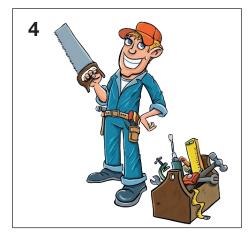


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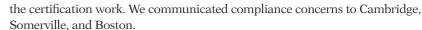
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#### LETTER FROM THE EXECUTIVE DIRECTOR

## **Progress Again**

IN NOVEMBER, THE TIDAL WAVE OF EVICTIONS WAS STILL NO CLOSER THAN OVER THE HORIZON. THE CERTIFICATION ENGINE TURNED OVER, AND WE TURNED A CRITICAL EYE TOWARD HOUSING PARTISANSHIP.

In November, we made progress again for the first time in a while. The courts were reporting eviction data on the non-tidal wave of evictions. Our development team restarted



The Massachusetts eviction moratorium ended without the immediate filing of thousands of cases, as many of us feared would happen. First, it would seem that unwelcome lease holdovers were rare. Second, the CDC moratorium was having a protective effect. And third, not enough time had lapsed (as of writing) to tell how many 30-day notices served on October 19 would be filed. If an eviction tidal wave is still incoming, it is not as fast or as large as feared.

If not for the ongoing policy crisis of the pandemic, we would have spent the last eight months doing something useful for renters and landlords alike: certification. The Certified Massachusetts Landlord program is now back on track, with two development team members having completed initial training. They now step into the large task of rolling out the rest of our roadmap.

The first public search of participating Level One landlords is expected to go live in January. The Level Two test of basic legal competence is written, but a technical risk remains. This test will be a novel use of computer adaptive testing. Making sure the test has an acceptably miniscule false positive pass-rate is critical to the integrity of the program and will take time. Go-live is expected in May. Level Three for continuing education should go live more or less immediately after Level Two.

We now number over 2,000 dues paying members, climbing steadily. Non-renewals are falling after the August peak, which implies to us that mom and pop landlords were selling out of the business in record numbers as the state eviction moratorium dragged on. We hope we are now past this great loss.

Policy remains a concern, not only at the state level but also at the city level. In this month's newsletter, we detail a noncompliance with the City of Worcester "four or more" rule. Not detailed here, but taking place separately, we have notified Cambridge, Boston, and Somerville of non-compliances with respect to compelled speech, excessive fines, and privacy law. If you are impacted by an unlawful ordinance in these towns, contact us at hello@masslandlords.net.

We will keep you posted on these and other matters as they develop. Thank you for supporting our mission to create better rental housing in Massachusetts. Please ensure you, your team, and your renters wear masks during all maintenance.

Stay safe,

#### **Douglas Ouattrochi**

Executive Director. MassLandlords, Inc.

## **SHOULD YOU BARTER** with Your Tenants for Rent Reductions?

By Kimberly Rau, MassLandlords Writer

## Use caution when utilizing "work for rent credit" arrangements

Bartering for rent – that is, working out an arrangement in which a renter provides service on the property in exchange for a lower payment – is a frequent suggestion to both landlords and tenants. In theory, it seems like a great idea: You, as the landlord, save money on maintenance or repairs, for example, and your tenant saves some money on rent. However, this arrangement is one that has hidden pitfalls and challenges, and must be entered into carefully.

For instance, you may not be aware that the government considers bartering as taxable income, and it must be carefully documented and reported as such. There's also the possibility that your tenant may injure themselves while performing the agreed-upon job, and what happens then? What if your tenant damages the property or does a bad job? Or it turns out you're unwittingly taking advantage of them?

In this article, we'll examine some of the key things to be aware of when bartering with your tenants for rent.

#### BARTERING CANNOT BE DONE "UNDER THE TABLE"

If you think you can just verbally agree to shave a couple hundred dollars off your tenant's rent and get some free landscaping or painting out of the deal, think again.

The Internal Revenue Service (IRS) considers the "fair market value" of your

bartering as taxable income, and expects you to report it accordingly.

"If you barter, you must report on your tax return the fair market value of the products or services you received," states the IRS page on bartering. It goes on to say that bartering, which is taxable in the year it occurs, may subject both parties to income taxes, self-employment or other employment taxes, or excise taxes, depending on the situation. Generally speaking, though, individuals bartering as part of a trade or business will have to file Form 1040, Schedule C, Profit or Loss from Business. This is something you would also need to make your tenant aware of before you engaged in any kind of bartering.

## ANYONE WORKING ON YOUR PROPERTY MUST BE COVERED IN CASE OF INJURY

Even the best, most experienced professional has the potential to get hurt while working. This is why the companies you hire to do your contracting or maintenance carry workers' comp insurance (or they should): It protects the company and the employee.

Well, the same goes for your tenant who has entered into a bartering agreement with you. If they get hurt while performing work for you, you could be held liable for their injuries.

The <u>Insurance Information Institute</u> recommends looking at your homeowner's insurance policy to make sure that non-immediate family members are covered if they are injured while working on your property (this is typically called no-fault medical coverage). You will



Your tenant may be the next MacGyver, but be very careful about trading services for rent credits. Image license: licensed 123rf 13759986\_s

also want to make sure your liability insurance covers whatever situation you are undertaking.

"If you hire one or more home workers on a permanent, regularly scheduled basis, consider purchasing workers' compensation insurance," it states. Massachusetts requires all employers to carry workers' compensation for their employees. The only exception is for "domestic workers" who work less than 16 hours a week. Since the state does not define every type of service that would





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qualify someone as a domestic worker (it provides examples that are not all-encompassing), it's important to consult with an attorney to find out what you'll need to do to make your bartering situation compliant with the law.

#### "BARTERING MATH" MAY NOT WORK IN YOUR FAVOR... OR YOUR TENANT'S

There are many anecdotal stories all over the Internet about landlords who lost big on bartering agreements, but there are also cases in which the tenant is getting the short end of the stick. If your tenant is coming to you looking for a way to save money on rent, they are essentially at your mercy. You could give them a lot of work to do and only offer them a pittance of savings, but that's not really fair, or ethical.

A blog post on <u>bartering for rent</u> by Paula Pant of Bigger Pockets detailed why a landlord was reluctant to let a tenant work on his property in any way, and most of it surrounded the math just not adding up.

"I know a landlord in the Boston area who agreed to let his tenant re-paint the interior of their condo in exchange for one months' rent," wrote Pant. "The landlord didn't stop to crunch the numbers before agreeing to this arrangement. Later he realized that he'd effectively 'paid' (in the form of lost income)

more than \$1200 to paint a very small space, only a few hundred square feet."

In <u>another case</u>, a judge ruled that a landlord had to reimburse their tenants approximately \$11,000 for the value of their renovations after the landlord issued them a notice to quit once the work had been completed. We've linked the case findings, but a more broad summary can also be found here.

#### AN ATTORNEY WEIGHS IN

Jordana Roubicek Greenman, a Bostonbased attorney, who specializes in real estate and landlord/tenant issues, took some time to clarify her position on bartering for rent: Don't do it.

"Your tenants are not your friends," she said. "Your tenants are not your landscapers or your maintenance workers...don't get into bed with your tenants."

Roubicek Greenman stated that setting up a barter situation stands to create confusion for everyone involved and can possibly hinder eviction proceedings if things go badly.

"How do you value this stuff?" she asked. "Once you've created a habit, it can easily be used against you." She recalled a situation where a tenant facing eviction attempted to say they could remain on the property because they were a maintenance worker, and had paperwork stating so. Bartering with your tenants, Roubicek Greenman said, creates the potential for more headaches when it comes time to

file taxes, more confusion about boundaries, and greater potential for animosity if things went south. She stated that she personally would not even advocate for hiring tenants and paying them cash.

"I think it has to be separate," she concluded. "I just think [bartering] is a bad idea."

#### CONCLUSION

Bartering for rent can seem like a win-win, but anecdotal information suggests that it can create potential for trouble down the road. At the very least, it means more work for you as a landlord when it comes to the IRS. Consult with an attorney to make sure you're doing things by the book if bartering seems like something you want to try with your tenants.

Point your camera app here to read more online.





#### ARTICLE YOU MAY HAVE MISSED

#### **Thinking Eviction? Think Alternatives to Eviction**

When the state's moratorium on evictions ends – and it will eventually! – rather than getting before a judge to resolve tenant disputes, you might consider other, less arduous, alternatives to eviction. Whether your goal is to get your tenant to move out or to agree to preserve the tenancy, you have several options that could save time and money, and maybe avoid court altogether.

The full article can be found at: MassLandlords.net/blog

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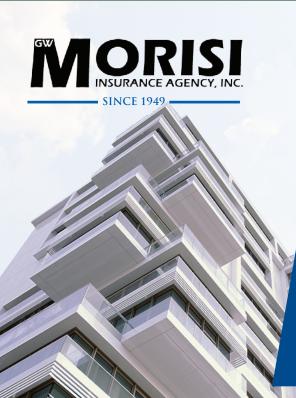
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## Notice of Annual Meeting: MASSLANDLORDS ANNUAL ELECTIONS DECEMBER 2 THROUGH 15, 2020

## Members in good standing must vote online at MassLandlords.net/governance

Each year in December we elect a member to the Board of Directors, and we also recognize a non-member with the MassLandlords Good Neighbor award.

Our annual meeting this year will be conducted electronically only. The four event locations that would normally host in-person voting are closed. Electronic voting will take place at <a href="MassLandlords.net/governance">MassLandlords.net/governance</a> starting December 2, 2020 and running through December 15, 2020.

#### THE GOOD NEIGHBOR AWARD

The Good Neighbor Award is intended to recognize a non-member's efforts to advance property rights or to improve the quality of rental housing in Massachusetts. All nominees are normally sent a letter of thanks. The nominee chosen by the membership would normally receive a commemorative plaque. Physical production of awards and mailings will be delayed.

This year three people have been nominated for the Good Neighbor Award. Because two participated in the same project, their nominations have been merged into a single ticket.

**Rich Vetstein and Jordana Roubicek Greenman** defended property rights and equal access to justice in the face of withering political and personal opposition by taking the unfunded eviction



moratorium to state and federal court. Their cases likely shortened the duration of the eviction moratorium. They remain on standby in case the eviction moratorium is reenacted.

Chief Justice Ralph Gants (in memoriam) was the highest-ranking leader in state government to have called a convening of stakeholders, including many landlord and renter viewpoints, to collaboratively prevent both loss of rental housing and evictions. His untimely passing leaves a vacuum of leadership, as no one else has tried to get state officials, renters, and landlords talking.

#### THE BOARD OF DIRECTORS

At time of writing, one member had been both nominated for election and confirmed willing to run.

Steffen Landrum of Jamaica Plain, Boston is a

MassLandlords member, property rights supporter, and crash course graduate. He has a range of business, startup, and corporate experience. He has a healthy disdain for bad actors in both politics and business relationships and would sustain a culture of building consensus within the MassLandlords Board and with state officials.

Directors serve a five-year term. The Board of Directors has no operational responsibility, rather, their job is to oversee. In particular, they must hire or fire the person currently in the Executive Director's role, if necessary. They must also review financial reports and verify that association business aligns with our mission.

The final deadline to submit names to appear on the ballot is December 1, 2020. Write-in's will be allowed. Email <a href="hello@masslandlords.net">hello@masslandlords.net</a> to nominate a Director or a Good Neighbor. Log in at <a href="MassLandlords.net/governance">MassLandlords.net/governance</a> between December 2, 2020 and December 15, 2020 to view final ballots and biographies, and to vote electronically.

Point your camera app here to read more online.



## A Look at the **MASSACHUSETTS CONDO CONVERSION ACT OF 1983**

By Kimberly Rau, MassLandlords writer

## Converting your rental units to condominiums may be harder than you think

Are you a landlord considering converting your apartments to condominiums? Maybe the eviction moratorium has stalled your business. Perhaps you're just looking to get more money out of your rental property. Whatever the reason for considering "going condo," a state law passed in 1983 by the Massachusetts Legislature may throw a few more hurdles in your path. Still, it may be worth your time, as business pundits are suggesting the condo market may be on the upswing.

When it comes to real estate, 2020 is <u>undoubtedly a seller's market</u> for single-family homes. A combination of low-mortgage interest rates, low supply and lots of buyers means that single-family homes are getting snapped up within days of hitting the market. Locally, many Boston residents are leaving the city in favor of the suburbs, which will also affect Massachusetts' house inventory. Boston Magazine suggests Covid-19 is playing a role.

"With no commutes to tie now-remote workers down, many urbanites have decided to pack up their home offices and move outwards—to Central Mass., the South Shore, the Cape, and other

areas outside the perimeter of the city's soaring price range. It may have started with a summer rental or few-month stint bunking up with family, but now that indefinite work-from-home policies and remote school plans are rolling in, many are making the move permanent," the article states.

If you're looking to get out of the landlord business, and selling your multiunit building outright doesn't appeal to you, you may be thinking about condo conversion. But before you put all your eggs in that basket, read on to see if it's worth it to you.

#### WHAT'S THE DIFFERENCE BETWEEN CONDOS AND APARTMENTS?

Condominiums and multi-unit apartments or other rental complexes may look similar on the outside, but they have some key differences. Apartments are often part of a set of multiple rental units, with the main building both owned and managed by a landlord and/ or professional management company. Condominiums, or condos, are also part of multi-unit buildings (or complexes). However, each unit is designed to be owned outright by an individual. These owners may live in the units themselves, or rent them out. Management of condo rentals, just like with regular rental homes, may also be outsourced to a third-party company.

There are also co-ops, but this term is not interchangeable with "condominium." Co-ops are owned and managed by their residents, who also own shares in a nonprofit corporation. The property is held in ownership by



Got a multi-family unit that you're considering converting to condos? The process may be more involved than you think. Image credit: cc-sa Brian Corr

this nonprofit corporation, which also grants proprietary leases to residents of the co-op. For more differences, you can peruse this comprehensive article from the *Washington Post* that compares co-ops to condominiums.

## ARE THERE ADVANTAGES TO CONVERTING MY RENTAL UNITS TO CONDOS?

The biggest thing that may entice landlords to convert their multi-unit building to condos is money. The owner-occupy housing market is hot right now. Landlords struggling to recover from months of owed rent under the recent eviction moratorium may be carefully examining their options.

"The advantage of converting a property into a condominium is that in most cases, you are greatly increasing the total re-sale value of the property," states an article by Quincy law office Baker, Braverman & Barbadoro. Selling off one or more of your rental units in a seller's market allows you to maximize property values. If your rental units are already in good repair, you might not even have to shell out that much cash to get them updated (and attractive to buyers).

On the other hand, if your units are on the dated side or cosmetically unattractive, updating your units may be costly.

"Establishing a top-tier condo means upgrading existing appliances and taking out old components," states <u>property investment site</u> Mashvisor. "Consider the housing design trends in your area." In other words, making a former apartment attractive to long-term buyers may take a bigger bite out of your budget than you were anticipating. And that's before potential insurance hikes, application fees, and contractor fees.

And then, in Massachusetts, there's the Condo Conversion Act.

#### THE CONDOMINIUM CONVERSION ACT OF 1983

In 1983, the Massachusetts Legislature enacted the Condo Conversion Law to help protect tenants in buildings of four or more rental units that were being converted to condominiums. The law allows communities to enact further

restrictions that are greater or different from its stipulations.

This statute is <u>Chapter 527 of Acts of 1983</u>, and was incorporated into general law under MGL Ch. 183A.

Unless a municipality has other local ordinances or by-laws, there are four key points to the 1983 law that affect rental properties with **four or more units**. If you have two buildings adjacent to each other (with common ownership), the total number of these units will be added together to determine if your rental properties meet this threshold.

#### RENTAL TENANTS MAY NOT BE IMMEDIATELY EVICTED

The first point is a big one: In developments with four or more rental units, you cannot just decide to convert your rental units to condos and file for eviction against your tenants. You must notify all of them, in writing, that you have filed a Master Deed and intend to terminate their tenancy. You can hand deliver this, or do it by certified or registered mail.

After you have notified your tenants, most of them will have one year to leave the rental property. Handicapped tenants, tenants over the age of 62, and low/ moderate-income tenants have two years to leave. This can be extended for another two years if tenants in these categories cannot find a comparable rental in the same municipality.

Your tenants' protection starts as soon as you announce intent to convert your rental units to condominiums. Preparing a Master Deed or Purchase and Sales Agreement count as "intent to convert," so protections for renters begin early in the process.

You may still evict tenants for lease violations, including non-payment of rent (though the CDC eviction moratorium now in place might block certain evictions related to COVID-19).

#### YOU CANNOT INCREASE THE RENT BY AN EXTREME AMOUNT

Thinking of raising the rent to get your tenants to voluntarily move? That's a non-starter under Ch. 527. You may only raise the rent to match the Consumer Price Index (CPI), or by 10 percent, whichever is greater.

#### YOU MUST GIVE YOUR TENANTS RIGHT OF FIRST REFUSAL

Your tenants currently occupying your soon-to-be-converted rental units have a 90-day grace period during which they have the option to purchase their unit. This must be done on the same (or better) terms that are offered to the general public.

#### YOUR TENANTS MUST RECEIVE A PAYOUT INCENTIVE

The law also puts in place a mandatory payment for all tenants who must relocate as a result of the condo conversion. This will cost you \$750 per tenant, or \$1,000 if the tenant is in one of the aforementioned protected groups (handicapped, elderly, low/moderate income). This rule applies to any tenant, as long as the tenant owes no rent and moves out before the conversion date on the notice.

## PENALTIES FOR NOT FOLLOWING CONDOMINIUM CONVERSION RULES

As a landlord, ignoring any of these rules puts you in jeopardy. You can face fines of a minimum of \$1,000 or a minimum of 60 days in jail for not complying.

#### CITIES AND TOWNS MAY ENACT THEIR OWN RULES FOR CONDO CONVERSION

As noted above, municipalities can enact stricter provisions on condominium conversions, either in place of or in addition to the state laws. It's important that you know what your city or town requires before you start the conversion process.

For example, <u>Boston</u> gives its protected tenants up to five years to relocate if their rental unit is being converted to condominiums, but also states that this timeline can be extended with future legislation.

Somerville passed its condo conversion ordinance in July 2019. This replaced the one enacted in 1985. The city enacted these changes as it felt that "the terms of Somerville's current ordinance do not reflect current market conditions." The 2019 changes sought to provide more protections to tenants in vulnerable classes, and included tenants over the age of 62 and tenants with an income at or below

80% of the Area Median Income for 12 months immediately prior to the conversion notice. It also increased its notice period to five years for protected tenants. Landlords looking to convert a vacant building into condos must provide the Condo Review Board with a year's notice and also give them a list of any tenants who resided in the property for the past 12 months, even if it is now vacant. It also upped the relocation benefit to \$6,000 for most tenants, and \$10,000 for elderly, disabled, or low/moderate-income tenants. This matches Boston's current relocation benefit.

However, it's worth noting that the Somerville legislation is currently in litigation. The Somerville Property Owners Coalition is suing the city, contesting the legality of the new ordinance as it is presently structured.

"The ordinance takes away your fundamental right to control your private property," SPOC states on its site (linked above), and states that the ordinance's restrictions devalue property and represent too much municipal control over private property.

Other cities or towns with more stringent condo conversion rules are Abington, Acton, Amherst, Brookline, Haverhill, Lexington, Malden, Marlborough, New Bedford and Newburyport. Make sure you are compliant with all local regulations.

### BE CAREFUL WITH YOUR CONDOMINIUM DOCUMENTS

When you convert your rental units to condominiums, there are two required documents: the master deed, and the declaration of trust. The master deed, which must be filed with the registry of deeds, denotes which parts of the building are considered privately owned condo units, and which parts are considered common areas. A master deed also includes a floor plan and lists the rights and responsibilities of the condo owners. You will also need to file individual deeds for each condo unit; this gives the condo owners the right to sell the condo if they desire.

The declaration of trust forms the condominium association and also outlines bylaws, rules and procedures that all condo owners must follow. These rules could include a cap on shared expenses. This is an important thing to spell out when you consider that multiple condo owners may have very different ideas about what's reasonable when it comes to common area maintenance or utilities.

When these documents are created, it's important to make sure they are well-written and comprehensive. Failure to do so can result in owners at odds with each other unnecessarily.

This is especially important when you are looking at small condo projects (four units or fewer). You'll want your documents to reflect the consideration you've given to working with a small number of owners. Good documents will make prospective owners feel more comfortable about buying.

Jordana Roubicek Greenman, a Boston-based attorney who specializes in real estate and landlord/tenant issues, had a few suggestions to make condo projects, especially smaller ones, more equitable.

The first thing to remember is that condo ownership percentages may not always be evenly divided. For instance, if one of the condos is owned by the building owner, that condo may have a higher percentage of overall ownership than the other units (think a 65/35 split, or 50/25/25). In that case, Roubicek Greenman suggests that even in the event of uneven ownership percentages, condo documents drawn up afford everyone's vote in community matters the same weight. In other words, just because you own a condo and a majority ownership, your vote counts the same as your other three tenants' votes when it comes to a decision about how much to spend on snow removal.

She also suggests that condo document language for smaller projects (four or fewer units) mandate a unanimous vote to pass changes.

"It's too easy for two to gang up on one," Roubicek Greenman said.

No matter what your percentage split ends up being, Roubicek Greenman recommends that utilities be separate whenever possible. That means separate water meters, separate electrical meters, separate furnaces whenever possible. She recalled a case of a two-unit condo building in which the upstairs owner, a single individual, had a 65 percent ownership of the building. The condo documents required him to pay 65 percent of the utilities based on this percentage of ownership. This became a problem when a large family moved in downstairs. They only had to pay the remaining 35 percent of the water bill, but represented far more than 35 percent of the water usage. Separate utilities, or at least language in the condo documents that protects owners from disparities like the aforementioned example, can avoid disputes between neighbors.

"You never know who your neighbor is going to be," she concluded, so working to avoid foreseeable issues before there's a problem is best.

#### CONCLUSION

In conclusion, condo conversion may be right for you. But there are a lot of hoops to jump through before you can start reaping rewards from increased property values and sales. Consult with an accountant and attorney before diving in, and also talk to a realtor. Some areas just aren't going to attract condo buyers, and that nice duplex in the middle of the suburbs may or may not be appropriate for development in this direction.

Point your camera app here to read more online.



## Virtual **RENTAL REAL ESTATE NETWORKING AND TRAINING**

## MassLandlords runs virtual rental real estate networking and training events, open to members and the public, throughout the year.

Whether you're a veteran landlord, just entering the rental real estate market, or somewhere in between, you will benefit from virtual networking and training events operated by MassLandlords. We have adapted our real estate training events to online models via Zoom. Now, no matter where you live, you can sign in and learn the game from experts and other housing providers in the state.

The rental real estate market contains a long list of regulations and laws that can be difficult to decipher, especially in Massachusetts. We happen to be living and operating in the most tightly regulated market for rental property management, owning rental property and multifamily investing in the United States (California is a close second).

Our real estate training Zoom webinars help landlords and real estate investors create connections with others while learning how to navigate your business for optimal ROI.

All MassLandlords online networking and training webinars are open to the public. Membership is not required.

#### ONLINE NETWORKING AND TRAINING WEBINARS ALL MONTH

Each month, we offer a range of virtual real estate training webinars in convenient time slots.

A sample of recent topics covered in our online rental real estate training events includes a virtual meeting on Housing Court Rules in a Post-moratorium World; Tenant Screening Overview and Rental Applications; Handling Tenant Issues and Evictions in the Current Climate; the MassSave Program and the Virtual Experience; and more.

Our highly rated and long-running Virtual Crash Course in Landlording



MassLandlords Zoom rental real estate networking and training Zoom events are a great way to make connections, keep updated on landlording news, and learn how to optimize your business. Image: CC-SA BY Pixabay.

and Rental Real Estate is held over two Saturdays each month. This "Landlording 101" course teaches everything you need to succeed as an owner or manager of residential rental real estate in Massachusetts.

Check this calendar for upcoming virtual training events.

#### SECURE ONLINE FORMAT

Our Zoom meetings are password protected to ensure participants' security. The password is only sent to paid participants. We also use security features that control who can share their screen during presentations.

You might have read about "zoombombing," in which an online meeting participant might share lewd images or other inappropriate content on screen for all to see. However, what you may not have read is that those meetings are public and not password protected, and/or did not use basic security features that we do use, such as the Zoom tool in which "only the host can share" content.

- Our virtual meetings are not recorded. Audience participation is optional via video, phone, and screenshare.
- Our virtual webinars have limited participation options (e.g., typed questions only) and are recorded (recordings are only available to attendees) for future reference.

#### **REAL ESTATE NETWORKING**

Every online training event starts and ends with time for networking on Zoom, and centers around at least one educational speaker or group activity.

#### **Typical Meeting Agenda**

- 5 p.m. Sign-in, Networking: chit-chatting with others as people log in to join
- 5:40 p.m. MassLandlords Business Update and Member Minutes Member Minutes – Any member can have the mic for 60 seconds (offer a deal, ask a question, share words of wisdom, etc.)
- 6 p.m. Speaker
- 7 p.m. Virtual Meeting Ends

#### **LOW COST TO ATTEND**

All of our virtual rental real estate networking and training webinars are open to the public. Membership is not required, but pricing for members is typically set at or below cost.

Virtual meetings are priced between \$5 and \$10 for attendance. Attendance in our intensive, two-day Virtual Crash Course in Landlording costs \$200-\$300.

Our virtual registration desk is open for all events starting 30 minutes before event start time. Call 774-314-1896 or email <a href="hello@masslandlords.net">hello@masslandlords.net</a> for live, real-time help signing in and using your technology.

When joining a virtual meeting, please use the Zoom "test audio" feature. You will be allowed to talk to others as long as your microphone functions adequately and there is no background noise. We reserve the right to mute anyone for any reason. Attendees without a microphone, or who don't want to be heard, can type questions.

#### **ATTIRE**

Don't judge a book by its cover! The most successful owners and managers in the room are the ones who least need to impress with fancy clothing and bling. Use your judgment, but basically: come as you are.

#### ADVANTAGES OF MASSLANDLORDS VIRTUAL RENTAL REAL ESTATE NETWORKING AND TRAINING

News and updates: Massachusetts rental real estate networking and training is an investment in your current and future business. Our members hear the news first. When the courts switched all hearings to Zoom earlier this year, we heard about it straight from the Clerk Magistrate of the Central Division. That's just one example of news you will be privy to before it's published.

**Strong Connections:** Because we focus on buy-and-hold rental real estate, we cover a niche that other Massachusetts

real estate networking and training events can't touch. Our members learn about opportunities to buy in their regions before these buildings go on the MLS. In addition, the personal connections you will develop with other Massachusetts landlords will be invaluable. We don't run anonymous event factories. Our attendees actually get to know one another, such that when you have an emergency you can pick up the phone and call someone you know for help and referrals.

**Local compliance:** What you don't know can hurt you. What you think you know because you read it online can hurt you even worse. There are ordinances in Massachusetts towns and cities and laws that don't exist elsewhere. This creates a large knowledge and compliance gap if you operate with practices learned from other states. There's even a dedicated Housing Court here. Did a tenant give your apartment to a squatter? Well, they're not a trespasser. In fact, they're protected in Massachusetts as if they had signed the rental agreement. This is one example among dozens that demonstrates how you will benefit by investing in our virtual rental real estate networking and training.

Point your camera app here to read more online.



#### IL-LODGE-ICAL: the Worcester Lodging House Ordinance



The City of Worcester lodging house ordinance may be vulnerable to legal challenge, especially as households merge to weather COVID-19 economic fallout.

The City of Worcester does not want property owners renting to students, and seems to think that apartments leased by four or more unrelated persons constitute "lodging houses." In 2002, the Appeals Court upheld the City's position. In 2013, the Supreme Judicial Court (SJC) issued a decision that puts that earlier ruling in some doubt. The Worcester lodging house ordinance is now in question for this and other reasons.

#### STATE LAW ON LODGING HOUSES

Since World War One, Massachusetts has had a statute regulating lodging houses. It defines lodging house as:

"A house where lodgings are let to four or more persons not within second degree of kindred to the person conducting it, and shall include fraternity houses and dormitories of educational institutions, but shall not include dormitories of charitable or philanthropic institutions or convalescent or nursing homes licensed under section seventy-one of chapter one hundred and eleven or rest homes so licensed, or group residences licensed or regulated by agencies of the commonwealth."

The statute is not the last word on the subject. Some municipalities, such as Worcester, have adopted bylaws/ ordinances that govern the operation of lodging houses. And the courts have also weighed in. In 2002, the Appeals Court looked at the way the City applied its lodging-house *ordinance* (municipal law); eleven years later, the SJC reviewed the City's application of the *statute* (state

law). The results are not consistent, suggesting that the state statute might now overrule the city ordinance.

#### THE SJC'S 2013 STATUTE DECISION IN COLLEGE HILL PROPERTIES

Before analyzing the city ordinance, let's consider the state statute. In 2010 the City of Worcester's inspectors viewed an apartment that four students had leased for 12 months, with each student having access to the entire apartment and use of all the common areas. The inspectors declared this a "lodging house" as defined by the statute. The Supreme Judicial Court was of a different opinion. In 2013 it ruled that the properties in question did not fall within the statutory definition of "lodgings" within the meaning of M.G.L. c. 140, §§ 22-32.

The case is <u>City of Worcester v. College</u> Hill Properties, LLC, 465 Mass. 134 (2013).

Now consider the earlier case concerning the Worcester zoning ordinance, as opposed to the statewide statute. In 2002, the Appeals Court had held: "Whether the defendants were operating lodging houses should not turn on the status of the student occupants as tenants." In other words, a tenant, who has more rights than a lodger, can simultaneously be just a lodger. The name of the case is *City of Worcester v. Bonaventura*, 56 Mass. App. Ct. 166 (2002).

In Bonaventura, each of the tenants (students at College of the Holy Cross) had signed the lease for the whole unit, and they were all jointly and severally liable for the rent. Nevertheless, the City of Worcester argued that the unit was a "lodging house" under its own definition of "lodging house" located in Section 2 of the Zoning Ordinance:

"A dwelling or that part of a dwelling where sleeping accommodations are let, with or without kitchen facilities, to four (4) or more persons not within the second degree of kindred to the person conducting it, and shall include rooming houses, boarding houses and tourist homes, but shall not include hotels, motels, inns, sorority, fraternity and cooperative residences, dormitories, or convalescent homes, nursing homes, rest homes, or group residences licensed or regulated by agencies of the Commonwealth."

The differences between the statute and the ordinance are minimal. Are those differences enough to turn an apartment that the owner has let (jointly and severally) to four tenants who are not related to the owner into a lodging house? No, not according to the more recent College Hill decision on the statute.

#### REVISITING THE BONAVENTURA ORDINANCE DECISION

The 2002 Bonaventura decision reads in part: "Whether the defendants were operating lodging houses should not turn on the status of the student occupants as tenants." Why not? Lodgers have no possessory interest. Signing a tenancy agreement is an upgrade, it means they are no longer a lodger. But that one sentence was the beginning and end of the court's analysis of the issue. We have no answer to this question.

In view of the *Bonaventura* decision, and thin reasoning, Worcester landlords who enter into joint-and-several leases with four or more unrelated individuals will justifiably worry that they may be conducting a lodging house so far as the ordinance is concerned.

But it is worth noting that in *Bonaventura* it was the City that appealed after losing in Housing Court; the defendant property owners did not file an appeal brief or argue the case at the Appeals Court. After three months, their so-called lodgers might have acquired a possessory interest and become a tenant at will during the case. This might have been argued by way of distinction, but this argument was never called for. *Bonaventura* is incomplete.

So let us return to the question: May an apartment that the owner has leased, jointly and severally, to four unrelated *tenants* (not lodgers) be classified as a lodging house simply on the basis of the tenants' familial status? Or, to put the question another way, can the drafters of zoning ordinances operate as legislative alchemists, and turn a leasehold into a lodging?

The SJC's decision in *College Hill* Properties suggests that today the answer would be no. What distinguishes a leased apartment from a lodging house is precisely the property interest (and rights) of the renters, or lack thereof. The essential reason in College Hill Properties that the units did not fall under the statute's definition of lodgings was that tenants have a property interest and lodgers do not. That principle applies with equal force to the definition of "lodging house" in the zoning ordinance. After considering the very same issue that the Appeals Court had considered in Bonaventura, the SJC arrived at the opposite conclusion.

Following the SJC's decision in College Hill Properties, which came 11 years after the Appeals Court's decision in Bonaventura, it seems reasonable to suspect that the Worcester ordinance would not survive a challenge today. The challenge would be not only on the basis of statutory construction, as we have outlined above, but also on the basis of anti-discrimination law.

#### FAMILIAL AND NATIONAL-ORIGIN DISCRIMINATION

The federal Fair Housing Act (FHA) prohibits housing discrimination based on family status. 42 USC §3604(b). Under the FHA, it is unlawful "[t]o discriminate against any person in terms, conditions, or privileges of...rental of a dwelling, or in the provision of services or facilities in connection therewith, because of...familial status." On its face Worcester's ordinance discriminates on the basis of familial status, i.e. against groups of people who wish to live together but are not related. It treats people who are related one way, and those who are not related another (worse) way.

Second, Massachusetts law prohibits discrimination in housing on the basis of national origin. M.G.L. c. 151B, §4 (7). Demographic analysis would likely show that in Worcester many of the groups of unrelated individuals who would live together but for the ordinance are students from overseas. In this way, even though the ordinance does not discriminate against foreign students on its face, its impact falls upon them

disproportionately. This discriminatory effect could serve as an additional legal argument against the ordinance.

#### CONCLUSION

The economic aftermath of the pandemic will likely necessitate some doubling up or the formation of other makeshift households. Two appellate-level decisions in Massachusetts have considered Worcester's use of state law and its local ordinance to prevent property owners from renting to students or other unrelated groups. The earlier decision by the Appeals Court found in favor of the City's use of the ordinance. The later decision by the (higher) SJC found against the City's use of the near-identical statute.

Any landlord wishing to take the risk of testing the validity of the ordinance in court should ensure that all tenants have signed the lease, and that the tenants are jointly and severally liable. Tenants who are overseas students or foreign nationals will provide the likeliest opportunity to challenge the ordinance under the FHA.

Point your camera app here to read more online.



## **CAN A RENTER GET RAFT DIRECTLY** and Then Not Give it to The Landlord?

The short answer is: No. The long answer is a bit more complicated. John Fisher, author of the Massachusetts Rental Owners Property Management Manual, said that RAFT regional agencies make direct payments to "participating vendors" (meaning landlords, utility companies, etc.). The tenant does not receive funding directly.

However, Fisher went on, "there doesn't appear to be any language to the effect that an existing landlord with an arrearage would have any priority over a successor landlord if the tenant chose to move into a new property. Since RAFT monies can be used for more purposes than just late rent...what may have happened in situations where the tenant got RAFT support but the landlord never saw any money was that the tenant directed the payment to an additional vendor as well as to a new landlord."

In other words, no, your tenant did not just keep their RAFT funds. But if they are moving out, any number of circumstances could have kept those funds from being directed towards you.

For more information, visit the state's RAFT guidance page.



3 Better Communities 3 Better Policy 3 Better Lives

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## A Landlord's **GUIDE TO BEDBUGS**

By Kimberly Rau, MassLandlords Writer



The best way to defeat bedbugs is to avoid getting them in the first place. Image Credit: Public Domain, Centers for Disease Control

## Bedbugs are making a comeback in the United States. Here's how to spot and treat bedbugs to keep your property infestation-free

Bedbugs, once practically eradicated in the United States, have been making a creepy crawly comeback in the 21st century. The United States started seeing a resurgence of bedbugs in 2000, and keeping the problem at bay has been a challenge ever since

The chemical DDT was once considered effective at beating bedbugs, but the use of DDT in the United States has been banned since 1972. Furthermore, studies have shown that bed bugs have grown resistant to DDT and pyrethroid chemicals.

This article will give you a primer on what bed bugs are, how an infestation starts, and what you can do to try and keep the problem off your property.

#### WHAT IS A BEDBUG?

According to Pest World, bedbugs, formally known as *Cimex lectularius*, are likely called such because of their tendency to hide out where humans sleep, and bite them when they're unaware. Bedbugs need blood from mammals to survive, and make their homes where people are likely to spend time: beds and couches, at home and in hotels, yes, but also offices, movie theaters and public transportation, just to name a few.

Bedbugs reach an adult size of approximately ¼-inch and are reddish brown in color, with six legs and a flat appearance

when they haven't eaten. If a bedbug has recently bitten someone, it will be elongated and swollen. They do not have wings and are unable to fly. Adults can be seen by the naked eye. The much smaller and lighter in color nymphs are harder to see easily.

## HOW DO I KNOW IF MY RENTAL PROPERTY HAS BEDBUGS (AND HOW DID THEY GET THERE)?

Bedbugs are resilient little creatures. General heat and cold won't kill them. Adults can go months without eating. And where you see one, there are almost certainly more. This makes them very good at surviving in a world that would much rather see them eradicated.

The main way people bring them into their living spaces is through travel. For example, staying in a hotel room that has bedbugs (which may have come in from a previous guest) is a common way that people bring them back home, in luggage or on clothing. Buying used clothing or furniture without taking precautions is another way to end up with bedbugs. Finally, even something as simple as purchasing clothes can invite trouble: Bedbugs may lay eggs in the fabric, and an unwitting consumer would have no idea until they started seeing the telltale signs of infestation.

Once bedbugs are in a home, they can be very difficult to eradicate, especially if the home exists in a building with multiple rental units. Boston was the only Massachusetts city to make Orkin Pest Control's list of the top bedbug cities in the U.S. for 2020 (coming in at #40, down from #38 in 2019). However, that's no reason to assume suburban property

managers or owners in smaller cities are out of the woods. Bedbugs are everywhere.

#### SIGNS OF BEDBUG INFESTATION

According to the Environmental
Protection Agency (EPA), looking for bug
bites is not a great indicator of bedbugs.
Some people do not react to bedbug
bites at all. Other insect bites or hives
can mimic bedbug bites. Someone may
also have gotten bitten elsewhere and not
brought any insects home with them.

Instead, if you are concerned about infestation, look for physical signs of bedbugs around the rental unit. There may be rusty or reddish stains on bed sheets, mattresses or box springs (either from bedbugs being crushed or from bedbug excrement). Dark spots slightly larger than a period at the end of a sentence that are reddish-brown and "bleed" like a marker on the fabric indicate excrement. You may also find tiny (about 1 mm) eggs and eggshells, pale skins from shedding nymphs, and live bedbugs.

To check for live bedbugs, look around the piping and seams of the mattress and box spring, and check in cracks on the bed frame and headboard. Bedbugs prefer to feed at night and will travel up to 20 feet from their hiding spaces to do so.

If you're dealing with a heavy infestation, you may also find live bugs in the seams of upholstered furniture, in drawer joints, around electrical boxes, behind wall hangings (even loose wallpaper), and where the wall and ceiling meet. If you can slide a credit card into the space, a bedbug can also easily get in.

The only proof of bedbug infestation is capturing a live bed bug.



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## BACKGROUND SEARCHES

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## HOW DO I AVOID BEDBUGS IN THE FIRST PLACE?

We discussed earlier some of the main ways bedbugs can get into a home. Two of those problems are easy to fix: Simply properly wash any clothing before you wear it (which is a good practice to have anyway, as clothes are treated with chemicals when they are shipped) and inspect any secondhand furniture you buy before bringing it into your home. When washing clothes or other textiles, use the highest heat possible, as this, not detergent, is what effectively kills the bedbugs.

It's the biggest culprit – travel – that can be the hardest to beat. Though travel has slowed during the pandemic in 2020, people are still staying in hotel rooms every day. It's impossible to know if someone was in your hotel room right before you, and whether they may have brought some undesirable pests along in their luggage. Even something such as the national bedbug registry is only as reliable as the reports people make, and it only takes one guest with hitchhiking bedbugs to ruin a place's sterling reputation.

So, how can your tenants ensure they're safe when they travel?

"You can't tell whether a building or hotel room has them based on cleanliness," the bedbug registry page explains. "The bugs can thrive anywhere there are cracks and crevices to hide in."

So, upon checking into a hotel room, do some due diligence. Do not set your suitcases down on the floor or bed. Instead, put them in the bathtub or on the bathroom counter if possible. If the hotel provides a luggage stand with metal legs, this is also appropriate. Next, go into the room and start with the bed. You're looking for all of the signs of bedbugs that we mentioned earlier. Reddish spots, casings, eggs, live bugs. Use the flashlight function on your phone to make this easier. If you see any of these signs of infestation, take your bags and request a new room immediately.

Upon returning home from travel, do not bring your bags directly into the house if possible. Keep them outside in the garage or in the laundry room, and immediately wash and machine dry your clothing. It's the time in the dryer, not the washer, that will kill these pests. Do not store your suitcases under your bed. Instead, keep them in an out-of-the-way place, such as your garage or basement, when you are not traveling.

### ONE OF MY RENTAL UNITS HAS BEDBUGS. NOW WHAT?

If you find that one of your housing units has bedbugs (ask your tenants for pictures or a live capture if possible; remember, many bugs can leave bites that look like bedbugs), don't panic, but do act quickly. Time is of the essence, especially if the affected apartment is part of a multi-unit building.

"Because residents share the same building infrastructure, i.e., hallways, walls, ceilings, floors, and utility lines, bedbugs can easily move among different units in multifamily housing, thereby spreading quickly among people who live in close proximity to each other," states a protocol from Mass Legal Services for treating bedbugs in multiunit structures. And, buildings with a large number of

units will see greater tenant turnover than smaller rentals, creating a greater risk of bedbug spread.

#### LANDLORDS MUST TREAT FOR BEDBUGS AT THEIR EXPENSE

In Massachusetts, it is the landlord's responsibility to eradicate bedbugs (and all other vermin) in properties consisting of more than one rental unit (along with all other vermin), according to 105 CMR 410. In single-family homes, the landlord must keep the place structurally sound, but the tenant must pay for their own extermination.

In a multi-unit housing situation, this has the potential to turn into a dispute between landlord and tenant over who is responsible. But regardless of who got the infestation going, once there are bedbugs, the onus is on you, the landlord, to get rid of them.

First, you must hire a licensed pesticide applicator to inspect the affected apartment as well as all surrounding units. All affected units must be treated accordingly. The earlier an infestation is caught, the easier it will be to eliminate. Areas must be treated at the same time, as bedbugs may move from one area to another, simply relocating the problem. At any rate, expect to have your pest control company visit more than once.

"A thorough insecticide treatment should involve 2-3 visits from the [pest management professional], as it is unlikely all the bedbugs will be killed in the initial treatment," states an article from the <u>University of Minnesota</u> on bedbug treatment.

"We generally expect an average bedbug infestation to take about three treatments spaced apart three to four weeks," states an article by Bay Valley Pest Control out of California. "If bites reoccur or are continuing into the third week, a follow-up treatment should be scheduled. Some customers have relief into the fourth or fifth week and then need their next follow-up."

It is not recommended you move your tenants during this time, because even if you have a vacant unit available, they may bring the bedbugs with them to their new residence. That said, there are many things you and your tenants can do to prevent the spread of bedbugs that don't involve pesticides.

#### BEFORE TREATING WITH PESTICIDES

In addition to pesticides, you must make sure you get rid of all places bedbugs can hide. Do a thorough cleaning before you treat your rental units. Vacuums (properly fitted with filter bags that can be treated and sealed for disposal) are effective at removing bedbugs and their eggs. Steam cleaners are also effective at killing bedbugs, though properly treating everything with steam can take a lot of time. If it is possible to raise the temperature of the bed bugs to 45 degrees Celsius (113 Fahrenheit), they will die; this may require raising the core temperature of the room to 120 degrees Fahrenheit for two hours or more until every hiding place is hot enough.

Next, bag up all linens (including curtains and towels). Bag them in clear plastic bags and bring them to be laundered. Destroy the bags at the laundromat and do not bring them back to the rental unit.

All clothing, pillows and stuffed animals should also be laundered and dried with the highest heat possible.

Remove everything possible from the rooms that must be treated and get furniture away from the walls. Remove outlet and switch covers (remember, bedbugs are quite small and can get anywhere you can slide a credit card). Wash these plates, and all wood or metal furniture, with hot and soapy water. (Always dry your outlet covers completely before reattaching! When in doubt, hire a licensed electrician.)

Mattresses and box springs can be encased in special bedbug covers that will trap insects inside (many of these covers are also designed to create a barrier for dust mites, a bonus for people suffering from allergies). Covers should be left on for at least 18 months if there has been an infestation.

Finally, all people and pets should leave while pesticides are being applied.

#### A NOTE ON BEDBUG DETECTING DOGS

Some pest control companies may advertise a more unique service: dogs that can sniff out bedbugs. It seems like a logical choice. After all, it's well documented that dogs have more sensitive noses than humans do, and dogs' powerful noses are used in all sorts of situations where people fall short. But can they reliably detect the presence of bedbugs?

The answer is: sometimes. A 2015 report from ABC news showed that four out of 11 dogs who were put to the bedbug test alerted to bugs when none were present. The news station surmised that this may be due to the fact that the dogs received treats when they alerted to the presence of bedbugs.

The report did not say that dogs shouldn't be used, but urged consumers to make sure that the dog's handler could show evidence of bedbugs before shelling out for an extermination.

"Entomologist Sorkin advises homeowners not to be pressured into doing expensive treatment when a dog alerts to the odor of bedbugs but no bugs are found. Instead, he recommends using bedbug monitors or traps that can be found in stores," the report concluded.

#### **CONCLUSION**

In summary, the presence of bedbugs is an annoyance for tenants and a hassle for landlords. It's better to exercise caution when traveling or bringing home clothes or furniture than to have to deal with an expensive and time-consuming extermination. If you do find yourself dealing with bedbugs, act quickly and effectively, and urge your tenants to report problems as soon as possible. The faster you get the situation under control, the happier everyone will be.

Point your camera app here to read more online.



## REGIONAL

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#### **2020 DECEMBER**

#### Upcoming events See details under each region

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	Waltham Virtual Meeting 5:00pm - 7:00pm	3	Webinar 12:00pm - 1:00pm	5 Crash Course Day 1 8:30am - 12:15pm
6	7 SWCLA Virtual Meeting 7:00pm - 8:00pm	8	9 Worcester Virtual Meeting 5:00pm - 7:00pm	10 Springfield, NWCLA Virtual Meeting 5:00pm - 7:00pm, 7:00pm - 8:00pm	11	12
13	14	15 Cambridge Virtual Meeting 5:00pm - 7:00pm	16	17	18	19 Crash Course Day 2 8:30am - 12:15pm
20	21	22	23	24	25	26
27	28	29	30	31		

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#### **2021 JANUARY**

#### Upcoming events See details under each region

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4 SWCLA Virtual Meeting 7:00pm - 8:00pm	5	6 Waltham Virtual Meeting 5:00pm - 7:00pm	7	8	9 Crash Course Day 1 8:30am - 12:15pm
10	11	12 MWPOA Virtual Meeting 7:00pm - 8:00pm	13 Worcester Virtual Meeting 5:00pm - 7:00pm	14 Springfield, NWCLA Virtual Meeting 5:00pm - 7:00pm, 7:00pm - 8:00pm	15	16 Crash Course Day 2 8:30am - 12:15pm
17	18	19 Cambridge Virtual Meeting 5:00pm - 7:00pm	20	21	Webinar 12:00pm - 1:00pm	23
24	25 <sub>Cape &amp; Islands</sub> Virtual Meeting 5:00pm - 7:00pm	26	27	28	29	30
31						

#### **REGIONAL**

#### **STATEWIDE**

#### Webinar: Early Warning System



MassLandlords has developed an "early warning system" for bills, ordinances, and hearings. This system can **alert** members and staff to housing-related issues so we can provide timely **testimony** at hearings. We need your help to make the system work!

This webinar will review Massachusetts **housing policy** and give a demonstration of the early warning system:

- How does an idea become law in the state or a city or town?
- Where are **public notices** posted?
- Why did we develop this system?
- What does the early warning system do?
- Has it made a difference?
- Who can participate?
- What do I do if I find something?
- How do I sign up?

This presentation is timely because the next legislative session begins in January. Help us track the bills that will be filed!



The early warning system was developed for housing-related issues



Instructor Douglas Quattrochi

This presentation will be given by Doug Quattrochi, Executive Director, MassLandlords, Inc. Doug was a founding member of MassLandlords in 2013. He became the association's first Executive Director under new bylaws in 2014. Since then, he has scaled the organization from a core of 160 members in Worcester to approximately 2,000 dues paying businesses from Pittsfield to the Cape, and from an all-volunteer team to approximately 20 full and part-time staff plus 50 volunteers. Doug has been instrumental in advancing democratic governance mechanisms, including score voting for policy priorities and a staggered and democratically elected Board of Directors. Doug also oversees the RentHelper spin-off, which is expanding access to electronic banking for those of us who are unbanked or underbanked. Prior to MassLandlords, Doug held leadership roles in various Massachusetts startups, two of which are still operating. Doug holds a Master of Science in Aerospace Engineering from the Massachusetts Institute of Technology.

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12:00pm Webinar Begins 01:00pm Webinar Ends

#### Registration

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Webinar Details (hosted by Zoom) We will share our video, audio, and computer screen and slides.

• You can chat questions. You will not be on video or audio.

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#### **Watch Live**

#### (on December 4, 2020 12:00 PM):

When: Dec 4, 2020 12:00 PM Eastern Time (US and Canada)

Topic: Early Warning System

Please click the link below to join the webinar:

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#### Watch Recording (after December 7, 2020):

Recording Link:

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This event will be recorded. Video, slides and handouts if any will be uploaded to our page on Early Warning System.

Click here to register for this webinar

The webinar counts for continuing education credit for Certified Massachusetts Landlord Level Three. Beep in. Leave feedback/beep out.

#### Virtual Crash Course Two Days: The MassLandlords Crash Course in Landlording

SAT 12/05

FRI 12/19

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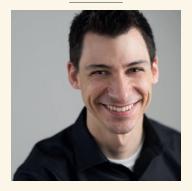


This fast-paced course is strictly limited to 16 participants to allow for detailed discussion and Q&A. Course tuition includes:

- Small group session with the Executive Director, a trained presenter and experienced landlord, and the attorney.
- A comprehensive agenda, see below.
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  - o *The Good Landlord* by Peter Shapiro,
  - o *Getting to Yes* by Roger Fisher, and/or
  - o *The Housing Manual* by H. John Fisher.
- A bound summary of all material presented.
- A MassLandlords ballpoint pen.
- A coupon for 10% off any MassLandlords annual membership.
- A MassLandlords certificate of completion and permission to use "MassLandlords Crash Course graduate" on your marketing material.

You will receive a box packed with your personalized signed certificate, your choice of two books, course notes, pen, and half a dozen other pieces of literature. Materials will be mailed when the US curve flattens and we have a local team member healthy for fourteen days consecutively. Electronic course notes will be downloadable for printing at home and notetaking prior to the event.

Click here to purchase tickets for this event



Instructor Douglas Quattrochi



**Instructor Attorney Peter Vickery** 

#### **Featured Testimonial**



"I simply wanted to reach out and express just how happy I am to have attended the landlording crash course. The presentation and

delivery of the information was flawless and I certainly have walked away with a greater understanding of the intricacies that govern being an above average landlord/manager." – **Michael Murray** 

Saturday, December 5th, 2020 and Saturday, December 19th, 2020

#### VIRTUAL COURSE AGENDA SATURDAY, DECEMBER 5TH, 2020

- 8:30am Introduction of MassLandlords and course participants
- 8:50am Rental markets
  - o Urban, suburban, rural
  - o Luxury, college, professional, working, subsidized, rooming houses
- 9:05am Property selection
  - o Lead paint (Legal highlight)
  - o Utilities
  - o Bones vs surfaces
  - o Amenities
  - o Repairs and renovations
  - o Durable vs beautiful
  - o What if I'm stuck with what I've got?
- 9:20am Sales and marketing 101 for rental property managers
  - o Marketing rentals
  - o Sales process
  - o Staying organized
  - o Branding a small business





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Osterville Brockton Rockland Worcester Lawrence 508-428-1669 508-580-4800 781-982-8700 508-755-7320 978-686-0003

#### REGIONAL

- o Getting more or fewer calls
- o Tips and tricks

10:05am - Break

10:15am - Applications and screening

- o Criminal, credit, eviction
- o Discrimination (legal highlight)
- o Tenant Screening Workshop

11:20am - If time allows, start Rental Forms

- o Lease vs Tenancy at Will
- o iCORI
- o Eviction notices

12:15pm - End Day One, course resumes the following Saturday

#### SATURDAY, DECEMBER 19TH, 2020

8:30am - Review of Day One and follow-up questions

8:45am - If needed, finish Rental Forms

- o Lease vs Tenancy at Will
- o iCORI
- o Eviction notices

9:15am - Legal Matters start

- o Late fees
- o Security deposits
- o Eviction process
- o Move-and-store
- o Water and electrical submetering
- o Housing Court vs District Court
- o Warranty of habitability
- o Inspections
- o Subsidies
- o Rent control

10:05am - Break

10:15am - Legal Matters finish

11:00am - Maintenance, hiring, and operations

- o Keeping the rent roll and expenses
- o Filing taxes
- o To manage or not to mange
- o Tenants as customers
- o Notifying tenants
- o Extermination
- o Monitoring contractors
- o Lease violations and conflict resolution
- o Record keeping

11:50am - Overview of books and resources for further education

12:00pm - Review of unanswered questions

12:15pm - End Day Two and End Course

Please note that end time each day may vary based on questions.

#### Participation is Easy

As a result of the COVID-19 (coronavirus) pandemic, our events have been replaced by webinars or virtual meetings held during the traditional event time for each former location:

- **Virtual meetings** include optional audience participation via video, phone, and screenshare and are not recorded.
- **Webinars** have limited participation options (typed questions only) and are recorded.

Our virtual registration desk is open for all events one hour starting 30 minutes prior to the event start time. Call 774-314-1896 or email <a href="hello@masslandlords.net">hello@masslandlords.net</a> for live, real-time help signing in and using your technology.

If joining a virtual meeting, please use the zoom "test audio" feature. You will be allowed to talk to others if your microphone is good and there is no background noise. We reserve the right to mute anyone for any reason. Attendees without a microphone or who don't want to be heard can type questions.

#### Virtual Meeting Details (hosted by Zoom)

We will share our video, audio, and computer screen and slides.

 Optional: You can share your video with everyone, talk to everyone, and type chat with everyone. Video sharing is not required. Talking is not required.

Password will be emailed and viewable online.

Topic: Virtual Crash Course Dec 5 and Dec 19

Time: Dec 5, 2020 08:00 AM Eastern Time (US and Canada)

Every 2 weeks on Sat, 2 occurrence(s)

Dec 5, 2020 08:00 AM Dec 19, 2020 08:00 AM Join Zoom Meeting https://us02web.zoom.us/j/82864591681

Meeting ID: 828 6459 1681

Passcode: Will be emailed and viewable online

Dial by your location

- +1 646 876 9923 US (New York)
- +1 301 715 8592 US (Washington D.C)
- +1 312 626 6799 US (Chicago)
- +1 669 900 6833 US (San Jose)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 408 638 0968 US (San Jose)

Meeting ID: 828 6459 1681

Passcode: Will be emailed and viewable online

Find your local number: https://us02web.zoom.us/u/kcNowu0E7P

#### **FOOD**

This is a virtual course. You are free to prepare food at home and eat while you listen.

#### **PRICING**

Open to the public. Membership is not required, but advance registration *is* required!

- Online:
  - o Non-members: \$205
  - o Members: \$195 (<u>log in</u> before you register or you will see the non-member price)
- Online registration required. All ticket sales final.

The course is the same price as usual, because our estimate of shipping and handling on a box of course materials is equal to our historic cost per person of catering. You will receive a box packed with your personalized signed certificate, your choice of two books, course notes, pen, and half a dozen other pieces of literature. Materials will be mailed when the US curve flattens and we have a local team member healthy for fourteen days consecutively. Electronic course notes will be downloadable for printing at home and notetaking prior to the event.

Click here to purchase tickets

#### Membership.

Please note: this event is run by MassLandlords staff.

BERKSHIRE COUNTY,
BOSTON, CAMBRIDGE, SOMERVILLE

## Cambridge Virtual Meeting: Networking and Training Event



Our December Virtual meeting will be held Tuesday, December 15th. We are working with members to select a topic. Suggestions always welcome at hello@masslandlords.net. Check MassLandlords.net/events for updates.

## Cambridge Virtual Meeting: Networking and Training Event



Our January Virtual meeting will be held Tuesday, January 19th. We are working with members to select a topic. Suggestions always welcome at <a href="hello@masslandlords.net">hello@masslandlords.net</a>. Check MassLandlords.net/events for updates.

#### **CENTRAL WORCESTER COUNTY**

#### Worcester Virtual Meeting: Networking and Training Event



Our December Virtual meeting will be held Wednesday, December 9th. We are working with members to select a topic. Suggestions always welcome at hello@masslandlords.net. Check MassLandlords.net/events for updates.

#### **MassLandlords Thanks Our Property Rights Supporters**



Property Rights Supporters make monthly contributions earmarked for policy advocacy.

#### **OWNERS COOPERATIVE**

**\$100 and Up** Rich Merlino. Gray Investment Properties/ Allyson Gray Trust. Hilltop Group Holdings. Premier Choice Realty. Spring Park Properties. Skye High Properties, LLC. Eric Warren. Landrum Global, Inc. Stony Hill Real Estate Services. Haddad Real Estate.

#### **OWNERS CLUB**

\$50 to \$99 Harbor View Realty Trust. Foxworth Properties, LLC. Jim O'Brien. Michael Goodman. Slope Properties LLC. Michael Totman. Ted Poppitz. Shamrock Management. Rossanna Hennessey. Winton Corp. Witman Properties Inc. Hilltop Realty. Gaskin Enterprise. Monroe Management LLC. Ferry Hill Management. Arrowpoint Properties LLC. Park River Properties LLC. Urban Lights LLC. Mary Norcross. Winsser Realty Trust. PCPA LLC. Fred Ikels. Joseph Jones. Darlene Musto. 28TEC Realty LLC. Bob Smith. Jennifer Teall. A. A. Zamarro Realty, Inc. Union Realty. Tina Smith.

#### **WORKING TOGETHER CLUB**

\$20.25 to \$49 Bob Finch. CHELSEACORPLLC. Dorel Realty LLC. GMC Property Management LLC. Jill Monahan. The Claremont Living LLC. Olson Apartments. E.R. General Improvement & Property Management. Liz O'Connor. Cheryl Popiak. 557 Union Avenue Realty Trust. South Shore Apartments, Wembley LLC. JCCarrig Real Property. Lucille Fink. Royce Fuller. Matthew Maddaleni. Chris Rodwill. StacyJonh Thomas. Lorenzo Whitter. Karen Jarosiewicz. Kristina Midura-Rodriguez. Vincent Monaco. Janice Sawyer. First Chair Entertainment. Dana Fogg. Yan Alperin. Arsenault Electric. Linda Caterino. Haverhill Multi-Family, LLC. Broggi

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#### **WORKING TOGETHER CIRCLE**

Up to \$10 AAMD MGT. Alec Bewsee. Alex Narinsky. Broggi R.E. & Property Mgmt Inc. Catherine Jurczyk. CC&L Properties, LLC. Eastfield Family Trust. Geri Ledoux. Glenn Phillips. JD Powers Property Management LLC. Kee 55, Inc. Agency Account C/O Ercolini. Patty Eksuzian. Ann Eurkus. Margaret Forde. Doug Quattrochi. Realty Trust. Rob Barrientos. Scott Cossette. Stuart Warner. Topaz Realty Trust. Charles Gendron. Heidi Shey. Joann Strub. Kathryn Rivet. Alexandra Schoolcraft. WestMass Apartments LLC. John Siri Homes. Hancock Holdings LLC. Mary Palazzo. Olivier Delaporte. MassBay Group. Anthony Membrino. Corofin Properties. Brandon Lee. Tara Pottebaum. Alexa Zaccagnino. Jo Landers. Snaedis Valsdottir. Mike Hempstead. JMG Realty & Investments. Tomaltach O'Seanachain Realty Trust. Jonathan Siegel. Vadim Tulchinsky. Ross W. Hackerson. Barbara Frost. Pavel Novikov. Alvan Pope. Lisa Rizza. Kim Wu. Chris Adler. Demers Enterprises. Jim George, Sr. John Kubilis. Summit Rentals LLC. Michael Siciliano. Real Property Management Associates. Alta Lama. Timshel Properties. Pathways. Lori Amara. Ray Boylan. Liz Dichiara. Property Realty Group LLC. Gayle Joseph.

#### **SPECIAL MENTION**

Rental Property Management Services. Banita Burgess. John H. Fisher.

One-time and bespoke donations sincerely appreciated, too numerous to list here.

To join, complete a pink sheet at any MassLandlords event or sign up online at MassLandlords.net/property. ••

WED

12/02

#### Worcester Virtual Meeting: Networking and Training Event



Our January Virtual meeting will be held Wednesday, January 13th. We are working with members to select a topic. Suggestions always welcome at <a href="hello@masslandlords.net">hello@masslandlords.net</a>. Check MassLandlords.net/events for updates.

#### Wanted for Guarantee: Worcester Studios and One Bedrooms

The City of Worcester has signed an agreement to pilot a landlord-tenant guarantee fund, under which you may be eligible to receive \$10,000 of coverage for unpaid rent, property damage, and attorney's fees if you rent to one of our renters instead of a market renter.

The guarantees are being issued to Worcester landlords who choose to rent to residents currently experiencing homeless in the city. All of our residents have been awarded permanent subsidies (MRVP, VASH, or Section 8) so they can pay the rent. All of our residents also receive supportive services, so they get help with whatever caused them to experience homelessness in the first place. These residents are all individuals, so we are looking for studios or one-bedrooms near bus routes.

You will still be able to screen your renter as normal. You will have to waive screening criteria that would adversely affect an applicant with non-violent criminal history, bad credit, and/or an eviction record. All other screens can be conducted as normal (ability to pay rent, move-in monies, smoking, pets, etc.).

You will get unlimited helpline access if you participate. We can issue these guarantees because we know in over 80% of cases, you won't lose a dime, and we won't have to pay the guarantee.

For no-obligation information, call the helpline at 774-314-1896 or email hello@masslandlords.net.

#### **CHARLES RIVER (GREATER WALTHAM)**

#### Statewide Virtual Meeting: Insurance Overview for Rental Properties

Insurance is one of the "big three" expenses alongside mortgage and real estate taxes. If you have a claim, insurance can decide the fate of your business.

For instance, did you know that basic policies won't pay to fully rebuild a grandfathered building? Sprinklers would be at your expense without special coverage. Are you prepared for any disaster? Whether it's a fire or a lawsuit, you need insurance to protect your assets. This presentation will give an overview of special considerations that owners familiar with only single family insurance won't know. We will cover basic and advanced considerations:

- Residential vs commercial insurance.
- Valuations
  - o Replacement cost.
  - o Functional replacement cost.
  - o Actual cash value.
- Ordinance or law coverage.
- Protective safeguards
  - o Protective class.
  - o Construction.
  - o Smoke/fire detection.
  - o Sprinkler systems.



Peter Normand of Webber & Grinnell will be presenting



Multifamily insurance is not like normal residential insurance (if yours is, it's missing some things)

Part of this presentation will be given by **Peter Normand, CLCS**. Pete joined Webber & Grinnell in 2017 and he currently leads the agency's Real Estate Practice Group. Pete is passionate about protecting investments and dreams. He provides comprehensive insurance and risk management solutions based around his clients' businesses and goals. Pete holds his OSHA 10 Construction certification and is working on his OSHA 10 General Industry certification. Prior to working in the insurance industry, Pete worked in manufacturing, supply chain, and has owned rental properties in Vermont and Western Massachusetts. Pete is a graduate of the University of Massachusetts and a Western Mass native. He lives in Northampton with his wife and two children.

Part of this presentation will be given by Jerry Zanarini, Regional General Adjuster at Advanced Adjustment **Service, Inc.** Jerry is a licensed construction supervisor and registered home improvement contractor, as well as an accomplished project and restoration management professional. He has an extensive background in construction, insurance estimation, scheduling, budgeting, and maximizing profitability. He has been with Advanced Adjustment Service since 2014. Prior to that he was a project manager at Complete Restoration Solutions for four years. Prior to this, for 22 years he helped build Sears/K-Mart stores across the US, including a 250-phase project completed three weeks early.

Purchase your ticket in just a few clicks!

#### "No Sales Pitch" Guarantee

MassLandlords offers attendees of directly managed events a "No Sales Pitch" guarantee. If a guest speaker offers services, their presentation will not discuss pricing, promotions, or reasons why you should hire them. We do not permit speakers to pay for or sponsor events. Guest speakers are chosen for their expertise and willingness to present helpful educational content. Your purchase of an event ticket sustains our nonprofit model.

#### Open to attendees statewide

This event is regionally branded in keeping with a local tradition. This region used to meet in-person on this day at this time. You are welcome to participate in this virtual meeting no matter where you are in the state.

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#### REGIONAL

#### WEDNESDAY, DECEMBER 2ND

#### VIRTUAL MEETING AGENDA

5:00pm Sign-in and virtual networking: you can chit chat with others as people log in

5:40pm MassLandlords Business Update and Member Minutes

Member Minutes – Any member can have the mic for 60 seconds (introduce yourself, ask a question, share words of wisdom, etc.)

6:00pm Local Manager Meeting Introduction 6:05pm Insurance overview 7:00pm Virtual meeting ends

#### **Participation is Easy**

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 Optional: You can share your video with everyone, talk to everyone, and type chat with everyone. Video sharing is not required. Talking is not required. Password will be emailed and viewable online.

Topic: Statewide Virtual

Meeting: Insurance Overview for Rental Properties

Time: Dec 2, 2020 05:00 PM Eastern Time (US and Canada)

Join Zoom Meeting https://us02web.zoom.us/j/85451674373

Meeting ID: 854 5167 4373

Passcode: Will be emailed and viewable online

Dial by your location

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- +1 301 715 8592 US (Washington D.C)
- +1 669 900 6833 US (San Jose)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 408 638 0968 US (San Jose)

Meeting ID: 854 5167 4373

Passcode: Will be emailed and viewable online

Find your local number: https://us02web.zoom.us/u/kVvbyrDGU

#### **PRICING**

Open to the public. Membership is not required!

- Contemporaneous participation:
  - o Public: \$10
  - o Members: \$7
  - o Premium Members: No charge and no need to register. <u>Click here</u> for meeting details and password.

This event will not be recorded. Slides and handouts if any will be uploaded to our page on Multifamily Insurance.

This event is operated by MassLandlords staff.

Want to speak at a MassLandlords meeting? Submit a speaker request.

This is part of the Greater Waltham rental real estate networking and training series.

Google calendar users: <u>add our event</u> calendar to your own.

#### Greater Waltham Virtual Meeting: Networking and Training Event



Our January Virtual meeting will be held Wednesday, January 6th. We are working with members to select a topic. Suggestions always welcome at hello@masslandlords.net. Check MassLandlords.net/events for updates.

#### **GREATER SPRINGFIELD**

#### Springfield Virtual Meeting: Networking and Training Event



Our December Virtual meeting will be held Thursday, December 10th. We are working with members to select a topic. Suggestions always welcome at hello@masslandlords.net. Check MassLandlords.net/events for updates.

## Springfield Virtual Meeting: Networking and Training Event



Our January Virtual meeting will be held Thursday, January 14th. We are working with members to select a topic. Suggestions always welcome at <a href="hello@masslandlords.net">hello@masslandlords.net</a>. Check MassLandlords.net/events for updates.

#### LAWRENCE, METROWEST

## Marlborough Virtual Meeting: Round Table



Our January Virtual Meeting will be a Round Table Discussion. Everyone will be able to ask questions and converse with other members.

#### **TUESDAY, JANUARY 12TH**

#### METROWEST PROPERTY OWNERS ASSOCIATION MEETING AGENDA

7:00pm Zoom Meeting Starts 8:00pm Zoom Meeting Ends

#### LOCATION

Participation is Easy

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- Webinars have limited participation options (typed questions only) and are recorded.

#### PRICING & RSVP

Open to the public! Membership is not required. \*MWPOA Members\* RSVP by emailing your full name to Laurel newlakeview@yahoo.com

- MassLandlords.net/MWPOA
   Members pay \$100 annual
   MWPOA dues and each meeting is
   free, just RSVP!
- MassLandlords.net Members and general public: \$5

Click here to purchase tickets for this event

This event is operated by volunteers.

#### NORTH SHORE, NORTHERN WORCESTER COUNTY

#### Fitchburg: Spin the Wheel & Bingo: A Merry COVID Christmas



Join us from the comfort of your home for our annual holiday social. It will be a fun evening of games and prizes!

Take a picture of yourself delivering donations to Toys for Tots, or to a food pantry, for extra entries in the spinning wheel.

We will also have an update about our new Members Only benefits, including arrest records and past meeting videos.

Meetings are open to the public! Tickets are \$10. Zoom meeting information will be provided the day of the event. Become a member and the annual dues pay for all 10 meetings a year!

#### THURSDAY, DECEMBER 10TH

#### NWCLA MEETING AGENDA

Visit <u>nwcla.com</u> for any last-minute updates or changes.

7:00pm Presentations

#### LOCATION

#### **Participation is Easy**

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- Virtual meetings include optional audience participation via video, phone, and screenshare and are not recorded.
- **Webinars** have limited participation options (typed questions only) and are recorded.

#### **PRICING**

Membership not required! Open to the public.

- Early-bird ends seven days prior @ 12pm:
  - o Public and Members other than NWCLA: \$10
  - o MassLandlords.net/NWCLA members: pay annual dues, then free

Zoom meeting information will be provided the day of the event

This event is operated by volunteers.



#### SOUTHERN WORCESTER COUNTY

## Southbridge: Eviction Process

MON 12/07

The SWCLA will be hosting an important meeting regarding eviction. This presentation will be given by Allan Jeskey of South County Constable. Allan will be speaking on the eviction process especially related to post Covid restrictions.

This meeting will be in the gymnasium space, no food, in accordance with guidelines set by the local Board of Health. Masks covering nose and mouth are required.



The SWCLA Meets at the Southbridge Community Center aka Casaubon Senior Center

#### MONDAY, DECEMBER 7TH

#### SWCLA MEETING AGENDA

7:00p Meeting Start 8:00p Meeting wrap-up

#### **LOCATION**

Southbridge Community Center (aka Casaubon Senior Center) 153 Chestnut St. Southbridge, MA 01550

#### **PRICING**

Open to the public for your first time! Membership not required for your first time.

- Members are admitted for free
- General public free the first time, then pay \$50/yr for membership.

This event is operated by volunteers.

#### **CAPE & ISLANDS**

#### Cape & Islands Virtual Meeting: Networking and Training Event



Our January Virtual meeting will be held Monday, January 25th. We are working with members to select a topic. Suggestions always welcome at hello@masslandlords.net. Check MassLandlords.net/events for updates.





Table Better Communities Table Better Policy Better Lives



## Schedule Calls With Our Staff for Business Advice and Legal Information



Or add the helpline to your membership for a low annual fee and rest assured that you will have one-on-one access to our counselors and attorney referrals for:

- ✓ Landlord rights and responsibilities
- ✓ Nonpayment of rent
- **✓** Contractor disputes
- **✓** Termination of tenancies and eviction
- **✓** Rent increases
- ✓ Angry neighbors
- Municipal fines or assessments,
- Building disasters
- Sleepless nights

Schedule a consult: 774-314-1896 or hello@masslandlords.net

Details and Prepayment: https://masslandlords.net/membership-confirmation-helpline/

MassLandlords One Broadway, Floor 14 Cambridge, MA 02142

#### **SUBSCRIBE TODAY**

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