

Landlords: Do you have a Plan to Deal with Personal Property Left Behind by a Tenant?

Landlords in Pennsylvania frequently have to deal with the issue of tenants leaving items of personal property or even junk behind when a tenant vacates the rental unit. If a landlord recovers possession of a rental property, the landlord is often faced with the problem of what to do with the personal property that the tenant left behind.

While most tenants are fair people and will leave a rented unit in a clean manner, landlords can be exposed to liability if they simply dispose of the tenant's personal property that has been left behind. A well meaning landlord can be exposed to lawsuits by tenants related to the alleged improper disposal of personal property, even if the complaining tenants are in breach of the lease.

This author has even known of situations where seriously delinquent tenants vacated rented properties in the middle of the night, leaving behind inoperable and even burned out automobile shells belonging to the tenants, who then subsequently sued the landlord several months later for the alleged substantial value of the junk vehicles as "restorable classics."

Fortunately the Pennsylvania Legislature has recently provided some statutory relief for landlords concerning disposition of personal property left behind by tenants. If a landlord complies with the notice, retention and disposition provisions of the statutory language, substantial statutory liability protection will be afforded the landlord if they ultimately need to dispose of the personal property.

If you are a landlord, or otherwise manage real estate for lease, you may wish to consult competent legal counsel to familiarize yourself with the statutory requirements regarding proper disposition of tenant property. Also, an attorney can help to ensure that simple, clear language is placed in your lease(s) that will clearly identify to your tenants how you will handle the issue of tangible personal property left behind at the termination of a lease, regardless of whether the lease ends under favorable or unfavorable circumstances. This will provide you with peace of mind and a clear understanding of how you, as a landlord, should handle issues of tenants' personal property in a lawful manner.

The contents of this article are for educational purposes, and do not constitute legal advice. Before pursuing any option discussed in this memo, you are advised to consult an attorney to discuss the specific facts and laws applicable to your case.

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