

# Your Rep & Senator Both Want to Hear from You on H.4879, H.4887

Legislators depend on a connection with their constituents to get reelected. If they aren't aware of what's good and bad, they will make bad choices. **You may be the only person who is calling them about an issue.** Every voice matters.

## 1a. Find your Rep and Senator

<https://malegislature.gov/search/findmylegislator>

First find and call the rep and senator where you live. If you have time, also call where each property you own is located.

<https://malegislature.gov/Bills/191/H4879/Amendments/House>

<https://malegislature.gov/Bills/191/H4887/>

Click the bill link to see if your Rep and Senator sponsored the bill or are on the underlying committee.

## 1b. Recommendation: print this page

Prepare to have the conversation in a flexible order; draw a line down the margin to cross off points you have made. The line break shows what you still have to say, double the line or print new pages for each separate call:

- 1. point made
- 2. not yet made
- 3. another point already made

## 2. Call and Start by Asking Permission to Share Your Viewpoint:

You probably will be put through to the legislator's aide. This is OK. The aide will tell the legislator what you said. Adjust these to reflect reality:

1. "I'm a MassLandlords member/participant..." or "I'm a landlord..." "...living/working in your district."
2. "I'm \_\_\_\_\_ (insert your own adjective but do not swear: concerned; outraged; despondent) about an **amendment** to H.4887 An Act enabling partnerships for growth called "**Tenant Opportunity to Purchase**". Can I tell you about it?" (listen for their response; if it's a bad time, schedule a call back.)

## 3. Acknowledge their Current Position:

If they sponsored: "This is something you have cosponsored. I'm asking you to reconsider."

If they did not sponsor: "Please I'm asking you to oppose this legislation."

Always: "**I have 4 reasons why the amendment is terrible.**"

## 4. Share Four Official Talking Points.

1. Say "One:" The stated intent of TOPA is to prevent displacement by giving elderly, disabled, and low-income renters more time to buy their building when it goes up for sale.
  - a. Elderly, disabled, and low-income people already have the right to purchase. They are renting usually for reasons unrelated to how fast the market moves, for instance, not being able to take care of a building themselves.
  - b. The underlying intent of this bill is actually to have such renters assign their rights to nonprofits, who do have the ability to take care of a building with staff and grants.
  - c. The nonprofits wouldn't be legally obligated to continue renting to the renters. They can evict their renters just like a for-profit when there's nonpayment, significant repairs, etc.
  - d. As an anti-displacement measure, the bill makes no sense. It's more of a nonprofit empire building bill.

*"We in America do not have government by the majority. We have government by the majority who participate."*

- e. Say, “that’s one.”
- 2. Say “Two:” Other places like Washington DC have had TOPA, they are trying to get rid of it.
  - a. The DC Association of REALTORS haven’t seen a single renter buy their multifamily in the 30 years the law has been on the books.
  - b. The I-Team discovered that renters with a right of first refusal almost always end up displaced.
  - c. Attorneys there make it their practice to help owners buy out renters’ rights. The market is \$100 million annually. A typical renter might be bribed \$10,000 to \$100,000 to assign their rights according to landlord instructions.
  - d. Washington DC started repealing TOPA in 2018.
  - e. Say, “that’s two.” (Keep it moving.)
- 3. Say “Three:” The delays in sale combined with the buyout provision amount to unlawful extortion.
  - a. Extortion means someone is threatening to do something, and in order to avoid that threat, you give them something they want.
  - b. Well, right of first refusal makes it illegal to sell any multifamily building for at least six months unless the landlord pays for the rights.
  - c. Landlords won’t be able to will the property to their children, move it into a trust, or transfer it to their LLC unless they pay for the rights.
  - d. Real estate brokers will advise clients to shop in other towns, cities, and states. Local investment will fall off in any jurisdiction that adopts the bill.
  - e. Say, “that’s three.”
- 4. Say “Four:” The bill will reduce the tax base.
  - a. Nonprofits with access to state and federal grant funding are likely to purchase a great deal of multifamily housing under the bill.
  - b. Nonprofits cannot be compelled to pay real estate taxes. So-called “payment in lieu of taxes” (PILOT) is collected as little as 23% of the time in any given year, according to the Boston Globe’s September 2019 exposé (“Boston tallies up nonprofits’ cash payments, but some critics say they still fall short”).
  - c. For a given municipal tax levy, the same tax burden now will have to be spread across fewer owners.
  - d. Say, “that’s four.”

## 5. Share your Personal Story

Example: “So that’s my four points, let me just add: I’ve been in business 12 years. I bought this place to pay for my kid’s college and give them a leg up. I should be able to sell my property to whom I want without paying again for that right.”

## 6. Listen. Talk. Finally ask, “I’d Like to Ask You to Support our Alternative:”

We filed simple legislation (H.1256) that would require owners to notify renters that the building was up for sale. That’s all that is needed to eliminate any possible unfairness. With H.1256, if a renter wants to buy their building, they’ll know alongside the rest of the MLS. Then they can make a competing offer under market conditions same as anyone else.

**“Please oppose/reconsider the Tenant Opportunity to Purchase Amendment to H.4879 H.4887. Thank you.”**

## 7. Fill out our Response Form: <https://masslandlords.net/grassroots>

## 8. Forward these talking points

You probably know a housing provider who hasn’t been paying attention. Now is the time to get them to pay attention.

## 9. Contact the Conference Committee

A committee of conference will decide whether TOPA is included in the final economic development bill:

*“The rights of a silent minority will be voted away by the majority every single time.”*

TOPA ROFR H.4879 H.4887

- Representative Aaron Michlewitz
- Representative Ann-Margaret Ferrante
- Representative Donald Wong
- Senator Eric Lesser
- Senator Michael Rodrigues
- Senator Patrick O'Connor

Please ask your Rep and Senator to exclude Tenant Opportunity to Purchase from the final bill, either in conference or by writing to the conference committee.

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# Dos and Don'ts for Talking with Reps and Senators

## DO

- Stick mostly or entirely to the talking points prepared by MassLandlords.
- Allow the Rep or Senator to start by inviting you to share what's on your mind.
- Learn what the Rep or Senator is interested in, and which committees they're assigned to.
- Present the need for change. Use MassLandlords data or case stories you know well (or your own experience).
- Relate the problem to someone or some place in their home district.
- Ask their position and why.
- Be even-handed when discussing judges or other public officials. You may not like these people, but the rep or senator may.
- If we know their record, ask why they voted a certain way.
- If you don't know the answer to their question, say "I don't know" and offer to have MassLandlords follow up. We will.
- Talk to Reps and Senators who are not on the "landlord side;" you can lessen their opposition or change it to in-favor. Once they see that we want what's best for everyone, they can easily come over to our side.
- Get to know the staff, their names and backgrounds.
- Thank them for helping us in the past, if they have.
- Leave them with a clear understanding of what you wanted.
- Leave them looking forward to their next meeting with MassLandlords.

## DON'T

- Don't bring up too many issues.
- Don't bring up issues unrelated to MassLandlords. You can arrange a separate meeting to talk about your own agenda or the agenda of other groups.
- Don't threaten, pressure, beg, or attack.
- Don't raise your voice or do anything else to put them on the defensive.
- Don't overstate the case or repeat yourself.
- Don't expect them to understand anything about rental properties. Don't jump right into the explanation of the problem without setting the stage first.
- Don't be put off by smokescreens or dodging the question. Bring them back to the main point. Be in control politely.
- Don't promise things you can't. Never speak for the association.
- Don't be afraid to take a position for yourself.
- Don't shy away from meeting with Reps or Senators who are known to be pro-tenant.
- Don't be offended if you can only meet with staff.
- Don't be turned off by a staffer who looks young or inexperienced. They may be young, but they have the ear of their rep or senator.
- Don't leave them hoping never to encounter MassLandlords again.

Note: It is MassLandlords policy not to suggest or endorse amendments to bills that were drafted and filed without our input. We need to be included at the outset. Also, we don't want to be in a position of having one trivial amendment accepted, with our major concerns left unaddressed, because then renter partisans can say the bill has MassLandlords' input even when we still object to it.

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