



MAIELLO BRUNGO & MAIELLO, LLP

A T T O R N E Y S A T L A W

REAL ESTATE NEWS

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Residential Dwelling

Delinquent Rent -

Garnishing Tenant's Wages for

for Third Party Crime

Premises Liability

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A T T O R N E Y S A T L A W

MAIELLO BRUNGO & MAIELLO, LLP

We know Real Estate Law.

The Maiello, Brungo & Maiello Real Estate Law Group is comprised of seasoned attorneys with experience in virtually every type of real estate transaction.

- Maiello, Brungo & Maiello has guided local and national clients through transactions ranging from sophisticated property acquisitions to turnkey developments to complex commercial leases.
- Our team of expert attorneys is skilled at counseling on construction, financing, environmental, zoning, taxation, title insurance and lease negotiation issues.
- We know and understand the perspectives of both landlord and tenants, buyers and sellers, and lenders and borrowers.
- And, we provide clients with responsive and efficient legal services throughout the course of their real estate projects and developments.

As a full-service law firm, Maiello, Brungo & Maiello can meet all of your real estate needs. We are uniquely positioned to service real estate clients because of our ability to add the expertise of our Construction and Banking & Finance Law Groups when representing our clients. We're only a phone call away for your next real estate endeavor.

PREMISES LIABILITY FOR THIRD PARTY CRIME

Owners, tenants and managers of commercial property (including leased residential properties) can be held liable under civil claims for harm to persons caused by third party crime. For example, the Pennsylvania superior court held that hotel owners could be held liable where a 19-year old man was killed when a gun was fired into a crowd during a private party at the hotel. The facts established that before the killing, the hotel owners knew or should have known about the dangers presented to the party guests. *Rabutino v. Freedom State Realty Co., Inc.*, 809 A.2d 933 (Pa. Super. 2002).

The liability of a possessor of land for third party crimes occurring on or near the property is not automatic or certain. The courts will apply a "reasonable person" standard of diligence in securing the property and its anticipated occupants and visitors against "reasonably foreseeable" crimes. Adequate lighting, security personnel or patrols, emergency call boxes, video surveillance and postings or signage are measures a possessor of land can implement to provide reasonable security to a premises.

The courts have held that a property owner should have knowledge of recent criminal activity and incidents at or in the vicinity of the property, and such records can create a duty on the part of the owner to ensure that adequate and responsive security measures are in place. A possessor of land can also be expected to meet the customary industry standards in the region for similar types of property and premises security. In the *Rabutino* case mentioned above, a private security officer had told the hotel owner about underage drinking occurring at the party, and had advised the owners that the party was getting 'out of hand' before the shooting occurred. The hotel owners had provided security, but the liability claim was based on whether the security was adequate.

Contract language in agreements between an owner and a property manager, a landlord and a tenant, or an owner and a security provider can operate to shift liability and duties regarding both the determination of necessary or reasonable security and the responsibility for providing such security. Advertising or promising security at the premises can create a claim for reliance against the party advertising or promising such security. Parties to contracts should be cautious in drafting their agreements to properly address responsibility for security, and owners and their agents should be cautious in making representations or advertising the adequacy or quality of security at their premises.

For a more in depth discussion of premises liability for third party crime, security standards, and samples of contract language see the full article at our website www.mbm-law.net.

GARNISHING TENANT'S WAGES FOR DELINQUENT RENT - RESIDENTIAL DWELLING

Effective January 21, 2006, the Pennsylvania Supreme Court has put in place rules enabling a residential landlord to attach a tenant's wages in order to satisfy judgments for delinquent rent. See our website at www.mbm-law.net for details and a sample of the forms.

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Maiello Brungo & Maiello provides more legal information for the Real Estate industry at our Web site: www.mbm-law.net.