



CITY OF WILLIAMSPORT

BUREAU OF POLICE

Investigations Division Commander

OTHER THINGS TO BE CONCERNED ABOUT

Many local landlords are citing fear of the Federal Fair Housing laws that prohibit discrimination based on race, color, religion, sex, handicap, national origin, or familial status. Nothing in the fair housing laws forbids landlords from setting fair screening guidelines and applying them equally to all applicants. Some landlords are using this as an excuse to rent to questionable individuals who are willing to pay cash which can become a source of hidden income for the absentee landlord.

Many local landlords are hiding behind this law and argue that the federal Fair Housing Act prohibits discrimination in housing on the basis of disability and fear that addressing tenants who use or are addicted to drugs are covered under this act. A disability is defined as a physical or mental impairment that substantially limits one or more of person's "major life activities." This definition can cover people recovering from drug addiction.

This means that a landlord cannot refuse to rent to a drug addict solely because of a history of drug addiction. However, the law does not protect people who are currently using illegal drugs or people who cause a direct threat to the health or safety of other residents.

Landlords have a **duty** to provide peaceful enjoyment of the premises to their tenants and to avoid having illegal activity, particularly use of illegal drugs, on their properties. Any convictions for a drug offense can raise a reasonable suspicion that a tenant might engage in similar activities, which can allow landlords to refuse to rent to individuals under these circumstances.

There is a reason for landlords and rental property owners to be concerned. What they need to be concerned about is **LIABILITY**. Rental property owners are being sued with increasing frequency by tenants who are injured by criminals, with settlements and jury awards typically ranging from \$100,000 to \$1 million dollars. The other thing landlords and rental property owners need to be concerned with is **NEGLIGENCE**. The law does not establish a lot of duties between unrelated individuals however; it does between landlords and tenants much the same way as doctors and patients. Negligence means that someone had a duty and they failed to live up to it and as a result some harm was caused.

Many states including Pennsylvania have at least some degree of legal responsibility to protect their tenants from criminal acts of fellow tenants and landlords may also be partially responsible to protect the neighborhood from their tenant's illegal activities, such as drug dealing. Negligence in any of these areas could result in a civil lawsuit and cost the landlords or rental property owner's insurance company up to \$500,000 for serious crimes and the average jury award when these cases go to trial is in the area of \$1.2 million dollars. The citizens have much more power than they realize. The citizens of Williamsport can help us take back our community. A well informed citizen is a powerful citizen.

The goal of this ordinance is to remove tenants who allow drug related crime to flourish and ruin our neighborhoods and to hold **negligent** landlords who allow their properties to harbor these individuals **responsible to our citizens**. The goal is not to punish law abiding property owners but rather to protect innocent people who live within our community.

This is not an effort to make all landlords look like they are bad or don't have Williamsport's best interests at heart. This is an honest attempt to educate everyone including landlords who may not understand how important their role is to the community. Like it or not owning a rental property is a business. Just like a restaurant owner who needs to ensure that the food they serve doesn't poison its patrons, a landlord needs to ensure that the people they rent to don't poison our neighborhoods and place our citizens in harm's way.

Captain Timothy S. Miller

THIS MESSAGE IS APPROVED BY MAYOR GABRIEL CAMPANA