits a landlord from making rental decisions on the basis of race, color, religion, sex, handicap, national origin, and familial status (the presence of children). Most states add other protected criteria, as do some local communities. The case law of a state also can add protected criteria that are not specifically described in the law. For example, California's "Unruh Act" has been interpreted by courts to include something called "arbitrary discrimination," which effectively prohibits making screening decisions based on criteria that are not related to the business purpose at hand.
- **Other unique laws that regulate screening practices.** For example, some states regulate the way a landlord is allowed to collect application deposits and screening fees. (As described in the training manual, requiring a small fee or deposit with an application has prevention value, but it should be done in a manner that does not create a barrier for low-income tenants.)
- **Appropriate process for circumstances under which a landlord may enter/inspect an occupied rental unit.** The types of notices and conditions under which a landlord may enter occupied rental property vary by state.
- **Specifics of local police practices.** Landlords will want to know whom to call, what type of response to expect, and what steps can be taken to get the most effective assistance. Clearly, this is an important element of a tailored presentation.
- **Specifics of eviction, particularly in extreme situations.** To be sure, there is value in informing landlords about the full range of eviction options. After all, as the training teaches, it is a rare drug dealer whose only lease violation is dealing drugs. Landlords who are willing to enforce the basic requirements of landlord/tenant laws are less likely to have drug problems on their property. However, the most important information to communicate is the option for eviction in a crisis—the type of situation to which police are frequently called. Thus, trainers should know the type of notice to serve if police have served a warrant and found criminal evidence of drug distribution or the appropriate notice to serve when one tenant inflicts serious physical harm on another.

- **Policies and practices of the local housing authority.** Coordination of information with the local public housing agency is a must. Make sure that landlords are presented with accurate information about renting to tenants who receive public rent assistance.
- **Local references.** Provide landlords a list of local references such as property management associations, tenant screening services, crime prevention offices, narcotics units, legal services available for tenants, mediation programs, the local public housing agency, and others.
- **Local law.** At a minimum, all trainees who receive a manual should receive a copy of local landlord/tenant law as well.

The most expedient approach to providing local information is to create a supplement to the *National Landlord Training Program Manual* and then bind the supplement and the national manual as separate sections of one document for the training. Many jurisdictions also have opted to create a more tailored manual that integrates information from the national manual with local materials.

Four examples of locally adapted manuals that have been approved by the original developer of the *National Landlord Training Program Manual* are the manuals developed for Portland, Oregon; Milwaukee, Wisconsin; Syracuse, New York; and the city of San Bernardino, California. Persons contemplating development of an integrated manual should review one or more of these documents. The names of contact personnel for these documents are provided in appendix A.

Whether preparing a supplement or a completely integrated manual, take the following steps to develop the local material:

**1. Request and receive permission to reproduce and adapt the national manual.**

To reduce the possibility of replicating outdated or inaccurate materials, local manuals must be adapted from a current version of the *National Landlord Training Program Manual*, or from a version of a locally adapted manual that has been approved in writing by the original program developers for in-state adaptations. Unfortunately, outdated and inaccurate information has been reproduced in manuals when this basic quality control procedure was not followed.

The process for gaining permission to reproduce and adapt the manual is simple. Mail or fax a request on your agency's letterhead to Campbell DeLong Resources, Inc., 319 SW. Washington, No. 802, Portland, OR 97204; fax: 503-221-4541. A letter specifying the requirements for copyright permission compliance will typically be mailed to you within 21 days of your request.<sup>5</sup> Disk copies of the latest version of the *National Landlord Training Program Manual* (Section II of this monograph) and an electronic version of the overheads used in the training will be

provided as well. For a complete review of all license requirements associated with the program, as well as PDF versions of the program manual, visit the Campbell DeLong Web site at [www.cdri.com](http://www.cdri.com).

**2. Read local landlord/tenant laws and related statutes and ordinances.**

Before seeking the opinions and input of others, become familiar with the local laws. Without a thorough understanding of the nuances of landlord/tenant law as it applies locally, the trainer will not be in a position to ask the right questions or to develop the balanced approach necessary to make the training successful.

**3. Conduct the initial research.**

Develop a list of "experts" who can provide information on local issues. A wide range of opinions is important. Consider interviewing landlords, management associations, tenant advocates, neighborhood activists, private attorneys, public defenders, judges, public housing agency personnel, tenant screening companies, narcotics detectives, and patrol officers, among others.

Although building consensus with all of these groups helps generate balanced training information, it is not an easy task. In each state where such interviews have been conducted, there was substantial tension between landlord and tenant advocates, considerable misinformation stated as fact by experts, and considerable disagreement about a variety of rental practices. Typically, the complete picture does not emerge in any jurisdiction until the same questions are asked of many people with a variety of perspectives. Do not talk to just one or two experts and consider the research complete. With each expert interviewed, important areas to explore include:

- Their opinions regarding what landlords of local property most need to know to stop illegal activity on their property.
- Their opinions about messages that should not be communicated in a program of this type.
- Detailed descriptions of practices or procedures about which each person is a recognized expert. For example, ask a judge or attorney to describe the court-ordered eviction process and the types of mistakes commonly made by both sides. Or ask fair housing enforcement personnel to explain the most common mistakes made by local landlords. To ensure a balanced understanding, ask people from opposing sides of an issue to describe the same procedures.
- Their willingness to review materials developed for the program.

#### **4. Develop a first draft and have it reviewed.**

Once the initial research is complete, write a first draft of the supplement and submit it for review to the people with whom the initial research was conducted. While some of the reviews will serve only to generate valuable goodwill between the sponsoring department and the individual, other reviews will produce important feedback that will correct and refine the manual in critical ways.

*This step is commonly shortchanged by police departments doing their own adaptation of the manual. A review of a number of manuals developed by police departments in various jurisdictions reveals that this step often is not completed. The most common results are:*

- Descriptions of laws from other states inaccurately described as true for their jurisdiction.
- Procedures that are unique to one police agency cited as policy in another.

Providing trainees inaccurate information about the law in their state—or the department's procedures—is generally much worse than telling trainees nothing at all. Yet a common pitfall for agencies that adapt the manual is to provide inaccurate information. One of the origins of such mistakes may spring from a misperception of the role of reviewing attorneys—in effect confusing a liability review with an accuracy review. To be sure, a liability review by the appropriate department attorney is important. However, do not confuse a department attorney's endorsement of a document's legal disclaimers with a landlord/tenant expert's careful review of the content.

The findings from developing manuals for Landlord Training Programs are consistent: review of the manual by any single person, regardless of his or her expertise, will *not* uncover all of the issues that need to be addressed. The manual should be carefully reviewed by many people with different perspectives on landlord/tenant issues. The most important feedback is often received from knowledgeable landlords, attorneys who specialize in representing landlords, and attorneys who typically represent tenants. Examining the perspectives of many knowledgeable people in a community is important for ensuring the accuracy and appropriateness of the information in the manual.

#### **5. Revise the draft for final review.**

Following extensive review of the first draft, a revised draft should be completed. This draft will be close to the finished product. The revised draft should be reviewed by a few of the key people who reviewed the first draft—generally those who were willing to take the time to give extensive feedback at the first draft stage.

## **6. Make final changes and go to print.**

Once the second draft review is complete, development of the final document should be relatively smooth. With final changes completed, the document should be given a final check by the jurisdiction's attorney and then sent to print.

## **Designing the Training**

Once revisions of the manual are complete, the training program can be developed relatively quickly. In addition to tailoring the program to local law, qualified trainers will likely wish to refine and/or develop their own presentation materials for the program as a whole.

Initially, the coordinator should conduct a limited number of pilot trainings with local landlords and assess program results through review of posttraining questionnaires and informal analysis by the trainer and observers. Adjustments should be made in training style and content emphasis to account for local concerns and property management practices over the course of these trainings, and more indepth changes can be made following completion of the pilot programs if necessary. At the conclusion of those trainings, the trainer should have acquired the necessary confidence in his or her ability to present the program effectively. Once adjustments are made following the initial series, the program will be ready for full presentation to landlords and property managers throughout the jurisdiction.

Much of the information about how the training can be presented is discussed in more detail in the national train-the-trainer seminar developed with this monograph. The following is intended only as a general guideline to some of the most critical aspects of presenting an effective training.

### **1. The introduction is very important.**

Study the introduction of the training with care, and practice the introduction more than any other part of the program. The introduction allows the trainer to gain "permission" to manage the audience and sets the tone for the entire seminar. In particular, it is important to:

- **Clarify responsibilities.** Dispel possible resentment resulting from some trainees' expectations that the training will somehow blame landlords for the problem of drugs in our society. Define the role of landlords by clarifying that in dealing with drug and other illegal activities, landlords are an important part of the whole solution but they are not alone—police and neighbors must play their parts as well. Get "permission" to focus the rest of the training on the landlord's role.

- **Emphasize the civil nature of the course.** Dispel confusion about the purpose of the training. It is a course in effective property management, with an emphasis on effective use of civil law. It is not a course in undercover narcotics work or how to confront a drug dealer.
- **Establish permission to regulate questions.** Although it is important to answer questions as honestly and fully as possible, it is also important to avoid extended question-answer periods with just a small percentage of trainees actually participating.
- **Control expectations.** Clarify that the course will focus on what a landlord needs to do to prevent illegal activity on rental property. For those who need more information about managing rental property, the course can serve as a good introduction—but only as an introduction. Encourage participants to contact local property management associations or other resources for ongoing support. Get permission to downplay questions that do not relate closely to issues of illegal activity; otherwise the training can quickly lose focus.
- **Get the audience involved.** Include an audience participation process in the early part of the training to promote involvement and questions throughout the seminar. In Portland this is done with a show of hands in response to various questions and by quickly building a list of questions that trainees hope to have answered by the end of the session.
- **Clarify the difference between the trainer and a personal attorney.** Establish that the trainer is not playing the role of legal adviser. Clarify that the trainer is a teacher and can help address landlord/tenant issues but cannot make individual decisions for trainees. The responsibility for property management decisions remains the landlord's. Trainees who wish another person to share in that decision-making responsibility should hire an attorney.
- **Agree on the schedule.** Establish agreement about the length of the training and the number of breaks.

## 2. Stories help.

Real-life stories help trainers communicate effectively. Examples of applied problem solving give the training a practical cast, and, when the stories are drawn from the trainer's own experience, they help build trainer credibility.

## 3. Keep civil rights issues in mind.

There is much confusion among landlords about civil rights laws. In addition, some trainees have even asked openly how they can "get around" the law. Making sure landlords understand what they can and

cannot do will promote the critical goals of civil rights laws and give landlords more ability to screen appropriately, confidently, and without illegal discrimination.

**4. Tell them what they *can* do.**

Trainers who are not confident of their material will quickly fall into the trap of spending too much time equivocating, repeating legal disclaimers, or overemphasizing warnings about what a landlord should not do. Although it is important that trainees understand the importance of following the law and the penalties for breaking it, the purpose of the course is to give trainees new tools. Make sure that the majority of the training is focused on explaining what *can* be done to decrease illegal activity in rental properties. Trainees will not learn how to help if the only information they receive is about what *not* to do.

**5. Stay focused on a community-oriented approach.**

Many of the landlords who attend the training will be watching to see if the training is "pro landlord" or "pro tenant." While the training should be both, most of it should be "pro neighborhood." Discuss new training material with advocates on both sides of the issue before using it. Important perspectives that were not initially apparent often emerge from such discussions.

**6. Answer questions, but do not let questions take over the training.**

Question and answer periods are a critical part of this type of training, but they should not be allowed to overwhelm the course. Questions that are overly specific and that do not offer a learning opportunity for the whole class should be referred to a break and not dealt with during class time. Learning to encourage questions, but not so many that important parts of the seminar must be sacrificed, is an important balancing act for trainers.

**7. Make sure that all speakers know their topic and the intent of the course.**

While there is no requirement that a single person provide the entire training, beware of the temptation to use a "panel of experts" to teach the course. Each person who presents information in the training must have a full understanding of the scope and purpose of the seminar.

**8. It is more important to convey appropriate motivation and attitude than it is to communicate the program's entire content.**

This can be a tough adjustment for trainers who are accustomed to teaching standardized curricula for which the same content must be covered in each seminar. A landlord training that covers 100 percent of the content, but leaves 75 percent of the trainees skeptical of the value, pales

in impact to a training that covers 75 percent of the content but leaves 100 percent of the trainees with a renewed sense that (1) they can make a difference, (2) doing so isn't as complicated as they feared, and (3) they can be financially successful doing so. The successful trainer will quickly discover that the most effective training is driven not by a mission to cover every point in detail, but by the mission to reveal and address the participants' fears, assumptions, and misunderstandings that collectively constitute the trainees' barriers to more responsible citizenship. The ideal trainer will know the content of the course cold, but never lose sight of the motivational mission.

### **9. Address the displacement myth.**

Underlying many citizens' reluctance to get involved in pushing crime out of a neighborhood is the belief that any action short of arrest and incarceration is pointless—that pushing drug dealers out of one location will only "move the problem around" by causing the dealers to move down the street and begin again. This assumption—that displacement is virtually one-for-one unless arrest occurs—is what prevents many landlords and residents from understanding the impact an involved community can have on drug-related problems. The following discussion is intended to provide some examples of ways to address the displacement myth.

- **A qualitative argument for the benefits of "displacement."** Drug activity, gang activity, and other types of chronic criminal behavior flourish in those places where at least some elements of the community act to "enable" that behavior. To use the landlord example, when a rental owner leaves drug-dealing tenants in place, that landlord is not merely allowing the amount of illegal activity to hold steady, but is likely contributing to its growth. As the drug dealing continues, neighbors with the resources to move out begin to do so, and friends of the drug dealer, seeing the dealer getting away with the behavior, think more seriously of becoming dealers themselves. In short, when drug dealing is left alone, it doesn't stay the same. It often gets worse.

The reverse is true as well—if the landlord refuses to allow illegal and lease-violating activities to continue, the dealer's friends are less motivated to follow the dealer into the business (which reduces the growth in the number of drug dealers), and concerned neighbors are more likely to stay put (which helps stabilize the neighborhood, rendering it more resistant to chronic crime problems). The net result is an environment where the number of "enabling" factors has been reduced and fewer drug dealers can operate.

Still more significant is what happens to drug dealers who have been "displaced," which is often accomplished by evicting the lease-signing tenants who let the dealer move in. While displaced drug

dealers may seek another location from which to deal, they may run into more resistance than they did in the past—specifically, friends may be less inclined to allow criminal activity in their apartment after having been evicted for allowing such behavior previously. Instead of thinking more about becoming drug dealers themselves, some friends will think twice before allowing it to happen out of their homes. These factors hardly stop all displacement from occurring, but certainly help reduce the amount that does occur.

In this way, a landlord's willingness to screen effectively and evict when behavior is harmful to the surrounding community is one of many crucial components that can modify the behavior of those with criminal intent. The greatest myth of displacement is that lack of appropriate action by the "enablers"—landlords included—will simply leave the situation unchanged, when such inaction will often cause the situation to grow worse.

Therefore, although a landlord's willingness to screen well and evict when necessary will not solve the whole problem, it is certainly an important part of the solution. If nothing else, it can help check the growth of illegal activity and increase communitywide resistance to illegal activity—a major goal of the Landlord Training Program.

- **Supporting data from the Milwaukee Police Department.** Support for the importance of simple "displacement" is provided by the Milwaukee Police Department's Drug Abatement Program, which conducted a tracking study from June 1993 to March 1994 of persons involved in drug activity who had been displaced. The study was conducted by Milwaukee narcotics detectives<sup>6</sup> and provides compelling data to contradict the traditional concern that civil enforcement does nothing but displace drug problems in a one-for-one fashion. The study concluded that in Milwaukee, even though most displaced suspects remained in the city, surprisingly few continued to engage in the same type of high-community-impact drug activity.

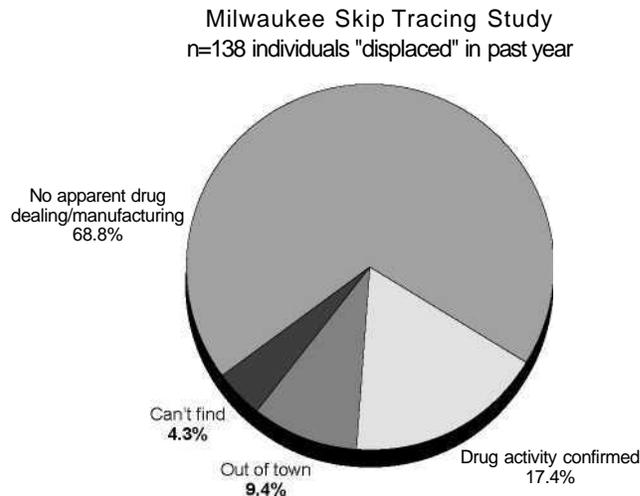
The detectives identified 201 individuals who had been involved in place-based drug dealing (drug houses, principally) for which abatement at the location had occurred—that is, the drug dealers were moved out of the property whether through a voluntary process, eviction, code enforcement, or other available options. Of those 201, detectives determined that 53 individuals were incarcerated, 7 were on parole or probation, and 3 had died. The remaining 138 individuals were free and unsupervised by the criminal justice system—they had been displaced only.<sup>7</sup>

Investigating detectives used all means at their disposal to locate the 138 people to determine if these people were still involved in dealing or manufacturing illegal drugs. For the purposes of the study, the

detectives did not require a criminal level of proof to classify a person likely to be involved in drug activity. The detectives looked at all available behavioral indicators, including complaints citing behaviors commonly associated with drug activity at the person's address. Here is what they found:

- **Only a few of the former dealers had left town or could not be found.** Fourteen percent of the 138 persons had either left Milwaukee (13 people) or could not be located (6 people, 4 of whom were wanted on felony arrest warrants). The remainder of the group was confirmed to be still living in the city. Detectives made no attempt to examine the activities of the former dealers who had left Milwaukee.
- **Fewer than one in five of the former dealers still living in Milwaukee was identified as still involved in drug dealing or manufacturing.** Only 17 percent of the free and unsupervised people were found to still be involved in drug dealing in Milwaukee (a total of 24 people, some of whom were arrested as a result of the study). While a confirmed displacement rate of 17 percent is terrible news for the neighbors who must live in adversely affected areas, it is nevertheless a small portion of the total number of potentially displaced dealers. Indeed, one of the purposes of the study was to determine if skip tracing of displaced dealers could be used as an efficient method of locating drug activity in the community. The conclusion was that given the time required to conduct the skip traces and the low percentage of drug activity found, skip tracing of displaced drug suspects is not an efficient means of fighting drug activity.
- **More than two-thirds of the displaced dealers were considered by detectives to be no longer involved in dealing or manufacturing illegal drugs.** In all, 69 percent (95 people) of the 138 free and unsupervised people were considered to be no longer dealing or manufacturing illegal controlled substances. Detectives caution that they cannot with certainty "prove the negative"—that all 95 persons were definitely not involved in drug activity. However, they believe they established with confidence that all 95 were no longer involved in the types of overt drug-related behavior that so substantially harms the livability of neighborhoods and draws the ire of the community.

Results of the Milwaukee study are shown in the following chart:



Even allowing for a substantial margin of error, this is strong evidence that improved civil enforcement against drug criminals—potentially causing "displacement"—is a valuable tool in reducing drug activity in a community.

## Marketing

The impact of the Landlord Training Program depends on two factors: the quality of the information presented and the number of landlords who receive and act upon that information. To bring about a fundamental shift in property management attitudes throughout a community, it is essential that a large number of landlords take the course. Providing quality training is only half of a trainer's job; the other half is effective marketing to landlords with property in impacted communities.

The basics of training marketing include:

### 1. Finding and inviting landlords.

A three-tiered marketing approach is recommended: a letter campaign, exposure in the media, and exposure through other available sources. These methods are described in more detail below.

- **A letter campaign.** A letter sent to rental property owners, signed by the community's chief law enforcement official, is the primary program marketing tool. The letter is mailed to owners of residential rental property in targeted areas. The letter discusses the problems involved with having a drug house on rental property, describes the

content of the course, and invites landlords to register for a training date.

While the content of the letter is important, so is the signature. A letter from the chief law enforcement officer—or another local official of similar stature—is likely to receive higher readership than the average "direct mail" letter in a landlord's mailbox. Results show that such a letter can produce a signup rate as high as one in five.

Most communities do not have comprehensive databases of owners of rental property, so the database for mailing the police chief's letter will need to be created. In Portland, this was achieved by using the property tax database to select owners of residential properties (within the targeted area) for which the property address and the tax-billing address are different. Once duplicate names and names of past trainees are removed from the list, letters are sent to each listed property owner. Similar letters, as appropriate, should also be sent to all local real estate and property management companies and to resident managers of apartment complexes in all targeted areas.

Appendix C includes an example of Portland's letter to rental property owners. While this letter uses a local ordinance as a means of motivating the landlord to attend the training, the presence of such an ordinance is not required to create a powerful marketing effect. Local ordinances, state laws, or federal seizure laws could be used as examples of the liabilities associated with permitting drug or other illegal activity on rental property.

- **Exposure in the media.** This is especially important when the program is new. Media exposure for the initial trainings should result in a large number of signups. As the program continues, media coverage will tend to draw fewer landlords to the course, though the media will continue to spread the word to landlords with properties outside the specific areas targeted for notification through the police chief's letter.
- **Exposure through other available sources.** Information on upcoming trainings should also be distributed through a variety of other sources, such as property management associations, community-based organizations, letters sent to landlords by the narcotics units of the local police, and general word of mouth. Results show that significant numbers of trainees are also identified through these channels.

One of the more innovative examples of other ways to market the training was developed in Milwaukee, Wisconsin. In addition to using the letter campaign, the Milwaukee Landlord Training Program leveraged resources by encouraging community-based organizations to sponsor training in their neighborhoods. Sponsoring organizations are typically asked to conduct some local outreach for

the training event, provide training space, supply refreshments for trainees, and assist with training logistics.

Although these other sources are important and can be used in addition to the letter campaign, as in Milwaukee, they cannot substitute for a comprehensive marketing effort such as the letter campaign. For example, enforcement agencies may be tempted to save money by relying solely on community associations or local property management associations to spread the word about the training program. However, without the letter campaign, it will not be possible to produce the high volume and broad cross-section of landlords needed to make a lasting impact on the community. This is because property management associations typically represent only a small percentage of the landlords in the community, and community-based organizations are often less likely than a law enforcement agency to have the resources or volunteer time available to systematically contact every rental property owner in their area.

Law enforcement managers should also beware of the temptation to rely only on word of mouth to generate interest in the program, even if this produces substantial numbers of trainees. Advertising by word of mouth can move a program away from a focus on serving the whole community and toward an emphasis on serving professional property managers as a constituency separate from residents. The potential problem is that landlords who most need the training are often the least likely to hear about it from others and to attend. This is because these landlords are often poorly networked with other landlords, do not generally participate in continuing education, or are not affiliated with a local property management association (all common avenues for word of mouth). Therefore, it is important to ask not just *how many* landlords attend the training, but also *which* landlords. That is why a marketing process should be designed to ensure the highest possible impact in the neighborhoods that are most harmed by illegal drug activity. Word-of-mouth marketing in low-impact neighborhoods may be sufficient, but in high-impact neighborhoods, more aggressive marketing is often needed.

## 2. Make it easy to sign up and important to attend.

Landlords will be more likely to attend if they see the program as professional training rather than a loosely run public forum. In addition, some landlords will be skeptical of the value of a government-sponsored seminar. Therefore, the registration process should limit barriers to signing up, while also creating a sense of professionalism, a sense of the value of the course, and a sense of obligation to attend. Recommended steps include the following:

- **Charge little or nothing for the course.** Beware of assuming that, because they are property owners, trainees will be willing and able to pay for the seminar. Charging trainees the full cost you incur for the course could defeat the purpose of holding the program. Property management seminars that cost from \$50 to \$200 are well-attended events, but they are attended by the more sophisticated professionals who are least in need of the Landlord Training Program rather than a broad cross-section of the property management community. Important targets for the training are "mom and pop" landlords with just a few units and resident property managers who are new to the rental business. Career professionals will attend—and benefit from—the training, but it is important to attract the landlords who know very little about dealing with illegal activity and are therefore more likely to attract drug activity.

In Portland, the original program was offered free, with a \$5 fee for each manual—still a low price. The purpose of charging the \$5 fee is as much to increase the perceived value of the manual as it is to recover the cost of publication. Some jurisdictions have been successful charging a fee of \$10 to \$15 for the course and manual combined—hardly enough to pay for all program costs, but enough to offset various direct costs of the training. One jurisdiction that tried a fee of \$25 reduced it after it appeared that the fee was a barrier to attendance for some landlords. Again, the goal of the program is not to serve landlords; it is to serve the community. The community is best served when a high percentage of landlords attends the course. This can be achieved by keeping the costs of the training as low as possible.

- **Make it easy to sign up.** Everything about the marketing and signup procedures should make it as easy as possible to sign up for the course. For example, although mail-in registration forms are easier to process, it is not a good idea to eliminate phone registrations. Allowing landlords to register in the manner most convenient for them will ensure the greatest number of signups.
- **Use confirmation letters and phone calls to encourage attendance.** All landlords who sign up for the course should receive a confirmation letter upon registration and a confirming phone call during the 48 hours prior to the training itself. This confirmation process has been found to make a substantial difference to the attendance rate of registrants. The confirmation process is critical because the landlords who are least motivated to attend are the ones who most need to hear the message of the training.
- **Use onsite registration to motivate commitment.** A formal sign-in procedure is valuable on several levels. Having participants sign in and receive a name tag increases the professionalism of the training, instills a sense of commitment, and prompts attendees to return the

second night (or after lunch if the program runs a full day). Onsite registration also helps provide an accurate tally of how many landlords attend each training session and a means to check the spelling of names before printing certificates of completion. A check-in process also can serve as an informal security measure.

**3. Use certificates to encourage course completion and promote course awareness.**

Certificates of completion have proved popular with trainees and have added another inducement to finishing the course. A certificate program also can help participants acquire continuing education credits for real estate and property management licenses. Certificates should be given only to participants who attend the full training; do not hand them out early. A sample certificate is provided in appendix H.

Some jurisdictions have started to promote an additional benefit of the certificate. The trainer will suggest that the certificate can be used as an additional screening tool. Trainees are instructed to post the certificate in their rental offices and point it out to every applicant, explaining that the management has been trained by the local police to help prevent illegal activity and will be doing a complete verification of the application information. Such an approach can encourage housing applicants contemplating illegal activity to choose not to apply. It may, however, put the jurisdiction in the position of appearing to endorse the management's specific tenant screening approach, something which not all jurisdictions will want to do.

## Related Problem-Solving Tools

Many problem-solving innovations have proved to work well with, and in addition to, the Landlord Training Program. One program coordinator described the relationship between the Landlord Training Program and other problem-solving tools this way:

The success of the Landlord Training Program is in bringing people together who have not worked well with each other in the past. The program improves community livability by inspiring landlords to a greater understanding of the value of their role in keeping neighborhoods healthy, *and* it saves police officers time because they can work with landlords who have a better understanding of what to expect from police. Also, by promoting a common understanding of what it takes to keep a community healthy, the opportunities for effective problem solving increase. Since beginning this program, we have seen many new solutions take root and grow, where previously fewer options were available.<sup>8</sup>

The following examples of problem-solving tools have worked well in concert with, and in some cases separate from, the Landlord Training Program. Each is presented as an example of an innovation that is possible with the program or as an additional solution that can further strengthen the ability of communities to keep illegal activity out of rental property.

### "Landlord Compacts"

The term "landlord compact" comes from the name for the approach used in Milwaukee, but the concept is used in similar forms in Los Angeles; Tucson; Beaverton and Portland, Oregon; and other jurisdictions as well.

Milwaukee's landlord compacts are groups of landlords who own houses and apartments in a specific neighborhood and work with each other—and police—to stop illegal activity in their area. They meet on a regular basis and work jointly to prevent problem tenants from staying in a neighborhood. They develop shared standards for the prevention of illegal activity and develop partnership agreements with police to accomplish such actions as improving the ability of police to enforce no trespassing/no loitering rules on nonresidents in the common areas of rental property. In Milwaukee, some landlord compacts also have worked to take legal action against other landlords who chronically permit dangerous and illegal activity on their property.

In Beaverton, Oregon, the emphasis is on monthly meetings and information sharing. Regular meeting topics include conducting more indepth review of Landlord Training Program topics, sharing information about tenants involved in illegal activity, and improving the historically strained relationship between resident managers and police officers. Frequently, meetings include diagnosing a "case study"—taking a particular crime problem at a participant's property and examining both how it can be resolved and what could have been done to prevent it.

## **Milwaukee's Partnership With Lenders**

The Milwaukee Department of Building Inspection, in partnership with the Milwaukee Police Department, replicated the Portland Landlord Training Program. In Milwaukee, problem rental properties are most likely to be in duplexes, single-family dwellings, and small multifamily properties. To address one element of the problem, Milwaukee built a partnership with several mortgage providers to require potential landlords to complete Milwaukee's Landlord Training Program prior to being approved for a loan to purchase rental property. Furthermore, two city-sponsored loan programs now require training completion prior to loan approval: "The Duplex as a Starter Home" and "Buy in Your Neighborhood." The first program is designed to encourage owner occupancy of duplex housing; the other is designed to encourage ownership of rental units by people who live in the immediate neighborhood. The city requires completion of the training before providing homeowner loans under these programs. The benefit to all parties is clear: owners are better skilled to manage property appropriately, responsible tenants have more responsive landlords, and the community is better protected from the threat of illegal activity.

## **"Three-Phase" Certification Programs**

Some police departments have begun using a variation of the Landlord Training Program with an added twist: in addition to rewarding landlords with a certificate for attending the training, landlords are also given two more certificates for completing certain steps suggested in the training. Such "three-phase" programs are much more resource intensive but can be valuable for jurisdictions willing to make the commitment.

In contrast to the core program, three-phase programs are designed to optimize impact in apartment complexes that are large enough to have resident managers and deemphasize approaches targeted to smaller unit housing, such as 12-plexes, 8-plexes, and single-family units.

The three-phase certification process includes the following:

**1. The first certificate is received for completion of an adaptation of the Landlord Training Program.** The training's focus is adjusted to reflect the fact that it is the first phase of a three-phase process. The trainer spends time explaining the value of the three phases and encouraging participation in all three phases.

**2. The second certificate is received when a property meets minimum crime prevention through environmental design requirements.**

Examples of such minimum requirements include:

- Eye viewers on the front doors of all rental units.
- Deadbolts and striker plates on the exterior (hinged) doors of all rental units.
- Installation of specified locks for windows and sliding glass doors.
- Lighting modifications in the common areas.
- Trimming of trees and shrubs to ensure no branches are less than 6 feet above the ground and no shrubs block views from windows.

**3. The third and final certificate is received when a manager holds a crime prevention meeting with tenants.** The manager calls the meeting, and the police department conducts a crime prevention orientation for tenants who attend.

Once all three certificates are earned, a 1-year "membership" certificate is issued to the property that grants the manager the right to display the program sign on the property and use the program logo in "for rent" advertising. The signs are owned by the police department and are leased for a small one-time fee, which allows the police department to remove the signs when a property is no longer in compliance with the program. Apartment communities must be recertified every year (by holding another tenant meeting) in order to continue using the program signs.

The first three-phase program developed from the Landlord Training Program was designed by the Mesa, Arizona, Police Department, which began by repackaging the original Landlord Training Program materials under a different name: the Crime Free Multi-Housing Program. Other jurisdictions in Arizona have copied the Mesa name and logo, with some out-of-state jurisdictions using it as well. Other jurisdictions have opted to develop still other names and customized looks. Other programs that use a three-phase concept based on the Landlord Training Program include the Police-Community Housing Program of Aurora, Illinois; the Crime Free Rental Housing Program of the city of San Bernardino, California; the Safe At Home Initiative of the city of Eugene, Oregon; and Enhanced Safety Properties, the name used by a group of Oregon law enforcement agencies.

While a three-phase program can be labor intensive, the payoff in reduced calls for service can be worth the effort in specific situations. Such a program may be of particular value where the majority of rental-based criminal activity is in multifamily property large enough to have onsite resident managers.

However, site visit findings also indicate the need for this word of caution: While some innovations introduced in three-phase programs can be beneficial, there are elements used in the Crime Free Multi-Housing Program "phase one" training model that are in opposition to the intended community-oriented approach of the Landlord Training Program. While the original program developers do endorse a three-phase program concept for some situations, they do not recommend the landlord training approach used in the Crime Free Multi-Housing Program model.

## **Coordination With Civil Enforcement Strategies**

Training landlords can never be considered a complete solution to rental-based crime problems in a neighborhood. Although such programs can effectively teach and motivate the majority of landlords who want to learn how they can deter crime on their properties, it is not effective for landlords who are unwilling to change. That is where improved enforcement strategies against reluctant landlords play a crucial role.

Many communities have created laws that allow the jurisdiction to take civil action against a property owner if the owner does not reduce problems associated with drugs, prostitution, and other types of illegal activity on the property. Such laws typically allow for substantial fines, property closure for a defined period of time, or complete forfeiture of property. Other communities combine the force of local housing maintenance codes with other civil and criminal enforcement strategies to force a reluctant owner to act. Just a few examples of these approaches include the work of the Oakland Police Department's Beat Health Unit,<sup>9</sup> Los Angeles' FALCON<sup>10</sup> Narcotics Abatement Unit, and the Milwaukee Police Department's Drug Abatement Program.

Lessons can be learned from each of these cities and from many other cities as well. The lesson we wish to emphasize here is one gained from the experience in Portland, Oregon, with an ordinance first created in 1987. Commonly known as the "Specified Crime Ordinance," it allows for closure of property for up to 1 year and substantial daily fines against property owners who do not reduce problems associated with drugs, prostitution, or gambling (the "specified" crimes).<sup>11</sup> However, what makes the Portland ordinance unique is not so much what the ordinance says, but *how* it is applied.

While the city of Portland brings suits against property owners who are in violation of the ordinance, it also sends warning letters to owners whose property has been *reported* to be in violation. The letters do not allege the presence of illegal activity on the property; they report to the owner, *with a copy to the occupant*, the fact that complaints have been received and that, if police confirm the complaints, such a finding could potentially lead to legal action.

The Portland Police Bureau's Drug and Vice Division sends the warning letters when sufficient credible complaints have been logged or when patrol officers report suspicions of drug activity and request that a letter be sent.<sup>12</sup> Considerable care is taken to ensure that warning letters are sent only when a sufficient number of credible complaints have been received. In an average year, the city begins full legal action against 15 to 20 property owners but sends warning letters to as many as 500.<sup>13</sup> Because of the willingness of the city to report having received complaints to both owners and occupants, many neighborhoods in Portland have gained relief from the impact of a local drug house before the cost in neighborhood deterioration became extreme. By using the warning letter process, the city of Portland has implemented a system that intervenes earlier in the destructive cycle of neighborhood decay, thus avoiding one of the biggest problems associated with overreliance on traditional enforcement strategies: having the solution arrive too late to benefit a community.

Many of the landlords who receive warning letters are referred to the Landlord Training Program. As part of the effort to market the training, all rental owners who are invited to the training are reminded of the Specified Crime Ordinance and their obligation to stop illegal activity on their property. In the initial years of training implementation, when landlords were particularly skeptical of government-sponsored training, the presence of the Specified Crime Ordinance provided a strong additional motivator for participants to attend the program. In effect, the combination of improved civil enforcement strategies and the offer of landlord training provides both "stick" and "carrot" for encouraging landlords to become part of the solution to neighborhood crime problems.

### **Training Officers**

Traditionally, police officers are trained to treat any matter that includes the application of civil law as a hands-off issue. The essential legal concern is that police will inappropriately take sides—for example, supporting the rights of property owners over the rights of tenants. However, a community-oriented approach requires that police address problems that foster the growth of crime, fear, and disorder in a community. Whether the solution to a community problem lies in criminal law, civil

law, or a simple expectation of human decency, the officer's choices must be guided by the need to reduce crime and maintain order, and not simply by the strength of the opportunity to make an arrest.

Training police officers to work differently with landlords and tenants is one of many ways that police across the country are asking those who "enforce" civil laws to become stronger partners in efforts to reduce crime. For example, many cities, such as Oakland, Milwaukee, and Albuquerque, have strengthened the partnership between building code enforcement and police. In effect, these building code enforcement efforts are based on the recognition of the relationship between poor property management and environments that promote drug and gang activity in residential neighborhoods. To put it in civil law terminology, these efforts help enforce the right of tenants to have decent and safe living conditions.

The Landlord Training Program is another part of the same approach, based on the recognition that dishonest tenants also contribute to an environment of drug and gang activity. Training landlords to be better managers for their good tenants and stricter managers against livability-harming behavior should be something that all law-abiding citizens can agree on. To put it in civil law terminology, the Landlord Training Program helps enforce the right of landlords, neighbors, and other tenants to live free of the threat of tenants who engage in, or permit, illegal activity on or near their residence.

When officers are trained in Landlord Training Program techniques, they are first shown that many tenant/drug activity situations are preventable with effective property management. Then they are trained in approaches for dealing with problems at rental properties that assume the involvement of both owners and occupants. In one training, operated by the Gresham, Oregon, Police Department, officers are shown the relationship between common criminal problems and the comparable civil violations as defined in the state's landlord/tenant law. One example of this relationship is a situation in which officers are called to the same property night after night because tenants are chronically engaging in fights, shouting matches, loud parties, or other disruptive behavior. In addition to any criminal laws they are violating, tenants are required by many state landlord/tenant laws to refrain from disturbing their neighbors' peace. It is appropriate for police to inform the landlord about going to an address on this type of disturbance call. Any good neighbor would notify the landlord, and there is no reason why an officer should not be expected to do the same. Showing officers the relationship between disturbance calls and landlord/tenant law violations can help promote stronger communication between law enforcement and landlords, and it potentially offers another avenue for quickly restoring order to a neighborhood.

It could be said that police have not helped their communities by disregarding most landlord/tenant disputes with the classic expression, "It's a civil matter. We don't deal with that." Likewise, civilians (landlords, tenants, or owner-occupants) have not helped their communities by assuming the reverse—that crime is purely a police matter. As confused landlords have said many times, "The neighbors said my tenants are dealing drugs, so I called the police and they will take it from there."

Often, police have chosen not to work on a problem because they inaccurately see the issue as strictly civil in nature, while civilians avoid working on a problem because they inaccurately see the issue as strictly criminal. The message of the training program to both police officers and civilians is entirely different; it is, "If a problem is harming the community, it is incumbent on both groups to find ways to fix it."

In this regard, the program resonates strongly with a famous quotation from Sir Robert Peel,<sup>14</sup> who in 1829 described the role of police this way:

The police are the public; the public are the police. The police are only members of the public who are paid to give full-time attention to duties that are incumbent on every citizen in the interest of community welfare and existence.

That is the point of the Landlord Training Program as well. The program was not designed to determine whether police or civilians are more to blame for a problem that harms the community welfare but to remind *both* groups that they should be doing more to solve the problem. The program provides both groups the tools to do so.

## Notes

1. Based on posttraining questionnaire data collected in Portland through the spring of 1993. Questionnaires were distributed to all participants at the end of each training session. Sample size was 3,335.
2. Six-month followup questionnaires were collected from 1989, 1990, and 1991 trainees. Questionnaires were mailed to each of the 2,641 "groups" of landlords who attended the trainings in those years (a "group" is one or more people responsible for the same property—in many cases a husband and wife). In all, 1,512 questionnaires (56 percent) were returned. The theoretic reliability of a sample of 1,512 out of a population of 2,641 is  $\pm 1.7$  percent, assuming a two-part variable with results evenly split, 95-percent confidence level.
3. Ibid.
4. Letter from Capt. Robert G. Brooks, Portland Police Bureau, Drugs and Vice Division, July 19, 1994. Capt. Brooks commanded the Drugs and Vice Division prior to the implementation of landlord trainings in Portland, moved on to other commands, and then resumed command of the Drugs and Vice Division 5 years after the program began. For more about the warning letter process, see *Coordination With Civil Enforcement Strategies*, page 36.
5. Should procedures related to copyright permission change at a future date, you will be advised of the new procedure at the time you submit your request. There is no charge to public agencies for receiving copyright permission and, as of the date of this publication, no plans to implement one.
6. Contact Det. Lt. David Bruess, Milwaukee Police Department, 749 W. State Street, Room 427, Milwaukee, WI 53233. Phone: 414-935-7131.
7. This result is an outcome of the different levels of proof required—the level of evidence required to evict, "preponderance," is lower than that required to convict, "beyond a reasonable doubt." See the section on *The Role of the Police* in the participant's manual, Section II of this monograph, for more on this topic.
8. Karin A. Long, Landlord Training Program coordinator, Department of Building Inspection, Milwaukee, Wisconsin.
9. Contact Oakland Police Department, Beat Health Unit, 455 Seventh Street, Oakland, CA 94607. Phone: 510-615-5808.

10. Focused Attack Linking Community Organizations and Neighborhoods (FALCON). The FALCON Narcotics Abatement Unit, organized in 1990, comprises personnel from the Los Angeles Police Department, City Attorney's Office, and Department of Building and Safety. The program's four major objectives are: (1) eliminating narcotics nuisance locations by encouraging cooperation of property owners, filing narcotics abatement lawsuits, and seizing real property; (2) establishing an integrated network of law enforcement and governmental agencies, community-based organizations, and concerned citizens; (3) providing neighborhood crime prevention and education programs to residents and businesses in targeted areas; and (4) fostering community coalitions among property owners, tenants, residents, and business owners.

11. Since the description regarding the Specified Crime Ordinance was written, the city of Portland has created a more comprehensive "Chronic Nuisance Ordinance" that covers a broader array of crimes. Enforcement is similar to that described for the Specified Crime Ordinance.

12. The Milwaukee, Wisconsin, Police Department also has a warning letter program.

13. For comparison purposes, note that Portland has a city population of approximately 500,000.

14. Sir Robert Peel, 1788-1850, English statesman considered the "Founder of Modern Policing," organized the London Metropolitan Police Department in 1829 around nine core principles commonly referred to today as "Peel's Principles."

# Section II

## National Landlord Training Program Participant's Manual

The following section reproduces the *National Landlord Training Program Participant's Manual* that landlords receive at training. It is provided in this monograph for law enforcement agencies because it is one of the simplest ways to show directly the content, scope, and paradigm of the Landlord Training Program. This manual can be used directly to train landlords or can be adapted to reflect local and state law to provide a more tailored document for a local jurisdiction.

# Landlord Training Program

KEEPING ILLEGAL ACTIVITY OUT OF RENTAL PROPERTY

## National Program Manual

A Practical Guide for Landlords and Property Managers

Third National Edition

Originally funded by the Bureau of Justice Assistance  
Office of Justice Programs, U.S. Department of Justice

Developed by  
John H. Campbell, Campbell DeLong Resources, Inc.

Based on the *Landlord Training Program Manual*  
originally developed for the City of Portland, Oregon  
by Campbell DeLong Resources, Inc.

Various parts of this document provide broad descriptions of legal procedure. However, **no part of this manual should be regarded as legal advice or considered a replacement of a landlord's responsibility to be familiar with federal, state, and local laws governing a particular jurisdiction.** If you need legal advice, seek the services of a competent attorney. Also, laws change. Information that is accurate at the time of printing may be rendered obsolete by the passage of new laws or revised judicial interpretations of existing law.

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We request that any errors or significant omissions be noted and forwarded to the above so that corrections in future versions may be made.

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# Foreword

Chronic drug dealing and other illegal activity can reduce a neighborhood to a mere shell of the healthy community it once was. In our frustration we often look only to the police or "the system" for solutions to crime and forget that neighbors and landlords have tremendous power over the basic health of a community.

To be sure, both city government and police agencies have a critical responsibility to facilitate strong communities, but we as citizens—landlords, tenants, and homeowners—remain the foundation that makes it all work. Citizens decide which problems in their community require action. Typically, city agencies respond to a problem only after citizens recognize and report illegal activity. When a problem arises, one of the first and most important decisions is made by the affected homeowners, tenants, and landlords—ignore the problem, run from it, or take action to solve it. Each of us plays a different role in addressing these problems; each bears a responsibility to keep a community strong.

The most effective way to address illegal activity occurring on rental properties is a coordinated effort among police, landlords, and neighbors. Efforts are under way to encourage neighbors to assume more responsibility for preventing crime on their blocks. Efforts are also under way to improve the way police address problems with drug activity in residential neighborhoods. What *you* can do is learn how to keep illegal activity off your property and make a commitment to removing or stopping it the moment it occurs.

This manual is intended to help honest tenants rent from responsible landlords while preventing tenants involved in illegal activity from abusing rental properties and the surrounding neighborhoods. We know that, in the past, abuses of the property rental system have come from both sides. We also know that most landlords want to be fair and that most tenants are good people. Responsible property management and ownership begins with the idea that such actions will benefit the whole community. If the information provided herein is used responsibly, all of us—tenants, landlords, and owner occupants—will enjoy safer, more stable neighborhoods.

# Points To Consider

## Know Your Local Landlord/Tenant Law

In this manual we cannot address the specifics of the landlord/tenant law in every state; it would take 50 different manuals to do so, because every state's law is different. While federal fair housing law applies nationwide, most laws that regulate rental relationships are local. Even among the many states that have adopted a version of the Uniform Residential Landlord and Tenant Act, differences in state laws remain. Following are a few examples of differences in state regulations:

- Some states allow local communities to establish rent-control laws; other states do not.
- In many communities, a landlord may evict a tenant without cause, while in some communities only for-cause or "just-cause" evictions are allowed.
- In each state the options, causes, notices, and procedures for enforcing landlord/tenant law and lease requirements vary.
- The length of time involved in regaining legal possession of a rental unit varies significantly from state to state.
- "Case law" also varies among states—even when two states' laws appear similar, they may have a history of being interpreted differently by the courts in the two jurisdictions.
- Some local communities have civil rights laws that go beyond the classes defined in federal fair housing law (race, color, religion, gender, handicap, national origin, and familial status). For example, some localities prohibit discrimination on the basis of marital status, sexual orientation, or source of income. Some jurisdictions limit the degree to which one may discriminate against persons who have been convicted of a crime.

Despite the differences, the philosophy behind the landlord/tenant law in each state is often very similar—landlord/tenant laws define a balance between the rights of rental owners to control, protect, and benefit from their investments and the rights of tenants to control, protect, and enjoy their private homes. Unfortunately, the balancing act results in some dissatisfaction on both sides. Scratch the surface in most states and you will quickly find people who believe the local laws are "stacked against the landlord" and others who believe with equal fervor that the laws are unfair to tenants.

What we have also found—on both sides—is a surprising high level of misinformation. We have repeatedly heard landlords inaccurately tell us

that the law "ties their hands" in ways that it does not and heard tenants express fear about powers that landlords do not actually have. We have also spoken with attorneys who are mistaken about the content of the landlord/tenant law. Given this experience, our suggestion is this: Do not necessarily believe "folk law," and do not assume that a person who claims to be a legal expert is one. If legal assistance is needed, find an attorney who specializes in landlord/tenant issues and read the local landlord/tenant statutes. Remember that the best chance for a fair application of landlord/tenant law comes with complete knowledge of the law.

## **Costs and Benefits**

Community-oriented property management is good business. Landlords and property managers who apply the active property management principles presented in this manual, and in the accompanying training, have consistently seen improvements in the quality of their rental businesses. Applying the information presented in this training can result in significant benefits to each of the three interest groups in a residential neighborhood—whole communities can become safer, residents can enjoy better housing, and landlords can enjoy greater business success. Here's how it works.

## **Costs of Drug Activity in Rentals**

When drug criminals operate out of rental property, neighborhoods suffer and landlords pay a high price. That price may include the following:

- Declines in property values, particularly when the activity begins affecting the reputation of the neighborhood.
- Property damage arising from abuse, retaliation, or neglect.
- Toxic contamination and/or fire resulting from drug manufacturing or growing operations.
- Civil penalties, including loss of property use, and property damage resulting from police raids.
- Loss of rent during eviction and repair periods.
- Fear and frustration from dealing with dangerous tenants.
- Increased resentment and anger between neighbors and property managers.

## **Benefits of Active Management**

Active management can prevent much of the rental-based drug crime occurring today. Developing an active management style requires a commitment to establishing a new approach to property management. Landlords and managers interviewed for this program who switched to more active management consistently report the following benefits:

- A stable, more satisfied tenant base.
- Increased demand for rental units.
- Lower maintenance and repair costs.
- Improved property values.
- Improved personal safety for tenants, landlords, and managers.
- Peace of mind from spending more time on routine management and less on crisis control.
- Appreciative neighbors.

# Preparing the Property

## The Basics

Make sure the aesthetic and physical nature of the property is attractive to honest renters and unattractive to dishonest ones.

## Keep the Property up to Habitability Standards

Maintaining housing standards is important to the public welfare and it protects against neighborhood decay. In addition, a substandard rental unit is more likely to attract drug criminals—it announces to potential criminals that the landlord's standards are low and that inappropriate tenant behavior is likely to be overlooked.

In addition, it can be time consuming and expensive to evict a problem tenant from a poorly maintained unit if the tenant is knowledgeable about housing laws. Landlord/tenant laws generally protect tenants from retaliation if the tenant complains that a landlord has not complied with minimum housing standards. If a landlord attempts to evict a problem tenant from a substandard unit, a court may weigh the behavior of a problem tenant against the actions of a problem landlord. In effect, landlords who fail to meet their responsibilities under the law may find that they have compromised their rights under the law as well.

Before renting your property, make sure it meets applicable local maintenance code, the habitability requirements of your local landlord/tenant law, and—if you rent to Section 8 tenants—the U.S. Department of Housing and Urban Development (HUD) standards for "decent, safe, and sanitary" housing. While many of the basic elements of these requirements will overlap, they will not do so entirely, so you will need to check all three sources to make sure you are in compliance. For a general discussion of basic requirements of these codes, see the chapter "Good Ongoing Management." For the specific code that affects your area, review applicable state and local laws.

## Crime Prevention Through Environmental Design Defined

Crime prevention through environmental design, known as CPTED (pronounced "sep ted"), is a field of knowledge developed in response to research demonstrating that the architecture of some buildings deters crime while the architecture of other buildings encourages it. The



**Make the environment part of the solution.**

### ADVICE GIVEN:

"Drug people don't like to be seen. They can set up anywhere, but the farther they are from the manager's office, or the more hidden the house is from view, the better they like it."

—Police officer

CPTED concept was originally designed to help reduce crime *to* a property (e.g., a burglar breaking in). This theory is now used to keep crime *from* a property (e.g., eliminate drug dealing, drug manufacturing, and illegal gang activity that originates from a property), as well.

CPTED concepts stress the importance of combining lighting, landscaping, and building design to create an environment where drug dealers, burglars, and other criminals do not feel comfortable. Basic steps include making it difficult to break into a property, closing off likely escape routes, and making sure public areas can be easily observed by people living nearby as they go about their normal activity. The four basic elements of CPTED are as follows:<sup>1</sup>

- 1. Natural surveillance.** Crime is less likely to occur if criminals believe they will be observed. Actions you can take to increase natural surveillance include keeping shrubs trimmed so they do not block the view from windows or porches; installing glass peepholes so children and adults can see who is at the door *before* they open it; pruning tree branches that hang below 6 feet; installing low-energy-usage outdoor lighting along walkways; installing motion-activated lights in private areas such as driveways; keeping drapes or blinds open during the day; and leaving porch lights on at night.
- 2. Access control.** Control the entries and exits. Crime is less likely to occur if criminals believe that entry to property is difficult or that escape routes are blocked. Examples range from something as simple as a locked door to a more sophisticated 24-hour guard station or remote-activated gate. The benefits of access control apply to individual apartments too—install deadbolt locks on doors and security pins in windows and sliding-glass doors. In high-rise apartments, the "buzzer" for opening the front door from inside an apartment is another access control device.
- 3. Territoriality.** Make a psychological impression that someone cares about the property and will engage in its defense. Conveying territoriality is accomplished by posting signs, maintaining general cleanliness and high maintenance standards, and encouraging residents to politely question strangers. Signs that tell visitors to "report to the manager," define rules of conduct, warn against trespassing, or merely announce neighborhood boundaries are all part of asserting territoriality. Cleaning graffiti off property quickly (within 24 hours) or painting a mural on a blank wall sends a territorial message as well.

<sup>1</sup> Although research on CPTED goes back decades, the description given here is based on information provided by the Tucson, Arizona, Police Department's Safe By Design Program.

- 4. Activity support.** Increase the presence of law-abiding citizens to decrease opportunities for criminals. Neighborhood features that are not used for legitimate activities are magnets for illegal activities. Organizing events or improving public services in parks and school yards, holding outdoor gatherings on hot summer nights, and accommodating bicyclists, joggers, and fitness walkers are all examples of activities that can increase community presence in public areas, thereby decreasing opportunities for illegal activity in these spaces.

How these concepts are best applied in a given property depends on many factors, including the existing landscaping, building architecture, availability of resident managers, management practices, presence of security personnel, desires of law-abiding residents, and more.

## Keep the Property Visible and Control Access

The following are some recommended "first steps" for making CPTED changes to rental property. Taken alone, few of the following elements will have a significant impact on crime. Implemented together, these steps will stop some drug operators from wanting to move into the property and will make it easier for neighbors (or surveillance teams) to observe and document illegal activity should it start. Initial CPTED steps include:

- **Use lighting to its best advantage.** Install photosensitive lighting over all entrances. Buyers, sellers, and manufacturers of illegal drugs do not like to be seen. At a minimum, the front door, back door, and other outside property entrances should be equipped with energy-efficient flood lighting that is either motion or light sensitive—turns on for a few minutes when a person approaches or turns on at sunset and stays on till dawn. Backyards and other areas should also be appropriately illuminated. Although lights should be used to illuminate the entrances and surrounding grounds, they should not shine harshly into windows. Be sure applicants understand that exterior lighting is part of the rental cost and that it must be left on.

Managers of apartment complexes should make sure that all walkways, activity areas, and parking lots are well lit, especially along the property perimeter. Covered parking areas should have lighting installed under the canopy. All fixtures should be vandal resistant. Landscape planning should take into account how future plant growth will affect lighting patterns.

- **Make sure fences do not obstruct views.** If you install fencing, chain link or wrought iron types are best because they limit access without offering a place to hide. Wood fencing can also be used effectively,

provided wide gaps are left between the boards. In some cases you might also consider a lower fence height—for example, 4 feet high instead of 6. Consider replacing or modifying wood fences that have minimal gaps between boards, and regularly trim hedges along fences.

- **Keep bushes around windows and doorways well trimmed.** Bushes should not impair the view through entrances and windows. Tree branches near ground level should also be trimmed to keep people from hiding in them.
- **Post addresses clearly.** Only a drug operator will benefit if addresses are difficult to read from the street. When address numbers are faded, hidden by shrubs, not illuminated at night, or simply falling off, neighbors will have one more hurdle to cross before reporting illegal activity, and police will have more difficulty finding the correct unit when called.

Large apartment complexes should have a permanent map of the complex, including a "you are here" point of reference, at each driveway entrance. These maps should be clearly visible in all weather and well lit. If the complex consists of multiple buildings, make sure building numbers can be read easily from any adjacent parking area, both day and night. Also make sure that rental units are numbered in a logical and consistent manner so that police can locate the appropriate unit as rapidly as possible.

- **Control traffic flow and access.** In larger complexes, control access points to deter pedestrian passers-by from entering the property; then do the same for automobile traffic. People involved in drug activity prefer "drive through" parking lots—those with multiple exits. Consider blocking some parking exits, adding fencing, and rerouting traffic so all automobile *and* foot traffic, coming and going, must pass the same point—within view of the manager's office.

If more traffic control is needed, issue parking permits to tenants. Post signs forbidding cars without permits to use the lot. Towing companies that specialize in this type of business can provide signs, usually for a nominal setup fee. Depending on the availability of street parking for guests, either deny guest parking altogether or limit it to specific spaces. Be consistent in having violators towed away. Remember, it is *your* parking lot, not a public one.

- **Before building, design for a strong sense of community.** Each of the other steps described in this section should be integrated into building plans to help design a safer rental unit from the start. In addition, for apartment complexes in particular, building plans should include design elements that will help foster a sense of community. Recreational areas and other community facilities can help encourage neighbors to become acquainted. Building layouts

should nurture more personalized neighborhood environments rather than reinforce feelings of isolation and separation from the community.

## Maintain the Property

Housing that looks cared for will not only attract good tenants, it will also *discourage* many prospective tenants who are involved in illegal activity. Changes that help communicate an image of "safe, quiet, and clean" may further protect the premises from persons who want housing where chronic problem activity may be tolerated. While these approaches are useful in any type of rental property, because of the day-to-day control that apartment owners have over the common areas of their property, the following approaches can make a particularly strong difference in multifamily complexes:

- **Remove graffiti quickly.** Graffiti may be the random work of a juvenile delinquent or the work of a gang member marking territory. Regardless of who created it, graffiti serves as an invitation for more problems, and it can demoralize and intimidate a neighborhood. If you believe graffiti may be gang related, call the police. Next, remove the graffiti or paint over it. Remove it again if it reappears—do not let it become an eyesore.
- **Repair vandalism.** As with graffiti, an important part of discouraging vandalism is to repair damages quickly. If the vandalism appears to be directed at you or your tenants, the police should be advised immediately, and you should discuss with the police additional approaches to address the situation.
- **Keep the exterior looking clean and fresh.** Freshly painted buildings, well-tended garden strips, and litter-free grounds help communicate that the property is maintained by someone who cares about what happens there.

# Applicant Screening

## The Basics

Attract honest tenants while discouraging dishonest applicants from applying for housing. Have a backup system to help determine if a dishonest person has applied. Use a process that is legal, simple, and fair.

## Overview

There are two ways to screen out potentially troublesome tenants.

1. **Encourage self-screening.** Establish situations that discourage dishonest persons from applying for housing. Every drug dealer who chooses not to apply is one more you do not have to investigate.
2. **Uncover past behavior.** Often, a thorough background check will reveal poor references, an inconsistent credit rating, or falsehoods on the application.

The goal is to weed out, as early as possible, any applicants planning illegal behavior. Screening applicants will save you time, money, and all the entanglements of getting into a legal contract with people who may damage your property and harm the neighborhood.

It is just as important that applicants read and understand the rules and the process as it is for you to implement the process initially. Implementing elements of the following suggestions may help protect you legally. Making sure that an applicant knows your commitment to the process may help prevent problems.

However, we must also offer a word of caution. If you are looking for a one-step solution, you will not find it here. There are no "magic" phone numbers you can call to get perfect information about applicants and their backgrounds. Effective property management requires adopting an attitude and approach that will discourage illegal behavior while encouraging the stabilization, and eventual growth, of your honest tenant base. What makes the following process so effective is not any individual step, but the cumulative value of the approach.

## Applicant Screening, Civil Rights, and Fair Housing

Landlords are sometimes confused about their rights in turning down applicants. A few landlords even believe that civil rights laws require

### An ounce of prevention...

#### COMPLAINTS HEARD:\*

"People say you should screen your tenants. You can't. The applicants lie about their previous landlord—they give you a fake address and the phone number of their brother. You call up the brother, he plays along, and you never discover they were evicted at the last two houses they rented."

"I thought I was calling the previous landlord and it was the applicant's parents—and the parents played along. It ended up in eviction some months later."

"We can't screen tenants worth anything. If you don't do it right, you could be sued for discrimination. So you check to see if they have income and that's it."

#### ADVICE GIVEN:

"I went to a meeting for landlords about these issues. I was surprised—most people in the room couldn't understand why they were getting bad tenants. They just couldn't see that there are ways to keep that from happening."

t Unless noted, quotes are from landlords or professional property managers. Note that some "complaints" contain inaccurate or incomplete assumptions about legal rights or procedures.

them to accept virtually *any* applicant; this is not the case. Civil rights laws are designed to protect the way applicants are screened and to make sure that all qualified applicants feel equally invited to apply. Federal fair housing guidelines prohibit discrimination based on race, color, religion, sex, handicap, national origin, or familial status (presence of children). Many state and local governments add other categories—marital status, sexual orientation, source of income, or participation in a government subsidy program are common examples. The purpose of these laws is to prevent discrimination based on protected class criteria. Nothing in the fair housing laws forbids you from setting fair screening guidelines and applying them equally to all applicants.

Keep in mind that *every* person belongs to these protected classes—each of us can be defined in terms of our race, color, religion, sex, and national origin, for example. So *any* time you deny an applicant, you have, in a sense, denied someone who belongs to a protected class. The question is whether or not you treat applicants or tenants unfairly *because* of the class to which they belong. If the criteria you set are blind to class issues and you apply them consistently, then you may turn down applicants who do not meet your criteria.

The key lies in making sure your screening process is fair—that it neither directly nor indirectly discriminates on the basis of one of the federally defined protected classes or other classes that may also be protected in your community. To comply, you should design a fair process *and* apply it consistently and equally to all applicants. The following examples are consistent with federal fair housing guidelines:

- You may have a rule that requires all applicants to show a photo I.D.,<sup>2</sup> so you could turn down applicants who cannot produce one. The practice becomes illegal when you apply the rule inconsistently—requiring I.D. from people of one class but not requiring it from those of another.
- You could give a document to all applicants that outlines the rules of the property and warns against selling drugs on the property. The practice becomes illegal when you give it to applicants of one class, but do not give it to persons of another. Should you develop such a document, make sure the wording does not discourage members of a protected class from applying.
- You could refuse to rent to anyone who lies to you during the application process or provides false information on the application. This is both legal and highly appropriate.
- You could require all applicants who intend to park an automobile on your property to show current car registration, proof of insurance, and a

<sup>2</sup> In those states where "age" is specifically defined as a protected class in rental housing, a landlord may need to exercise particular care in asking for a photo I.D.—which will typically show date of birth—to ensure that the process is done in a manner consistent with local law.

valid driver's license along with their completed rental application. You could deny tenancy to those who wish to have a car on the property without showing such documentation. Of course, if the person does not plan to keep a car, the requirement would be waived.

There is nothing illegal about setting fair criteria and holding *all* applicants to the same standards. Through the consistent use of such guidelines you can retain full and appropriate control over who lives in your rental units and who does not.

Finally, as you study the letter of the law, keep its spirit in mind as well. The sooner we eliminate the types of discrimination that weaken our communities, the sooner we can build a stronger, more equitable society.

## Written Tenant Criteria: What To Post

Many of the attorneys and legislative authorities interviewed for this program recommend developing written rental criteria and posting a copy of those criteria in your rental office. If you do not have a rental office that all applicants visit, they suggest attaching a copy of the criteria to *every* application you give out.

If you are going to use written criteria, remember to ask applicants to read the document. Posting information is of limited prevention value unless applicants know it is there.

The following is intended as a generic example of information a manager might post and direct each applicant to read. The intent of posting these criteria is to encourage every honest tenant to apply while providing dishonest applicants with an early incentive to seek housing elsewhere.

By itself, this information will deter only a few people involved in illegal activity; most have heard tough talk before. Many drug dealers expect landlords to be too interested in collecting rent to care about applicant screening. It is important to follow through in word and action—continually reinforce the point that you enjoy helping honest tenants find good housing through your careful screening process, then follow through and *actually screen the applicants*.

While we have attempted to make sure the following sections adhere to the goals of national fair housing guidelines, there may be criteria listed that do not meet the requirements of some state or local civil rights laws. Further, complying with federal and local civil rights laws involves much more than the language used in the applicant screening process. If you are not familiar with your fair housing responsibilities, seek information from a local rental housing association or from an attorney who specializes in the subject.

### ADVICE GIVEN:

"Most landlords, even some 'pros,' are still practicing the old way of doing things—they take a social security number, make one phone call, and rent to the person. Then they wonder where the problems are coming from. Well, the old methods don't work anymore."

"I've just quit relying on character judgment. For managing rental property, it does not work. I have a set application process, written down. Applicants must meet all the criteria. If they do, I rent to them. If they don't, I don't. It is simple, legal, and fair. At this point, every one of my properties has good people in it."

"Many landlords are frightened of the fair housing laws. Some believe they can't screen at all. If landlords establish a fair screening procedure and follow it equally for each applicant, they will have a very strong case against discrimination lawsuits."

"When I call previous landlords to verify an applicant's record, most are surprised to get a screening call from another landlord—apparently it happens too rarely."

You should adjust the following criteria as appropriate for your own needs. Whatever criteria you set, have them reviewed by an attorney familiar with current landlord/tenant issues before posting.

## Introduction

It is important to "set the tone" for your applicants—make sure that law-abiding, responsible applicants want to apply and that dishonest and irresponsible applicants begin to think twice about applying for housing at your property. The following is one possible approach:

We are working with neighbors and other landlords in this area to maintain the quality of the neighborhood. We want to make sure that people do not use rental units for illegal activity. To that end, we have a thorough screening process.

If you meet the application criteria and are accepted, you will have the peace of mind of knowing that other renters in this area [apartment complex] are being screened with equal care and, as a result, there may be a reduced risk of illegal activity occurring in the area.

Please review our list of criteria. If you feel you meet the criteria, please apply.

Please note that we provide equal housing opportunity; *we do not discriminate on the basis of race, color, religion, sex, handicap, national origin, or familial status* [add other protected classes as required by state and local law].

## Screening Criteria

A complete application is required for each adult. One application for each adult (18 years of age or older). If a line is not filled in, or the omission is not explained satisfactorily, we will return the application to you.

This criterion helps ensure that every application provides enough information for you to make an informed decision. One of the simpler methods of hiding a person's financial history is to "forget" to fill in the social security number or date of birth on the application form. Without a full name, social security number, and date of birth, credit checks cannot be run. To a person contemplating illegal activity, this requirement will communicate a very basic message—that you will actually screen your applicants. That message alone will turn away some applicants.

This rule also allows you to require an application from *each* adult and not just the person with a good rental history. People involved in illegal activity may have friends and roommates who still have good credit or a good rental history. The obvious approach for such people is to have the person with the good rental history apply, then follow that person into the unit. You have a right to know who is planning to live in the unit, so require an application and verify the information for each person.

Two pieces of I.D. must be shown. We require a photo I.D. (a driver's license or other government-issued photo identification card) and a second piece of I.D. as well. Present them with your completed application.

This is a simple and effective rule. Note that the second piece of identification does not have to be very "official"—generally a credit card, a student I.D., or many other types of cards will do. The issue is that a person who carries false identification may not have *two* pieces of false I.D. under the same name. Also, *especially if you are in a state or local jurisdiction where age is specifically defined as a protected class in rental housing*, it will be important to verify your procedure for reviewing photo I.D. with an experienced landlord-tenant attorney prior to implementing this policy.

**Your rental history must be verified by unbiased sources.**

If you are related by blood or marriage to one of the previous landlords listed, or your rental history does not include at least two previous landlords, we will require a qualified cosigner on your rental agreement (qualified cosigners must meet all applicant screening criteria) or an additional security deposit of \$\_\_\_

It is your responsibility to provide us with the information necessary to contact your past landlords. We reserve the right to deny your application if, after making a good faith effort, we are unable to verify your rental history.

If you owned—rather than rented—your previous home, you will need to furnish mortgage company references and proof of title ownership or transfer.

Variations of this rule have been used by many landlords to address the issue of renting to persons who do not have a rental history or who say, "I last rented from my mother (or another relative)." This makes it harder for a dishonest applicant to avoid the consequences of past illegal behavior—if asked to provide a reference, loyal relatives may *say* a potential tenant is reliable, but they may think twice about cosigning a rental agreement if they know that is not true.

If requiring a cosigner seems unwieldy for your type of rentals, you may want to offer a different option, such as requiring additional pre-paid rent or a security deposit from people who do not have a verifiable rental history. Of course, check your local law for any guidelines on the amount of allowable fees or deposits.

**You must have sufficient income/resources.** If the combination of your monthly personal debt, utility costs, and rent payments will exceed \_\_\_% of your monthly income before taxes, we will require a qualified cosigner on your rental agreement (or an additional deposit of \$\_\_\_). If the combination exceeds \_\_\_% of your monthly income, your application will be denied.

We must be able to verify independently the amount and stability of your income through sources such as pay stubs, employer/source contacts, or tax records. If you are self-employed, you will be required to submit a business license, tax records, bank records, or a list of client references.

You can, and should, verify self-employment. Drug dealers may describe themselves as self-employed on the assumption that you will have to take their word as verification. Some will be unprepared to supply tax returns, a copy of a business license, or other verification.

Note that it may be appropriate to remove all income requirements for Section 8 applicants because your local public housing agency (PHA) will have determined already the amount of the subsidy based on the ability to pay. Also, some landlords include a condition for applicants who do not have a regular monthly income but do have substantial savings on which to draw. Landlords who set such guidelines often define a minimum cash net worth (described as a multiple of the monthly rent) for people in this category.

**Section 8 applicants must allow information access.** Section 8 applicants must sign a consent form allowing the local public housing agency to verify information regarding their rental history.

New HUD guidelines permit PHAs to allow the landlord to verify certain information in the applicant's Section 8 file. Check with your local PHA to find out how the guidelines are applied in your area.

**False information is grounds for denial.** Your application will be denied if you misrepresent any information on the application. If misrepresentations are found after a rental agreement is signed, your rental agreement will be terminated.

If applicants are not honest with you, you may turn them down; it's that simple.

**Criminal convictions for certain types of crimes will result in denial of your application.** Your application will be denied if, in the last \_\_\_ years, you have been convicted of any type of crime [including the manufacture or distribution of controlled substances] that would be considered a serious threat to real property or to other residents' peaceful enjoyment of the premises.

This criterion is more controversial than it may seem, because even people who have been convicted of a crime need a place to live. In some states people who have been convicted of a crime and served their time are granted limited protected-class status. Check local laws for an approach that will be appropriate. Do not use this requirement as a crutch—many drug dealers have not yet been convicted of a crime. In addition, few people who are planning to use a rental for illegal activity, whether or not they have a criminal record, will have a clean, verifiable rental history. If you are performing the other recommended screening steps conscientiously, this criterion will often be unnecessary.

In this regard, we note that very experienced property managers will sometimes accept an applicant with specific types of recent criminal convictions, provided additional conditions are met such as a qualified cosigner on the lease and an interview with the applicant's parole or probation officer prior to moving in. However, while such an approach may be appropriate for skilled landlords with few problems on their properties, it is generally a very poor idea for inexperienced landlords or those who are already struggling to remove existing illegal activity from their rental property.

**Certain court judgments against you may result in denial of your application.** If in the past \_\_\_ years you have been through a court-ordered eviction, or had any judgment against you for financial delinquency, your application will be denied. This restriction may be waived if there has not been more than one such incident, the circumstances can be justified, *and* you provide a qualified cosigner on your rental agreement.

Although in most cases you may turn down an applicant who has been through a recent court-ordered eviction, we recommend maintaining flexibility in some instances. After all, some evictions are not deserved. It also seems inherently fairer to give people who have made a single mistake the chance to improve.

**A poor credit record (overdue accounts) may result in denial of your application.** Credit records showing occasional payments within \_\_\_ days past due will be acceptable, provided you can justify the circumstances. Records showing payments after \_\_\_ days are not acceptable.

If you are renting your property, you are effectively making a loan of your property to your tenant. Banks do not loan money to people with poor credit; you do not have to loan the use of your property to such persons either.

You also may want to stipulate exceptions for late payment of specific types of bills. For example, you might wish to allow exceptions if the only unpaid bills are for medical expenses. However, regardless of what exceptions you define, remember that it is a very poor idea to accept tenants who have a history of not paying previous landlords—if they did not pay the last landlord, they may not pay you either.

**Poor references from previous landlords may result in denial of your application.** You will be turned down if previous landlords report significant complaints such as repeated disturbance of the neighbors' peace; reports of prostitution, drug dealing, or drug manufacturing; damage to the property beyond normal wear; reports of violence or threats to landlords or neighbors; allowing persons not on the lease to reside on the premises; and failure to give proper notice when vacating the property.

Also, you will be turned down if a previous landlord would be disinclined to rent to you again for any reason pertaining to lease-violations by you, your pets, or others allowed on the property during your tenancy.

Check your local laws for the behaviors you can list in this type of requirement. The preceding example uses a combination of violations listed in one state's landlord/tenant law and the suggested screening criteria for landlords and rental agreement requirements commonly used by landlords.

**There is a \$\_\_\_\_ earnest deposit, conditionally refundable.** If you are accepted as a tenant, the deposit will be applied to your security deposit. If you withdraw your application after we have incurred screening expenses, we will not refund your deposit. In all other cases, the deposit will be refunded.

This is another policy that may not be legal in all states. For landlords who can use it, the key is to ensure that every applicant who does apply is committed to renting the unit, so the landlord does not waste time and money screening applicants who are not planning to rent. This requirement may also discourage some people involved in illegal activity from applying. See the discussion on page 34 for more on this topic.

**We will accept the first qualified applicant.**

In the interest of ensuring that you meet the requirements of fair housing law, this is the best policy to set. Take applications in order, noting the date and time on each one. Start with the first application. If that applicant meets your requirements, go no further—offer the unit to the first applicant. This is the fairest policy you can set, and it helps ensure that you do not introduce inappropriate reasons for discriminating when choosing between two qualified applicants.

## Rental Agreement

Some landlords post a copy of the rental agreement next to their screening requirements; others offer a copy of the rental agreement to anyone who wishes to review it. The key is to make sure that each applicant is aware of the importance you place on the rental agreement. In addition, you may want to set a procedure to ensure that every applicant is aware of the key elements of the agreement that limit a tenant's ability to allow others to move onto the property without the landlord's permission. One approach is the following:

If your application is accepted, you will be required to sign a rental agreement in which you will agree to abide by the rules of the rental unit or complex. A complete copy of our rental agreement is available for anyone who would like to review it. In particular, in addition to other important requirements, please note that your rental agreement will:

- Require that you prevent all household members, guests, and visitors from engaging in any lease-violating behavior.
- Forbid you and any member of your household, or your guests, from engaging in illegal drug use, sale, manufacture, distribution, or other criminal activity on or near the property.
- Limit your ability to allow guests to stay for long periods without the advance permission of the landlord.
- Provide that serious or repeated violations of the lease requirements on these items, or any other item addressed by the rental agreement, will result in termination of your rental agreement.

Please read the rental agreement carefully, because we take each part of the agreement seriously. The agreement has been written to help us prevent illegal activity from disturbing the peace of our rental units and to help make sure that our tenants are given the best housing we can provide.

## **Other Forms and Procedures**

At this point, you may want to post information, as applicable, about waiting list policies, security deposits, prepaid rent, pet deposits, check-in/check-out forms, smoke detector compliance, and other issues relating to rental of the unit.

## **Regarding "Borderline" Applicants**

The preceding criteria include a number of examples in which exceptions can be made in borderline cases if the applicant can provide a cosigner. Alternately, some flexibility can be introduced by setting rules that require borderline applicants to provide larger deposits or more prepaid rent (check local law for limits on additional amounts that can be charged). Introducing such flexibility in your application process can ensure, for example, that you do not turn down good applicants who have a single justifiable problem on their credit report. Use of such conditions can result in a fairer process for your applicants as well. As with

all aspects of managing rental housing, apply your policies for border-line applicants consistently regardless of the protected class of the applicant.

## Application Information: What To Include

The best approach to drafting a rental application is to avoid reinventing the wheel—contact a local legal publishing company, a rental housing association, or your own attorney for copies of appropriate forms that are currently in use. Whether you are using application forms or rental agreements, make sure you have forms that are designed specifically for the laws that govern your area and are up to date with any recent changes in these laws.

Required information on most standard forms includes the following:

- Full name (first, middle, and last).
- Date of birth (check local law for regulations that may impact the legality of a landlord asking for date of birth on an application).
- Driver's license/I.D. number and state where it was issued.
- Social security number (this is necessary for a credit check).
- Name, date of birth, and relationship of all people who are going to occupy the premises.
- Name, address, and phone number of last two landlords.
- Income/employment history for the past year. Income or salary information should include contact/supervisor's name, phone number, and address. If the applicant is self-employed, require a copy of the business license, tax returns, bank records, or client references.
- Additional income. It is necessary to list only the income that the applicant wants to include for qualification.
- Credit and loan references, including auto payments, department store and other credit cards, or other loans.
- Bank references, including the name, address, and phone number of the bank, as well as the applicant's account number.
- Name and phone number of a person to call in case of an emergency.
- Information about pets.

The following question is *not* typically on standard forms, but could be added as a standard question for all:

In the last \_\_\_ years, have you, or any other person named on this application, been convicted of dealing or manufacturing illegal

drugs? (You could also ask about other types of crime that would constitute a threat to the health, safety, or welfare of other tenants or neighbors—burglary, robbery, sexual assault, and child molestation are common examples.)

*If you are going to use this question make sure you include it on all application forms.*

Of course, if an applicant has been convicted, he or she may lie about it. However, if you discover that an applicant has lied on the application, you have grounds for denying the application or, with the right provision in your lease, terminating the tenancy. Also, this is one more warning to dishonest tenants that you are serious in your resolve to maintain a safe and well-run property.

## **Fees and Application Deposits**

In some states, landlords charge an application fee to defray the cost of screening potential tenants. Other landlords require an earnest money deposit at the time of application to make sure the applicant is serious about renting the unit. While policies vary, most stipulate that, if the applicant is accepted but chooses not to rent the apartment, the fee or deposit will not be refunded. The practice of charging a fee or deposit has the following prevention benefits:

- **Fees and deposits can promote "self-screening."** People who are planning illegal activity may recognize your fee as further indication of your commitment to screen carefully. Further, such a policy can discourage people who plan to fill out multiple applications, waiting to set up a drug operation wherever they are accepted first.
- **Fees and deposits can save you time.** You will spend less time screening people who are not fully committed to renting the unit. Also, with a financial commitment involved, an applicant might take an extra few minutes to make sure every line on the application is filled in completely and accurately—making your verification process that much easier. Your best investment of the time you save is to spend it screening each applicant more thoroughly.

Charging an earnest money deposit, or an application fee, is not for every landlord. In addition, because of the potential for abuse, local landlord/tenant laws often regulate policies associated with deposits and fees, so check your local law to ensure that the policy you set is acceptable. Unless deposits are regulated differently in your area, we suggest the following approach as a fair policy:

- **Keep it reasonable.** For example, charge enough to cover the direct out-of-pocket costs of screening a single applicant, but not more (e.g., the cost of a credit check or the amount you pay a screening

company). Remember, the major value of charging an application fee or collecting a deposit is to make sure the applicant is committed to renting the unit—the fee will not necessarily cover all the costs you incur to screen applicants.

- **Keep it fair.** Return fees or deposits to all honest applicants who were not given the opportunity to rent the unit. Return the money even if you incurred some screening costs for those applicants. If honest applicants are required to pay a fee even when they are not offered an apartment, the cost of just *finding* housing can become prohibitive.

For more information about fee and deposit policies, as well as guidance on appropriate forms to use, contact a local property management association or an experienced landlord/tenant attorney. Managers running multifamily units may also wish to consult those same sources about a related issue—how to implement a fair waiting list policy for qualified applicants who are willing to wait for an available unit.

## How To Verify Information

Many landlords are *surprised* to receive calls from other landlords inquiring about the quality of a past tenant; apparently it does not happen often enough. As one landlord put it, "You can spend \$100 in time and money up front or be stuck with thousands later." As another put it, "Ninety-nine percent of these problems can be avoided through effective screening. There is no better investment you can make."

As you review the following list, keep in mind that you will not have to complete every step for each applicant, but the basics, in bold letters, should be done every time. *If you implement no other recommendations in this manual, implement these.*

1. **Compare the I.D. to the information given.** Make sure the photo I.D. matches the applicant and the information matches that given on the application form. If the picture, address, and numbers do not match the application information, find out why—you may have cause to turn down the application. Unless obvious inconsistencies can be explained and verified to your satisfaction, you do not have to rent to the applicant.
2. **Have a credit report run and analyzed.** A credit report will provide independent verification of much of the application material, such as past addresses, court-ordered evictions, credit worthiness, and past-due bills. The reports are not foolproof, but they provide a good start. To receive copies of credit reports, try these options:
  - Join a credit bureau directly. If you are managing a number of units and are likely to screen multiple applicants every month, you may find it cost-effective to join a credit bureau directly and

spend the time to learn how to interpret their reports. While this is an option, note that even some very large management companies go through associations or contract with applicant screening firms to gain the benefit of their outside expertise.

- **Have a third party pull the report and offer interpretation.** If you are not screening a sufficient volume of applicants or would like assistance interpreting the reports, contact an applicant screening firm or local rental housing association for assistance. Services vary from organization to organization, and you should shop for the organization that best meets your needs. At one end of the spectrum are organizations that handle the entire applicant screening process for you. At the other end of the spectrum are organizations that simply pull the reports and mail you a copy. There are many variations between these options.
3. **Independently identify previous landlords.** The most important calls you make are to the previous landlords. The best indicator of a tenant's future behavior is his or her past behavior. To begin, verify that the applicant has given you accurate information.
- **Verify the applicant's past address through the credit check.** If the addresses on the credit report and the application do not match, find out why. If they do match, you have verification that the tenant *actually lived there*.
  - **Verify ownership of the property through the tax rolls.** A call to the county tax assessor will give you the name and address of the owner of the property that the applicant previously rented. Title companies and real estate brokers typically have ready access to this information as well. If the name on the tax records matches the one provided by the applicant, you have the *actual landlord*. If the previous landlord listed on the application does not match the owner listed on the tax rolls, the listed landlord could still be legitimate—sometimes tax rolls are not up to date, property may have changed hands, the owner may be buying the property on a contract, or a management company may have been hired to handle landlord responsibilities. Most of these possibilities can be verified. If nothing else, a landlord who is not listed as an owner on the tax rolls should be familiar with the name of the person who *is* listed, so ask when you call.
  - **If possible, cross-check the previous landlord's phone number with the phone book.** This may uncover the possibility of an applicant giving the right name but a different phone number (e.g., the phone number of a friend who will pretend to be the previous landlord and vouch for the applicant). If the owner's number is unlisted, you will have difficulty verifying the accuracy of the number provided on the application. The local phone

company may be willing to give you the name of the person whose number is listed on the application.

Now you have verified the previous landlord's name, address, and perhaps even his or her phone number. If the applicant gave you intentionally false information, deny the application. If the information matches, call all previous landlords listed on the application.

Remember, if the applicant is currently renting somewhere else, the present landlord may have an interest in moving the tenant out and may be less inclined to speak honestly. In such an instance, your best ally is the landlord before that—the one who is no longer involved with the tenant. *Be sure you locate and talk to a past landlord with no current interest in the applicant.*

- 4. Have a prepared list of questions that you ask each previous landlord.** Applicant verification forms—generally available through rental housing associations or through legal publishing companies—give a good indication of the basic questions to ask. You may wish to add other questions that pertain to your screening criteria. In particular, many landlords we spoke with use the question, "If given the opportunity, would you rent to this person again?"

Also, if you suspect the person is not the actual landlord, ask about various facts listed on the application that a landlord should know—the address or unit number previously rented, the zip code of the property, the amount of rent paid. If the person is unsure, discourage requests to call you back and offer to stay on the line while the information is looked up.

- 5. Get cosigners if necessary.** If the applicant meets one of your defined "borderline" criteria—such as having rented from a relative previously—and you have posted the appropriate rule, require that a cosigner apply with the applicant. Verify the credit and background of the cosigner just as you would a rental applicant. To ensure the legal strength of the cosigning agreement, you may wish to have your attorney draw up a document to use for such purposes.
- 6. For Section 8 renters, hand deliver a written request for information to your local PHA.** This process is dependent on your local PHA's procedures and thus will not be available in all areas. In a nutshell, once you have a signed release from the applicant, you may be able to verify information on the application against that contained in the PHA's files.
- 7. Verify income sources.** Call employers and other contacts using phone numbers from the phone directory. If an applicant is self-employed, get copies of bank statements, tax returns, business licenses, or a list of client references. *Do not cut corners here;* many drug distributors wear pagers, have cellular phones, and generally

appear quite successful, but they cannot verify their income with tax returns, bank statements, or references from established clients.

- 8. Consider checking for criminal convictions.** The process for obtaining criminal background information will vary by state, but you typically will have the right to obtain such information. Outcomes of court proceedings are generally in the public record and can be obtained through the local court system. Note, however, that many law enforcement agencies may not be able to disclose information about someone's criminal background. If your local police agency cannot release information on criminal convictions, this does not necessarily mean the information is unavailable; it may only mean that the information is not available through that channel. Again, you may need to go directly to court records to obtain the information you need. There may also be private tenant screening firms in your area that will do criminal background searches for you. Your chances of getting verifiable information are better if you have the applicant's name, date of birth, social security number, and current address.

One cautionary note: Many attorneys advise that convictions—but not *arrests*—may be used as a basis for rejecting an applicant. Patterns of arrest have proved to be discriminatory against protected classes and, as such, would be inappropriate to use as a screening criterion. Finally, resist the urge to rely too heavily on this screening technique—there are many drug criminals who have not yet been convicted of a crime.

- 9. Verify all other information according to your screening criteria.** Remember, before you call employers, banks, or other numbers listed on the application, verify the numbers through your local phone book or long distance directory assistance.

## **A Note About Hiring**

Many rental property owners hire people to assist with tenant screening, routine maintenance, and other tasks. It is critical that resident managers and other "agents" of the landlord be screened even more thoroughly than applicants for tenancy. In general, when an employee breaks the law while on duty, both the employee and the employer can be held responsible by the party that is harmed by the action. When an employee violates an element of rental housing law your potential liability should be reason enough for extra screening efforts in the hiring process.

One screening tool for job applicants that you will want to seriously consider is a criminal conviction check, even if you do not check criminal backgrounds on prospective renters. Once property managers are hired, make certain they are trained in effective applicant screening and in the

warning signs of dishonest applicants. Be sure property managers understand and follow the requirements of fair housing laws as well.

## How To Turn Down *an Applicant*

In general, if you have posted fair rental criteria and you screen *all* applicants against those criteria, you may safely reject an applicant who does not meet your guidelines. Opinions vary regarding the amount of information that is required to be given to an applicant who is denied a rental unit. (Note: if you are managing public housing or publicly subsidized units, your disclosure requirements may be greater than the ones described here.) We recommend, at minimum, following the guidelines for denial of credit defined by the Federal Government in the Fair Credit Reporting Act (FCRA). Check to see if your local jurisdiction requires additional disclosure.

The following is intended as a general overview of how it works for two different types of applicant rejections. See the law itself for an exact description.<sup>3</sup>

- **If the rejection is based on information, in whole or in part, from nonpaid sources** (the word of a previous landlord, for example): While you are not required to disclose immediately your reason for rejecting applicants in these situations, you are required to advise applicants of their right to submit, within 60 days, a written request for that information and their right to a response from you, within a reasonable period of time, disclosing the nature of the information upon which the adverse decision was made.

Sample wording: "Based on a check of information you provided in your application, you do not meet our posted rental criteria. If you have questions about this decision, you may submit a request in writing to (your name and address) within 60 days, and we will explain the basis for the decision within a reasonable period of time."

Of course, if you receive such a request, then you should report the nature of the information upon which the adverse decision was based. Again, if your screening criteria are free of illegal discrimination and you have applied your criteria consistently, then you may safely reject applicants who do not measure up.

*Note this small additional requirement if the rejection is based on information from a person who is your "affiliate" (e.g., a coworker or co-owner):* The process is identical to that described above, except that the required response time is specifically stated—30 days or less from the date the landlord receives the rejected applicant's written request.

Of course, when possible, keep it simple. For example, if you are turning down an applicant simply because you accepted an earlier

<sup>3</sup> For more information, contact the Federal Trade Commission by phone at 202-326-3128, or by mail at Sixth Street & Pennsylvania Avenue NW., Washington, DC 20580. A full copy of the text of the FCRA can be obtained via the Internet at [www.ftc.gov](http://www.ftc.gov).

applicant, just say so. Or, if one look at the application indicates that the person doesn't have nearly enough income to rent the unit, don't make the applicant wait a week to find out—again, just say so.

- **If the rejection is based, in whole or in part, on information from a credit report, screening company, or other organization that you pay to provide screening information:** Because of the potential for abuse of, or misinformation in, credit reports, the Fair Credit Reporting Act requires that very specific information be provided to applicants who are rejected based on information obtained from a consumer reporting agency. While the information may be provided orally, it is a good idea to give written notification just to make sure you are in full compliance with the Act. The following is intended only as a brief orientation. The screening company or other consumer reporting agency you work with should be able to answer your questions and provide you with a simple, written form to help ensure you are in full compliance with the Act.

In situations where adverse decisions are based, in whole or in part, on information from a consumer credit report, a landlord is *required* to provide the rejected applicant all of the following information:

- Notice of the rejection. Sample wording: "Based on information we have received from your credit report (or other paid source) you do not meet our written rental criteria and we have therefore chosen to deny your application for tenancy."
- The name, address, and telephone number (including a toll-free number if the agency is one that keeps nationwide consumer files) of the consumer reporting agency used that furnished the information.
- That the consumer reporting agency did not make the decision to reject the applicant and therefore it is likely that they will not be able to explain the reason for the adverse decision.
- That the applicant has the right to contact the consumer reporting agency within 60 days to receive a free copy of his or her report.
- That the applicant has the right to dispute the accuracy or fairness of information in a consumer report furnished by the consumer reporting agency.

(Note: Have applicants get a copy of their consumer report directly from the credit reporting agency, rather than, for example, providing the applicant with a photocopy of the report you received.)

Again, in the interests of proving you have met disclosure requirements, you may want to hand out an information sheet with the disclosure process described and appropriate addresses provided. Contact a local property management association for more details, and again, check your local law for additional disclosure requirements.

## Other Screening Tips and Warning Signs

The following are additional tips to help you screen applicants. You should also be familiar with the warning signs described in the "Warning Signs of Drug Activity" chapter of this manual.

- **Consider using an "application interview."** Some landlords have started conducting a brief oral interview, often at the same time they accept the written application. Landlords who use this approach find it has these advantages: First, applicants don't know which questions are coming, so it is harder to make up a story—something that shouldn't bother an honest applicant, but may uncover a dishonest one. Second, the landlord has the opportunity to watch responses and take mental notes of answers that seem suspicious. For example, honest applicants usually know their current phone number or middle name without having to look it up.

The interview involves, at minimum, making sure the applicant can repeat basic information requested on the application form without reading it. For example, the landlord might ask the applicant to verify his or her full name, current phone number, current address, and other pieces of information that most honest applicants will know without having to look up.

As with all policies you set, if you decide to do application interviews, you should include a commitment to making reasonable accommodations for those who cannot comply due to status in a protected class—e.g., a handicap that causes a speech problem or language skills associated with a particular national origin.

If you choose not to use an interview approach, at minimum observe the way the application is filled out. Applicants may not remember the address of the apartment they lived in 2 years ago, but they should know where they live now, or just came from. Generally, honest applicants can remember their last address, the name of their current landlord, and other frequently needed facts about their life.

- **Consider a policy requiring that applications be filled in onsite.** Some property managers require all application forms to be filled in on the premises—an applicant may keep a copy of the form only after it has been filled in and signed and a copy has been left with the landlord or manager. Applicants who are unsure of some information should fill in what they can and come back to fill in the rest. Such a policy should not be a barrier to honest applicants—in most cases, they would have had to return to bring back the signed application anyway. However, this policy can hamper the ability of dishonest applicants to fabricate a story.

Assuming you have communicated your commitment to keeping illegal activity off your property, such a policy may also allow

dishonest or dangerous applicants to exit with minimal confrontation—leaving without an application in hand that they are less likely to complete. Once off the premises, they may simply choose not to return.

Again, if you use such a policy, make sure it includes reasonable accommodation for otherwise qualified people whose particular handicap or other protected characteristic would cause this policy to be a barrier to their application.

- **Watch for gross inconsistencies.** When an applicant arrives in a brand new, luxury sports car and fills out an application that indicates an income of \$1,000 a month, something is not right. There are no prohibitions against asking about such an inconsistency or even choosing to deny the applicant because the style of living is grossly inconsistent with the stated income. You may also deny the applicant for other reasons that common sense would dictate are clearly suspicious (credit reports also can reveal such oddities—for example, if the applicant is paying out much more per month to service credit card debts than the applicant is taking in as income). Many landlords do not realize that unless such a decision would cause a disproportionate rejection of people of a protected class (such as race, color, religion, and other characteristics) the law allows room to make such judgment calls.

Although you may not discriminate on the basis of race, color, religion, gender, handicap, national origin, familial status (the presence of children), or other classifications that may be added by your state or local jurisdiction, you may discriminate on the basis of many other factors *provided the effect is not a disproportionate denial of a protected class*. If you deny an applicant for such a reason, record your evidence and the reason for your decision. Be careful when making decisions in this area, but do not assume your hands are tied. The law is written to prevent discrimination against protected classes. You are not required to look the other way when gross inconsistencies are apparent.

- **Be aware that people involved in illegal activity may use "fronts" to gain access to your property.** You may rent to someone who has an acceptable rental history and no record of illegal activity, yet once that person moves in, boyfriends, girlfriends, other acquaintances, or family members may move in and begin dealing drugs and committing other crimes or causing nuisances. In some cases, the people to whom you thought you rented do not move in at all—after using their good references to rent the unit, they give the key to drug dealers for a fee. Work conducted with landlords across the nation has repeatedly shown that when illegal activity is based in rental property, rarely is the worst of the behavior committed directly by

the tenant—more commonly it is committed by guests, visitors, or unauthorized roommates, who are on the property with the tenant's permission. This is why, nationally, it is the permission granted by irresponsible tenants, to guests and others who have not signed the rental agreement, that results in some of the greatest harm to the quality of life in rental communities—both public and private.

Warning applicants that they will be held accountable for the actions of their guests and enforcing such a requirement with your tenants are key to protecting your property and the surrounding neighborhood. Make sure your tenants know that they must control their guests and that, if they cannot do so, they should ask for help quickly. Further, in most states, rental agreements may specify that only people named on the agreement are allowed to use the unit as their residence. Make sure such a stipulation is in your rental agreement (to the degree permitted by your state law) and point it out to all applicants, emphasizing that having another person move in requires submitting an application for that person and allowing you to check their references before permission is granted.

If you make it clear you are enforcing these rules only to prevent illegal activity, you may discourage potential drug dealers and keep good tenants feeling more protected. You can also address the concerns of good tenants if you assure them that you will not raise the rent because an additional person moves in. For more about this issue, see the section on *Rental Agreements* beginning on page 31.

- **Watch out for Friday afternoon applicants who say they must move in that very weekend.** Drug dealers know that you may not be able to check references until Monday, by which time they will already be in the rental unit. Tell the applicant to find a hotel or a friend to stay with until you can check references. Could it cost you some rent in the short run? Yes. Will it save you money in the long run? *Absolutely.* Ask any landlord who has dealt with a drug problem in a rental unit; it is worth avoiding. (Some landlords allow weekend applicants to move in if they can independently verify their story, but you are better off waiting until you can verify the entire application.)
- **Observe the way applicants look at the unit.** Do they check out each room? Do they ask about other costs, such as heating, garbage service, and others? Do they visualize where the furniture will go, which room the children will sleep in, or how they will best make use of the kitchen? Or did they barely walk in the front door before asking to rent, showing a surprising lack of interest in the details? People who are planning an honest living care about their home and often show it in the way they look at the unit. Some people who rent for illegal operations forget to pretend they have the same interest.

In addition, if the applicant shows little interest in any of the property *except* the electrical service, take note—both methamphetamine labs and marijuana growing operations can include rewiring efforts.

- **Consider alternate advertising methods for your property.** Rental properties that are within a few miles of colleges or business parks may be desirable housing for students or professionals. Some landlords have found success in posting advertising at such locations, thus targeting people who already have a credible connection with the community.

If you are considering using alternate advertising, keep in mind that fair housing guidelines apply to all aspects of managing rental housing, including advertising selection. Advertising through community colleges only may be acceptable, because such colleges typically enroll a broad cross-section of the community. But it would be inappropriate to advertise exclusively through a church newsletter or through the newsletter of a private club where the membership is not representative of the greater community because such approaches could establish patterns of inappropriate discrimination. Either expand your media selection or change it altogether to make sure you are reaching a fair cross-section of the public.

- **Consider driving by the tenant's current residence.** Some property managers consider this step a required part of verifying every application. A visual inspection of applicants' current residences may reveal much about what kind of tenants they will be. Be sure you are familiar with visual indications of drug activity before you look at previous residences.
- **Announce your screening approach in your advertising.** Some landlords have found it useful to add a line in their advertisements announcing that they carefully screen applicants or that they run credit checks. The result can be fewer dishonest applicants choosing to apply. Select your wording with care—you do not want to use phrasing that in your community might be interpreted as "code" telling a protected class that they need not apply. Again, it is important to ensure that the opportunity to apply for your units—and to rent them if qualified—is open to all people regardless of race, color, religion, gender, handicap, national origin, familial status, and any other classifications that may be granted civil rights law protection in your jurisdiction.



# Rental Agreements

## The Basics

Minimize misunderstandings between you and your tenant, thus building a basis for fair problem resolution down the road.

## Use a Current Rental Agreement

Many property managers continue to use the same rental agreements they started with years ago. Federal and state laws can change annually, and case law is constantly evolving. Using an outdated rental agreement may cause a landlord to give up important rights. If a problem tenant chooses to fight an eviction by going to court, an outdated rental agreement could cost the landlord the case.

Sources for up-to-date rental agreements vary by state. In many areas property management associations provide rental forms and consider it their job to make sure the forms are consistent with current law. Local legal document publishing companies also may be good sources for effective rental agreements. Unless you are planning to work with your own attorney to develop a rental agreement, purchase updated forms from one of the sources. Be sure, however, that you are buying a form that was developed for the laws in your state—"generic" rental agreements sold nationwide will not work as well as more tailored agreements.

## Month-to-Month or Long-Term Lease?

Laws regulating the enforcement of lease terms vary significantly by state. In many states a landlord can use a month-to-month rental agreement that allows either party to terminate the tenancy, *without* specifying a cause, on short notice—30 days in many cases. In some jurisdictions the "no-cause" notice is not an option, in which case—from the landlord's perspective—every tenant has a long-term lease.

Part of the process for determining which type of contract to use is understanding the effect of the agreement on your power to evict. Although the maximum power to evict is gained by using a month-to-month rental agreement whenever it is legal to do so, such an arrangement may not be best in every situation. Market factors, as well as the expectations of local landlords and tenants, also will play a role in determining the best approach.

Regardless of the type of agreement used, keep in mind that no tenant is protected from a landlord's enforcement action if he or she violates local

### Get it in writing.

#### ADVICE GIVEN:

"We've solved a lot of problems by using the right paperwork at the beginning of the rental term—it improves our legal position and lets the tenant know we are serious from the start."

landlord/tenant laws or does not comply with a legal provision of the rental agreement. If tenants are in violation of the law or are not in compliance with the lease, a landlord may serve notices that require the behavior to be corrected or the tenants to move out.

Also remember that, although the terms of your rental agreement are important, even the best rental agreement is not as valuable as effective applicant screening. The most important part of any rental agreement is the character of the people who sign it. No amount of legal documentation can replace the value of finding good tenants.

## Elements To Emphasize

Inspect the rental agreement you use to see if it has language addressing the following provisions. If these elements are not in your rental agreement, consider adding them. To gain the most preventive value, you will need to point out the provisions to your tenant and communicate that you take your rental agreement seriously. Note that this list is not comprehensive; it presents only those elements that are occasionally overlooked and are particularly important for preventing and/or terminating drug-related tenancies.

- 1. Subleasing is not permitted.** The state statutes we have examined do not regulate subletting, but do allow the landlord to do so. If your state's laws follow the same pattern, this means that *unless* your rental agreement specifies otherwise, your tenants have the right to sublet to whomever they please. Make it clear that the tenant cannot assign or transfer the rental agreement and may not sublet the dwelling. Or you could add the exception that tenants may not sublet a unit *unless* the sublease candidate submits a complete application to the landlord and passes all screening criteria.

You must maintain control over your property. Often the people who run a drug operation are not the people who rented the unit. This provision will not stop all efforts to sublease, but it may prevent some subleasing, and it will put you in a stronger position if you have to deal with a problem subtenant.

- 2. Only those people listed on the rental agreement are permitted to occupy the premises.** If the tenant wants another adult to move in, that person *must* submit a completed application and pass the screening criteria for rental history. The method and ability to enforce this type of rule will, again, vary from state to state.<sup>4</sup> For example, you may need to define the difference between a "guest" and a "resident." Since tenants are typically well within their rights to have guests stay with them for short periods of time, it is generally

<sup>4</sup> New York state law, for example, gives tenants broad permission to move in a number of additional people—certain relatives and other "occupants"—regardless of restrictions in a rental agreement.

inappropriate for landlords to set rules that attempt to prevent the occasional overnight guest. However, it is appropriate for landlords to place limits on the ability of the tenant to have other adults establish residence at the rental property without permission.

Check with a local property management association or your own legal advisor before setting this criterion. Assuring your tenant that you will take this clause seriously may curb illegal behavior by nontenants. Specifying this stipulation in the rental agreement will put you in a better legal position should a problem arise.

- 3. No drug activity is permitted on the premises.** Make it clear that the tenant must not allow the distribution, sale, manufacture, or use of controlled substances on the premises. You could also prohibit other types of crimes, such as prostitution or other felony-level criminal behavior, on the premises. While these activities are already illegal, spelling them out in the rental agreement can make it easier to serve eviction notices for these problems.
- 4. Tenants are responsible for conduct on the property.** Tenants should understand that they will be held responsible for their own conduct, as well as for the conduct of others they allow on the property, including their children, roommates, relatives, friends, guests, visitors, acquaintances, and even pets. Generally speaking, landlord/tenant laws are designed to allow the tenant the same "my home is my castle" right to privacy as that enjoyed by any owner-occupant. However, with the right to private enjoyment of the "castle" comes the responsibility to control what goes on there. Most landlord/tenant laws address this issue, but spelling it out in the rental agreement may help as well. For people who plan to "front" for illegal activity, this underscores the point that they will be given as little room as possible to protect themselves by claiming that acquaintances, and not themselves, were involved in the activity. Wording this provision should be done with care. You may not go so far as to hold victims responsible for the behavior of people who abused or intimidated them into silence.
- 5. Tenants will not unduly disturb the neighbors.** Make it clear that the tenant will be responsible for making sure that all persons on the premises conduct themselves in a manner that will not interfere with the peace of the neighborhood. The issue here is not the occasional loud party. The issue is prevention of chronic nuisance behavior that can severely affect a neighborhood if the behavior is left unchecked. Generally, landlord/tenant laws set minimum behavior requirements for tenants, so in many states a landlord could enforce this type of requirement even if it has not been specified in a written rental agreement.

What does disturbing the neighbors have to do with drug crimes? Perhaps nothing. But we know that managers who attend to their

own obligations and require tenants to meet specified tenant obligations are far more effective in preventing drug activity than managers who look the other way as complaints of noncompliance roll in. It is almost *never* the case that a drug criminal's first observed evictable offense is dealing or manufacturing narcotics.

## **Lease Addendum Forbidding Illegal Activity**

Many rental owners have begun to attach an addendum to their rental agreements spelling out specific crimes under state and local laws that will be considered violations of the lease. A version of such an addendum is typically provided at the trainings that accompany this manual. Before using such an addendum, have your attorney review it.

While the behaviors proscribed in such addenda are generally already against the law, spelling them out as prohibited in the lease may allow you additional legal choices should you have to evict tenants for allowing or conducting criminal behavior. Even more important, announcing your commitment to maintaining safe housing through the use of such a lease addendum can be a valuable tool for discouraging those planning criminal activity from moving in.

## **Inspecting the Property Prior to Moving In**

Before signing the rental agreement, walk through the property with the tenant and make a visual inspection together. Some landlords use check-in/check-out forms developed for this purpose; others take photographs, which are then signed by both parties; still others make a videotape with the tenant. Regardless of the approach, agree on what repairs need to be made. Write an agreement and have both parties sign it. Make any agreed-on repairs, and document that they have been completed. Give copies of repair documentation to your tenants and keep signed and dated copies in your files.

If your tenant damages the property, you have a way to prove the damage happened after the tenant took possession of the unit. (Note: This also protects *tenants*; the inspection can prevent an irresponsible landlord from trying to hold a tenant responsible for problems that predated the tenancy.)

The inspection can reduce the likelihood of tenants damaging the premises. The inspection also can protect you against the rare case of a tenant who may attempt to block a legitimate eviction attempt by damaging the premises and then claiming that the damage was preexisting.

Note also that in some states, a documented pre-move-in inspection is *required* in order for the landlord to be able to claim any part of the security deposit to cover damages or other costs beyond normal wear and tear when the tenant moves out.

## **Resident's Handbook**

Many apartment managers, as well as some single-family housing managers, provide a resident's handbook that spells out rules specific to the property being rented. Landlord/tenant laws typically place restrictions on what types of rules can be added, but, generally, property managers have found success with developing guidelines that restrict excessive noise levels, define behavior for common areas of the premises, and spell out rules for the use of facilities such as pools or common laundry areas.

In general, managers of apartments may set additional rules for common areas that are, in effect, "occupied" by management, not tenants. For example, as the "occupant" of the common areas of an apartment complex, a manager may be able to ask police to remove visitors who are engaged in fights or other intimidating behavior in the courtyard of the complex. In these instances, managers may exercise more direct, immediate control over problems in the common areas of the property than they can over problems occurring on or inside the specific, privately rented property.

## **Key Pickup**

As a final preventive step, some landlords require that only a person listed on the written rental agreement may pick up the keys to the rental property. This is one more step to ensure that you are giving possession of the property to the people on the agreement and not someone else.

# Good Ongoing Management

## The Basics

Maintain the integrity of the tenant/landlord relationship. Strengthen communications between the landlord, tenants, and neighbors. Help build a sense of community.

## Do Not Bend Your Rules

A key to good ongoing management of your property is demonstrating your commitment to your rental agreement and to landlord/tenant law compliance. Once you set rules, enforce them. Make sure you meet *your* responsibilities, and make sure you hold your tenants accountable for meeting theirs. By the time most drug problems are positively identified, there is a long history of evictable behavior that the landlord ignored. Managers should remember:

- **When aware of a serious breach, take action *before* accepting the next rent payment.** If a landlord accepts rent knowing that the tenant is breaking a rule, but has not acted to correct the behavior, the landlord could lose the right to serve notice for the behavior. Landlord/tenant laws generally consider acceptance of rent as an acceptance of lease-violating behaviors about which the landlord has not objected. Further, regardless of the characteristics of your local law, it does not pay to teach your tenants that they are allowed to break the rules. So, at minimum, as soon as you discover violations of local landlord/tenant laws or of your rental agreement, give tenants written notice that they are required to correct the problem; *then* accept the rent.
- **If someone other than the tenant tries to pay the rent, get an explanation.** Also, note on the receipt that the payment is for your original tenant only. Otherwise, by depositing the money, you may be accepting new tenants or new rental agreement terms.
- **If a person not on the lease may be living in the rental, pursue the issue immediately.** If you take no action to correct the behavior, and you accept rent knowing the tenant has allowed other people to move in, you may have accepted the other people as tenants. Either require the illegal subtenants to submit a rental application or serve notice to require your original tenant to remove the subtenants under threat of eviction if the action is not taken.
- **Maintain habitability and fix code violations at the property quickly.** Maintaining habitable housing for tenants is the most important of a landlord's responsibilities. In addition, as discussed

## What to do to keep the tenant/landlord relationship working.

### COMPLAINTS HEARD:

"The tenant moved out and someone else moved in without us knowing it. Now we have drug dealers on the property and the courts insist they are legal tenants, even though they never signed a lease."

### ADVICE GIVEN:

"You need to follow one basic rule—you have to actively manage your property. The only landlords who go to court are the ones who don't actively manage their property."

"For most property managers the experience is one of putting out brush fires all day long. If property managers can take a more proactive approach to the process, they can build an ever improving set of renters, avoid a lot of legal hassles, and have fewer brush fires during the day."

"If your training teaches landlords nothing else, teach them that the neighbors in an area are not their enemies."

earlier, failure to maintain a unit could compromise a landlord's eviction rights. Tenants may be able to use a "retaliation" defense when a landlord attempts to evict them after a complaint that the rental is substandard.

- **When a tenant does not pay rent, address the problem.** Some landlords have let problem tenants stay in a unit not just weeks but *months* after the rent was overdue. While flexibility is important in making any tenant/landlord relationship work, be careful about being too flexible. There is a big difference between being willing to receive rent late during a single month and letting your renters occupy the unit indefinitely without paying rent. In general, a nonpayment notice (directing the tenant to pay within a brief period of time or to vacate) is one of the fastest termination notices available to a landlord.
- **If neighbors call to complain of problems, pursue the issue.** Although it does happen, few neighbors call landlords about minor problems. If you get a call from a neighbor, find out more about the problem and take appropriate action. If there are misunderstandings, clear them up. If there are serious problems with your tenants, correct them. The "Crisis Resolution" chapter provides additional information about steps to take if a neighbor calls to complain.

If you respect the integrity of your own rules, the tenant will too. If you let things slide, the situation can deteriorate quickly. Pursuing problems immediately may mean more work initially, but once the tenants are accustomed to your management style it is less likely that you will be surprised by serious problems later.

## Responsibilities Defined

For a legal description of the responsibilities of landlords and tenants, review your local landlord/tenant law, local maintenance codes, and the requirements of the Section 8 program, if it applies to your units. You should also, to state the obvious, check your rental agreement. Rental agreements typically spell out various responsibilities of both the landlord and the tenant. The following is an overview of the typical responsibilities of both parties.

### Landlords

A landlord's responsibilities typically fall into three areas—the condition of the premises as delivered to the tenant, the obligation to maintain the unit once it is occupied, and the obligation to respect the rights of the tenant. A landlord's responsibilities generally include the following:

- **Before move-in, providing the tenant with a clean, sanitary, and safe rental unit.** This typically means the unit should be cleaned, garbage and debris from previous tenants should be removed, pest control problems should be addressed as appropriate, various systems (plumbing, electrical, heating) should be working appropriately, the unit should be adequately weatherproofed, the structural integrity of the unit should be maintained (e.g., no rotting steps), fire safety issues should be addressed (e.g., smoke detectors installed and access to secondary exits ensured), working locks should be installed, and any other potential safety hazards should be addressed.
- **After move-in, making sure the unit remains habitable.** For occupied units, landlords generally are responsible for all major repairs and are granted both the power and the responsibility to make sure that tenants are doing their part to maintain the habitability of the unit. For example, although the law and the rental agreement may both require that the tenant do sufficient house-keeping to keep the unit free of sanitation problems, if the tenant is not doing so, it is generally the landlord's responsibility to require the tenant to correct the problem, typically by serving a notice that would require the tenant to remove garbage or vacate the premises.
- **Respecting the tenant's right to private enjoyment of the premises.** With some specific exceptions for activities, such as serving notices, conducting maintenance inspections, doing agreed-upon repairs, or showing the unit for sale, the landlord must respect the tenant's right to private enjoyment of the unit in much the same way that an owner-occupant's right to privacy must be respected. In those areas where a landlord does have a right to access, the landlord must generally follow a specific notification process before entering the rented property.
- **Avoiding retaliation against a tenant.** Generally, a landlord may not retaliate against a tenant who is legitimately attempting to compel the landlord to meet his/her responsibilities. For example, a landlord may not increase rent, decrease service, attempt to evict, or take other retaliatory action in response to a tenant asking a landlord to repair a wornout furnace, fix a rotting step, or take other actions that fall within the landlord's responsibility under the law.
- **Avoiding illegal discrimination.** Nationwide, landlords may not discriminate on the basis of a tenant's (or applicant's) race, color, religion, gender, handicap, national origin, or familial status. Your state and local laws may include additional protected classes. This means that you may not use such class distinctions to screen applicants or to treat tenants differently once you enter into a rental agreement. For more information about the application of civil rights laws, see the "Applicant Screening" chapter of this manual.

- **Enforcing the terms of the rental agreement and landlord/tenant law.** While both the rental agreement and the law will identify various required behaviors of tenants, in general it is up to the landlord to make sure the tenant complies. If the tenant is not in compliance, the law generally gives landlords the power to serve various types of "cure" and "no-cure" notices to correct the behavior or require the tenant to move out. Unless the landlord takes action to correct the problem, there are few other mechanisms to correct difficulties associated with problem tenants. (Of course, if your problem tenants are involved in criminal behavior for which there is enough evidence to make an arrest, the police may be able to arrest the tenant and, if convicted, that person may serve jail time. However, although arrest may remove the tenant from the property, you may still need to serve an eviction notice to regain possession of the property. See "The Role of the Police" chapter of this manual for more information.)

## Tenants

A tenant's responsibilities are generally to ensure that no harm is done to the unit and to pay the rent. Those responsibilities usually include the following:

- **Doing basic housekeeping, complying with the rental agreement, and avoiding harming the unit.** In addition to complying with rental agreement provisions, tenants are typically required to use the premises in a reasonable manner, cause no damage to the unit beyond normal wear and tear, keep the premises free of accumulations of garbage and other waste, and do sufficient housekeeping to avoid safety and sanitation hazards. Some landlord/tenant laws also spell out a requirement that tenants be good neighbors—that tenants and their guests may not disturb the peace of other neighbors. Also, from a civil standpoint, tenants are generally considered responsible for the behavior of others they invite onto the premises. For example, tenants typically cannot defend a landlord's eviction action by claiming that all alleged violations were committed by friends who visited regularly.
- **Paying rent.** Landlords have the right to receive rent for the use of their property, and tenants have an obligation to pay it. Exceptions exist only in those circumstances where landlord/tenant laws allow tenants to withhold rent when a landlord refuses to meet the landlord's responsibilities. For example, if a landlord refuses to fix a broken furnace, the tenant may have the right to withhold rent until the repairs are made. In such a circumstance, the tenant may be able to collect other fines or financial penalties from the landlord as well.

- **Enforcing the terms of the rental agreement and landlord/tenant law.** Just as it is up to landlords to make sure that tenants comply with the rental agreement and landlord/tenant law, tenants generally hold the primary responsibility for making sure their landlords comply with the law. Tenants have various powers to withhold rent and/or take other action to cause a landlord to comply. Specific agencies can assist in enforcing the law for some problems—problems associated with building code violations and fair housing issues are two examples. However, the enforcing agencies often do not get involved unless they are first notified by the tenant. Therefore, chief among the powers generally granted to a tenant is protection from the landlord's retaliation for a tenant's attempt to assert a right defined in the law.

## Property Inspections

A cornerstone of active management is regular property inspections. Unless you inspect your property, you can't be sure you are meeting your responsibility to provide safe and habitable housing. As mentioned earlier, maintaining habitable property protects your rights as well. If a dishonest tenant also can claim that you are not meeting your responsibilities, you may have difficulty succeeding with an eviction. Conversely, if it is clear you make every effort to meet your responsibilities (and you document it) a tenant will be less inclined to fight an honest eviction effort.

While the purpose of a maintenance inspection is to care for the unit and ensure its habitability, regular inspections also will deter some types of illegal activity. For example, if tenants know that the landlord actively manages the property, tenants may be less likely to make illegal modifications to the unit in order to set up a marijuana growing operation. Illegal activity is less likely to occur at a property where the landlord has a reputation for concerned, active management. Inspections can also help catch problems associated with illegal activity before such activity becomes more serious. For example, it is common for drug dealers to cause damage to a rental unit that is way beyond normal wear and tear—a problem that could be observed, documented, and addressed through the process of a regular inspection program.

The key to successful property inspection is to avoid an unnecessarily adversarial approach. A properly conducted inspection program should be welcomed by your honest tenants. Steps you may take include the following:

1. **Set an inspection schedule and follow it.** At minimum, perform inspections every 6 months. It is rare that a home does not need some maintenance or repair work at least twice a year.

- 2. Use the inspection/notice procedures defined by local law.**  
Generally, landlords have the right to perform maintenance inspections of rental property if the tenant is given proper notice. However, each state sets its own limits on the conditions under which a landlord may enter an occupied rental unit. If the inspection is routine, keep the approach friendly. Call the tenant in advance and follow up by serving the inspection notice according to the methods defined in local law. To help address all maintenance needs efficiently, ask tenants to note any concerns they have in advance of the inspection date.
- 3. Find and address code and habitability problems.** When you inspect the property, check for maintenance problems and handle any necessary routine maintenance, such as replacing furnace or air conditioning filters or putting fresh batteries in a smoke detector. Discuss with the tenants any concerns they may have. Make agreements to remedy problems; then make the repairs.

## Utilities

There are some instances when shutdown utilities are a symptom of drug activity—as dealers or heavy users get more involved in drug use, paying bills can become less important.

Remember that if your lease stipulates that the tenant is responsible for utility bills, and the tenant stops paying for those services, you have grounds for serving a for-cause eviction notice requiring that tenants comply with the lease terms or vacate the premises. Serving such notices may be particularly important if shutting off a utility would result in the unit no longer meeting habitability standards.

## Keep a Paper Trail

It can be difficult to prove the existence of a verbal agreement in court. The type of tenant who is involved in illegal activity *and* would choose to fight you in court will know that. So keep a written record of your agreements, and provide copies to the tenant. Allowing tenants to know that you keep records may be enough to discourage those few who might consider making a false claim against you. You will need to retain documentation that demonstrates your good-faith efforts to keep the property habitable and shows any changing agreements with a tenant—dated and signed by both parties.

## **Trade Phone Numbers With Neighbors**

Landlords of single-family residential housing sometimes don't hear of dangerous or damaging activity on their property until neighbors have written to the mayor or until the police have served a search warrant. Often such a situation could have been prevented if the landlord and area neighbors had established better communication.

Find neighbors who seem responsible, concerned, and reliable. Trade phone numbers and ask them to advise you of serious concerns. You will know you have found the right neighbors when you find people who seem relieved to meet you and happy to discover you are willing to work on problems. Conversely, if neighbors seek you out, work with them and solicit their help in the same way.

Note that landlords and neighbors tend to assume their relationship will be adversarial. Address any such assumptions and remember that, if you both want the neighborhood to stay livable, then you are on the same side and have nothing to gain by fighting each other.

# Apartment Watch/ Promoting Community

## The Basics

Form partnerships with tenants to work together toward the common goal of a safe community.

## Benefits

In multifamily units, unless your tenants report suspicious behavior, you may not find out about drug activity until the problem becomes extreme. Some people—tenants and homeowners alike—are frightened to report illegal activity until they discover strength in numbers by joining a community watch organization. Whether you call your efforts "apartment watch," "community pride," or "resident retention programs," the goal is the same—transforming an apartment complex into a community.

Organizing a community is more than just encouraging tenants to act as the community's eyes and ears. In the absence of a sense of community, the isolation that residents feel can lead to apathy, withdrawal, anger, and even hostility toward the community around them. Organizing group efforts can lead to profound changes. As apartment residents get to know each other and the manager, a sense of community—of belonging—develops, and neighbors and tenants are more willing to do what it takes to keep a neighborhood healthy and free of drug activity.

Complexes that enjoy a sense of community often have more stable tenancies and fewer crime problems than comparable complexes that lack organization among residents. Managers who have initiated efforts to organize tenants note the following benefits:

- Lower tenant turnover, leading to considerable savings in the costs associated with finding new tenants.
- Less damage to property, leading to lower repair bills.
- Reduced crime.
- A safer, more relaxed atmosphere for the tenants.
- A more positive reputation for the complex, leading to higher quality applicants and, over time, increased property values.



**Turning *an* apartment complex into a community.**

### COMPLAINTS HEARD:

"We already have an 'apartment watch.' The tenants get together and watch the manager to see if I screw up!"

### ADVICE GIVEN:

"Please teach landlords that their good tenants can help."

## Key Elements

The key to effective community building is to have the property manager take the lead and make sure that efforts are ongoing. Community organizing that is directed entirely by tenants may not be stable in the long term because tenant turnover will occur and key organizers will move on. For this reason, it is important that managers help organize the program. Further, if management waits until the tenants are so fed up that they organize themselves, the relationship between tenants and manager may be soured from the start. If management takes a proactive role in helping tenants work together for their mutual benefit, the opportunity for a positive working relationship between manager and tenants is greater. Following are a few tips to help you get started:

- 1. Clean house.** If you have tenants who are involved in drug activity, illegal gang activity, or other dangerous criminal behavior, resolve the issue before inviting tenants to a buildingwide meeting. Your responsible tenants may be frightened to attend a meeting where they know irresponsible tenants might attend. In addition, responsible tenants may question your motivation if you appear to encourage them to meet with people involved in illegal activity. So before you organize, you will need to evict problem tenants and make sure that improved applicant screening procedures are in place. Until then, rely on informal communication with responsible tenants to help identify and address your concerns.
- 2. Make community activities a management priority.** Budget for the expenses and consider promotion of such activity a criterion for management evaluation. Community organization should not be an afterthought, something that resident managers should get around to if there is time. Unless managers make community organizing a priority, it will not get done.
- 3. Hold meetings/events quarterly.** Don't expect major results from the first meeting, but do expect to see significant differences by the time the third or fourth meeting is held.
- 4. Meet in the common areas if possible.** While small meetings can be held in the manager's office, a vacant unit, or—if a tenant volunteers—a tenant's apartment, more people will feel comfortable participating if they can meet on neutral territory. If you can hold events in courtyards or other outdoor locations, you also may have more room to structure special events for children in the same area.
- 5. At each event, encourage people to meet each other.** Regardless of other specific plans for meetings, take basic steps that encourage people to meet each other. Simple steps performed faithfully can make a big difference over time. At each event you should:

- **Use name tags.** This step is important in helping to break down walls for newcomers.
  - **Conduct introductions.** Begin any formal meeting by having people introduce themselves by name.
  - **Allow time at each event for people to socialize.** Make sure to allot some time during the meeting. Once the event is under way, participants will have a shared experience with which to start a conversation.
  - **Keep meeting agendas on track.** It is important to keep meeting agendas on track, interesting, and focused on tangible, measurable outcomes. If tenants feel that meetings rarely address the published agenda, interest will diminish quickly.
  - **Offer refreshments.** Free food, whether it is as simple as coffee and pastries or as involved as a potluck dinner or a summer barbecue, can attract many people to a meeting who might not otherwise attend.
  - **Include activities for children and teenagers, as well as adults.** Getting children involved in games and other events will provide a positive experience for the children and help encourage parents to meet each other. Also, like adults, when children and teenagers get to know their resident manager better, they are more likely to share information. This is important because teenagers in particular may have information about a community problem of which the adults are unaware.
- 6. Hold "theme" events and special meetings as appropriate.** There should be a balance between holding a purely social event and a meeting for the purpose of addressing an agenda. The balance at each meeting can vary, but it is important to provide some of both. At least one of the meetings held each year should be primarily for the purpose of celebration—a holiday party in the winter or a "get to know your neighbor" barbecue in the summer. Others can offer a time for socializing and a time for covering an agenda. Meeting agendas may vary. In general, meetings should:
- **Respond to issues that are of direct concern to a number of tenants.** If there are immediate concerns, such issues should take priority over other potential agenda items. If tenants are concerned about gang violence in the neighborhood, less pressing topics may seem irrelevant.
  - **Provide new information about the local community.** This information could take any number of forms. You might invite merchants from the area, firefighters, police officers, members of neighborhood associations or other community groups, social workers, employment counselors, or any number of other people to your meeting to share useful information with tenants.

- 7. Nurture a sense of shared responsibility.** Although it is important for management to continue providing support for the community-building process, it should not be a one-way street. Tenant leadership in the complex should be nurtured and volunteers should be recruited at each meeting to assist with the next meeting, program, or event. The more residents experience the community-building process as a joint effort between management and residents, the more they will appreciate it. Promoting a sense of shared responsibility can be accomplished in many ways, including the following:

  - **Asking for volunteers to serve on a tenants council.** The council could meet informally once a month to discuss issues of concern in the complex and to plan the upcoming communitywide events. Don't be discouraged if only one or two people get involved initially; with success, more will join.
  - **Whenever possible, having tenants set the meeting agendas.** Whether it is through a tenant council or simply by collecting suggestions at community events, make sure tenants know they play a key role in defining the direction of community-building efforts.
  - **Giving tenants a chance to comment on plans for the property.** Even the simplest issues can be turned into opportunities for building community. For example, if a fence is going to be built or replaced, you might discuss the plans at a meeting before starting the work and allow tenants to express their concerns or make suggestions. You may hear some new ideas that can make the result more attractive. In situations where you cannot act on a suggestion, you have the opportunity to explain your reasons to your tenants and at least provide tenants with a feeling of participation that they did not previously have. Along similar lines, by listening to tenant concerns, you may discover that a relatively simple adjustment in policy can result in a significant increase in tenants' overall satisfaction.
- 8. Picking projects that can succeed.** Don't promise more than you can deliver. Make sure that easily implemented changes are made promptly so that tenants can see the results. Although it is important to pursue larger goals as well (such as eliminating drug activity in the rest of the neighborhood), short-term results are needed to help tenants see that change is possible.
- 9. Developing a communication system.** This can be as elaborate as quarterly or monthly newsletters, complete with updates from management, articles from tenants, advertisements from local merchants, and referrals to local social service agencies. Or it may be as simple as use of a centrally located bulletin board where community announcements are posted. Whatever the process, the

key is to make sure that your tenants are aware of the information source and that they find it useful.

- 10. Implementing basic crime-prevention measures.** In addition to the general community-building techniques described in this chapter, various traditional crime watch techniques also can be implemented on your property. Apartment watch training should be provided to your involved tenants before starting the program. Contact a crime-prevention officer in your area for more details. Crime-prevention specialists can help facilitate the first apartment watch meeting and discuss the practices of local law enforcement agencies. Crime-prevention steps you can initiate include the following:
- **Making sure tenants have the manager's phone number readily accessible and that they know to call the manager if they suspect illegal activity.** Of course, tenants should call 911 immediately if they witness a crime in progress or any life-threatening emergency situation. They should also contact police nonemergency services to discuss illegal activity that is not urgent. Encourage tenants to contact the manager *after* they have contacted 911 in the case of immediate and life-threatening situations, and to contact management any other time they suspect illegal activity is occurring in the complex. The sooner your tenants advise you of a problem, the more opportunity you have to solve it before the situation gets out of hand.
  - **Encouraging tenants to develop a list of tenant phone numbers.** By sharing phone numbers, tenants will be able to contact each other with concerns as well as organize reporting of crime problems witnessed by multiple tenants. Note that sharing phone numbers among tenants should be done on a voluntary basis only—those who do not want to participate should not be required to do so.
  - **Distributing a list of local resources.** The resource list should include numbers for police, fire, and medical emergency services (911 in most areas) as well as hotlines for local crime prevention, substance abuse problems, domestic violence problems, employment assistance, and any number of other services and organizations that may be able to help your tenants.
  - **Purchasing a property engraver for each complex.** Encourage tenants to engrave their driver's license number on items of value such as video recorders, cameras, televisions, etc. Then post notices of the fact that tenants in the complex have marked their property for identification purposes. Burglars would rather steal property that cannot be traced.

- **Applying CPTED changes.** If tenants cannot *see* the problem, they cannot report it. The chapter "Preparing the Property" covers environmental design approaches in detail. It is important that lighting, landscaping, and building design combine to create an environment that deters drug dealers, burglars, and other criminals. Make it difficult to break into tenants' homes, close off escape routes, and make sure areas of the complex that are accessible to the public can be easily observed by people throughout the complex.
- 11. Encouraging nearby neighbors and apartment complexes to get involved.** Solving the entire problem of illegal activity in the neighborhood may require encouraging similar cooperative steps in adjacent apartment complexes or making sure neighbors in nearby single-family homes also get involved. As a starting point, invite area neighbors to at least some of the community events held at your complex each year.

# Warning Signs of Drug Activity

## The Basics

Familiarize yourself with these warning signs so you can identify drug activity on your property.

## The Drugs

Although many illegal drugs are sold on the street today, the following are the most common:

- 1. Cocaine and Crack.** Cocaine is a stimulant. Popular names include "coke," "nose candy," "blow," "snow," and a variety of others. At one time cocaine was very expensive and generally out of reach for people with low incomes. Today, the price has dropped to the point that cocaine can be purchased by persons of all economic levels. Cocaine in its powder form is usually taken nasally ("snorted"); less frequently, it is injected.

Crack, a derivative of cocaine, produces a more intense but shorter high. Among other popular names it is also known as "rock." Crack is manufactured from cocaine and baking soda, a process that does not produce any of the toxic waste problems associated with methamphetamine production (see below). Because crack delivers a high using less cocaine, it costs less per dose, making it particularly attractive to drug users with low incomes. Crack is typically smoked in small glass pipes.

Powdered cocaine has the look and consistency of baking soda and is often sold in small, folded paper packets. Crack has the look of a small piece of old, dried soap. Crack is often sold in tiny plastic bags, little glass vials, balloons, or even no container at all.

In general, signs of cocaine activity are not necessarily apparent to observers. Users may be identified by combinations of the following: regular late-night activity (e.g., after midnight on weeknights), highly talkative behavior, paranoid behavior, and constant sniffing or bloody noses (for intense users of powdered cocaine).

Powdered cocaine usage crosses all social and economic levels. Crack usage is generally associated with lower income levels. While Los Angeles-style gangs (for example, the Bloods and the Crips) have made crack popular, other groups and individuals have begun manufacturing and selling the drug as well.

**The sooner it is recognized, the faster it can be stopped.**

### COMPLAINTS HEARD:

"The neighbors tell me my tenants are dealing drugs. But I drove by **three** different times and didn't see a thing."

### ADVICE GIVEN:

"You've got to give up being naive. We could stop a lot more of it if more people knew what to look for."

—Narcotics detective

- 2. Methamphetamine.** Methamphetamine is a stimulant. Popular names include "meth," "crank," "speed," "crystal," "STP," and others. Until the price of cocaine began dropping, methamphetamine was known as "the poor man's cocaine." Methamphetamine is usually ingested, snorted, or injected. A new, more dangerous form of methamphetamine, "crystal meth" or "ice," can be smoked.

"Pharmaceutical" grade methamphetamine is a dry, white crystalline powder. Although some methamphetamine sold on the street is white, much of it is yellowish or even brown and is sometimes the consistency of damp powdered sugar. The drug has a strong medicinal smell and is often sold in tiny, sealable plastic bags.

Hard-core methamphetamine addicts get very little sleep, and their appearance reflects this. Chronic users and "cooks"—those who manufacture the drug—generally appear unclean and may have open sores on their skin and bad teeth. Paranoid behavior combined with regular late-night activity are potential indicators of methamphetamine usage. Occasional users may not show obvious signs. Cooks tend to be lower income persons who may have an unpleasant urine smell about them. Although many types of individuals are involved in methamphetamine production, the activity is particularly common among some outlaw motorcycle gangs.

Because of the toxic waste dangers associated with methamphetamine production, we have included additional information on dealing with methamphetamine labs in a separate chapter. See the "What To Do If You Discover a Clandestine Lab" chapter of this manual.

- 3. Tar Heroin.** Heroin is a powerful pain killer for both emotional and physical problems. Popular names include "brown sugar," "Mexican tar," "chiva," "horse," "smack," "H," and various others. Heroin is typically injected. Tar heroin has the look of creosote or instant coffee melted with only a few drops of water and has a strong vinegar smell. It is typically sold in small amounts, wrapped in tinfoil or plastic. Paraphernalia that might be observed include hypodermic needles with a brown liquid residue, spoons that are blackened on the bottom, and blackened cotton balls.

When heroin addicts are on the drug, they appear disconnected and sleepy. They can fade out, or even fall asleep, while having a conversation. Although heroin began as a drug of the wealthy, it has become a drug for those who have little income or who are unemployed. Heroin addicts don't care about much but their next "fix," and their clothes and demeanor reflect this. When they are not high, addicts can become quite aggressive. As with most needle users, you will rarely see a heroin user wearing a short-sleeved shirt.

- 4. Marijuana.** Marijuana is also known as "grass," "weed," "reefer," "joint," "J," "Mary Jane," cannabis, and many other names. Marijuana is smoked in a pipe or a rolled cigarette and typically produces a mellow high. However, the type and power of the high varies significantly with the strength and strain of the drug.

The marijuana grown today is far more powerful than the drug that became popular in the late 1960s and early 1970s. Growers have developed more sophisticated ways to control growth of the plants, which causes higher output of the resin that contains THC, the ingredient that gives marijuana its potency. Today's marijuana is often grown indoors to gain greater control over the crop and to prevent detection by competitors, animals, or law enforcement officers. It takes 90 to 180 days to bring the crops from seed to harvest. Marijuana is generally sold in plastic bags or rolled in cigarette paper. The smell of the smoke has been described as a "musky" cigarette smoke. Users generally appear disconnected and nonaggressive. The user's eyes also may appear bloodshot or dilated. Use of marijuana crosses all social and economic levels.

## Signs of Drug Activity in Residential Property

The following list describes signs of drug activity that either you or neighbors may observe. As the list will show, many indicators are only visible at times when the landlord is not present; this is one reason why a solid partnership with trusted neighbors is important. Note also that, while some of the indicators are reasonably conclusive in and of themselves, others should be considered significant only if multiple factors are present. This list primarily applies to tenant activity. For information on indicators of dishonest *applicants*, see the "Applicant Screening" chapter of this manual.

### Dealing

Drug dealers typically sell small quantities to many purchasers. Dealing locations are like convenience stores—high traffic locations with each customer buying a small amount.

Neighbors may observe the following activities:

- **Heavy traffic.** That is, a number of cars and pedestrians stopping at a home for only brief periods. Traffic may be cyclical, increasing on weekends or late at night, or minimal for a few weeks and then intense for a period of a few days—particularly paydays.
- **Exchanges of money.** Cash and packets may be traded through windows, mail slots, or under doorways.

- **Unknown Visitors.** Visitors appear to be acquaintances rather than friends.
- **People bring valuables into the unit.** Visitors regularly bring televisions, bicycles, VCRs, and cameras—and leave empty handed.
- **Waiting in cars and use of odd parking locations.** Visitors may sit in their cars for a while after leaving a residence or may leave one person in the car while the others visit. Visitors also may park around a corner or a few blocks away and approach on foot.
- **Lookouts.** Frequently lookouts will be younger people who tend to hang around the rental unit during heavy traffic periods described earlier.
- **Regular activity at extremely late hours.** For example, noise and visitors between midnight and 4 a.m. on weeknights. (Both cocaine and methamphetamine are stimulants—users tend to stay up late.)
- **Other obvious signs.** These signs may include people exchanging small packets for cash, people using drugs while sitting in their cars, and syringes or other paraphernalia left in common areas or on neighboring property.

Landlords may observe the following activities:

- **Tenants not meeting their responsibilities.** Tenants may fail to pay utility bills or rent, fail to maintain the unit in appropriate condition, or cause general damage to the property. Some dealers smoke or inject much of their profit; as they get more involved in the drugs, they are more likely to ignore bills, maintenance, and housekeeping.

## Distribution

Distributors are persons who sell larger quantities of drugs to other, smaller distributors or dealers. They are the "wholesale" component, while dealers are the "retail" component. If the distributors are not taking the drugs themselves, they can be difficult to identify. A combination of the following drug sale indicators may be significant:

- **Expensive vehicles.** Particularly vehicles owned by people otherwise associated with a lower standard of living. Some distributors make it a practice to spend their money on items that are easily moved, so they might drive a \$50,000 car while renting an inexpensive unit.
- **Pagers and cellular phones.** Particularly when used by people who have no visible means of support.
- **Frequent late-night trips.** Many people work swing shifts or have other legitimate reasons to come and go at late hours. However, if you are seeing a number of other signs along with frequent late-night trips, this could be significant.

- **Secretive loading and unloading of vehicles.** Trucks, trailers, or cars being loaded and unloaded late at night in a hurried, clandestine manner. Loading and distribution houses (most likely to be found in border states) are essentially repackaging locations that move large quantities of drugs.

## Marijuana Growing Operations

Marijuana growing operations are hard to identify from the street. These operations are more likely to be found in single-family residential units than in apartments. In addition to the general signs of excessive fortifications or overly paranoid behavior, other signs that tenants are growing marijuana are listed below.

Neighbors may observe the following indicators:

- **Electrical wiring that has been tampered with.** For example, evidence of residents tampering with wiring and hooking directly into power lines.
- **Powerful lights on all night in the attic or basement.** Growers use powerful lights to speed the development of the marijuana plants.

Landlords may observe the following indicators:

- **A sudden jump in utility bills.** As mentioned above, growing operations require special lighting, which will increase utility costs.
- **High humidity in a unit.** Growing operations require a lot of moisture. In addition to feeling the humidity, landlords may observe peeling paint or mildewed wallboard or carpet.
- **Rewiring efforts or bypassed circuitry.** Again, growing operations require a lot of electricity—some use 1,000-watt bulbs that require 220-volt circuits. The extra circuitry for growing operations generally exceeds the power rating for the rental and can burn out the wiring, resulting in fires or the need to rewire before you can rent a property again.
- **Other obvious signs.** Other indicators include basements or attics filled with plants, lights, and reflective material (e.g., tinfoil) used to speed growing.

## Methamphetamine Labs

Once a methamphetamine cook has collected chemicals and set up equipment, it doesn't take long to make the drug—about 12 hours for one batch. Clandestine labs have been set up in all manner of living quarters, from hotel rooms and recreational vehicles to single-family rentals or other apartment units. Lab operators favor units that offer extra privacy. In rural settings barns or houses well away from other residences offer such privacy. In urban settings labs may be set up in

houses with plenty of surrounding trees and shrubs to block views of the interior, or apartment or hotel units that are well away from the view of management. However, while seclusion is preferred, clandestine labs have been found in virtually all types of rental units.

Neighbors may observe the following indicators:

- **A strong ammonia smell.** This smell is very similar to cat box odor and is unique to the amalgam method for methamphetamine production.
- **Other odd chemical odors.** The smell of other chemicals or solvents not typically associated with residential housing may be present.
- **Chemical containers.** Chemical drums or other chemical containers with their labels painted over may be present.
- **Smoke breaks.** If other suspicious signs are present, individuals leaving the premises to smoke a cigarette may also be an indicator because ether, which is highly explosive, is used in methamphetamine production; methamphetamine cooks must leave the lab before lighting up.

Landlords may observe the following indicators:

- **Strong unpleasant or chemical odors.** A particularly strong cat box or ammonia smell within the rental may indicate methamphetamine production using the amalgam process. The odor of ether, chloroform, or other solvents may also be present.
- **Many empty containers of over-the-counter cold or allergy medicines.** New, faster methods of "cooking" methamphetamine require the use of large quantities of over-the-counter cold medicines that contain the drug ephedrine. The average cold sufferer may leave one or two empty cold medicine containers in the trash. The presence of many such emptied out boxes, bottles, or blister packs is a definite warning sign.
- **Chemistry equipment.** The presence of flasks, beakers, and rubber tubing like those used in high school chemistry classes in rental units or garbage. Few people practice chemistry as a hobby—if you see such articles, take it seriously.
- **A maroon-colored residue on aluminum windows in the unit.** The "ephedrine process" of methamphetamine production is a more expensive process, but it does not emit the telltale ammonia/cat box odor. However, the hydroiodic acid used in the process does eat through metals and, in particular, the vapor of the acid leaves a maroon residue on aluminum.

- **Bottles or jugs used extensively for secondary purposes.** For example, milk jugs and screw-top beer bottles full of mysterious liquids.

If you have reason to believe there is a methamphetamine lab on your property, leave immediately, wash your face and hands, and call the narcotics division of your local law enforcement agency to report what you know. If you have reason to believe your exposure has been extensive, contact your doctor; some of the chemicals involved in creating this drug are toxic. For more information about methamphetamine labs, see the "What To Do If You Discover a Clandestine Lab" chapter of this manual.

## General Indicators of Illegal Drug Activity

In addition to the preceding signs associated with specific types of activity, the following signs are more general—they could be indicators of various types of illegal drug activity, including dealing, distribution, manufacturing, or growing.

Neighbors may observe the following indicators:

- **Expensive vehicles.** People in extremely expensive cars regularly visiting renters who appear less solvent may be significant.
- **A dramatic drop in activity after police are called.** If activity in and around a unit stops after the police have been called but before the police arrive, this may indicate that tenants are involved in illegal activity and are using a radio scanner to monitor police activity.
- **Unusual fortification of a unit.** Blacked-out windows, window bars, extra deadbolts, and expensive alarm systems may be significant. Note that grow operators and methamphetamine cooks, in particular, often add fortifications—extra locks and thorough window coverings are typical.
- **Frequent late-night motorcycle or bicycle trips.** This would be a significant sign only if the trips are made from a location where other indicators of drug activity are observed.
- **Firearms.** The presence of weapons, particularly assault weapons and guns that have been modified for concealment such as sawed-off shotguns, may indicate drug activity.

Landlords may observe the following indicators:

- **An applicant's willingness to pay rent months in advance, particularly in cash.** If an applicant offers you 6 months' rent in advance, resist the urge to accept, and require the person to go through the application process. By accepting the cash without checking the applicant's background, you might have more money in

the short run, but your rental unit may suffer damage and you may also damage the neighborhood and the value of your long-term investment.

- **A tenant's tendency to pay in cash combined with a lack of visible means of support.** Some honest people simply don't like writing checks; however, if other signs are noted, and tenants possess large amounts of cash with no apparent source of income, be suspicious.
- **Unusual fortification by a tenant of individual rooms.** For example, tenants putting deadbolts or alarms on interior doors.
- **A willingness to install expensive exterior fortifications.** If your tenants offer to pay for installing expensive window bars and other exterior fortifications, they may be interested in more than preventing a burglary.
- **The presence of any obvious evidence.** The presence of bags of white powder, syringes, marijuana plants, very small plastic bags—the type in which jewelry or beads are sometimes kept—that are not generally used in large quantities by most people, combined with other factors, should cause suspicion.
- **Unusually sophisticated weight scales.** The scales typically used by drug dealers, distributors, and manufacturers are noticeably more sophisticated and accurate than household scales. Of course, there are legitimate reasons to have such scales, so don't consider such a scale, by itself, an indication of illegal activity.
- **Large amounts of tinfoil or baking soda or a large number of electrical cords.** Tinfoil is used in growing operations and methamphetamine production. Baking soda is used in methamphetamine production and in the process of converting cocaine to crack. Electrical cords are used in methamphetamine labs and growing operations.

While the preceding list offers a number of potential indicators of drug activity, it is worth keeping in mind that the practices and habits of those involved in drug activity varies both by personal preference and by the types of practices that may be popular in a particular part of the country. To gain a more complete picture of the types of warning signs to look for in your area, contact your local police department.

# What To Do If You Discover a Clandestine Lab



*Because methamphetamine labs represent a far greater potential health hazard than other types of drug activity, we have included this section to advise you on how to deal with this particular problem. This information is intended to help you through the period immediately after discovering a methamphetamine lab on your property. For information about warning signs of methamphetamine labs and other drug activity, see the "Warning Signs of Drug Activity" chapter of this manual.*

## The Basics

Know the dangers of a methamphetamine lab and whom to contact for help; do not risk investigating such labs yourself.

## The Danger: Toxic Chemicals in Unpredictable Situations

There is very little that is consistent, standard, or predictable about the safety level of a methamphetamine lab. The only thing we can say for sure is that once you suspect you are in a methamphetamine lab, you should leave the premises immediately. Consider the following elements, present in many labs:

- **Cleanliness is usually a low priority.** Cooks rarely pay attention to keeping the site clean or keeping dangerous chemicals away from household items. The chemicals are rarely stored in their original containers—often you will see plastic milk jugs or screw-top beer bottles containing unknown liquids. It is common to find bottles of lethal chemicals sitting open on the same table with the cook's bowl of breakfast cereal or even next to a baby's bottle or toys.
- **Toxic dump sites are common.** As the glass cooking vessels become brittle with usage, they must be discarded. It is common to find small dump sites of contaminated broken glass, needles, and other paraphernalia on the grounds surrounding a methamphetamine lab or in a spare room.
- **The chemicals vary from lab to lab.** While some chemicals can be found in any methamphetamine lab, others vary. "Recipes" for cooking methamphetamine are shared, and each one has variations. So we cannot say with any certainty what chemicals would be present in any given methamphetamine lab.

### COMPLAINTS HEARD:

"There was a time when I didn't even know what a 'precursor chemical' was. Now I know all about methamphetamine labs. So far it has cost me more than \$10,000 to deal with one property with a meth lab on it. And we're still not done."

### ADVICE GIVEN:

"Some of the acids used in meth production don't have any 'long-term' effects—it's all immediate. They damage your lungs if you breathe the vapors and they'll burn your skin on contact."

—Narcotics detective

- **"Booby traps" are a possibility.** Other methamphetamine users and dealers may have an interest in stealing the product from a cook. Also, as drug usage increases, so does the user's paranoia. Some cooks set booby traps to protect their product. A trap could be as innocent as a trip wire that sounds an alarm, or as lethal as a wire that pulls the trigger of a shotgun or causes the release of deadly chemical gases.
- **The risk of explosion and fire is high.** Ether, commonly used in some drug labs, is highly explosive; its vapor can be ignited by the spark of a light switch. Under some conditions, a bottle could explode just by jarring it. Methamphetamine lab fires are generally the result of an ether explosion, and the result can be instant destruction of the room, leaving the remainder of the structure in flames.
- **Health effects are unpredictable.** Before the law enforcement community learned of the dangers of methamphetamine labs, they entered them without protective clothing and breathing apparatus. The results varied—in some cases officers experienced no ill effects, while in others they developed "mild" symptoms such as intense headaches. However, in other cases officers experienced burned lung tissue from breathing toxic vapors, burns on the skin from coming into contact with various chemicals, and other more severe reactions.
- **Many toxic chemicals are involved.** The list of chemicals that have been found in methamphetamine labs is a long one. Some are standard household items, like baking soda. Others are extremely toxic or volatile like hydroiodic acid (which eats through metals), benzene (which is carcinogenic), ether (which is highly explosive), or even hydrogen cyanide (which is also used in gas chambers). Other chemicals may be present, such as phenylacetic acid and phenyl-2-propanone, that have been known to cause adverse health effects but about which little is known of the long-term consequences of exposure.

## What To Do If You Find a Lab

1. **Leave.** Because you will not know what chemicals are present, whether or not the place is booby-trapped, or how clean the operation is, *leave the lab immediately*. Do not open any containers. Do not turn on, turn off, or unplug anything. Do not touch anything, especially where you cannot see what you are touching—among other hazards, by groping inside a drawer or a box, you could be stabbed by the sharp end of a hypodermic needle. If you are not sure you have discovered a clandestine lab, but think you may have, don't stay to investigate. Make a mental note of what made you suspicious and get out.

2. **Wash your face and hands and check for symptoms.** As soon as possible after leaving the premises, wash your face and hands, and check for physical symptoms. If you have concerns about symptoms you are experiencing, call your doctor, contact an emergency room, or call a poison control center for advice. As soon as is reasonably possible, even if you feel no adverse effects, change your clothes and take a shower. Whether or not you can smell them, the chemical dusts and vapors of an active methamphetamine lab can cling to your clothing the same way that cigarette smoke does. (In most cases, normal laundry cleaning—not dry cleaning—will decontaminate your clothes.)
3. **Alert local police.** Contact the narcotics unit of your local law enforcement agency. (Call your police emergency number, 911 in most areas, after hours.) If you are unsure of whom to call, contact police services through their nonemergency numbers listed in the phone book. Because of the dangers associated with clandestine lab activity, such reports often receive priority and are investigated quickly. Typically the law enforcement agency will coordinate with the local fire department's hazardous materials team to respond to the report.
4. **Arrange for cleanup.** Before you can rent out the property again you will need to decontaminate it. Cleanup procedures are evolving, and regulations on cleanup vary significantly from state to state. Start by getting appropriate information from the law enforcement and hazardous materials officials who dealt with your unit. Ask for suggestions on whom to contact in your area—generally county or state health officials will need to be involved and will have information on methods for decontamination.

Depending on the level of contamination present, cleanup may be as simple as a thorough cleaning of all surfaces and removal of absorbent materials (e.g., stuffed furniture and rugs), or as complex as replacing flooring or drywall. On very rare occasions demolition of the entire structure may be required. Again, contact your local health officials for details. Because of the range of chemicals involved and the differing levels of contamination possible, we cannot accurately predict the length of time needed to decontaminate a property.

If there are remaining issues to be addressed with your tenants, do so. However, when a methamphetamine lab is discovered, your tenants typically either will have already left or will no longer have any interest in possessing the unit, so while there may be other issues to resolve, physical removal of tenants is usually not one of them.

## **"How Do the 'Cooks' Survive?"**

Many landlords ask the question, "If lab sites are so toxic, how can methamphetamine cooks live there?"

The short answer is that methamphetamine cooks are willing to accept the risks of the toxic effects of the chemicals around them. Methamphetamine cooks are often addicted to the drug and are often under its influence during the cooking process. This makes the cooks less aware and more tolerant of their environment, as well as more careless with the chemicals they use and therefore more dangerous to the people around them.

Methamphetamine cooks are frequently recognized by signs such as rotting teeth, open sores on the skin, and a variety of other health problems. Some of the chemicals used by methamphetamine cooks may cause cancer; what often isn't known is how much exposure it takes and how long after exposure the cancer may begin. Essentially, methamphetamine cooks have volunteered for an uncontrolled experiment on the long-term health effects of the chemicals involved.

There are occasions when methamphetamine cooks are forced to leave a lab. For example, reports of explosions and fires are among the more common ways that local police and fire officials discover the presence of a lab—while fighting the fire, they discover the evidence of drug lab activity.

Finally, you face a different set of risks in a methamphetamine lab than do the cooks. The cooks know which compounds they are storing in the unmarked containers. They know where the more dangerous chemicals are located and how volatile their makeshift setup is likely to be. When you enter the premises, you have none of this information, and without it you face a much greater health risk.

# Crisis Resolution

## The Basics

Address problems quickly and fairly as soon as they come up. Know how to respond if a neighbor calls with a complaint. If eviction is required, do it efficiently. If you don't know the legal requirements involved in the eviction process, ask a skilled attorney.

## Act Immediately

Effective property management includes early recognition of noncompliance and immediate response. Don't wait for rumors of drug activity, and don't wait for official action against you or the property (e.g., warning letters, fines, closure, or forfeiture). Prevention is the most effective way to deal with rental-based drug activity. Many drug operators have histories of noncompliant behavior that the landlord ignored. If you give the consistent message that you are committed to keeping the property up to code and appropriately used, dishonest tenants will learn that they can't take advantage of you or your property.

The following are three of the more common reasons why landlords delay taking action, as well as some reasons why you may want to take action swiftly:

- **Fear of the legal process.** Many landlords don't take swift action because they are intimidated by the legal process. However, the penalty for indecision can be high—if you do not act, and accept rent with the knowledge that a tenant is in noncompliance, you may compromise your ability to take any future action against the problem. Your position is strongest if you consistently apply the law whenever tenants are not in compliance with the rental agreement or your landlord/tenant laws. Your position is weakened whenever you look the other way.
- **Fear of damage to the rental unit.** Some landlords don't act for fear the tenant will damage the rental property. Unfortunately, such inaction generally makes the situation worse. Problem tenants may see your inaction as a sign of acceptance. You will lose what control you have over the renter's noncompliant behavior, lose options to evict while allowing a renter to abuse your rights, and likely get a damaged rental anyway—if your tenants are the type who would damage a rental, sooner or later they will.
- **Misplaced belief in one's tenants.** While developing this manual, we heard with considerable frequency, "The people renting the property aren't dealing the drugs. We haven't had any problems with them."

## Stop the problem before it gets worse.

**COMPLAINTS HEARD:**<sup>t</sup>  
"The problem is these landlord/tenant laws don't give us any room. The tenants have all the rights and we have hardly any. Our hands are tied."

"The system works primarily for the tenant—for-cause evictions are very difficult to do. The judges bend over backward to help the tenant."

### ADVICE GIVEN:

"Serving eviction papers on drug house tenants is not the time to cut costs. Unless you already know the process, you are better off paying for a little legal advice before you serve the papers than for a lot of it afterward."

"Tell them to read a current copy of the landlord/tenant law. Too many landlords haven't looked at it in years."

<sup>t</sup> Note that some "complaints" contain inaccurate or incomplete assumptions about legal rights or procedures.

The drug dealers are their friends who often stay at the property. So what do we do? The tenants aren't making trouble, it's these other people." Ask yourself whether your innocent tenants contacted you or the police when the drug activity first occurred. Or did your tenants acknowledge the truth only after you received phone calls from upset neighbors or a warning from the police? Also, is your tenant breaking your rental agreement by having long-term guests or subtenants?

To be sure, tenants can be victimized by friends or relations. Therefore, if tenants seek your assistance early, help as much as you can. But be wary of stories you hear from tenants who don't admit to problems until after you have received complaints from neighbors or police. The sooner tenants who front for others realize they will be held responsible for illegal activity in their unit, the sooner they may choose to stop helping the dealers.

## **The Secret to Good, Low-Cost Legal Help**

If you are not familiar with the process for eviction, contact a skilled landlord-tenant attorney *before* you begin. By paying for a small amount of legal advice up front, many landlords have saved themselves from having to pay for much more expensive legal help further down the road. The law may look simple to apply, but as any landlord—or tenant—who has lost in eviction court can attest, it is more complicated than it seems. While researching this manual, we repeatedly heard from both landlords and legal experts that the vast majority of successful eviction defenses are won because of incorrect *procedure* by the landlord and not because the landlord's case is shown to be without merit.

If you don't know a good landlord-tenant attorney, find one. If you think you can't afford an attorney, think again. Too often, out of fear of paying attorney fees, landlords make mistakes in the eviction process that cost them the equivalent of many months of rent. Yet many evictions, when done correctly, are simple procedures that cost only a fraction of a month's rent in attorney's fees.

Finding a good landlord-tenant attorney is relatively easy. Check your yellow pages phone directory for those attorneys who list themselves as specialists in landlord and tenant issues. Generally, you will find a very short list, because few attorneys make landlord and tenant law a specialty. In some communities you may not find any attorneys listed at all. In such a case, try contacting a local property management association for referrals or call a few local property management companies and find out who they use. Once you have names of attorneys who specialize in landlord/tenant issues, call at least three and interview them. Ask about how many evictions they do per month, how often they are in court on eviction matters, and how much they charge. In our experience,

the safest bets are often those attorneys who handle many evictions per month—they see it as a major part of their practice, not a sideline that they advise on infrequently. Once you find attorneys who have the necessary experience, pick the one you feel most comfortable working with and ask that person to help.

## What To Do When a Neighbor Calls With a Complaint

If a neighbor calls to report drug activity, or any other type of dangerous or illegal activity at your rental, take the following steps:

- 1. At the initial call, stay objective and ask for details.** Don't be defensive or jump to conclusions. Your goal is to get as much information as you can from the neighbor about what has been observed. You also want to avoid establishing an adversarial relationship with the neighbor—if illegal drug activity is taking place on your property, you need to know about it.

Make a commitment that you will not reveal the caller's name to the tenant without permission (unless subpoenaed to do so). In the past, some landlords—perhaps believing that neighbors' reports were exaggerated—have treated dangerous situations casually and told criminals the names of neighbors who called to complain. If the neighbors have exaggerated, you do no harm by protecting their names; if they haven't, you could put them in real danger by revealing too much.

Ask the caller for the following:

- **A detailed description of what has been observed.**
- **A letter documenting what has been observed to be sent to you and to your local law enforcement agency's narcotics division.** If you have Section 8 tenants, make sure that the local PHA receives a copy as well.
- **The caller's name, address, and phone number, if they are willing to give it.** If neighbors don't know you, they may be unwilling to give you their names on the first call. This is one reason why we recommend you meet neighbors and trade phone numbers before a crisis occurs. If the only thing neighbors know about you is that you have rented to a drug dealer, they will have reason to be cautious when they call.
- **Names of other citizens you can call who could verify the complaint, or ask that the neighbor encourage other neighbors to contact you.** You will need more evidence than the phone call of a single neighbor to take meaningful action. Explaining this need may encourage the neighbor to ask others to call. Multiple

complaints can also help protect the caller by taking the focus off of a single complainant.

A single call from one neighbor doesn't necessarily mean your tenants are doing anything illegal. However, a single call is justification to pursue the matter further.

2. **Find out** more. Go to other sources for additional information and assistance. Your goal is to collect enough information to verify any problems at the rental and then to take appropriate action.
  - **Get in touch with other neighbors.** Even if your tenant is running a high-volume dealing operation, it is likely that some neighbors will suspect nothing; many citizens are unobservant or give their neighbors too much benefit of doubt. However, while some neighbors may be unaware of the scope of the problem, it is also likely that others will have a lot to tell you.
  - **Contact the police.** Get in touch with a district officer for your area and contact the narcotics division of your local law enforcement agency. Determine what, if anything, they have on record that can be revealed (see "The Role of the Police" chapter for details).
  - **Call a crime-prevention specialist.** Many communities have police officers assigned to crime-prevention work; others hire civilians to perform the task. Start by calling your local law enforcement agency and asking for information about neighborhood crime-prevention assistance. Reports from neighbors may have been called in to local crime-prevention staff. Crime-prevention staff also may have additional information that can help you address the situation effectively.
  - **If you feel comfortable doing it, consider a property maintenance inspection.** Again, few tenants involved in serious illegal activity are model renters. Discovery of maintenance violations may provide sufficient basis for serving eviction notices without having to pursue the more difficult route of developing civil proof that dangerous criminal behavior has occurred.
3. **Once you've identified the problem, address it.** If you discover that your tenant is innocent, immediately contact the neighbor who called and do your best to clear up the matter. If you discover no drug activity but strong examples of disturbing the neighbors' peace or other violations, don't let the problem continue; serve the appropriate notices. Likewise, if you become confident your property is being used for drug activity or other dangerous behavior, take action. Advise the police narcotics division of your findings and your plan. The following are examples of options you might pursue, although the specifics will depend on your local laws:

- **If the evidence provides just cause, serve an eviction notice for alleged drug activity.** The type of notice you serve will depend on your local law. For drug dealing and manufacturing, many jurisdictions allow a very fast eviction notice, such as an "immediate," "24-hour," or "3-day no-cure" eviction. (Such notices do not actually force eviction on such short notice; rather, they terminate the rental agreement on short notice, which allows the landlord to start the process for seeking a court-ordered eviction that much more quickly.)

Keep in mind that if your tenant wishes to fight the eviction in court, you will need to establish civil—not criminal—proof that drug activity has occurred. This is a lower level of proof than local law enforcement would need to get a conviction. Nevertheless, allegations of drug activity or other dangerous activity should be made with care. Given the seriousness of the charge, always contact an attorney before serving an eviction notice based on suspicion of drug activity.

Note that, frequently, if the tenants are involved in illegal activity, they move out quickly rather than fight the eviction—it won't help their drug operation to appear in court. One exception is Section 8 tenants who, for reasons unrelated to the drug activity, may be more inclined to resist eviction (as described in "The Section 8 Program" chapter of this manual).

Note also that your failure to act if you have grounds for serving such a notice may also put you at risk. If your tenants act on a threat, or continue to carry out activities that endanger the community, you could face legal action by neighbors who are as a result harmed or the local government for not taking action once you had knowledge of the problem.

- **If you have the option, consider a "no-cause" or "nonrenewal" notice.** In some rental situations, such as month-to-month rentals or at the expiration of a lease term, you may be able to evict without giving the cause. This is not an option in every jurisdiction, but if it is in yours it can be a less adversarial way to solve the problem.
- **Consider serving notice for other apparent causes.** Cause in this case could be disturbance of the neighbors' peace, nonpayment of rent, or any other significant issue of noncompliance with the rental agreement or the landlord/tenant law that you have discovered since cashing the last rent check. Again, if drug activity is present, an inspection of the unit will likely reveal a failure to maintain the property as provided in the rental agreement, additional people living in the unit, or other noncompliant behavior. Note that notices served for many types of noncompliant behavior are curable—that is, if the tenant can fix the problem in a

legally defined period of time, the tenant will be allowed to stay in the unit.

- **Consider a mutual agreement to dissolve the lease.** This is a frequently overlooked method of handling problem tenants. Essentially, if both you and your tenant can agree that the tenant will move by a specific date, you may not need to pursue court-ordered eviction at all. In some instances this can be beneficial to both parties. Write the tenant a letter discussing the problem and offering whatever supporting evidence seems appropriate. Recommend dissolving the terms of the lease, thus allowing the tenant to search for other housing without going through the confrontation of a court-ordered eviction. Let Section 8 renters know that a mutual agreement to dissolve the lease does not threaten program eligibility.

Make sure the letter is evenhanded—that it presents evidence, not accusations. Make no claims that you cannot support. *Have the letter reviewed by an attorney familiar with landlord/tenant law.*

Handled properly, this can be a useful way to dissolve a problem to your and your tenant's satisfaction without dealing with the court process. Handled improperly, this will cause more problems than it will solve. Don't try this option without doing your homework first.

Finally, if you evict someone for engaging in drug activity, share the information with the local PHA and others. Landlords who are screening tenants later may not find out about these incidents unless the information is documented. If the problem tenant is a Section 8 renter, make sure the local PHA has a letter from you on file regarding the incident. Also contact the screening company or credit reporting service you use and advise them of the circumstances; they may also be able to keep track of the information.

## How To Serve Notice

When an eviction notice is served, often the tenant moves out and the procedure is complete. However, in those cases where a tenant requests a trial, the details of the eviction process will be analyzed. As one landlord puts it, "Ninety percent of the cases lost are not lost on the bottom-line issues, but on technicalities." Another points out, "Even if you have police testimony that the tenants are dealing drugs, you still have to serve the notice correctly."

Eviction options include a legal process that you must follow. In addition, the process also may be affected by the provisions of your rental agreement or Section 8 contract. Begin by reading your rental contracts and landlord/tenant law. One of the best skills you can develop is a working knowledge of the law. In any eviction, take the following steps:

- 1. Start with the right form.** When available, use forms already developed for each eviction option. Forms that have been written and reviewed for consistency with state law generally can be purchased through property management associations or legal document publishing companies. In some states, the form actually may appear in the statute. You can, of course, have your attorney generate the appropriate notices as well.
- 2. Complete the form correctly.** If you are using a for-cause notice, you must cite the specific breach of landlord/tenant law or the section of the rental agreement that the tenant has violated. In addition, briefly describe the tenant's noncompliant behavior. You will need to have other elements that your local law requires, such as noting the time of service or the date and time by which the notice requires the tenant to act. Also, if it is a Section 8 rental, you may need to note that a copy of the notice is being delivered to the local PHA.
- 3. Time the notice accurately.** Issues of notice timing vary significantly by state. Overall, cases can be lost because a landlord did not extend the notice period to allow for delivery time, did not allow sufficient time for a tenant to remedy a problem, or did not accurately note the timing of the process on the notice itself. Check landlord/tenant law, your rental agreement, and your Section 8 contract (if applicable) to make sure you address timing issues correctly.
- 4. Serve the notice properly.** Again, check the law and your contracts to make sure your notice delivery process is correct. Generally, placing the notice directly into the hands of a tenant whose name is on the rental agreement is allowable in any jurisdiction. Other types of legal delivery vary by state. In some areas all mailed notices must be delivered by certified mail. In other areas only standard first-class mail may be used and a certified mail notice would be considered illegal. So don't guess. Read the law, check with your attorney, and proceed from there.
- 5. Don't guess; get help.** As mentioned earlier, unless you are comfortable with the process, consult an attorney who is experienced in landlord/tenant law before you serve an eviction notice. If you have drug activity on your property, you already have a major problem. Now is not the time to cut corners to save money. Following proper legal processes could save you thousands of dollars in damages, penalties, and legal fees.

## What Evidence Is Required

An eviction trial is a civil proceeding. This means that civil proof of drug activity is typically all that is required to successfully evict a tenant. For example, in eviction court landlords have established strong proof of drug activity in a rental by providing the following:

- Credible testimony of neighbors who have observed suspected drug-related behavior (such as described in the "Warning Signs of Drug Activity" chapter of this manual).
- The landlord's testimony about additional signs observed during an inspection of a unit.
- The subpoenaed testimony of a police officer who has made a single undercover buy from a tenant or arrested a tenant for possession of drugs.

From a criminal standpoint, this would generally not be enough proof for the police to get a search warrant. But this evidence could be enough to prove suspicion of chronic drug activity in a civil court. Of course, the actual amount of proof required in your jurisdiction will be determined by a combination of local law, court precedents, the presiding judge, and the "trier of fact"—either a judge or jury—who hears the case. (For more on the issues of criminal versus civil law, see "The Role of the Police" chapter of this manual.)

## **The Court Process**

The popular belief is that a "termination" notice is sufficient to force a tenant to move out by the date specified on the notice. In fact, the notice is just the first step in the eviction process. Technically, the landlord's first notice to vacate means that, if the tenant does not move out by the date specified, the landlord may file suit to regain possession of the property. While many tenants will move out before the initial notice expires, if they don't the landlord will need to start legal action with the local courts to regain possession of the property.

In cases where a tenant wishes to resist eviction, he or she will be allowed to remain on the premises until a landlord has received a court judgment against the tenant. If physical removal of the tenant is required, it will be done by a local law enforcement official, most commonly a sheriff or marshal. The actual eviction procedure varies significantly by jurisdiction, as does the length of time required.

Perhaps the most compelling point we can make about the eviction process, from service of notice to arguing in court, is that eviction is an expensive, time-consuming way to "screen" tenants. You will save much heartache and considerable expense if you screen your tenants carefully before you rent to them.

## **If You Have a Problem With Neighboring Property**

When chronic problem activity is present in a neighborhood, every affected citizen makes a conscious or unconscious choice about what kind

of action to take. The choices are to move away, to do nothing and hope the problem will go away, or to take action to stop the problem. Doing nothing or moving away usually means the problem will remain and grow worse—somebody, someday, will have to cope with it. Taking action, especially when it involves many neighbors working together, can both solve the problem and create a needed sense of community.

Many neighbors are under the impression that solutions to crime are the exclusive responsibility of the police and the justice system—that there isn't much an individual citizen can do. Actually, there is a lot that citizens can do, even must do, to ensure that they live in a safe and healthy neighborhood. Getting more involved in your neighborhood isn't just a good idea, it is how our system of law and civic life was designed and the only way it can really work. With that in mind, the following is a list of proven community organizing techniques to help you begin.

- 1. Find others concerned about the problem and enlist their help.** As you consider the following steps, keep in mind that a number of neighbors following the same course of action will magnify the credibility and effectiveness of each step. In particular, several neighbors calling a government agency separately about the same problem will usually make the problem appear more serious to the agency. The involvement of many neighbors also increases everyone's safety. Tenants involved in illegal activity might target one neighbor for revenge but they are less likely to try to identify and harass several neighbors.
- 2. Make sure the police are informed in detail.** It doesn't matter how many police officers work in your local department if people don't call the police and report crime. Even if you have called without getting the results you expected, keep calling, and as you follow the other recommendations of this section, keep working with police. Of course, establishing a connection with a particular officer who works the area regularly is often a key to success. Other strategies include the following:
  - **Report incidents when they occur.** Call 911 in an emergency or call police narcotics detectives, gang units, and other special enforcement units as appropriate. You may need to do some research to find out what agency deals with a particular type of problem.
  - **Keep activity logs or diaries.** Track activity when disturbances occur frequently at one address, and encourage neighbors to do the same. Share copies of these logs with a police officer, in person if possible.
  - **Encourage civil abatement action.** When speaking with law enforcement officials, be aware that, in addition to criminal investigation, police often have the option of using civil law to

help solve a problem, such as fining the owner, closing (boarding up) property, or even seizing property that is associated with illegal drug activity.

3. **Consider direct contact with the property owner.** Many activists contact the owner directly and ask for help in solving the problem. While police officers may do this for you, it is an option available to any citizen. Understand that it may not be safe to contact some irresponsible owners, so be sure to plan your approach carefully. In general, try a friendly, cooperative approach first—it usually works. If this doesn't work, then move on to more adversarial tactics. Following are some tips for approaching owners:
  - **Use tax records to find the owner.** Local property tax assessment records generally will identify who owns the property.
  - **Discuss the problem with the owner.** It is amazing how often this simple step is never taken. Discuss the problem and ask for assistance in stopping it.
  - **Suggest this training.** If the property is a rental, consider delivering a copy of this manual to the owner and encouraging him or her to attend a Landlord Training Program in the area.
  - **Give police references.** Give the property owner the names of officers who have been called to the address. (Names of specific officers are far more useful than general statements such as "The police have been out frequently.")
  - **Help locate criminal records if appropriate.** Learn how you or the property owner can access criminal background information. For example, if an occupant has a criminal record in your county, the local courthouse should have the records.
  - **Share activity logs.** Consider giving copies of your activity logs to the landlord if it appears the landlord will use them to support lease-enforcement actions.
4. **Enlist the help of others.** If it becomes apparent that the problem will not get resolved without more effort, it may be time for more aggressive action. This may require more organization and structure in the neighborhood. Here are some approaches to apply more pressure to neighboring landlords:
  - **Remind others to make requests.** After any action you take, call several other neighbors and ask them to consider doing the same thing, whether it is reporting an incident to police, calling the landlord, or speaking to a local official. Don't ask neighbors to call and repeat your report. Ask neighbors to make an independent assessment of the problem you have observed and, if they also consider it a problem, to report it as well.

- **Call the public housing authority.** If the problem residents are receiving public housing assistance, contact the local housing authority and report the problems observed.
  - **Call for a code inspection.** Call your local building maintenance code enforcement department to report maintenance code violations. Maintenance codes address exterior building structure and appearance, interior structure and appearance, as well as nuisances in yards, such as animals, abandoned cars, trash, and neglect. Most properties with problem residents will have many violations of maintenance codes as well.
  - **Consider calling the mortgage holder.** Sometimes the holder of the mortgage on a property can take action if the property is not in compliance with local law. Generally, if a financial institution is holding a mortgage on real property, the name of the institution will be listed on the title records kept by the assessors' office.
  - **Write letters.** Citizens who write letters to mayors, council members, chiefs of police, building inspectors, and others give legitimacy to a problem that may not have received as much attention as it required. The first letters should be written to persons in a position to take direct action—a police officer, code inspector, or other person tasked with addressing problems like the one you are working on. Don't write letters to managerial or political authorities until you have given this a chance to work. Write letters to such authorities if it becomes apparent that the help your neighborhood needs will not be forthcoming. When necessary, follow up calls or letters with personal appointments.
5. **Two strategies of last resort.** Generally, these activities should be undertaken only by a well-organized group, and only when consistent and diligent work with police, neighbors, and city officials has made little or no progress.
- **Consider getting the media involved.** After making a concerted effort to get results through other means, discussing the problem with the media can be a way to focus more attention—and sometimes resources—on a problem. However, going to the media with your complaint before communicating clearly with the accountable person or organization can be counterproductive; it can cause justifiable resentment by public officials who feel blindsided by media attention on an issue about which they had no prior warning. Also be aware that, if the problem is associated with criminal drug or gang activity, attracting media attention to yourself can put you at risk.
  - **Start legal action against the property owner.** Citizens also can pursue lawsuits against a nuisance property directly. In the final analysis, even the most negligent property owners will take

action when they are made to fully understand that it will cost more money to ignore the problem than it will to stop it. The legal options for this type of approach vary substantially by jurisdiction. In general, this is not an easy process and should be considered only as a last resort. Again, the vast majority of neighborhood problems can be solved without having to go through the time and expense of taking legal action.

# The Role of the Police

## The Basics

Know how to work with the system to ensure rapid problem resolution. Have a working knowledge of how your local law enforcement agency deals with drug problems in residential neighborhoods.

## Defining the Roles: Landlords and Police

It is a common misconception that law enforcement agencies can evict tenants involved in illegal activity. In fact, only the landlord has the authority to evict; the police do not. The police can arrest people for criminal activity. But arrest itself has no bearing on a tenant's right to occupy your property.

Eviction, on the other hand, is a civil process in which the landlord sues the tenant for possession of the property. There are differences in the proof required for these two processes. Victory in civil court requires a preponderance of evidence—the scales must tip, however slightly, in your favor. Criminal conviction requires proof beyond a reasonable doubt—a much tougher standard. Therefore, you may find yourself in a position where you have enough evidence to evict your tenants, but the police do not have enough evidence to arrest them. Further, even if the police arrest your tenants and a court convicts them, you still must evict them from your property through a separate process. If you do not pursue the eviction process, upon release the tenant will have the right to return to and occupy your property.

Many landlords are surprised to discover the power they have to close drug houses and eliminate such threats to the neighborhood. As one police captain put it, "Even our ultimate action against a drug operation in a rental—a raid and the arrest of the people inside—will not solve a landlord's problem, because the tenants retain a legal right to occupy the property. It's still the tenants' home until they move out or the landlord evicts them. And, as is often the case, those people do not go to jail, or do not stay in jail long." It's surprising, but the person with the most power over an individual "drug house" operation in a neighborhood is the property owner—the landlord. Ultimately, the landlord can remove all tenants in a unit; the police can't.

The only time law enforcement may get involved in eviction is to enforce the outcome of your civil proceeding. For example, when a court issues a judgment requiring a tenant to move out and the tenant refuses, the landlord can go to the sheriff (or other appropriate law enforcement agency) and request that the tenant be physically removed. Until that



## Building an effective partnership.

### COMPLAINTS HEARD:

"The problem is the police won't get rid of these people when we call. We've had dealers operating in one unit for 4 months. The other tenants are constantly kept up by the activity—even as late as 2:00 or 3:00 in the morning on weeknights."

"I called police about one of my properties. They wouldn't even confirm that anyone suspected activity at the place. A month later they raided the house. Now I'm stuck with repair bills from the raid. If they had just told me what they knew, I could have done something."

### ADVICE GIVEN:

"In almost every case, when the police raid a drug house, there is a history of compliance violations unrelated to the drug activity for which an active landlord would have evicted the tenant."

—Narcotics detective

point, law enforcement cannot get directly involved in the eviction process. However, the police may be able to provide information or other support appropriate to the situation, such as testifying at the trial, providing records of search warrant results, or being present when you serve the eviction notice.

Again, criminal arrest and civil eviction are unrelated; the only connection is the possibility of subpoenaing an arresting officer or using conviction records as evidence in an eviction trial. No matter how serious a crime your tenants have committed, eviction remains your responsibility.

## **What To Expect**

Police officers are paid, and trained, to deal with dangerous criminal situations; they are experts in enforcing criminal law. However, they are not authorities in civil law. While you should inform the police if you have tenants who are involved in illegal activity, do not make the assumption that you can turn the matter over to the authorities and they will take it from there. Because landlord/tenant laws are enforced only by the parties in the relationship, when it comes to removal of a tenant, landlords are the authorities. With that in mind, you will get the best results from police by providing any information you can for their criminal investigation while requesting police give any supporting evidence you can use for your civil proceeding.

In order to get the most cooperation from the police, remember the rule of working with any bureaucracy: The best results are achieved by working one-on-one with the same contact. This rule is especially important when working with a law enforcement agency where information shared with the wrong people could harm an investigation or endanger the life of an officer. If an officer doesn't know you, the officer may be hesitant to give you information about suspected activity at your rental.

The best approach, therefore, is to make an appointment to speak with a narcotics officer in person or to call your local precinct and arrange to speak directly with an officer who patrols the district where your rental is located. There can be a significant difference between the type of information available through a single, anonymous phone call and the amount of assistance possible if you arrange an in-person meeting.

The type of assistance possible will vary depending on the situation—from advice about what to look for on your property to documentation for and testimony in your eviction proceeding. Remember that the police are not obligated to collect information for you to evict problem tenants. Although you can get valuable assistance from the police, don't wait for the police to develop an entire criminal case before you take action. If neighbors are complaining that drug activity or other dangerous

situations are occurring in your rental, investigate the problem and resolve it as quickly as possible (see the "Crisis Resolution" chapter of this manual). Don't assume that the situation at your unit must be under control simply because the police have yet to serve a search warrant at the property.

## **Fines, Forfeiture, and Other Penalties**

Laws are on the books nationwide that allow such actions as heavy fines against owners who allow drug manufacturing or sale on their properties, closure of such property for specified time periods, or even forfeiture of such property when the owner's complicity with the crime can be established.

While it is valuable for you to be aware of the specific laws that affect your area, these laws are rarely used on properties that are actively managed. If you are screening tenants with care, enforcing rental agreements, and, in apartments, encouraging a sense of healthy community among good tenants, it is unlikely that such laws will ever be used against you or your property.

# The Section 8 Program

*The term "Section 8" refers to a number of federal subsidy programs that allow people of limited means to rent housing. The tenant pays a portion of the rent, while the Federal Government pays the rest. The Section 8 program is under the control of U.S. Department of Housing and Urban Development and is administered locally by public housing agencies.*

"For landlords the message is simple. Bottom line, if you screen your tenants, Section 8 is a very good program."

—A Section 8 program director

## The Basics

Understand the legal and practical differences between publicly subsidized rentals and private rentals in order to have the same success rate in either type of rental situation.

## Benefits

The most important benefit of a landlord participating in the Section 8 program is that, if the landlord manages responsibly, it will help the entire community. Landlords who meet their responsibilities and require Section 8 tenants to do the same provide a valuable service—by renting decent housing to good citizens who otherwise could not afford it. In addition to the satisfaction of serving the public good, landlords can enjoy the following direct benefits for their business:

- 1. Reliable rents.** A large portion of the rent, and sometimes all of it, is guaranteed by the Federal Government. Once the paperwork is processed, you'll get the subsidy portion on time, every month. Also, assuming you screen applicants responsibly, your tenants should be able to pay their portion on time since the amount has been determined to be within their means.
- 2. Fair Market Rents.** HUD and local PHAs ensure that subsidized rents do not exceed comparable private rents in the area. Landlords who are charging comparable rates will receive similar amounts under Section 8. Landlords who attempt to lead the market in the rents they charge may suffer somewhat.

## Misconceptions

The following are common misconceptions about Section 8.

*PHAs prescreen their participants using the same guidelines that a landlord should use.*

**False.** PHAs screen Section 8 program applicants primarily for program eligibility (essentially, income level). It is up to the landlord

### ADVICE GIVEN:

"Few landlords realize it, but you can screen a subsidized applicant the same way you screen any applicant. Most don't screen subsidized applicants for rental history—either because they don't know they can or because they are too excited about the guaranteed rent check."

to perform standard tenant screening—making sure applicants can pay the remainder of the rent, checking their rental records through previous landlords, and running all other checks a private landlord would run. You are not only legally permitted to screen Section 8 participants in this way, you are expected to. Screening applicants, subsidized or not, is both your right and your responsibility; you are entitled to turn down Section 8 applicants who do not meet your screening criteria and to accept those who do. Even guaranteed rent is not worth the risk of having drug-dealing tenants moving in.

In short, the path toward successfully renting to Section 8 tenants is not very different from the path to success in any rental situation—the first step is careful screening.

*Landlords who rent to Section 8 tenants must use a PHA model lease.*

**False.** HUD guidelines developed in 1995 make it easier for the landlord to use the same lease used for nonsubsidized tenants. However, the landlord will be required to use an approved lease addendum provided by the local housing agency that adds to and/or modifies some of the conditions of the lease that the landlord typically uses with nonsubsidized tenants.

Note also that the lease addendum and model leases provided by PHAs are written to match HUD's requirements and won't necessarily include all the provisions you are accustomed to using. It is important, therefore, to be aware of differences between the conditions of your Section 8 lease and/or lease addendum and the conditions of your typical lease for nonsubsidized tenants.

*Section 8 tenants cannot be evicted.*

**False.** This misconception arises primarily from confusion about the types of notices that can be served on a subsidized tenant. While it is true that during the first year, a Section 8 lease will forbid the use of "no-cause" or nonrenewal notices, in general, all "for-cause" notices still apply. So, for example, if a tenant is violating the terms of the lease or damaging the property, a landlord can serve the applicable for-cause notice defined in the local landlord/tenant law. New HUD regulations now permit landlords in many areas to use a lease that will permit no-cause terminations after the first year. Check with your local PHA to see whether such an approach is available to you.

Section 8 participants are bound by the same state and local landlord/tenant laws that govern nonsubsidized rental relationships. In theory, the only difference should be the wording of the lease. However, there are instances where evictions can be more complicated with Section 8 tenants. Your best approach, as with any eviction, is to

Speak with an experienced landlord/tenant attorney before starting an eviction process.

*If you evict tenants for drug activity, the local PHA will simply let the same people rent again elsewhere.*

**False.** New HUD guidelines allow local PHAs to terminate assistance to tenants involved in the manufacture, sale, distribution, possession, or use of illegal drugs. The same guidelines apply to tenants involved in violent criminal activity. New federal guidelines introduced in 1995 also give local PHAs expanded options for terminating a person's eligibility for the Section 8 program for problems such as repeated and serious lease violations.

## Resources

Many of the key resources available to landlords and property managers vary by city, county, and state, so it is impractical to provide a resource list in a national manual. Therefore, the following are examples of the types of resources you may wish to use as you pursue your property management goals and suggestions for how to locate them.



"The only thing necessary for the triumph of evil is for good people to do nothing."

—Edmund Burke

### Property Management Associations

These groups are typically listed in local phone directories under associations.

The services and type of support offered by each organization varies. Examples of services include legislative lobbying and providing rental forms, continuing education, attorney referrals, and answers to landlord/tenant questions. Other services can include running credit checks and holding monthly meetings to discuss topics of interest.

### Tenant Screening Services

Your local phone directory may list a variety of companies under the heading "credit reporting agencies," some of which regularly work with landlords. In most directories, you also will find a listing of companies that can help you with tenant screening under the heading "property management."

Although providing credit reports is standard, other services vary, and may include providing records of courthouse eviction proceedings; tracking landlord complaints on problem tenants; searching public records for judgments, tax liens, or lawsuits; conducting criminal background checks; verifying employment; verifying addresses; and checking references with present and previous landlords. The best approach is to contact a few different companies, interview them about their services (and fees), and check their references and reputations with other landlords.

### Crime Prevention/Apartment Watch

For help in establishing a crime prevention or apartment watch in your complex, contact a crime prevention specialist at your local law enforcement agency (which is typically listed in the government section of local phone directories) and find out what types of assistance are available.

## **Community-Based Organizations**

To locate community-based organizations, contact your city or county's local citizen participation or community development agencies. Non-profit community-based organizations are generally involved in various community-building projects from rehabilitating housing and organizing neighbors to providing a range of local referral and support assistance. Staff at some community-based organizations may be able to provide more indepth information about specific neighborhood concerns that citywide agencies provide.

## **Section 8 Rent Assistance Program**

Contact the public housing agency in your area for answers to questions regarding the Section 8 program.

## **Laws and Ordinances**

These are generally available through your local public library. State laws also are available through your state legislature's information service. To locate state statutes on the Internet, one of the more comprehensive reference sites is maintained by Cornell University at: [www.law.cornell.edu/statutes.html#state](http://www.law.cornell.edu/statutes.html#state). Contact your local city and county governments for applicable ordinances.

# Appendixes

# Sources for Further Information

As of the first quarter of 1999, more than 400 jurisdictions in the United States and Canada have received permission to adapt the Landlord Training Program. The following are examples of resources that have a depth of experience with the original program or its variations:

- Community Policing Services, **Campbell DeLong Resources, Inc.**, 319 SW. Washington, Suite 802, Portland, Oregon 97204. Phone: (503) 221-2005. E-mail: LTPinfo@cdri.com. CDRI handles all license requests, typically for no charge. Many answers on licensing questions and other program issues can be found by visiting the Campbell DeLong Web site at [www.cdri.com](http://www.cdri.com). CDRI can answer questions about the program on a time-available basis and can provide referrals to agencies and organizations that may also be able to offer technical assistance. Also, as the original program developer, CDRI is available to assist directly with program design and implementation, but can only respond to a limited number of such requests per year.
- Planning & Support Division, **Portland Police Bureau**, 1111 SW. Second Avenue, Room 1552, Portland, Oregon 97204. Phone: (503) 823-0283. This is the sponsor of the original Landlord Training Program. In 1998 the program in Portland became a joint partnership between the Portland Police Bureau and the city of Portland's Bureau of Buildings. The Bureau of Buildings now manages all Landlord Training Program elements and can provide information on local program status. Phone: (503) 823-7955.
- Landlord Training Program, **Department of Building Inspection, City of Milwaukee**, Room 1008 Municipal Building, 841 North Broadway, Milwaukee, Wisconsin 53202. Phone: (414) 286-2954. Milwaukee has a depth of experience in the original Landlord Training Program model and is an excellent resource for advice on program development. Milwaukee's manual has been approved as a basis for adaptation by other Wisconsin jurisdictions.
- Landlord Training Program, **Community Resource Team, Beaverton Police Department**, David G. Bishop, Chief, 4755 SW. Griffith Drive, Beaverton, Oregon 97076-4755. Phone: (503) 526-2561. Provides Landlord Training, monthly "active participation" meetings, and a range of innovative problem-solving techniques for addressing chronic problems on rental property. Also experienced in developing the Enhanced Safety Properties Program.

- Jackson County Missouri Landlord Training Program, **Jackson County Prosecutor's Office, Jackson County Missouri**, 415 East 12th, 10th Floor, Kansas City, Missouri 64106. Phone: (816) 881-3555. Provides the Landlord Training Program and implements a variety of innovative problem-solving techniques for addressing chronic problems on rental property. Has expertise in dealing with problems associated with methamphetamine labs.
- Crime Free Rental Housing Program, **City of San Bernardino Police Department**, 710 North D Street, First Floor, San Bernardino, California 92410. Phone: (909) 388-4830. Has developed a manual and program based on the original, with a three-phase certification element added. The city of San Bernardino's original manual has been approved for adaptation by other California jurisdictions.
- **Department of Community Development, City of Syracuse**, 233 East Washington Street, Syracuse, New York 13202. Phone: (315) 448-8100. Published a tailored *Landlord Training Program Manual* based on New York law and Syracuse-specific issues in 1998. Familiar with the challenges of establishing a program in the state of New York.
- Landlord Training Program, **Oakland Police Department**, Beat Health Unit, 455 Seventh Street, Oakland, California 94607. Phone: (510) 615-5808. One of the earliest to experiment with adapting the program, Oakland has had considerable experience in providing its version of the Landlord Training Program.
- **Tucson Police Department**, Community Services Section, 270 South Stone Avenue, Tucson, Arizona 85701-1917. Phone: (520) 791-4450. Wrote the original Arizona version of the *Landlord Training Program Manual*. Now provides a version of the Crime Free Multi-Housing Program. Has considerable experience with the challenges of developing a local training.
- **Seattle Neighborhood Group**, 1904 Third Avenue, #614, Seattle, Washington 98101-1100. Phone: (206) 323-9666. Washington area law enforcement agencies will find the Seattle Neighborhood Group's *Landlord Training Program Manual* to be a carefully developed adaptation. It has been approved for adaptation by other Washington state jurisdictions.
- Landlord Training Program, **Austin Police Department**, City of Austin, 12425 Lamplight Village Avenue, Austin, Texas 78758. Phone: (512) 834-7906. A host city for the 1996 train-the-trainer programs, with experience in providing the trainings.

- Rental Management Training Program, **Baltimore County Police Department**, Baltimore County, Maryland, 700 East Joppa Road, Towson, Maryland 21286-5501. Phone: (410) 887-2214. A host agency for the 1996 train-the-trainer programs, with experience in providing the trainings.
- FALCON Narcotic Abatement Unit, City Attorney's Office, **City of Los Angeles**, 1645 Corinth Avenue, Room 203, West Los Angeles, California 90025. Phone: (310) 575-8552. A host city for the 1996 train-the-trainer programs, the city of Los Angeles had not developed a training program directly as of the printing of the first edition of this monograph.
- Aurora Police-Community Housing Program, **Aurora Police Department**, 350 North River Street, Aurora, Illinois 60506. Phone: (708) 859-1700. Provides the Landlord Training Program under the name "Police-Community Housing Program."

# Sample Letter for Manual Draft Review (as Used in Milwaukee)

[DATE]

Dear Reviewer:

The following draft of the city of Milwaukee's *Landlord Training Program* is based on interviews with many organizations and individuals, including landlords, management associations, private attorneys, tenant advocates, housing authority personnel, narcotics detectives, crime prevention officers, Drug Abatement Program staff, and many others. Your review of this draft is a crucial part of its development. We genuinely desire feedback on the manual—from the minor points to the grand design. Make all comments and suggested changes on the draft, and then mail it back to us. Because each person reviewing this document has a different area of expertise, feel free to comment only on the area that interests you or on the whole document. It is unlikely that we will be able to implement every suggestion we receive, but every suggestion is valuable.

Please feel free to call and discuss any of your comments by phone. You may give your feedback to [PROGRAM MANAGER, DEPARTMENT, NUMBER]. Please respond by [DATE].

*Please do not make copies of this material or consider the information legally accurate.* This document is being provided to you for the exclusive purpose of gaining your feedback and *not* for the purpose of disseminating information. While it is based on our best understanding of the scope of a landlord's rights, responsibilities, and options, some elements in this document may be legally inaccurate and some recommendations not appropriate. A final version will be published soon; please wait for it.

The current draft has not been professionally proofread, so there may be some errors; however, the final version will be error free. Program training and marketing strategy will begin to be developed as we receive feedback on the manual. Thank you for your support of this project.

Sincerely,

[SIGNED BY PROGRAM MANAGER]

# Sample Police Chief's Letter (as Used in Portland)

[DATE]

Dear Property Owner:

Our records indicate that you own rental property in Portland, Oregon. Because of the problems associated with drug activity in rental housing, I am writing to you and other rental owners to invite you to a seminar, the Landlord Training Program, on how landlords and property managers can keep illegal activity out of their units. To date, more than 7,000 landlords and property managers have attended the Landlord Training Program in other areas of the city. Now that the program is being offered for landlords in your neighborhood, I urge you to take advantage of it.

This program is part of an effort to stop drug activity in residential neighborhoods. While we use the Specified Crime Ordinance to fine owners and close property in cases where the landlord has allowed drug dealing, distribution, or manufacturing on the property, we would prefer to work with landlords to ensure that problems never reach this level. Landlords who use techniques from the Landlord Training Program tell us the rewards outweigh the costs, and include the following:

- A stabilized, more satisfied tenant base, with increased demand for rentals.
- Lower maintenance and repair costs.
- Improved property values.
- Improved level of personal safety for both tenants and neighbors.
- Peace of mind from spending less time on crisis control.

Reactions from people who have taken the course have been very positive. Landlords tell us that the course provided them with new screening techniques and helped them deal successfully with tenants involved in illegal activity. A recent survey indicates that more than 90 percent of landlords who attend the training make changes in the way they manage their property as a result of the program. The program is also an effective community policing tool.

The attached pages provide information about the training, including the times and locations of upcoming seminars. Please select the date(s) that fits your schedule, and register by mailing back the enclosed form. If you do not have a registration form, you may sign up by calling the

Planning & Support Division, Portland Police Bureau, at (503) 823-0283  
between 9 a.m. and 4 p.m. Monday through Friday.

Your attendance is encouraged. We wouldn't ask if it weren't so  
important.

Very truly yours,

[SIGNED BY CHIEF OF POLICE]

# Sample Information Page

Schedule is generally shown on reverse side.

## Landlord Training Program Information Page

The Landlord Training Program is designed to help owners and managers keep illegal drug activity and other criminal activity off their property. The content of the course has been developed through a process of intensive research involving hundreds of organizations and individuals: landlords, management associations, private attorneys, public defenders, housing authority personnel, tenant screening companies, narcotics detectives, district officers, and many others. The program has won the approval of active landlords and concerned tenants alike.

The program has been adapted for [COMMUNITY] by [AGENCY] and is based on the National Landlord Training Program, originally supported by the Bureau of Justice Assistance, U.S. Department of Justice. Funding for this series of trainings is provided by [SPONSOR NAME(S)].

Research shows that more than 90 percent of landlords who have taken the original course agree that they feel more secure in their ability to screen applicants, more likely to recognize warning signs of drug activity, and more confident of their ability to evict tenants in illegal activity on the property. Of landlords who have had to deal with drug-involved tenants after taking the course, 94 percent report using information from the course to help resolve the problem.

The training is presented in two parts in an all-day session. The training schedule is shown on the reverse side.

### PART I

- Introduction—The impact of property management on the health of a community.
- Applicant Screening—How to screen out dishonest applicants, while ensuring that honest applicants are encouraged to apply.
- Signs of Dishonest Applicants—Tips on what to look for.
- Rental Agreements—Approaches that will strengthen your ability to evict drug house tenants.
- Ongoing Management—How to manage property in a way that discourages illegal behavior and ensures early warning should it occur.
- Partnerships With Residents—How to work with your tenants and property neighbors to keep illegal activity out of the neighborhood as effectively and easily as possible.

### PART II

- Preparing the property/CPTED—How to use the concepts of crime prevention through environmental design to reduce the likelihood of crime occurring on, or near, your rentals.
- Warning Signs of Drug Activity—How to recognize the drugs and the activity.
- Eviction—The options, the process, and the practical application in drug house situations.
- Working With the Police—What to expect, what not to expect, and how to get maximum cooperation.
- About Section 8 (Subsidized Housing)—The rights and responsibilities are somewhat different from typical private rentals. Success is found by understanding the differences.

## Sample Schedule Page

Generally shown on back of information page.

### Landlord Training Program *Dates, Time, Location(s)*

*Dates:* [DAY OF WEEK, DATE]

*Times:* Registration begins at [TIME]

Training starts PROMPTLY at [TIME] and will run until [TIME] with a 1-hour lunch break about noon.

*Location[s]:*

*Lunch:* [On your own—a selection of restaurants are nearby] or [To be provided]

*Parking:*

*Call:* Please call [CONTACT, PHONE NUMBER] or fax the attached registration form to [FAX NUMBER], SO we can reserve your space today.

Map to location of training, if needed

*Thank you. We wouldn't ask if it weren't so important.*

# Sample Registration Form

## Landlord Training Program Registration

Training date and location

Number attending

Name(s)

Company

Street/P.O. Box

City/State/ZIP Code

Business/ Daytime Phone

Number of units responsible for:

\_\_\_\_ Units within the city of [NAME] \_\_\_\_\_

\_\_\_\_ Units outside the city of [NAME] \_\_\_\_

Prior to coming to the training, did you (check all that apply)

\_\_\_\_ Receive a letter from the police regarding this training

\_\_\_\_ Hear about it through the news media

\_\_\_\_ Hear about it through a rental housing association

\_\_\_\_ Hear about it from friends, colleagues, or acquaintances

Return this form to:

Landlord Training Program

[AGENCY ADDRESS]

# Sample Confirmation Letter

[DATE]

Dear Property Owner or Manager:

As you requested, we have reserved space for you in the [DATE] session of the Landlord Training Program. This training will be held at the [LOCATION, ADDRESS]. Sign-in for the training will begin at 8:30 a.m., and the training will run from 9:00 a.m. to approximately 4:30 p.m.

Feedback from earlier trainings shows that the program is of real, practical use to those who attend. The opportunity to hear ideas from other property managers, to discuss techniques presented in the training, and to receive written reference materials has proved to be very successful.

If for any reason you are not planning to attend the training, please call in advance and let us know. Demand for the training has been high, and we would rather fill available space from a waiting list than have seats go empty.

We look forward to seeing you on [DATE]!

Sincerely,

[SIGNED BY PROGRAM MANAGER]

If you are a person with a disability and need special accommodation, please call [NUMBER] (voice) or [NUMBER] (TDD).

# Sample Certificate of Completion

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## *Landlord Training Program*

*"Keeping ittega! activity out of rental p/vjwrry"*



# Sample Landlord Training Program Posttraining Questionnaire

DATE(S) OF TRAINING:

1A. Total number of units responsible for: \_\_\_\_\_

B. Number of those units which are *within* [JURISDICTION] limits: \_\_\_\_\_

2A. In which *one* part of the [JURISDICTION] area do you have the most units? (select one)

\_\_\_\_ Northwest [OR OTHER APPROPRIATE GEOGRAPHIC DIVISION]

\_\_\_\_ Southwest

\_\_\_\_ Northeast

\_\_\_\_ Southeast

\_\_\_\_ Outside of [JURISDICTION] (specify): \_\_\_\_\_

B. Where do you currently live?

\_\_\_\_ Northwest [OR OTHER APPROPRIATE GEOGRAPHIC DIVISION]

\_\_\_\_ Southwest

\_\_\_\_ Northeast

\_\_\_\_ Southeast

\_\_\_\_ Outside of [JURISDICTION] (specify): \_\_\_\_\_

3A. To the best of your knowledge, in the past 2 years have you had problems with tenants involved in drug activity?

Yes                      No

B. To the best of your knowledge, do you believe you *currently* have tenants who are involved in the manufacture or delivery of illegal drugs?

Yes                      No

C. Have you ever had a methamphetamine lab on any of your properties?

Yes                      No

4. Please rate the course you just took according to the following criteria (circle your response):

A. To what degree did the course give you information or ideas that you didn't already know?

1.....2.....3.....4  
Poor Fair Good Excellent

B. To what degree did the course provide practical information?

1.....2.....3.....4  
Poor Fair Good Excellent

C. To what degree will the information help you prevent applicants involved in drug activity from renting your property?

1.....2.....3.....4  
Poor Fair Good Excellent

D. To what degree will the information help you deal with drug house situations should they occur on your property?

1.....2.....3.....4  
Poor Fair Good Excellent

E. To what degree was the training program worthwhile?

1.....2.....3.....4  
Poor Fair Good Excellent

F. To what degree did the program increase your awareness of the problems of methamphetamine manufacturing on rental property?

1.....2.....3.....4  
Poor Fair Good Excellent

G. To what degree did the program give you a clear description of the steps to take upon discovering a methamphetamine lab on your property?

1.....2.....3.....4  
Poor Fair Good Excellent

5. As a result of taking this training, do you plan to make changes in the way you manage property?

- Definitely
- Probably
- Probably not

6. Which aspects of the training, if any, were *particularly* valuable? Why?

7. Which aspects of the training, if any, were *not* valuable? Why?

8. Please rate the training manual on the following:

A. A valuable, "plain English" reference source.

1.....2.....3.....4  
Poor Fair Good Excellent

B. Provides important information that I can use to keep illegal activity off my property.

1.....2.....3.....4  
Poor Fair Good Excellent

9. Please include any other comments regarding the training in the space below.

10. (Optional) Please include any advice you may have for agencies that affect your business (police bureau, courts, legislative, legal aid, housing authority, others)?

11. (Optional)

Name \_\_\_\_

Daytime phone number

Thank you for your participation!

# Sample 6-Month Followup Evaluation

Please take a few minutes to fill out this questionnaire and return it in the postage prepaid envelope. The information you provide will be crucial to future planning.

1. On [DATE], you attended the *Landlord Training Program*. Did you attend the entire session, from the introduction and discussion of applicant screening to the conclusion and discussion of the role of the police in drug house evictions?  
 Attended entire training.  
 Attended partial training.
- 2A. Please indicate the total number of rental units you are responsible for:  
 Units
- B. For how many years have you been a landlord or property manager?  
 Years
- 3A. To the best of your knowledge, in the past 2 years have you had problems with tenants involved in drug activity?  
 Yes  No
- B. To the best of your knowledge, do you think that you *currently* have tenants who are involved in the manufacture or delivery of illegal drugs?  
 Yes  No
- 4A. As a result of taking the training, have you made changes in the way you manage your rental property?  
 Yes  No
- B. What changes, if any, have you made?
- 5A. Since taking the training, have you had to deal with problems associated with suspicions of drug or other illegal activity on your property?  
 Yes  No

B. If yes, did information from the *Landlord Training Program* help you address the situation?

\_\_\_\_\_ Yes \_\_\_\_\_ No

6. Which of the following actions, if any, have you taken since attending the course?

A. Examined the visibility of my rental unit(s) and made improvements if necessary (e.g., trim back shrubbery, increase outdoor lighting, or similar actions).

Yes No

B. Developed or revised written tenant applicant criteria based on ideas discussed in the course.

\_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Not Applicable (no tenant turnover since taking the course)

C. Used advice from the training to make other adjustments in the way I approach applicant screening.

\_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Not Applicable (no tenant turnover since taking the course)

D. Inspected property more carefully or more frequently than I would have prior to taking the training.

Yes No

E. Traded phone numbers with property neighbors.

\_\_\_\_\_ Yes \_\_\_\_\_ No

F. Begun work on apartment watches.

\_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Not Applicable (renting single-family units only)

G. Purchased updated forms to match current landlord tenant law.

\_\_\_\_\_ Yes \_\_\_\_\_ No

H. Used other ideas presented in the training to make adjustments in the way I manage property.

Yes No

7. Please rate whether you agree or disagree with the following statements (circle your response):

A. The *Landlord Training Program* increased my understanding of the role I can play in reducing the impact of drug activity on residential neighborhoods.

1.....2.....3.....4  
Agree Strongly Agree Disagree Disagree Strongly

B. As a result of the program, I feel more confident in my ability to screen applicants.

1.....2.....3.....4  
Agree Strongly                      Agree                      Disagree                      Disagree Strongly

C. As a result of the program, I am better able to recognize drug activity on my property should it occur.

1.....2.....3.....4  
Agree Strongly                      Agree                      Disagree                      Disagree Strongly

D. As a result of the program, I have a better understanding of how the eviction process works and, should I need to use it, am better able to use it correctly.

1.....2.....3.....4  
Agree Strongly                      Agree                      Disagree                      Disagree Strongly

Please include any other comments regarding the training in the space below:

9. (Optional)

Name\_\_\_\_\_

Daytime phone number

Thank you for your participation!

# Bureau of Justice Assistance Information

## General Information

Callers may contact the U.S. Department of Justice Response Center for general information or specific needs, such as assistance in submitting grants applications and information on training. To contact the Response Center, call 1-800-421-6770 or write to 1100 Vermont Avenue NW, Washington, DC 20005.

## Indepth Information

For more indepth information about BJA, its programs, and its funding opportunities, requesters can call the BJA Clearinghouse. The BJA Clearinghouse, a component of the National Criminal Justice Reference Service (NCJRS), shares BJA program information with state and local agencies and community groups across the country. Information specialists are available to provide reference and referral services, publication distribution, participation and support for conferences, and other networking and outreach activities. The Clearinghouse can be reached by:

- **Mail**  
P.O. Box 6000  
Rockville, MD 20849-6000
- **Visit**  
2277 Research Boulevard  
Rockville, MD 20850
- **Telephone**  
1-800-688-4252  
Monday through Friday  
8:30 a.m. to 7 p.m.  
eastern time
- **Fax**  
301-519-5212
- **Fax on Demand**  
1-800-688-4252

**BJA Home Page**  
[www.ojp.usdoj.gov/BJA](http://www.ojp.usdoj.gov/BJA)

**NCJRS World Wide Web**  
[www.ncjrs.org](http://www.ncjrs.org)

**E-mail**  
[askncjrs@ncjrs.org](mailto:askncjrs@ncjrs.org)

**JUSTINFO Newsletter**  
E-mail to [listproc@ncjrs.org](mailto:listproc@ncjrs.org)  
Leave the subject line blank  
In the body of the message,  
type:  
subscribe justinfo  
[your name]

