

## UNAUTHORIZED PRODUCTION OF METHAMPHETAMINE: Legal Responsibilities of Land and Rental Property Ownership

**Question:** When is a landowner criminally responsible for a tenant's methamphetamine production on his property?

**Answer:** Landowners are not criminally liable unless they know of the criminal activity and do not report it. If a landowner knows of the criminal activity and does nothing to stop it, the land is subject to forfeiture and the landowner could be charged with criminal facilitation.

**Question:** How can a landowner protect himself and his property from the criminal activities of his tenants?



**Answer 1:** The landlord can check prospective tenants' backgrounds and require tenants to sign releases and consent forms.

**Answer 2:** The landlord can use a lease that gives the landlord a right to enter and inspect the property. A suggested provision follows:

The landlord shall have a right to enter the (description of the property) for purposes of inspection or repair or to show the property to prospective tenants, purchasers, mortgagees, workers or contractors. Except in cases of emergency, the landlord shall give the tenant 24 hours notice and may enter only at reasonable times. The landlord may enter at any time without advance notice if the landlord has reasonable suspicion that criminal activity is taking place on the property.

**Question:** May this clause be used everywhere in Kentucky?

**Answer:** No. Some communities (notably Lexington) have adopted the Uniform Residential Landlord and Tenant Act (URLTA) (KRS 383.505-705). In those communities, KRS 383.615 requires two days notice in the absence of an emergency.

**Question:** Is a landlord required to tell a prospective tenant that the property had previously been used to make methamphetamine?

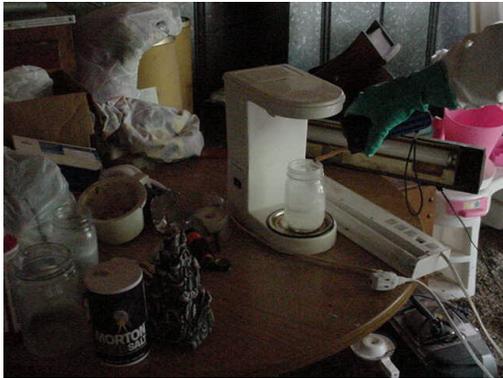
**Answer:** The landlord is obligated to tell a prospective tenant of prior methamphetamine production if said use might pose a risk to the tenant's health or enjoyment of the property. A landlord implicitly warrants that the property is suited for the use for which it is intended.

**Question:** After full disclosure, may the landlord rent property to a tenant for purposes of human habitation if the prior criminal activity renders the property dangerous for human habitation?

**Answer:** No. Local health authorities should be contacted to ascertain whether the property is habitable.

**Question:** Is the landowner under a duty to inform prospective purchasers that the property has been used for the production of methamphetamine.

**Answer:** The answer is almost always yes. Such use would in all probability adversely affect the value of the property or endanger persons who would use the property.



**Question:** What is the liability of a motel or hotel owner to future guests who might be harmed by the residual effect of methamphetamine manufacture in a motel or hotel room?

**Answer:** The owner of an “inn” has a high level of responsibility to its guests. An innkeeper is liable for injuries to its guests caused by the innkeeper’s failure to exercise due care to protect the guests from the consequences of illegal activity by other guests. The motel or hotel owner should inspect rooms on a daily basis if there is any suspicion of guests making methamphetamine in the rooms.

*The above statements are of general propositions. Landowners and landlords are advised to check with local police, health departments, and real estate agencies to ensure awareness of local statutes. General advice, though helpful, is most helpful when used as a foundation for further discussion with those familiar with local requirements.*

Written by:  
William H. Fortune, Professor  
University of Kentucky, College of Law  
May, 2004



For additional information on health issues in Kentucky, contact your local County Extension Office or visit the HEEL website at: [www.ca.uky.edu/HEEL](http://www.ca.uky.edu/HEEL)

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