



As you sleep, this is your nightmare: illegal activity is occurring on your property. You know about it, but do nothing to stop it. Then, as a result of the criminal activity, a person is killed on the property. A jury renders a huge verdict against you.

Could this actually happen? It certainly could, and it did in the Sherman Griffiths case. In May 1997, the Massachusetts Supreme Judicial Court decided the appeal of the Griffiths case, and in so doing clarified the scope of a landlord's liability for criminal acts on the property.

In the case, a Dorchester apartment was being used for drug dealing, but the landlord took no steps to evict the tenant or even to report the telltale activity to the police. The landlord ignored these obvious signs of criminal activity at the apartment: there was heavy foot traffic; the tenant had minimal furniture and did not heat the apartment; almost every time the landlord came to collect the rent, a different man would give it to him; and the tenant installed his own new door to the apartment with

Legal Ease

LIABILITY FOR CRIMINAL ACTIVITY CLARIFIED

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two peepholes, the lower one being large enough to pass small packages through.

Boston Police raided the apartment and Detective Griffiths was killed during the raid. Griffiths' widow sued the landlord, and the jury awarded her \$1.5 million in damages and interest. The landlord appealed.

The Court said that the case revolved around foreseeability of harm. A landlord may be liable for ignoring criminal activities which occur on the property and which

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are known or should have been known to the landlord. If a number of crimes have occurred in the area, a landlord may have to increase security, and, if he doesn't,

he may be responsible for not protecting his tenants or third parties from reasonably foreseeable risks of harm. However, in the case of Detective Griffiths, the Court held that the landlord could not be held liable since it was not foreseeable that a police officer would be killed during a drug raid. The Court overturned the verdict against the landlord.

In addition to possible civil liability, in Massachusetts there is a criminal statute, Chapter 139, Section 20, which provided that any landlord who knows that drug dealing is occurring but does not take steps to evict the tenant may be liable for a fine of up to \$1,000 and/or imprisonment for up to one year. Other New England states may not have this type of statute, but landlords outside of Massachusetts may still be civilly liable for not doing enough to stop illegal activity.

The Griffiths case limits a landlord's liability in certain types of cases, but it is still imperative for landlords who know about criminal activity to either attempt to evict the tenant or, at least, to tell the police about the activity. Failure to do so could, under certain circumstances, cause you to experience your nightmare for real.