Mass Landlords net

FEBRUARY 2021



Right of First Refusal **VETOED**

HEAT PUMP VS FURNACE Calculator for Natural Gas Replacement NEW COVID LANDLORD, COURT REGULATIONS NOW LAW (FY21 Budget, 191-H5181, Ch. 257 of the Acts of 2020)

Contents

- 3 LETTER FROM THE EXECUTIVE DIRECTOR
- 4 NEW COVID LANDLORD, COURT REGULATIONS NOW LAW (FY21 Budget, 191-H5181, Ch. 257 of the Acts of 2020)
- 7 Right of First Refusal **VETOED**
- THE CONDITIONS OF MASSACHUSETTS RENTALS UNDER RENT CONTROL:
 A Retrospective
- MASSLANDLORDS ANNUAL ELECTION RESULTS 2020:
 Landrum, Vetstein and Roubicek Greenman
- 12 HEAT PUMP VS FURNACE
 Calculator for Natural Gas
 Replacement
- 19 PREPPING RENTALS for Winter Weather Year-Round
- REGIONAL

FORM TO ACCOME

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Instructions for completing this form can









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LETTER FROM THE EXECUTIVE DIRECTOR

Lookup is **Live**

IN JANUARY WE RELEASED THE "LOOKUP" FEATURE OF OUR CERTIFICATION AND OUR "CALCULATE DUES" BUTTON. RENT COLLECTION AND THE CRASH COURSE CONTINUED TO GROW, THE 191ST SESSION ENDED DRAMATICALLY.

January was a busy month between website development, member services, and the dramatic finale of the 191st legislative session.



The key development in January was the release of MassLandlords.net/lookup. This new page allows any member of the public to verify whether a property owner or manager is a Certified Massachusetts LandlordTM. Owners and managers can differentiate themselves, especially in soft markets like Greater Boston, at MassLandlords.net/certification. The first of three levels is available now.

Also released in January is the "calculate dues" button for new and renewing members. Presently the only calculation is not for dues but rather for chapter assignment. Later, after all three levels of certification are live, membership dues for full service including certification will vary by the size of the business.

The RentHelper spin-off service continues to serve as virtual office manager for 30 businesses. \$1.4 million in rent was collected last year.

We have posted jobs for a Spanish language crash course instructor, content manager, and attorney to expand this service to new markets.

Our lobbying report, at time of writing not yet concluded, shows \$40,000 spent on lobbying activity (per the Massachusetts definition) in the second half of last year.

January saw the end of the 191st legislative session. Right of first refusal was released from committee unexpectedly at around 4:42am on Wednesday January 6. Within hours, we had been heard by between 4 and 8 thousand subscribers across a dozen channels. Although the Governor did not echo our reasons in his veto (we focused on extortion, he focused on housing production), he did veto the ludicrous, partisan measure. The bill is expected to be filed again. We will oppose it again, consistent with member direction.

Thank you for your support in our mission to create better rental housing.

Stav safe.

Douglas Quattrochi

Executive Director. MassLandlords, Inc.

NEW COVID LANDLORD, COURT REGULATIONS NOW LAW

(FY21 Budget, 191-H5181, Ch. 257 of the Acts of 2020)

By Eric Weld and Peter Vickery, MassLandlords, Inc.

A new emergency law, recently signed by the Governor, introduces Notice to Quit regulations and court changes that will affect some eviction cases.

A new law, signed by Gov. Charlie Baker on December 31, 2020, introduces important new regulations affecting Notices to Quit (NTQs) served for rent nonpayment, and eviction filings.

The regulations in Chapter 257 of the Acts of 2020 (signed into law as House bill, 191 H.5181), An Act providing for eviction protections during the COVID-19 pandemic emergency, will remain in effect for the duration of the State of Emergency signed by Gov. Baker on March 10, 2020, or until the law is repealed.

Section 1 of the law requires that any new NTQ served to a tenant for nonpayment of rent also include a <u>downloadable form</u>, developed by the Executive Office of Housing and Economic Development (EOHED), providing details related to the coronavirus pandemic's impact on the tenancy, as well as a verbatim statement explaining the legal ramifications of the notice. The law also requires NTQs to be electronically copied to the EOHED.

Section 2 of the law directs courts to grant delays in any nonpayment eviction cases resulting from the COVID pandemic and economic response if tenants have applications pending for emergency rental assistance.

Sections 3 and 4 implement reporting and monitoring of the Eviction Diversion Initiative, a \$171 million package of

resources to provide housing support for renters and landlords impacted by the pandemic and response.

We take a more detailed look at Chapter 257 below.

BILL NUMBERING CLARIFICATION: CIRCUITOUS ROAD TO RATIFICATION

Readers following Massachusetts politics will likely know Chapter 257 of the Acts of 2020 by another name. The provisions of Chapter 257 of the Acts of 2020 were originally included as Outside Sections 79, 80, 88, and 103 in the fiscal year 2021 state budget, which the governor signed on December 11, 2020. Sections 79 and 80 were originally vetoed by the governor and sent back to the legislature for proposed amendments.

Specifically, Governor Baker had proposed removing a provision in Outside Section 79 that would have required the courts to reject any summary process cases filed without proof that an NTQ had been delivered to the tenant. The governor argued that such required proof would unnecessarily and inappropriately place judicial responsibility on court clerks, who are the first to receive and begin processing eviction case filings.

Chapter 257 retains the requirement as originally written. Sections 1 and 2 of Chapter 257 mirror Outside Sections 79 and 80, respectively, of the state budget. Chapter 257 also duplicates Outside Sections 88 and 103.

NEW NOTICE TO QUIT PROCESS

Chapter 257 of the Acts of 2020 mandates that any NTQ served for rent nonpayment must also be sent electronically to the

EOHED, using an online submission form and uploading NTQ documents that have been served to tenants, in one of several formats. This regulation assures that any personal identifying information will be kept confidential, with a caveat: that the EOHED may share the information with individuals named on the NTQ, the landlord, and, "to the extent permitted under federal law," a regional administering agency or housing consumer education center, "for the purposes of providing housing stability resources to tenants at risk of eviction."

The law also requires any NTQ served for rent nonpayment to include an attestation form - downloadable from the EOHED Notice to Quit webpage - comprising several sections: 1.) a statement attesting that the tenant has provided a declaration, under the Centers for Disease Control and Prevention (CDC) eviction moratorium, that their ability to pay rent has been detrimentally affected by the COVID pandemic and response; 2.) a statement attesting as to whether the rental is a "covered" property as described in the CARES Act, and the NTQ is in compliance with that law; 3.) any agreements struck between landlord and tenant for the tenant to repay unpaid rent; and 4.) information about rental assistance programs, such as RAFT and ERMA, trial court rules and orders pertaining to summary process actions, and any federal or state restrictions on residential evictions.

In addition, the attestation form includes, in bold, all-capital print, at the top, the following statement:

"This Notice to Quit is not an eviction. You do not need to immediately leave your unit. You are entitled to a legal proceeding in which you can defend against the eviction. Only a court order can force to you leave your unit."

The <u>EOHED NTQ</u> page provides detailed instructions for landlords about the required form.

ARE THERE WORKAROUNDS?

What if the landlord wishes to avoid the paperwork of a nonpayment case and serves a no-cause NTQ instead? If the summary process summons and complaint asks for rent/use and occupancy, the court will treat it as a nonpayment case. Serving a no-cause NTQ and then seeking rent via summary process will not work. There are no end runs.

RAFT EVICTION MORATORIUM: NO JUDGMENTS AND NO EXECUTIONS

Section 2 in the new law will also affect landlords with pre-existing or newly filed nonpayment cases.

For newly filed nonpayment cases, Section 2 directs courts to grant a continuance "for a period as the court may deem just and reasonable," in any summary process cases in which: 1.) the tenancy is being terminated for rent nonpayment; 2.) rent nonpayment was due to COVID financial impact; and 3.) the tenant can demonstrate that they have a pending application for emergency rental assistance, to RAFT, ERMA or another program. Counterclaims may be considered by courts pertaining to this section, pending decisions from RAFT and ERMA.

For pre-existing nonpayment cases, the courts are prohibited from entering judgments or issuing executions where the tenant has a pending application for rental assistance.

What if the parties are having a mediation or a hearing and the tenant still has not applied for rental assistance? If the tenant applies during the court event itself, that is sufficient; the court will continue the case.

What if the tenant applies for RAFT and the application is denied? Can the tenant then apply for another form of rental assistance and require another continuance until that second application is either approved or denied? That is not clear yet, but the answer is "probably."

WEEKLY TRIAL COURT DATA REPORTS

As part of Chapter 257, Section 2, the courts are directed to provide monthly reports giving data about eviction cases.

The reports, the law says, will include: 1.) the number of summary process cases filed with each court; 2.) the number of default judgments entered; 3.) the number of execution

for possession orders granted; 4.) the number of continuances requested and granted due to pending rental assistance applications (see above); 5.) the number of stays issued; 6.) the average length of stays and continuances granted; 7.) the number of stays requested, granted or denied through Chapter 239, sections 9 and 10; 8.) numbers of landlords and tenants using pre-trial mediation, and outcomes; 9.) numbers of landlords and tenants receiving legal representation provided through court diversion and support resources; and 10.) "any other relevant information as the trial court may decide."

Courts are directed to submit these reports by the 15th day of each month "during the COVID-19 emergency."

MassLandlords has compiled and published data from the trial court reports, beginning in October following the expiration of the state eviction moratorium. Using this data, the MassLandlords weekly reports provide breakdowns according to court districts, counties and municipalities, as well as insight on representation and attribution by cause.

EVICTION DIVERSION INITIATIVE REPORTS

Chapter 257, Section 3, directs the Department of Housing and Community Development (DHCD) to

Final 12-30

FORM TO ACCOMPANY RESIDENTIAL NOTICE TO QUIT

THIS NOTICE TO QUIT IS NOT AN EVICTION.
YOU DO NOT NEED TO IMMEDIATELY LEAVE YOUR UNIT.
YOU ARE ENTITLED TO A LEGAL PROCESS IN WHICH YOU CAN FIGHT THE EVICTION.
ONLY A COURT ORDER CAN FORCE YOU TO LEAVE YOUR UNIT.

Pursuant to section 1(a) of chapter 257 of the Acts of 2020, from December 18, 2020 until the termination of the COVID-19 state of emergency declared by the Governor, a notice to quit for nonpayment of rent given by a landlord to a residential tenant pursuant to section 11 or section 12 of chapter 186 of the General Laws must be accompanied by this form.

Instructions for completing this form can be found here: mass.gov/noticetoquit

Chapter 257 of the Acts of 2020 requires any Notice to Quit delivered for nonpayment to be accompanied by an attestation form that includes a note, all in caps, informing tenants of their rights. Image: Public domain, Mass.gov.

submit a legislative report detailing specifics regarding the state's Eviction Diversion Initiative.

The reports will include statistical breakdowns about rental and housing assistance programs, including RAFT and ERMA, and housing consumer education centers. Statistics will include numbers of household applicants, approvals and denials for assistance, amounts of assistance awarded, numbers of landlords who applied on behalf of tenants, and details about how assistance was used, among others. The reports will also list the number of NTQs received by the EOHED under Section 1.

Section 4 of the law establishes a task force to track and report outcomes of the Eviction Diversion Initiative, and make recommendations for improvements. The task force will operate until 45 days after the termination of the State of Emergency now

in place. MassLandlords' name was recommended by an unaffiliated third party for inclusion on the task force, but at time of writing no seats had been announced.

CHAPTER 257 OF THE ACTS OF 2020 KEY POINTS FOR LANDLORDS

In nonpayment cases, in addition to the NTQ, landlords need to serve tenants with the Attestation Form, and submit a copy of the NTQ to the Commonwealth.

When serving tenants with the summary process summons and complaint, landlords must also serve the information sheet issued by the local Housing Court, also available online. Find the Housing Court with jurisdiction over your case.

When filing a summary process case with the court, landlords must also file two affidavits: one confirming that they have not received a CDC declaration,

and another confirming that they have complied with the requirements of Chapter 257 (affidavit not yet available at time of writing).

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Right of First Refusal **VETOED**

By Eric Weld, MassLandlords, Inc.

A letter to subscribers sent following Governor Baker's January 14, 2021 veto of right of first refusal 191-H5250.

The letter below was sent to subscribers around 11pm January 14, 2021 by MassLandlords Executive Director Doug Quattrochi.

Editorial note: This letter provoked one objection from the renter community with respect to the comment about nonprofits paying no real estate taxes. A future article will examine the full complexity of Massachusetts nonprofit laws and regulations, payments in lieu of taxes, and the methods and motivations by which a nonprofit may or must obtain a municipal exemption under state law. Suffice it to say for now that the very first nonprofit lot we double-checked (215 Cambridge St, Worcester, MA, a wood frame three decker) had an assessed value of \$426,900 and a fiscal year 2021 tax obligation of \$0.00. The objected-to comment is reproduced below as originally published.

Hello MassLandlords Reader,

We learned at 7:58 this evening, confirmed approximately one hour later, that the right of first refusal (section 83 of 191-H5250) has been vetoed by the Governor. At time of sending, there has been no official press announcement yet. Confirmation is viewable on the Governor's letterhead here.



This type of for-profit farming letter is all-too familiar to those of us who own rental real estate. Nonprofits who want to own rental real estate could do the same instead of attempting to expropriate property by force of law.

In theory, the right of first refusal was supposed to prevent displacement by helping renters become their own landlords. In practice, we all know that being a landlord is difficult, capital-intensive work that few are prepared to undertake and even fewer continue after more than a couple years. The actual intent of right of first refusal, first pioneered in Washington DC and since partially repealed, is to legally extort money from property owners and/or to gradually shift ownership of land to nonprofits, who pay no real estate tax and operate at a competitive advantage to for-profit owners. (Don't ask me how city budgets are supposed to run without real estate tax, I don't know.)

The Governor rightly chose to veto right of first refusal, citing housing production grounds. (Read his letter to the legislature.)

You will note that the Governor vetoed other provisions, including eviction sealing. Unlike right of first refusal, and unlike two previous versions of eviction sealing, the eviction sealing in this bill reflected significant owner input. But this input was not the result of any formal process, which in Massachusetts remains perhaps almost irreparably broken. It seems more likely that our input in this space was entirely through Councilor Lydia Edwards of the City of Boston, who reached out to us for informal feedback. The result was an eviction sealing bill that I considered reasonable.

In any event, both of these proposals will no doubt resurface in the 192nd legislative session, starting this month, in forms yet unseen. For now, though, we can all rest a little easier. Our voices have been heard and can be heard again in the future.

To those of us who reached out to their Reps, Senators, and the Governor's office, on behalf of the membership of MassLandlords and indeed all housing providers across the state, I offer my sincere gratitude.

Our team will remain available to all elected officials for consensus-oriented policy making. We look forward to working with

the legislature to sustain the right to use and dispose of private property, to ensure that our social safety net catches everyone, and to continue our mission to create better rental housing in Massachusetts.

Sincerely,
Douglas Quattrochi
Executive Director
MassLandlords, Inc.

Point your camera app here to read more online.



THE CONDITIONS OF MASSACHUSETTS RENTALS UNDER RENT CONTROL:

A Retrospective

By Kimberly Rau, MassLandlords Writer

Rent control, touted as an ideal solution by some, was less than stellar for tenants and landlords.

Rent control began in Massachusetts in the 1970s, and lasted until a ballot initiative repealed it across the state in 1994. Today, high rental housing costs have many interested in bringing back rent control. However, the reality of cost-controlled rent left many landlords unable to remain in the rental housing business, and some tenants in less-than-ideal living conditions.

WHAT IS RENT CONTROL?

According to Investopedia, rent control is "a government program that places a limit on the amount that a landlord can demand for leasing a home or renewing a lease." Data from 2019 shows that 182 municipalities located in New York, New Jersey, California, Maryland and Washington, D.C., have some form of rent control. But does rent control really work?

A breakdown from Freakonomics says no. MassLandlords <u>summarized the podcast</u> in January 2020, and you can read the <u>full transcript here</u>. Essentially, the podcast stated that rent control creates housing scarcity, leads to rental housing that is not well-maintained, and is not a sustainable solution for creating affordable housing. Landlords who managed rental housing properties in Massachusetts during rent control seem to agree.

A LONGTIME LANDLORD WITH A LONG MEMORY

Massachusetts landlord Jim Regan bought his first investment property

in the late 1950s at the age of 18. This gave him a front row seat for the fallout that he says happened as a result of rent control. Today, Regan manages rental properties all over the state, including Boston, Framingham and Waltham.

"All I can think of is stacks of paper," he said, "and vacancies. That's the biggest thing nobody wants to talk about: vacancies." Regan said he could remember driving down major roads in Dorchester and seeing almost half of the buildings empty.

"Before rent control ended in Boston – and I'm just talking about Boston – there were 10,000 vacant units. It was just crazy," he continued. The reason, Regan believes, was because landlords didn't have the money to put in required maintenance on buildings. Rents didn't increase just because taxes did, and investing in your property didn't necessarily mean as a landlord you'd see a return on that investment. Rent increases for property improvements had to be approved by the rent control board.

"You were petrified [to go before the board]," recalled Regan. "I remember, for example, a fridge would break down, you'd have to go out and buy a new refrigerator. It would take you three to six months to get a decision whether or not you could get more money because you put a new refrigerator in there."

As buildings fell into disrepair, Regan said he began to see things that were almost unbelievable. He recalled a time he drove down Blue Hill Avenue in the middle of winter and saw water pouring out of a front door.

"It was ridiculous," Regan concluded. "I don't know who made out on it at all. The tenants sure didn't. The landlords didn't. It was, in my opinion, lose-lose in

both cases." He said the few people who did find the silver lining of rent control were the ones who were able to buy the vacant, dilapidated buildings and invest in them.

"I bought some property during rent control that had been 50 percent abandoned. The tenants had moved out. There were 32 broken windows in that building...nobody from the bank wanted to go near the place. I bought it [from the bank] very reasonably. A lot of people thought I was crazy [but] I still have it today."

FORMER SMALL PROPERTY OWNERS ASSOCIATION OFFICERS SPEAK OUT

Skip Schloming and Lenore Monello-Schloming are the former president and executive director of the Small Property Owners Association (SPOA). Throughout their marriage, they owned property in Cambridge and helped manage properties belonging to Monello-Schloming's father starting in the 1960s. In 2017, they sat down with MassLandlords to discuss the matter of rent control.

Like Regan, Schloming and Monello-Schloming look back on the time of rent control with little fondness. They also recall the mountains of paperwork involved in going before the rent board.

"You had to take all your paperwork and bring it to the rent board to show what your expenses were, every little expense and you had to have receipts for everything," Monello-Schloming said, describing the adjudication process for getting a rent increase approved.

"You have to bring all that to the rent board and have a hearing in front of a hearing officer and he was the one who would decide based on presumably what information you gave him what the rent should be, how much of a percentage above your fair net operating income you should have as a rent increase," she continued. Rent increases had little to do with the market, and instead focused on landlord costs.

Schloming added that getting money for renovations was next to impossible. Tenants, he said, did not want renovations if it meant rent increases: They weren't planning on staying in the unit forever. Landlords were expected to pay upfront and then hope their petition for an increase was approved by the board.

"It was an impossible situation," Schloming said. "[A]fter about 25 years, the housing was in miserable shape... you could go down the street and say, 'Well, that house, which looks pretty shabby, that's on rent control. The next one, which looks pretty good, that's not on rent control."

The Schlomings also recalled that, counter to the intent of rent control,

many landlords would rent their rent-controlled units to well-off applicants as a means of ensuring consistent rent payments. At one point, the mayor of Cambridge was living in rent-controlled housing. Sometimes, Schloming said, triple-decker houses with three identical units would be occupied by one tenant who could afford the rent. With little incentive to renovate, and guaranteed rent payments, it created housing scarcity for those who needed it most.

They discussed the problem of inventory: As rent controlled apartments were taken off the market (either by tenants not moving out, single tenants of triple-deckers, or buildings falling into disrepair), units not bound by rent control had skyrocketing rents. People wanted the non-rent controlled units, according to Schloming, because they were in better shape and available.

And then, the Schlomings said, there were the really outstanding stories, where landlords were placed in nightmare

situations by rent control. We'll look at two of those stories next.

PETER PETRILLO: A THREE-UNIT HOUSE AND A HEART ATTACK

During rent control, owner-occupied housing with fewer than four units was not subject to rent control. Peter and Helen Petrillo lived in a three-unit house at 391 Magazine Street in Cambridge that had an unfinished basement. They had owned the home since 1953, according to a land deed on file with the state. When their adult daughter's family lost their home due to fire, the Petrillos finished the basement to allow their displaced relatives a place to live.

This didn't sit well with some of the Petrillos' neighbors, who may have been upset that their dwellings were subject to rent control while the Petrillo home was not. The neighbors contacted the rent control board about the new basement apartment, which in turn deemed the Petrillo home a



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four-unit dwelling. This made it subject to rent control.

Further, the board said that the basement apartment was not up to code because the ceiling was too low. The Petrillos thought they could turn the basement back into an "unfinished" space and go back to having a three-unit housing structure, but the board had other ideas.

The rent control board, exercising its apparent total control over building use, sent a notice mandating that the Petrillos make their home a legal four-unit building. This would have required the Petrillos to jack the entire house up (at their expense) to remediate the issue of the basement's too-low ceiling. Peter Petrillo suffered a heart attack and died within days of receiving the rent control board's notice.

After Peter's death, Helen Petrillo eventually won against the rent board and did not have to raise the house up. A marker bearing Helen and Peter's names stands in proximity to the house in question. Information about this was most recently reported in the September 2016 Small Property Owners Association newsletter.

THE BOLOGNAS AND THE ROOMING HOUSE THAT WASN'T

In the 1980s, newly married Vincent and Laura Bologna bought their dream

house in Cambridge, a Victorian-era rooming house on Harvard Street with a carriage house in the back. The Bolognas dreamed of restoring the long-abandoned house to its former beauty. They planned to live in the carriage house while the rooming house was being restored, and also purchased a house in Somerville as a rental property. After restoring the Harvard Street property, the Bolognas opted to rent it out and live in the carriage house.

The main house was rented to Krenie and Maria Stowe, a mother and daughter who paid the rent for six months before suing the Bolognas, stating they were being overcharged. They also went to the rent control board and alleged that because the home had been a former rooming house, it was subject to rent control, which the board agreed with. It first stated that all eight of the units were to be rent controlled, then later said the three that the Stowes were occupying were not subject to rent control.

The court battle surrounding the allegations of overcharging for rent was decided in favor of the Stowes, and the Bolognas lost their appeals. In the end, the Stowes lived rent-free for five years, and the Bolognas ended up paying \$64,000 in damages and legal costs. The

details of the case can be found <u>here</u>. The Bolognas ended up losing the Somerville house after not being able to keep up with costs on top of everything else.

To make matters worse, during all of this the Stowes were subletting rooms in their house, collecting rent from their sub-tenants while not paying their own rent. MassLandlords first covered this story in 2019. At the time, Maria Stowe responded with this comment:

"I was a law student at Harvard from 1986-1990 and filed a case against my landlord who had illegally "gentrified" a rent control [sic] property. Along with a group of students, I rented a large house on Harvard Street. We ran into conflict with the landlord and soon learned the property had been illegally converted from several rent control [sic] units to a large single family home."

The Bolognas ended up selling their Harvard Street property and are no longer landlords.

CONCLUSION

A <u>survey</u> of <u>MassLandlords members</u> shows that rent control is almost unanimously opposed by participants. Rent control does not benefit landlords or tenants, with the exception of a select few. It also does not help long-term rent prices or property values. The high cost of rent in Boston, along with many other municipalities in the state, is a concern, but it is not going to be solved by creating market scarcity and removing incentives to keep properties in good repair.

Point your camera app here to read more online.





A marker outside the Petrillos' Magazine Street home stands as a reminder of the dark side of rent control in Cambridge. Photo Credit: Google Maps

MASSLANDLORDS ANNUAL ELECTION RESULTS 2020:

Landrum, Vetstein and Roubicek Greenman

The 2020 election results include Steffen Landrum on the Board of Directors and Richard Vetstein and Jordana Roubicek Greenman as joint Good Neighbor 2021.

In December, MassLandlords members voted in our <u>annual</u> <u>business meeting</u> on the next director to succeed Pietro Curini on our five-member volunteer board. We met our quorum target of 413 responses, with 474 members participating online, including abstentions.

BOARD OF DIRECTORS

Members were asked to rate candidates on a score of 1 to 5 using a score voting ballot. The nominees were Steffen Landrum and Sanjiv Reejhsinghani, both long-time members and strong supporters.



Steffen Landrum has been elected to a five-year term on the statewide Board of Directors.

Steffen Landrum's total score was 753, average 4.2. Sanjiv Reejhsinghani's total score was 735, average 4.0. It was a very close election. Steffen Landrum has been elected to the board.

Please join us in thanking both Sanjiv and Steffen for their willingness to serve. In an organization of over 2,000 members, every bit of public spirit and volunteering adds up to an increasingly impressive state-wide organization, and a positive force for the creation of better rental housing in Massachusetts. There are volunteer roles at the state and local level available at MassLandlords.net/volunteer.

GOOD NEIGHBOR 2021

Members were asked to choose the winner of a ceremonial "Good Neighbor Award." This award recognizes non-members who go out of their way to further our mission to create better rental housing. This year the nominees were the late Chief Justice Ralph Gants, and a joint ticket of attorney Richard Vetstein and attorney Jordana Roubicek Greenman. The wording of their nominations was as follows:



Attorney Jordana Roubicek Greenman is a MassLandlords Good Neighbor Award Winner 2021.



Attorney Rich Vetstein is a MassLandlords Good Neighbor Award Winner 2021.

Chief Justice Ralph Gants 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.

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.

The late Chief Justice received a total score of 660, average score 4.3. Attorneys Vetstein and Roubicek Greenman received a total score of 719, average 4.5. This was another close outcome! Attorneys Vetstein and Roubicek Greenman are the MassLandlords Good Neighbors for 2021.

In lieu of the usual in-person presentation, the commemorative plaques for outgoing director and 2021 good neighbors will be mailed.

It is never too early to get involved in state leadership. Join us at MassLandlords.net/volunteer. •

Point your camera app here to read more online.



HEAT PUMP VS FURNACE

Calculator for Natural Gas Replacement

Are heat pumps cheaper to operate than natural gas boilers or furnaces? This heat pump vs furnace calculator shows the operating cost of air source heat pumps vs natural gas.

A MassLandlords air source heat pump vs furnace calculator has been developed to help owners, managers, and builders evaluate operational costs of all-electric buildings. The spreadsheet calculator allows members to model an apartment, a natural gas furnace or boiler, and a variety of commercially available air source heat pumps. Then each heat pump can be compared to the natural gas furnace or boiler for annual operating cost. This tool is a feature available to



This Trane Mitsubishi model PH has a Heating Season Performance Factor (HSPF) of 13.5, making it both cold rated and efficient at low temperatures. https://www.trane.com/residential/en/ products/ductless-systems/mini-split-indoor-unit/ ph-series-outdoor-heat-pumps/

members only and will work to compare heat pumps vs baseboard or ducted heat.

WHY DO WE NEED A HEAT PUMP VS FURNACE CALCULATOR?

This tool is needed because natural gas is near historic low prices, leaving many retrofits and new construction projects continuing to install natural gas as a primary heat source without thinking. Natural gas has been an essential and improving technology for over a century. Why shouldn't we keep using it? Because natural gas is regrettably a dead-end technology, like so many other technologies before it. There are four main reasons:

First, natural gas is explosive, as we saw tragically in the Merrimack valley gas explosions of 2018. The infrastructure needed to keep it flowing safely is old and aging fast.

Second, natural gas is a potent source of greenhouse gases, not just when it burns, but especially when it leaks. Natural gas is mostly methane, and methane is a more potent greenhouse gas than carbon dioxide. Gas leaks out of pipes at the rate of tens of thousands of metric tons per year in Massachusetts alone, from approximately ten thousand new leaks annually.

Third, even if you don't care about safety or the climate, natural gas is decreasingly available to businesses: natural gas moratoriums in Western MA have occurred, and in other parts of the state, as well, new hookups have been delayed or denied. (Gas moratoriums have even trapped owners with preexisting service after the previous renter failed to pay their bills.)

And fourth, natural gas is non-renewable. Barring some unforeseen revolution in chemical engineering, we will eventually extract all that remains available to us, driving prices up in the long-term. (The EIA predicts <u>residential</u> gas prices will rise 1% per year for the next 30 years, whereas residential electricity prices will fall.)

These four reasons add up to a fifth concern, which is that Massachusetts seems likely to tax or regulate natural gas so as to increase its price faster than economics would indicate.

All of these factors make it uncertain how much a new natural gas furnace or boiler will cost to operate over the life of the system. One thing is clear: there is no upside. Natural gas will likely never be cheaper or more available than it is at time of writing. Heating systems should be selected for a 10- to 30-year service life, over which the uncertainty that comes with natural gas looms large.

Air source heat pumps, on the other hand, have a very predictable operating cost. The price of electricity rises more or less with inflation. Local solar generation gives you the option of taking supply costs into your own hands and monetizing solar with renters. This makes it possible to know with relative certainty the lifetime operating costs of an air source heat pump. Unlike natural gas furnaces and boilers, which seem unlikely ever to be cheaper, air source heat pumps seem likely never to be more expensive than they are today (after adjusting for inflation).

Note that we are focusing on operating costs, which are only one of thee three primary costs alongside installed cost and maintenance. This tool focuses on operating cost of heat pumps vs natural gas.

This tool is unbiased. It shows that certain air source heat pumps included

in the model are three times as expensive to operate, on a per-BTU basis, than a natural gas furnace or boiler. On the other hand, it shows other heat pumps are cheaper than natural gas furnaces or boilers. This tool uses real performance data and actual weather to prove that system selection matters.

We first wrote about how <u>heat pumps</u> are now cheaper than natural gas in April 2018. Since then, we have received objections to that article like the following:

"If a unit has resistance heat, insulation and heat pump installation are great ideas, but the concept of converting from a boiler to heat pumps will never, ever, be economically justified."

The spreadsheet proves this comment was broadly correct, if one throws a dart at any number of heat pump models. But the comment is specifically wrong when the apartment is insulated, the heat pump is optimized for cold weather, and the system is sized and selected for the space.

HOW TO USE THE HEAT PUMP VS FURNACE CALCULATOR SPREADSHEET

The air source heat pump vs natural gas calculator spreadsheet evaluates the relative operating costs of air source heat pumps vs a natural gas boiler or furnace.

The spreadsheet uses built-in Excel formatting:

- 1.) Enter data in orange cells in the "apartment", "gas" and "air source" worksheets in this workbook.
- 2.) Look at the "comparison" worksheet. Select the model of heat pump you wish to compare.

The tool uses 2019 daily weather data from the National Weather Service's

station at the Worcester, MA regional airport, near the geographic center of MA.

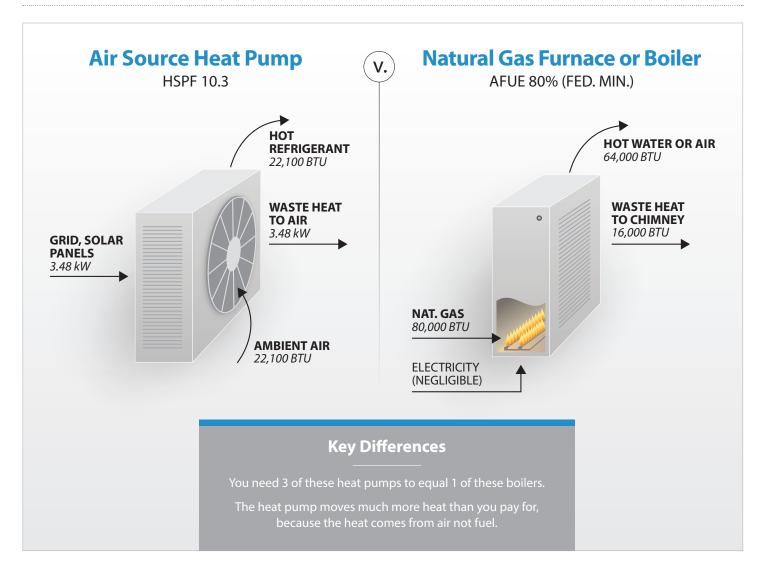
New models of heat pump can be added to the tool and compared. Instructions are provided in the spreadsheet.

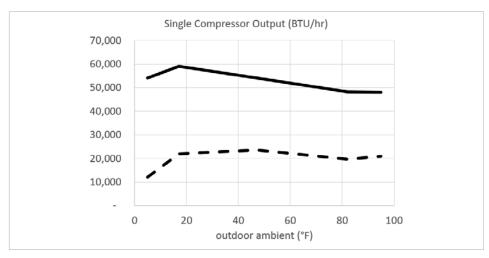
KNOWN LIMITATIONS OF THE HEAT PUMP VS NATURAL GAS CALCULATOR SPREADSHEET

As with any model of the real world, this spreadsheet tool is not reality. It is only meant to approximate real differences between natural gas boilers, furnaces, and air source heat pumps.

This tool requires familiarity with Microsoft Excel. You can <u>learn Excel</u> online.

The 2019 actual weather loaded as a default was recorded at Worcester Regional Airport, near the geometric





Heat pump performance varies as a function of outdoor ambient temperature, meaning what works best in the Mid-Atlantic won't be optimal for New England and vice versa. Shown in solid, a Trane Mitsubishi heat pump; dashed, a Fujitsu. The brand is not important. What is important is the overall height of the line (how much heat output, meaning how many condensers) and where the line peaks. The solid model would be a better all around choice for New England, while the dashed model may be a better all around choice for the lower Mid-Atlantic and DC.

center of Massachusetts. Massachusetts has several different climate regions. Central plain data is not necessarily

adequate to compare Berkshires, North or South Shore, or Cape and Islands. If Worcester isn't close enough to your

climate, you will need to update the "heating degree days" table in the worksheet. You can load data from a different location using DegreeDays.net.

Past weather is no guarantee that future weather will be the same. This tool will approximate a correct answer for regions outside of Massachusetts only when you update the tool with local data.

This tool compares heating only, not cooling. The tool does estimate air source cooling costs, but in New England there is no commonly used natural gas cooling option for comparison.

The comparison produced is only as good as the data you enter. Make sure you have correctly entered data relating to the boiler or heat pump you are considering. The default furnace is 80% AFUE, indicating an old system (retrofit). New construction might install a 90% or better system.



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4	A	В	С	D	E		F	G	Н	1
1	1,000 sq. ft. apartment									
2										
3	BTU delivery requirement	43,998,899	BTU/yr							
4										
5	Natural Gas Heat				Air Source Heat					
6	Example Furnace				Trane_Mitsubishi_TUMYH0481AK40	v	ick to sele	ct		
7	80,000 BTU/hr				Daikin_4MXL36TVJU	^				
8	80% AFUE				GE_Connect_AUH2436ZGDA GE_Endure_ASH426NCDW					
9	BTU input requirement	54,998,624	BTU/yr		Fujitsu_AOU18RLXFZH Fujitsu_FO3620RVJCAB		3,429			
10					Carrier_38MAQB18R3					
11					Fujitsu_Halcyon_RLS3HY Trane_Mitsubishi_TUMYH0481AK40	V				
12					Calculated Heating Season Performance Factor (HSPF):	:	13			
13										
14	Annual Operating Cost (Grid)	\$ 797	/yr			\$	747	/yr	before sol	ar panels
15	Cost per thousand BTU delivered	1.81	cents/1,000	0 BTU			1.70	cents/1,0	000 BTU	
16										
17					Additional cost of air conditioning	\$	39	/yr		
18										

The heat pump vs furnace calculator will work for boilers, furnaces, or any natural gas heat source. Heat pumps are extensively modeled. An easy-pull down lets you evaluate different heat pumps. Excel users, add your own heat pump and compare.

Before making any decision to purchase, consult with a licensed HVAC installer to be sure that the system you want is appropriately sized for your building and climate. An HVAC installer may refuse to retrofit an existing building to heat pumps on the basis that your insulation is inadequate, or for other reasons. This excel model may not accurately reflect your building conditions.

This tool does not compare cost of capital (installation cost).

This tool does not compare maintenance costs.

Maintenance is a significant consideration, especially if the heat pump selected requires its refrigerant lines and fittings be replaced on a shorter interval than the gas system being compared. Many gas systems are "low maintenance" for their entire service life of 30 years. Heat pumps on the other hand may follow a ten-year maintenance cycle, like a water heater. They may be "very low to no maintenance" for approximately ten years, and then depending on the make and model, may require a new condenser, a partial rebuild, and/or new refrigerant fittings and seals.

This tool does not account for historical variations in gas and electricity prices. This tool does not account for the probability that gas or electricity prices may change in the future.

HOW THE HEAT PUMP VS FURNACE CALCULATOR SPREADSHEET WORKS

The heat pump vs furnace spreadsheet calculator is designed to take performance data from the Northeast Energy Efficiency Partnerships (NEEP) "Cold Climate Air Source Heat Pump List." The NEEP dataset provides a variety of metrics on thousands of model numbers across dozens of brands. Each page in the dataset indicates how much heat a given heat pump can produce at a given ambient temperature, and how much energy this costs. Many heat pumps on the NEEP list are variable speed. The heat pump vs. natural gas calculator spreadsheet assumes all heat pumps are variable speed. The spreadsheet tool also assumes that performance varies linearly from low to high speed.

Let's consider the performance of an example variable speed heat pump: the Trane Mitsubishi multizone ductless (model TUMYH0481AK40). When the ambient temperature is 17 Fahrenheit, this system moves a minimum 11,628 BTU/hr at a cost of 0.92 kW. It can increase to full speed and move 59,011 BTU/hr at a cost of 5.44 kW.

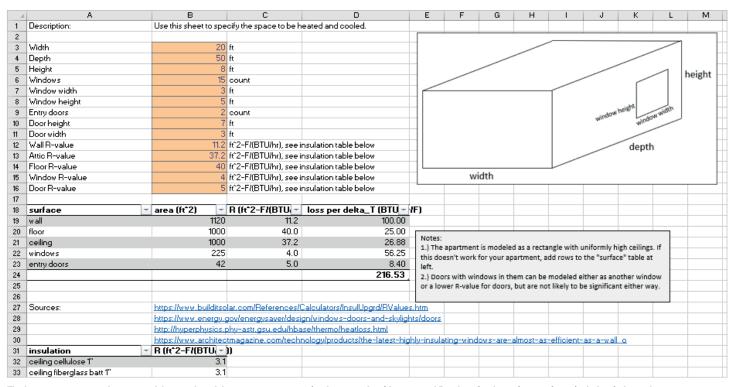
When the ambient temperature is colder, heating performance generally degrades. The Trane Mitsubishi model above will require 7.92 kW to produce only 54,000 BTU/hr at 5 Fahrenheit. In other words, it will produce 8% less heat

for 45% more effort. (If you are carrying out new construction, you should evaluate ground source heat pumps as an alternative to air source. Ground source heat pumps operate on the same principle as air source heat pumps, but benefit from a constant, higher ground temperature of around 50 F.)

For each day in 2019 (or any other year you enter), the air source heat pump vs. natural gas calculator estimates the heat loss from the apartment in terms of BTU/hr. The tool then calculates how many condensers are required to hold the apartment at its interior temperature set point each day. The system is automatically sized for the coldest day in the year, with one or more condensers being modeled as needed. Each day of the year, the sized system will cycle one more condensers between off, minimum and maximum wattage.

Metrics like "Heating Season Performance Factor" (HSPF), Seasonal Energy Efficiency Ratio (SEER), and other metrics are specifically not considered in this tool. These metrics are useful to identify makes and models of interest. But because these metrics are gross estimates of efficiency, the metrics cannot always be relied upon to size a system under real world variability.

The model assumes heat pump performance varies linearly between design points, even though the table is broken into discrete design points of 5 °F,



The heat pump vs natural gas spreadsheet tool models an apartment as a simple rectangle with areas and R-values for the various surfaces include windows, doors, etc.

17 °F and 47 °F. Example: the output and power consumption at 11 °F will be halfway between the performance at 5 °F and 17 °F.

SELECTED COMPARISONS

The spreadsheet's default apartment is a 1,000 square foot rectangular unit located below attic insulation and above another unit heated separately. It is assumed that there are 15 large EnergyStar windows, 2 steel-clad doors, and MassSave-style blown cellulose in the walls. It is assumed there are no leaks.

The spreadsheet's default natural gas heat is an 80% efficient boiler capable of 80,000 BTU/hr input (64,000 BTU/hr output). The modeled annual heating cost for this boiler is \$797 per year.

With no bias other than brand name recognition, we selected half a dozen varieties of heat pumps to evaluate. Some of these are ducted, which would likely not be used in a retrofit situation. Others selected were ductless.

In general, heat pumps that fared impressively badly were underpowered for a cold climate. For instance, consider the Fujitsu AOU18RLXFZH, with a maximum output of less than 25,000 BTU/hr at 47 Fahrenheit. Although

cold-rated, meaning it can generate heat in cold climates, it is not optimized for cold climates. This system requires 2 condensers to keep the well insulated apartment at its set point on the coldest day of the year. The modeled annual heating costs for this system are over \$2,404 per year. This is three times more expensive than natural gas. In terms of HSPF, it is equivalent to electric resistance heat. This heat pump is really designed to be an air conditioner most of the time.

On the other hand, consider the multizone ductless Trane Mitsubishi TUMYH0481AK40. The maximum output of this system is 59,011 BTU/hr at 17 Fahrenheit. At this power output, it is as powerful as the natural gas boiler. This system requires one condenser to keep the apartment at its set point. Even on the coldest day of the year, the heat pump does not exceed a run time fraction of one-third, meaning it will be off twothirds of the time. This is very similar to the cycles experienced by powerful natural gas boilers. The modeled annual heating costs for this system are \$628 per year, less than the natural gas boiler by \$169 per year.

The spreadsheet calculator allows us to calculate a break-even maintenance and install cost. For instance, if this heat pump requires less than \$169 worth of additional capital every year, in terms of maintenance and depreciation, then it will break even against natural gas.

What if we change the assumption of an 80% efficient boiler and instead model a 95% efficient boiler? Then the natural gas costs drop to \$671 per year. This makes natural gas cheaper equivalent to or just slightly more expensive than the Trane Mitsubishi heat pump.

As discussed in the introduction, savings from more efficient gas furnaces and boilers may be offset by future cost increases to natural gas supply.

Depending on your local electricity rate, you may need to lower or increase the rate in the spreadsheet.

Any of these factors can influence the comparison between a given heat pump and a given natural gas boiler or furnace.

Key point: a properly selected heat pump running on grid electricity costs no more than a natural gas boiler to operate.

In all scenarios, the heat pumps deliver summer air conditioning for approximately 5% more operating cost. In New England, air conditioning is not a driving factor. There is generally a lot more heat required than air conditioning.

Solar panels are not modeled. Depending on the size of the roof, a typical three-decker would produce order of magnitude 10,000 kW-hr per year. (It might be only 7,000, it might be 15,000, your roof will vary.) The Trane Mitsubishi heat pump modeled requires 3,000 kW-hr per year to operate. This means two to three units can be heated without grid electricity.

Key point: properly selected heat pumps in three story housing or less may be largely or fully powered by rooftop solar.

The cost to install and maintain your heat pumps and or solar panels must be modeled separately.

Note in the above analysis, which positions a heating-optimized Trane Mitsubishi against a cooling-optimized Fujitsu, that we are not expressly or by implication endorsing or denigrating any brand. Any manufacturer may have heating-optimized and cooling-optimized models. You must select a heat pump that optimizes for your design point.

HOW TO FIND A COLD CLIMATE HEAT PUMP (CCHP)

Cold weather power output seems to be the most important estimator for whether a heat pump will fare well in the spreadsheet. Look for heat pumps that have a high BTU capacity at the low end of the temperature range. Look especially for heat pumps whose maximum output is in the 17 Fahrenheit range. A heat pump optimized for cooling at 90 Fahrenheit will not fare as well as a heating-optimized heat pump, even if it is so-called "cold rated".

Note that the Seasonal Energy Efficiency Ratio (SEER) is *not* a predictor of heat pump performance. SEER is a measure of cooling performance. Heat pumps may have a SEER, but that applies only to their cooling. For heating, heat pumps are rated by Heating Season Performance Factor (HSPF). HSPF is calculated as the total BTU's delivered divided by the total W-hr energy cost. The heat pump vs natural gas calculator calculates an unofficial HSPF based on actual weather.

WILL RENTERS PAY A PREMIUM FOR GREEN HEAT?

Maybe, but it doesn't matter. It is already known that renters do pay a premium for "heat included," and the recommended monetization for heat pumps is detailed in our article "Can Massachusetts

Landlords Charge for Solar?". This article describes how you can provide heat at zero operating cost and charge effectively the cost of oil heat included. This is a straightforward "early adopter"

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opportunity for landlords and rental housing providers.

HEAT PUMPS VS BASEBOARD HEAT

This model considers only the operating cost of air source heat pumps vs natural gas. The installation costs are an important factor especially when considering retrofits. To install minisplit heads, you may have to install several heads or condensers per unit, both inside the unit and outside.

In general, new construction projects or total gut renovations will find heat pump installation costs to be less.

It may be possible to replace a natural gas furnace or boiler without entering a unit. A typical natural gas boiler will output water at 180 Fahrenheit. If you can adjust your boiler temperature down to 120 Fahrenheit and your apartments still maintain their temperature over a winter, then you are a candidate for what is called a "air-to-water" heat pump retrofit. This would use the existing forced hot water pipes, but instead of burning natural gas at the boiler, an air source heat pump would heat the water. Note that you will not have access to air conditioning using an "air-towater" retrofit.

HEAT PUMPS VS NATURAL GAS CONCLUSION

Whether you use heat pumps or natural gas, the best first investment you can make is insulation and air sealing.

If you try to heat an uninsulated, leaky apartment with heat pumps, it will be very expensive and/or unsuccessful.

If you pick a randomly selected "cold rated" heat pump, it will not work well for your apartment.

The best "cold rated" heat pumps are optimized for heat output at cold temperatures. Look for high HSPF.

If you pick an optimized "cold rated" heat pump and size the system correctly for your insulated and air-sealed apartment, it will be cheaper than natural gas to operate.

If you couple heat pumps with solar, your operating costs can go to zero.

Maintenance and installation costs must be modeled separately from operating costs.

SEE ALSO

- Heat Pumps Now Cheaper Per BTU
 Than Natural Gas
- Heat Pump Installation and Monetization
- Can Massachusetts Landlords Charge for Solar?
- Should Natural Gas be Banned in New Construction?
- Deep Energy Retrofit Case Study: Massachusetts Single Family Home
- What are the Massachusetts Heat Laws?
- The Upside to Landlord's House Burning Down

EXTERNAL LINKS

ENERGY INFORMATION ADMINISTRATION

- Historical Retail Price of Electricity over Time, MA
- Historical Retail Price of Natural Gas over Time, MA
- Predictions for Electricity and Natural
 Gas Prices through 2050

ENERGY DEPARTMENT

• <u>Useful overview of boiler and furnace</u> <u>efficiency</u>



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ARTICLE YOU MAY HAVE MISSED

The Horror of Curbside Evictions? Not in Massachusetts

Any landlord in Massachusetts is probably somewhat familiar with its <u>eviction laws</u>. The state is clear about what's considered lawful when it comes to handling an evicted tenant's belongings: Even if they leave things behind, you may not simply put their possessions on the sidewalk (or throw them away, or donate them to a thrift store).

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

PREPPING RENTALS for Winter Weather Year-Round By Eric Weld, MassLandlords, Inc. Preparing your rentals for the weather-proofing measures at your

Preparing your rentals for the ice, snow and heavy rains of winter and early spring can head off catastrophe on many levels.

Preparing rentals for the ravages of winter weather is a yearlong campaign in Massachusetts. Almost every property owner has to deal with summer's humidity and pests, followed by fall's piles of leaves and oncoming cold. But among all the year's weather threats to homes and rentals, the worst, and potentially most devastating, come in winter and early spring.

Ice, drifting snow, pounding winds and penetrating rain can all threaten your properties. Worse, these conditions can also create dangerous conditions for your renters.

By the time winter rolls around each year, you've likely addressed some cold

weather-proofing measures at your rentals. But there might remain a few steps you can take to further secure your properties against catastrophe from snow, ice and freezing temps.

And every year, spring will follow with its heavy, accumulating rainfalls, which can mean disaster for an un-weatherized structure.

To assist with your annual weather preparedness, we created a checklist below of home weather-proofing steps that you and your tenants can take throughout the year to protect properties from water, wind, snow and ice.

SAVE MONEY ON WINTER PREP BY STOCKING UP IN SUMMER

"Always buy your straw hats in the winter," advised legendary investor Benjamin Graham, author of the timeless tome *The Intelligent Investor*.

Straw hats may be passé fashion, but the advice is still sound: The ideal time

Prepping rentals for the harsh weather of winter and early spring is a year-round endeavor in Massachusetts. Image CC BY-SA PxHere

to buy winter supplies is in the summer, just as you might buy beachwear in the winter. Prices are lower when demand is lower. Once fall arrives and winter approaches, shoppers start clearing the store shelves of snow boots, shovels, space heaters, ice melt and sand.

For best savings, purchase calcium chloride – one of the most common de-icing materials – in bulk in August, when prices are cheapest, then store it until needed. The same principle applies to rock salt, also known as sodium chloride. Which one is better?

Also, it's smart to book service and inspection appointments with heating system technicians in the summer, when their schedules are leaner. In some cases, they might even offer a better rate in





the off season when they don't have to squeeze you in.

Now for that checklist:

HOME WEATHER PREP STEP 1: ROOF DRAINS AND GUTTERS

Central, flat roof drains, like those on thousands of multi-unit rentals in Massachusetts, can cause massive harm if not cleaned, cleared (i.e., snaked) and maintained, at least bi-annually. A Springfield landlord learned that the hard way in a spring 2018 roof collapse. Fortunately, no one was hurt in the incident.

Flat roofs should be monitored throughout the year, especially around snow, ice and heavy rainfalls, to make sure they are draining properly. Even if flat roof drains are clean and clear, other factors can still cause problems. A buildup of ice around the drain, for example, can keep melt from entering the drain. Also, flat roof drains typically empty into city sewers rather than storm drains. As a result, during heavy rainfalls - which, thanks to climate change, are increasingly becoming a winter concern in addition to spring – flat roof drains become susceptible to backups due to overtaxed sewers.

But who has the time to ascend their roofs and monitor drains every time it storms?

Charles Hadsell, CEO and cofounder of ePropertyCare, a company that integrates smart-building technology solutions for rentals, suggests a couple of options for remote roof drain monitoring. Most practically, Hadsell suggests an electronic thermostat that can be installed inside roof drains in order to warn owners or others of potential problems before disaster happens. His company also offers an electronic system that can detect burst pipes, running toilets and leaks.

GUTTER CLEANING AND GUTTER GUARDS

Gutters and downspouts might be relatively easier to manage, especially with the proliferation of gutter guard products in recent years. Keeping gutters and downspouts clean and clear is a must, to allow the free flow of water (i.e., rain, snow and ice melt) down to the

ground level and away from home and building foundations. And importantly, cleared gutters carry water off the roof, an essential step in avoiding the buildup of ice and snow that can result in dreaded ice dams.

Gutter guards, also known as gutter helmets, have become a popular product for keeping debris like leaves and roof runoff from mucking up and clogging gutters. These are linear protective covers affixed over the top of gutters. Gutter guards are either meshed or vented to allow rain water and roof melt to enter the gutter while blocking debris. There are dozens of brands and installation companies to choose from, and prices range from an estimated \$7.50 to \$12.50 per linear foot installed. Commercial size gutter guards are also available for large buildings, and will permit more leaf and debris through-movement when debris does enter the system.

But note: gutter guards, while they will cut down on gutter cleaning, won't necessarily free you from ever cleaning your gutters again. Small debris from trees (think pine needles and seeds) can still enter your gutters and build up over time, and must be cleaned out (lest seeds sprout and grow into small trees) – but not nearly as frequently with gutter guards installed.

HOME WEATHER PREP STEP 2: TRIMMING TREES, STRUCTURE INTEGRITY

While you are outside contending with gutters, check all the trees on your properties. Lop and trim any branches hanging over roofs, as well as any dead branches and limbs that seem vulnerable to breaking off and falling in high winds or when weighed down with snow and ice. This is a smart safety step recommended by FEMA, but it could also spare you expensive repairs such as damaged window or siding replacements.

At no point should any plants – tree branches, shrubs, bushes, etc. – be touching the siding, roof or foundation of the building. Ideally, there should be at least a six-inch gap between any branches or bushes and the structure to avoid transfer of moisture onto or into the house.

Next, check all around the exterior of your properties to make sure roofing tiles, siding, masonry and shutters are in place and secure. Winter storms work against the structural integrity of your homes and buildings by tearing at loose corners with extreme winds and freezing rain. Moisture can find its way under roof tiles and siding, and then expand as ice, pushing up pieces and loosening them to be torn away by the next storm's winds.

While checking the exterior, keep an eye out for tiny holes, cracks or potential air leaks around window and doorframes in particular, and repair them with caulking and other materials.

Finally, outside, all hoses and any garden tools or exterior furniture should be stored inside for winter, and outside spigots and pipes drained and insulated. If you don't have a spigot drain, shut off the water and leave the spigot open: Water that starts to freeze will have a pressure outlet, reducing the chance of a burst pipe.

HOME WEATHER PREP STEP 3: ON THE INSIDE

As important as exterior weather preparedness is to the long-term integrity of rental properties, it's equally important to take steps inside. Schedule rental unit entrances with tenants as needed.

An annual inspection by a heating system technician is recommended (see above regarding summer scheduling). At minimum, have a licensed HVAC technician or plumber replace the furnace filter once a year. Boilers may benefit from preventative thermocouple replacement. Thermocouples can wear out and fail over time, and are easy to replace.

As part of heating system inspections, be sure to include the chimney. Ideally it should be cleaned once a year, but also checked to make sure there are no cracks in the mortar or between bricks, no bricks are pushed out, and no leakage is present around the base. In the long term, plan to install a chimney liner, especially if you've upgraded to a high-efficiency furnace, which can introduce damaging moisture inside the chimney.

While in the basement, look around for any signs of animals, such as mice, infiltrating. In some houses, especially older What we do, so you don't have to.



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structures, it might seem next to impossible to keep out mice. They can squeeze their bodies through gaps, cracks and holes the size of a dime. Check for holes around the foundation and fill in any gaps with steel or copper wool and PUR Black foam. Look closely at entry points, such as water pipes coming from outside, to make certain they are sealed all around.

HOME WEATHER PREP STEP 4: WORKING WITH TENANTS

A crucial step in rental weather preparation is communicating with tenants. Some weather preparedness is, after all, renters' responsibility, and you and they should be clear about which areas they will pay attention to.

For example, make sure your renters know where the water shutoff valve is located inside. In the unfortunate event of a burst pipe, a tenant who knows exactly where to turn off the water could save valuable minutes of flooding.

You might make an annual appointment to go over potential emergency scenarios with your tenants to make sure you're all on the same page regarding steps to take in case of severe weather and/or service outages. Consider sharing a list of emergency contacts of people to contact directly (to save time) in case of furnace malfunction, pipe burst or other disaster.

HOME WEATHER PREP STEP 5: SPRINGTIME

When spring arrives, a little bit of weather preparedness can bring a lot of benefit. Spring's warmer temperatures are always welcome in Massachusetts, but they turn winter's ice and snow into a home's worst enemy.

Keeping ice and snow melt and rain away from your property as much as possible can avoid a host of troubles, from basement flooding and mold to moss and algae growth on roofs and siding, along with dreaded wood rot. In extreme cases, such as problems with interior mold, lawsuits can follow.

A few simple steps can avoid most home water damage.

DOWNSPOUT EXTENDERS

Affix plastic extenders to all downspouts (unless you have a French drain system). This is a simple solution with significant benefit. Moving winter melt and rainwater out away from the foundation through simple, inexpensive downspout extenders can make the difference between a dry basement and a constantly flooding and/or moldy one.

WATERPROOF FOUNDATION

Ideally, the foundations of your properties were properly waterproofed when built. But if your rental buildings are more than 40 years old, chances are the foundations weren't waterproofed. You could consider having them waterproofed now, but it can be an expensive job, and the price and procedure will depend on whether you have a concrete or stone foundation.

For concrete foundations, the aboveground portion of the exterior should be treated with a damp-proofing mixture (usually tar- or asphalt-based). Such treatment has a shelf life and should be checked annually for any cracks or potential leaky areas.

Stone-foundation waterproofing is a more debatable proposition, and notoriously difficult to achieve. Keeping water from entering (and freezing in) the countless nooks and crevices in the stone wall is the key. Repointing the foundation may help with moisture seepage, but absolute waterproofing from the exterior includes an expensive excavation and drain installation. Some argue that stone foundation waterproofing is most cost effective from the interior, with

an application of polyurethane foam to the walls and some kind of plastic barrier affixed around the base perimeter and floor, if possible. A sump pump might be necessary for buildings with stone foundations.

When examining foundations, check the soil against the foundation walls. There should be no mini-ditches or recessed areas in the dirt. All soil should be pitched up toward the house, sloping down from the structure for natural drainage away.

THOUGHTS OF SUMMER

Keeping a house or building structurally sound and its occupants safe and comfortable is an ongoing, year-round process.

Wind, rain, snow and ice and extreme temperatures wreak havoc on our homes and rentals and can threaten the well-being of tenants, and therefore create vulnerability to litigation for landlords.

By taking steps year-round, and keeping yourself and your tenants informed, you give yourself the best chance of making it through the fraught winter and spring months with healthy properties and happy tenants.

Point your camera app here to read more online.



REGIONAL

. MassLandlords.net

2021 FEBRUARY

Upcoming events See details under each region

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	SWCLA Virtual Meeting 7:00pm - 8:00pm	2	3 Waltham Virtual Meeting 5:00pm - 7:00pm	4	5	6
7	8	9 MWPOA Virtual Meeting 7:00pm - 8:00pm	10 Worcester Virtual Meeting 5:00pm - 7:00pm	11 Springfield, NWCLA Virtual Meeting 5:00pm - 7:00pm, 7:00pm - 8:00pm	12	13
14	15	16 Cambridge Virtual Meeting 5:00pm - 7:00pm	17	18	Webinar 12:00pm - 1:00pm	20
21	22 Cape & Islands Virtual Meeting 5:00pm - 7:00pm	23	24	25	26	27
28						

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2021 MARCH

Upcoming events See details under each region

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 SWCLA Virtual Meeting 7:00pm - 8:00pm	2	3 Waltham Virtual Meeting 5:00pm - 7:00pm	4	5	6
7	8	9 MWPOA Virtual Meeting 7:00pm - 8:00pm	10 Worcester Virtual Meeting 5:00pm - 7:00pm	11 Springfield, NWCLA Virtual Meeting 5:00pm - 7:00pm, 7:00pm - 8:00pm	12	13
14	15	16 Cambridge Virtual Meeting 5:00pm - 7:00pm	17	18	19	20
21	22	23	24	25	26	27
28	29 Cape & Islands Virtual Meeting 5:00pm - 7:00pm	30	31			

STATEWIDE BERKSHIRE COUNTY BOSTON, CAMBRIDGE, SOMERVILLE

Statewide Virtual Meeting: Policy Forum Lite



This presentation and discussion will be focused on **housing policy**, with particular emphasis on the housing provider perspective. This virtual event is a condensed version of what used to be the half-day on-site held at the Southbridge Hotel and Conference Center, near the geographic center of Massachusetts. Participation is encouraged but not required.

We will start with a **condensed recent history** of housing policy in Massachusetts, as seen from a housing provider's perspective. We will start primarily in January 2020 and review the changing emphasis of the pandemic, including policy successes and failures that have occurred since:

- Certification
- Jail time for landlords
- Multiple layers of eviction moratorium
- CARES Act
- Rent cancellation
- HEROES Act
- Infinite moratorium
- Eviction diversion initiative
- RAFT moratorium
- Ranked choice voting
- Right of first refusal and eviction sealing

At the conclusion of the presentation, we will discuss what may lie over the horizon, what housing providers need to do to prepare, and where we go from here. Please note: this is not a detailed how-to comply with the various laws, this is a policy discussion.

• Policy priorities survey

- Ballot initiatives
- Start of the 192nd legislative session
- Grassroots engagement
- Executive branch
- Judicial branch

Attendees of the January 4 SWCLA members event note: the history section will be substantially the same presentation. Note that due to the public nature of participation, we will

not be discussing litigation strategy. The intent of this event is to find and distribute politically feasible solutions to shared problems.



MassLandlords Executive Director Doug 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.

Click here to purchase tickets for this event

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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.

TUESDAY, FEBRUARY 16TH CAMBRIDGE & STATEWIDE VIRTUAL MEETING AGENDA

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

5:10pm History

5:50pm Policy areas and avenues 6:30pm Grassroots engagement training 7:00pm Virtual meeting ends

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 hello@masslandlords.net 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: Policy Forum Lite Virtual Meeting Feb 16, 2021

Time: Feb 16, 2021 05:00 PM Eastern Time (US and Canada)

Join Zoom Meeting https://us02web.zoom.us/j/87685873903

Meeting ID: 876 8587 3903

Passcode: Will be emailed and viewable online

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Meeting ID: 876 8587 3903

Passcode: Will be emailed and viewable online

Find your local number: https://us02web.zoom.us/u/kBcgXhdX1

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. Click here for meeting details and password.

This event will not be recorded. Any slides or handouts will be posted at "Policy"

Click here to purchase tickets for this event

This event is operated by MassLandlords staff.

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

This is part of the Boston/Cambridge rental real estate networking and training series.

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

iPhone & iPad users: <u>add our event</u> calendar to iCal.

Cambridge Virtual Meeting: Networking and Training Event



Our March Virtual meeting will be held Tuesday, March 16th. We are working with members to select a topic.

Suggestions always welcome at hello@masslandlords.net. Check

MassLandlords.net/events for updates.

CENTRAL WORCESTER COUNTY

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.

Statewide Virtual Meeting: Indoor Air Quality



This presentation will be all about indoor air quality, meaning "is the air in our apartment **safe to breathe long-term?**" You may be surprised by what the science says. This presentation will examine:

- Why indoor air quality matters to us and our renters
- Common causes of poor indoor air quality
 - o Environmental tobacco smoke
 - o Pests
 - o Excess moisture/dampness/**mold**
 - o Volatile organic chemicals (VOC)
 - o Carpets
 - o Gas stoves
 - o Radon
- Steps proactive landlords can take to create healthier homes for our residents

This presentation will not go into legal specifics on which **landlords have been sued** for indoor air quality and what the penalty was. You can take it from us that this is a growing exposure for housing providers.

Monitoring for indoor air quality is **fun**! Invisible substances become visibly measurable with the right tools. Small changes in the way we operate can make big improvements in how we think, feel, and breathe in our homes.



Professor David Turcotte, University of Massachusetts Lowell

Part of this presentation will be given by Professor Dave Turcotte, Sc.D., research professor, director, and principal investigator at the New England Consortium at the University of Massachusetts Lowell and Lowell Healthy Homes Program. Professor Turcotte researches healthy homes and sustainable housing. He is currently studying HEPA filters as intervention for renters with asthma and/or chronic obstructive pulmonary disease. He has authored dozens of papers and given many more presentations on indoor air quality, particularly as it applies to rental housing.

Purchase your ticket in just a few clicks!

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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.

WEDNESDAY, FEBRUARY 10TH

VIRTUAL MEETING AGENDA

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

5:40pm Business Update 6:00pm Indoor air quality 7:00pm Virtual meeting ends

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.

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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: Indoor Air Quality Virtual

Meeting Feb 10, 2021

Time: Feb 10, 2021 05:00 PM Eastern

Time (US and Canada)

Join Zoom Meeting

https://us02web.zoom.us/j/87466969777

Meeting ID: 874 6696 9777

Passcode: Will be emailed and

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Dial by your location

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- +1 346 248 7799 US (Houston)
- +1 408 638 0968 US (San Jose)

Meeting ID: 874 6696 9777

Passcode: Will be emailed and

viewable online

Find your local number:

https://us02web.zoom.us/u/krnsdwqRu

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. Click here for meeting details and password.

This event will not be recorded.

Slides and handouts if any will be uploaded to Indoor Air Quality for Rental Housing.

Click here to purchase tickets for this event

This event is operated by MassLandlords staff.

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

MassLandlords Thanks Our Property Rights Supporters

Property Rights Supporters make monthly contributions earmarked for policy advocacy.

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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. M

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

Suggest and vote for future meeting topics.

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

iPhone & iPad users: <u>add our event</u> calendar to iCal.

Worcester Virtual Meeting: Networking and Training Event



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

CHARLES RIVER (GREATER WALTHAM)

Statewide Virtual Meeting: Bills for the 192nd Session



This presentation will be a line-by-line review of selected bill text MassLandlords intends to file or has filed this 192nd legislative session. The two-year session started January 2021.

We will start by reviewing the Policy Priorities Survey, which sets member direction. We will zero in on those priorities we believe can best be achieved by legislative means (some priorities can best be achieved in other ways). Some bills will not be directly tied to the survey and instead will be foundational in nature.

Most of the presentation will be focused on a select set of bills. We will review line-by-line the purpose and meaning. As we go, we will teach some of the requirements of legislative drafting.

Attendees of this presentation will leave with a deeper understanding of how bills are drafted, which bills we have filed and why, and how future progress can be made in the legislature.



Peter Vickery is an attorney at Bobrowski and Vickery LLC and MassLandlords Legislative Affairs Counsel

This part of the presentation will be given by Peter Vickery of Bobrowski & Vickery, LLC. Attorney Vickery practices law in Western Massachusetts where he focuses on landlord-tenant law (representing landlords in Housing Court) and discrimination defense (representing business owners in the Massachusetts Commission Against Discrimination). He graduated from Oxford University (Jesus College) with a BA in Modern History; obtained his Post-Graduate Diploma in Law from the University of the West of England in Bristol; his JD from Boston University School of Law; and his Masters in Public Policy & Administration from the University of Massachusetts, Amherst. Attorney Vickery served one term on the Governor's Council (the elected 8-member body that approves or vetoes the governor's choice of judges in Massachusetts) and on the State Ballot Law Commission. As Legislative Affairs Counsel for MassLandlords he drafts bills, bill summaries, and testimony in the area of housing law, and writes amicus briefs in cases that have strategic significance for rental-property owners.

Purchase your ticket in just a few clicks!

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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.

WEDNESDAY, FEBRUARY 3RD

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

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

of wisdom, etc.)

Participation is Easy

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

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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: Bills for the 192nd Session Virtual Meeting February 3rd, 2021

Time: Feb 3, 2021 05:00 PM Eastern Time (US and Canada)

Join Zoom Meeting https://us02web.zoom.us/j/87612052737

Meeting ID: 876 1205 2737

Passcode: Will be emailed and viewable online

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Meeting ID: 876 1205 2737

Passcode: Will be emailed and viewable online

Find your local number: https://us02web.zoom.us/u/k0YlACbXR

PRICING

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

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

This event is operated by MassLandlords staff.

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

Google calendar users: add our event calendar to your own.

iPhone & iPad users: add our event calendar to iCal.

GREATER SPRINGFIELD

Springfield Virtual Meeting: Networking and Training Event

Our February Virtual meeting will be held Thursday, February 11th. We are working with members to select a topic. Suggestions always welcome at hello@masslandlords.net. Check MassLandlords.net/events for updates.

LAWRENCE **METROWEST**

Marlborough: Networking and Speaker

Our February event will be held Tuesday, February 9th. Check

MassLandlords.net/events for updates.

NORTH SHORE NORTHERN WORCESTER COUNTY

Fitchburg: **Networking and** Speaker



Our next event will be held Thursday, February 11th. Check MassLandlords.net/events for updates.

SOUTHERN WORCESTER COUNTY

Southbridge: Networking and Speaker



Our next event will tentatively be held Monday, February 1st. Check MassLandlords.net/events for updates.

CAPE AND ISLANDS

THU

TUF

02/09

Upper Cape Virtual Meeting: Networking and Training Event



Our February Virtual meeting will be held Monday, February 22nd. 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
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- **✓** 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/

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