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Hartman explains the rights/responsibilities of property managers dealing with sex offenders

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What should you do if you are notified that a registered sex offender is a tenant or resident of one of your properties?

Megan's Law (Sex Offenders Law of 1994) requires law enforcement authorities to make information available to the public regarding registered sex offenders. Commonly included information consists of the offender's name, picture, address, incarceration date, and nature of crime. The information is often displayed on free public websites, but can be published in newspapers, distributed in pamphlets, or through various other means.

Similar to other liability situations, if an owner or property manager has actual knowledge of a known danger or hazard to his or her tenants, you have a duty to warn tenants of the potential danger and protect them to the greatest extent possible. While this duty does not give a landlord the right to evict or discriminate against a registered sex offender, the landlord would best be served to notify the police that there are children and/or other persons at risk at the property, and request that the police circulate the information concerning the registered sex offender to residents at the property.

If the police are unwilling to provide this information to the tenants, the owner or property manager can provide this information in its regular communications. The law does not prohibit secondary dissemination, as long as the information was obtained in accordance with the law. The resident notification letter should advise residents of the presence of an offender on the property and also let the tenants know that the landlord cannot legally take any action against the offender (such as requiring him or her to leave the property). Additionally, the notice should be sure to mention that tenants must not harass the registered offender or otherwise interfere with the quiet enjoyment of the registered offender. You may also note that the existence of a registered offender on the property is not a breach by the landlord of the lease agreement and does not give residents the right to terminate their lease.

If you have been notified that a sex offender is residing at one of your properties, you may feel like you are caught between a rock and a hard place - caught between warning and protecting your tenants of a potential danger - and not discriminating against the offender, which is illegal. While disclosing this information may be difficult, having knowledge of this information and not disclosing it has the potential to be costly.

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