



APRIL 2021

What It's Like **GOING**
TO COURT VIA ZOOM
MEETING

Should I Issue A 1099 FORM
IF MY EX-TENANT OWES
RENT?

**NEW HOUSING
CHOICE LAW COULD
HAVE LARGE IMPACT
on Affordable Housing
in Massachusetts**

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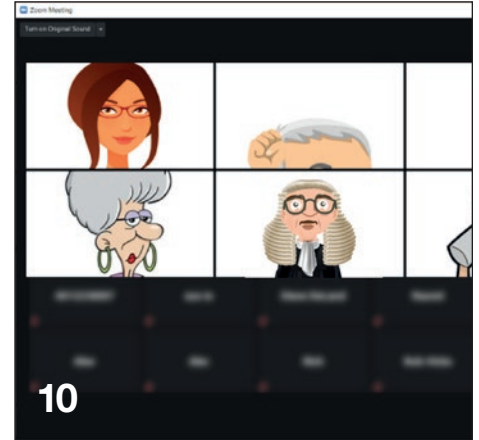
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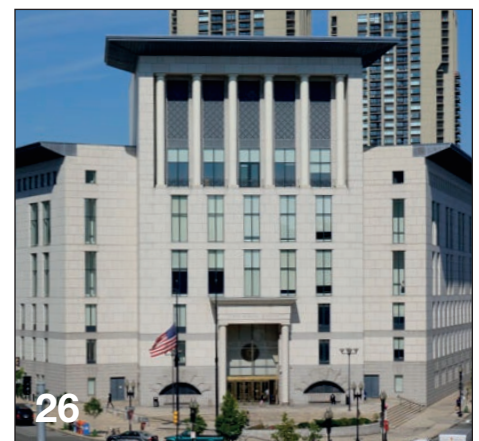
31 **REGIONAL**



CORRECTED		
Address, country	1 Date of identifiable event	OMB No. 1545-1424
	2 Amount of debt discharged	2020
	3 Interest, if included in box 2	
	4 Debt description	Form 1099-C
	5 Check here if the debtor was personally liable for repayment of the debt <input type="checkbox"/>	
Postal code	6 Identifiable event code	7 Fair market value of property
		\$

24 is Page — Do Not Cut or Separate Forms

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LETTER FROM THE EXECUTIVE DIRECTOR

Search Evictions

IN MARCH WE RELEASED A NEW EVICTION SEARCH TOOL, ADVANCED OUR PROFESSIONAL CERTIFICATION, AND CONTRIBUTED TO WORK IN RENT COLLECTION, CLIMATE CHANGE MITIGATION, AND ZONING.

Since last month's letter, we have released the ability to search eviction records by address, advanced the Certified Massachusetts Landlord (cML), and attended to many opportunities to create better rental housing.

Members can now search eviction records by address at [MassLandlords.net/masscourts](https://masslandlords.net/masscourts). The primary focus of the search tool is not to conduct tenant screening (although it can be used to cross-check information provided on a rental application). Our focus is to help new and prospective owners conduct rental real estate due diligence, particularly to find out about litigation before an offer to purchase. The database is being searched on average 20 times a day.

Our professional certification continues to move forward. We have released images cML members can use in advertising on Craigslist and Zillow. We have also activated our team to write test questions. We are one-quarter of the way done with test writing. The test remains on-track for a May launch.

The Spanish language crash course is unstuck now that we have determined how best to publish our Spanish language content on the web. Translation will be started by the time you read this.

The RentHelper ACH service stands ready to talk to additional refugees from Cozy. Cozy owners with more than 20 units will likely pay for core services under the new Apartments.com model. While ACH is scheduled to remain free, most transactions will be via credit cards, five times more expensive than RentHelper on average.

The last month, we contributed a bit more to climate change mitigation. Our heat pump vs. furnace calculator has generated a lot of insightful feedback; an updated version will be released.

In the last month we have also contributed to policy discussions. We weighed in for an owner at a zoning board of appeals hearing. We provided eviction data for the Greater Boston Housing Report Card. Our team are busy besides, see this edition for details about our effort to get counsel for indigent landlords.

Forward this newsletter to a friend. Encourage them to read and join. Thank you for your support in our mission to create better rental housing.

Stay safe,

Douglas Quattrochi

Executive Director,

MassLandlords, Inc.



NEW HOUSING CHOICE LAW COULD HAVE LARGE IMPACT on Affordable Housing in Massachusetts

By Eric Weld, MassLandlords, Inc.

The state's new Housing Choice Bill, including a simple majority requirement for some zoning changes, may make vital improvements on the housing crisis.

Housing choice legislation, recently signed by Gov. Charlie Baker as part of a \$626 million economic development bill (191 H.5250), may have more impact on zoning than any law in decades. But due to the construction of the bill, its impact will be largely decided by municipalities across the state.

Chapter 358 of the Acts of 2020, signed by Gov. Baker on January 14, 2021, is a series of revisions to MGL Chapter 40A, commonly known as the Zoning Act. The Zoning Act, first ratified in 1954, applies to 350 cities and towns in the state. Boston operates under its own enabling act.

Most significantly, the housing choice law, Chapter 358, includes a change to the voting threshold for municipal legislative bodies to approve several categories of zoning changes, outlined below. (Chapter 40 modifications are designated in sections 16-56 of the new law). For decades, since ratification of the Zoning Act, the voting threshold required to change any local zoning laws and ordinances has been a two-thirds majority, also known as a supermajority. This means that two-thirds of a town meeting, city council, select board or other legislative body would need to approve a zoning change for it to pass.

The new law, following a trend in some other states, lowers that threshold to a

simple majority – over 50% of votes cast – needed for some zoning law changes. That change alone could make a large impact because hundreds of development projects that have failed to receive supermajority approvals could, in theory, now return for simple majority passage.

Another impactful tenet of the bill is a requirement that communities served by the MBTA (Massachusetts Bay Transit Authority) must include one district “of reasonable size” of multi-unit housing within a half-mile of that community’s station.

The law also defines several terms pertinent to zoning, and establishes a

series of grants for various community development projects.

REDUCING THE SUPERMAJORITY VOTING THRESHOLD FOR ZONING

Nearly since the beginning of his administration, Governor Baker has placed housing, especially affordable housing, near the top of his policy agenda. He has introduced the Housing Choice Initiative several times as part of other legislation, but the bill failed to reach his desk until now.

In recent years, Massachusetts unfortunately has ranked among the worst in the nation in housing and rent price increases. Several factors account for that ignominious distinction, longstanding restrictive zoning being one of them. (Read more about the state’s history of exclusionary zoning [in this article](#).)

The centerpiece of Baker’s housing choice proposals has long been the reduction of the voting threshold for local zoning changes. The intent behind that change to the Zoning Act is to remove barriers to developing more housing. However, it’s not universally agreed that the result will be an increase in affordable housing, the kind of housing the state most needs.

Still, housing choice is and has been supported by many housing advocates and groups in the state, who point out the scores of housing development projects that have failed to pass or to be considered due to the supermajority voting requirement in municipalities.

CASE IN POINT: SALEM

The most well-documented case, frequently cited by Gov. Baker to support the housing choice bill, is Salem, Mass. The city council



Development of multi-family housing may have an easier path to approval with the simple majority voting threshold established for some zoning changes. Image: CC BY-SA Wikimedia commons



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of Salem has repeatedly attempted and failed to pass a local ordinance that would require any new housing project with six or more residences to include affordable units. The proposal has failed to garner a supermajority, consistently stalling with a vote of seven in favor, four against.

Salem Mayor Kim Driscoll has publicly voiced her frustration. "Super disappointed that another 7-4 Council vote means we won't have an inclusionary housing ordinance in Salem," she said on Twitter in July 2020, following the most recent failure to pass the proposal. "This would have helped our affordable housing needs."

In balance to the Salem case, other wealthy communities in the state have seen success in promoting affordable housing. Newton, an affluent suburb of Boston, approved a housing development project with specified affordable and middle-income units. And in 2019, Cambridge voters elected a slate of city council members who campaigned on approving an affordable housing overlay in the city, after the proposal had failed the supermajority hurdle.

HOW WILL THE HOUSING CHOICE BILL PLAY OUT?

It will be interesting to monitor how the housing choice bill plays out across the state, especially in and around Boston, where multiple development projects that have failed will likely be reintroduced with the lowered voting threshold in place.

In fact, it could be a lucrative strategy for developers – such as in Salem – to look at past projects that failed on supermajority approval, purchase properties involved in that decision, then return to local legislatures for a simple majority revote for project approval and subsequent profit.

Let's look closer at the components of the law and what they could mean for housing providers in Massachusetts

ZONING CHANGES ELIGIBLE FOR SIMPLE MAJORITY APPROVAL

Section 19 of the housing choice law establishes the right of municipalities to change zoning laws with a simple majority vote in four situations:

1) amendments to zoning ordinances and bylaws allowing, as of right, multi-family housing or mixed-use development, accessory dwelling units, attached or separate from the principal dwelling, and open-space residential development;

2) amendments to zoning bylaws and ordinances permitting increases in population density, or decreases in the amount of parking required for residential or mixed-use development;

3) adopting zoning ordinances or bylaws providing for natural resource protection, modifying required dimensions of structures, lot areas, setbacks, open space and parking coverage to allow additional housing; and

4) adoption of a Smart Growth zoning district or starter home zoning district. Smart Growth zoning districts are overlay areas within a community, usually near town centers, that allow and encourage mixed use and affordable housing. At least 20% of dwellings in a Smart Growth district must be affordable. Smart Growth districts are allowed higher

density residential development as of right, without zoning variance. There are about 40 Smart Growth zoning districts throughout the state.

Adoption of any new zoning ordinances or bylaws by a simple majority cannot be combined with those requiring a supermajority.

Any proposed zoning bylaw or ordinance that fails to receive a majority vote, and is not passed, cannot be considered again through municipal governmental process, for at least two years.

SIMPLE MAJORITY ZONING CHANGES – PROGRESS OR REGRESSION?

On one hand, these wording and rules changes to the Zoning Act are a step in the right direction to increasing housing, and affordable housing, in the state. This objective has been significant in the current administration's ongoing policy platform.

On the other hand, the change in zoning law voting thresholds could be



The new housing choice law encourages multi-family and affordable housing development near MBTA stations in 65 communities. Image: CC BY-SA Wikimedia commons

seen as a setback. True, it allows strict majority decision-making for some zoning changes, and some may herald that as democratic progress. However, the change to simple majority zoning changes

reduces the need for strong community consensus, and will potentially enable housing regulations not favored by nearly half of a community's population.

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The housing choice bill requires MBTA communities to include at least one multi-family housing district “of reasonable size,” defined as 15 units per acre, a gross density represented in this Seattle neighborhood. Image: CC BY-SA Wikimedia Commons

Further, some detractors of the bill have pointed out that, while easing the path to zoning change will likely facilitate housing development on the whole, it won’t necessarily increase affordable housing, which they argue must be prioritized in the state.

Then there is the long-term issue with the affordability clauses incorporated in the housing choice bill. Section 24, for example, which establishes the simple majority vote threshold, requires that at least 10% of new multifamily housing near MBTA stations must be affordable to households making 80% or less of area median income (AMI), “for a period of not less than 30 years.” This is similar language used in hundreds of housing developments throughout Boston and the MBTA region. The past decade has seen many of those contract clauses expire and rents quickly rising out of the affordable range, adding to the state’s housing crisis.

Finally, while this housing choice bill may afford long-term solutions, it will do little to alleviate short-term urgencies that the state now faces, exponentially exacerbated by the economic crunch from the coronavirus pandemic. Construction is one thing, but thousands are about to lose their homes in coming weeks and months, faster than a construction bill can backfill. Aside from the housing choice law, the housing safety net still must be addressed in the immediate term.

MULTI-FAMILY, AFFORDABLE HOUSING IN MBTA COMMUNITIES

Section 18 provides that all MBTA communities shall establish a zoning ordinance or bylaw that allows for at least one district permitting the development of multi-family housing as of right. The multi-family housing must be without age restrictions and must be suitable for children.

“Reasonable size” is defined as having a minimum gross density of 15 units per acre (subject to previous limitations under Chapter 131) and be located not more than 0.5 miles from a rail, subway, ferry or bus station.

MBTA communities that fail to comply with this change will forfeit eligibility for Housing Choice Initiative funding, as well as Local Capital Projects Funds and MassWorks infrastructure program funds.

Potentially, this could leave the door open for communities that can better afford to forgo state funding to allow inequitable zoning to remain in place. If a wealthy community opposes multi-family housing near MBTA stations, according to the structure of the housing choice law, that community could opt to disallow proposals for such developments and accept the loss of earmarked funding.

HOUSING CHOICE DEFINITIONS OF TERMS

The bill establishes definitions for several terms used in Chapters 40A and 40S of the Zoning Act.

The addition of “as of right” is particularly important for the housing choice bill, especially as used in the section requiring a multi-family district within close proximity to MBTA stations. “As of right” means that a development project has a right to proceed under zoning ordinances and bylaws without the need for special permits, variances or other extraordinary municipal legislative processes. In other words, the right is established for those projects, without the need for further municipal approval.

The addition of the term “as of right” may serve to clear the way for development projects that previously would have had to seek clearance by local legislative bodies.

Another term, “MBTA Community,” lists “51 cities and towns” and “14 cities and towns,” as defined in Section 1 of chapter 161A (see the end of this article for the complete list). These communities, according to the new section 3A of the Zoning Act, “shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right.”

Other terms defined in the bill that will play important roles in zoning changes include “accessory dwelling unit,” “mixed-use development,” “eligible locations,” “gross density” and “planned unit development.”

AFFORDABLE HOUSING INCENTIVE GRANTS

An essential part of the housing choice bill is a program of grants designed to incentivize communities to adopt affordable and sustainable housing and small business development.

The housing choice law commits more than \$420 million for capital grants and other financial assistance for housing and local development projects.

That includes \$60 million for the Massachusetts Growth Capital Corporation to fund development encouraging small businesses owned by women, veterans, minorities and immigrants, and

by low- and moderate-income entrepreneurs. It also includes \$40 million for the rehabilitation or redevelopment of “blighted, abandoned, vacant or underutilized properties.”

The bill states that MBTA communities that do not pass ordinances specified under section 18 – requiring these communities to establish at least one district for multi-family housing within 0.5 miles of a station – will not be eligible for grants included in the law. No time frame is designated to meet this requirement. The Department of Housing and Community Development will collaborate with the MBTA and state Department of Transportation to produce compliance guidelines for this section.

For some communities, it could mean a sizable loss of state funding.

HOUSING CHOICE AIMS TO INCREASE ACCESSORY DWELLING UNITS

Many of the provisions in Chapter 358 of the Acts of 2020 pertain to developers of multi-unit housing projects. But one provision may have impact on small, mom-and-pop and single-family landlords. The definition in the bill of “accessory dwelling units,” and the inclusion of that rental arrangement in the lowered voting threshold for zoning changes, broadens the allowance of these rental units, also sometimes called “in-law apartments.”

With a simple majority vote, communities, such as Salem, may now pass local ordinances allowing single-family homeowners to build accessory apartments within or attached to their homes. This provision could add a significant boost to small, affordable rental units.

Accessory dwelling unit (ADU) ordinances vary across the state. Some communities require inordinate lot sizes. Manchester, for example requires a lot twice the size of the minimum required lot size for the district in order to accommodate an ADU. Unsurprisingly, that

community has very few ADUs. Medfield allows ADUs only in houses built before 1938 with a minimum floor area of 2,000 square feet. Weston only allows ADUs in houses of at least 3,000 square feet.

For decades, these zoning requirements have been difficult to change due to the supermajority vote requirement. With the simple majority requirement now in place, many communities could open up the ADU stock.

COULD HOUSING CHOICE LAW IMPROVE MASSACHUSETTS’ LOW RANKING FOR AFFORDABILITY?

Chapter 358 of the Acts of 2020 is a 100-page law that aims to make a large impact on alleviating the well-known housing crisis in Massachusetts.

In 2019, Massachusetts was ranked the most expensive state to buy a home in, according to SmartAsset, mainly due to a high property tax rate. USNews listed Massachusetts 40th in home affordability, coupled with the 47th highest cost of living. It’s hard to view this as a sustainable set of circumstances, especially as Massachusetts has seen the highest increase in homelessness in the country since 2007. The U.S. Department of Housing and Urban Development estimated 18,471 people experiencing homelessness in Massachusetts every day as of January 2019.

If the housing choice bill has its intended effect, it could pave the way for hundreds of affordable housing projects that previously could not win approval.

With the bill’s emphases on affordable and multi-family housing near public transportation, loosening restrictions on accessory dwelling units, easing of zoning change voting thresholds, and millions of dollars for affordable housing incentive grants, it may finally make a much-needed dent in the state’s numerous negative housing statistics.


MBTA COMMUNITIES AS DEFINED IN SECTION 1, CHAPTER 161A

The following are lists in Section 1, Chapter 161A, defined as MBTA communities (the list for the purposes of this law is distinct from the 176 Massachusetts communities served by the MBTA):

“51 CITIES AND TOWNS”

Bedford, Beverly, Braintree, Burlington, Canton, Cohasset, Concord, Danvers, Dedham, Dover, Framingham, Hamilton, Hingham, Holbrook, Hull, Lexington, Lincoln, Lynn, Lynnfield, Manchester-by-the-Sea, Marblehead, Medfield, Melrose, Middleton, Nahant, Natick, Needham, Norfolk, Norwood, Peabody, Quincy, Randolph, Reading, Salem, Saugus, Sharon, Stoneham, Swampscott, Topsfield, Wakefield, Walpole, Waltham, Wellesley, Wenham, Weston, Westwood, Weymouth, Wilmington, Winchester, Winthrop and Woburn.

“14 CITIES AND TOWNS”

Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Milton, Newton, Revere, Somerville and Watertown. 

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What It's Like **GOING TO COURT VIA ZOOM MEETING**

By Kimberly Rau, MassLandlords writer

When the COVID pandemic hit in March 2020, Massachusetts initially shut down many of its courtrooms, later reopening them in an online format. And while the state offered tutorials about how to access court service centers online, the prospect seemed daunting. How was one supposed to find out what Zoom meeting ID to use to access the meeting? Could anyone attend a public hearing, like they would be able to in a physical court room?

In covering one landlord-tenant nonpayment dispute, we had the opportunity to find out.

First, we were pleasantly surprised to discover that finding the correct Zoom “courtroom” was easy. We accessed the case we were following on the Massachusetts electronic court database, searching by the appropriate region and court (in our case, the Southeast housing court) and then first and last name of

someone involved in the case (here, plaintiff Dawn McGuire). On the page that had updates for the case, we were able to see when the hearing had been scheduled. That line also had the Zoom ID and password, so, on the correct date, it was a matter of signing in at the right time.

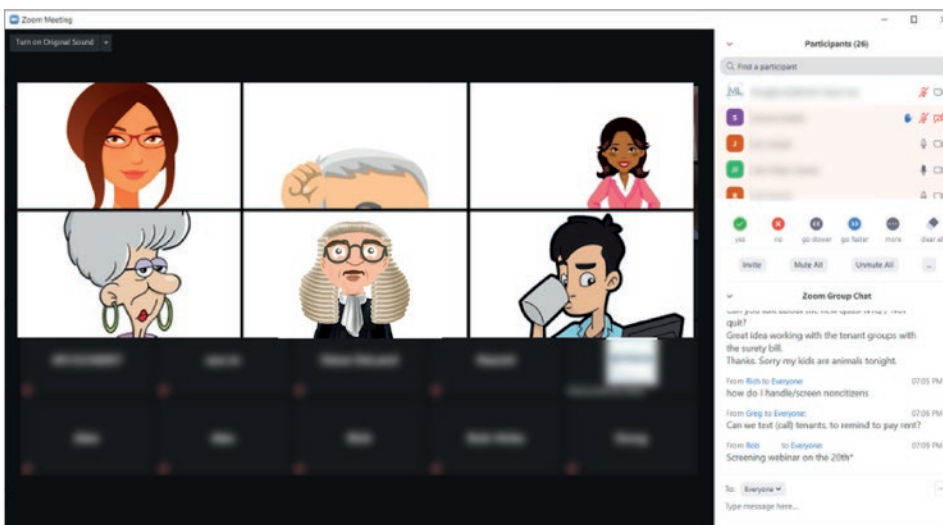
Our reporter Jennifer Rau signed in a few minutes before the hour, providing her real name, and shortly, a court clerk signed in as well to ask if she was a witness for either the plaintiffs or the defendants. Rau said no, identified herself as a representative of MassLandlords, and was told to sit tight while everyone else signed in. The screen went back to a “waiting room” screen until everyone was present. The chat remained open during this time, and a telephone number was provided where someone could phone in and hear the checking-in process if they desired.

Around 15 minutes after the scheduled hearing time, the hearing began. In this instance, it was just the plaintiffs, defendants, judge, clerk and assistant and our reporter present. The clerks did not remain on video during the hearing.

The judge kept the meeting orderly, reminding people to wait their turns to speak, because, just like in person, people trying to talk over one another makes it difficult to hear anything. This is compounded by internet lag time. As in in-person court, evidence was supposed to be submitted ahead of time for the judge to review.

Overall, attending the hearing (and another follow up at a later date) was a simple, painless process. In terms of accessibility, accessing online hearings over a computer is the easiest option, but if you can't use a computer, you can also dial in (the phone number should be provided along with the meeting ID). At this time, it does not appear as though there is an option to attend a virtual hearing in person. But, if you do not have a smart phone, another option is to see if your local library will allow you to sit in on a Zoom meeting on one of their computers (just bring your headphones). [ML](#)

Point your camera app here to read more online.



Concerned about attending court online? Fear not; the process to access hearings in Massachusetts is painless. Image credit: CC BY-SA MassLandlords



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MASSACHUSETTS RENTAL REAL ESTATE DUE DILIGENCE: Eviction Records

By Kimberly Rau, MassLandlords writer

Our rental real estate due diligence tool will allow prospective buyers and managers to search eviction records by address.

To complete due diligence for a Massachusetts rental property, you should find out whether there are any active evictions at the property. You should also know whether the property has a history of evictions under the current management or owner. The court records do not make this easy. There is no way to search the public records for properties by address. But MassLandlords now offers a Massachusetts Rental Real Estate Due Diligence search that lets prospective owners or managers search the eviction records by address. Now we

can know what we are getting into before we offer to buy.

Disclaimer One: The rental real estate due diligence search is in beta. We have data from April 2019 through August 2019. We have data from October 2020 through two weeks ago rolling. We are working to close the gap while also staying current.

Disclaimer Two: We read cases within two weeks of their having been filed. Approximately 4% of the time, when we read a case we don't find an address listed publicly yet. We do not reread those cases until 12 to 18 months later, at which time the case is likely completed and all details filled in. This dataset only contains 96% of recent filings.

Disclaimer Three: This eviction records search is only one piece of

an appropriately thorough rental real estate due diligence process. Before making any investment, consult with an attorney about considerations specific to rental real estate, including but not limited to tenant estoppels, transfer of security deposits, transfer of rental agreements, deleading certificates, certificates of fitness, and registration if applicable. Also consult with an attorney about basic real estate due diligence requirements including title search, inspection, permits for completed renovations, and zoning.

[Click Here to Search Eviction Records By Address](#)

WHY SHOULD RENTAL REAL ESTATE DUE DILIGENCE COVER EVICTION RECORDS

At time of writing, the global pandemic had created unprecedented COVID-related changes in rental real estate laws and regulations. Combined with unprecedented shutdowns of sectors of the economy, this has resulted in widespread nonpayment and different tools to address it. Mom and pop landlords that are undercapitalized seem to be selling out. Larger, better capitalized landlords seem to be buying. There are five major reasons why you need to enter any deal with your eyes open.

REASON ONE: INCOME MAY BE LOWER THAN ADVERTISED

Sellers should be disclosing the contract value of rental agreements. But it's up to you, your attorney, or your agent to find out if that rent is actually being paid. This can happen via the "tenant estoppel" process after a purchase and sale (P&S) agreement. But it's better to check earlier in the process, before you even make an offer. If a property is not generating income as expected, your offer should reflect actual rather than theoretical income (or else do not make an offer).

REASON TWO: EXPENSES MAY BE HIGHER THAN ADVERTISED

Sellers may not disclose the operating cost or the deferred maintenance schedule. It's up to you to ask for it. And even if they say, "Everything is fine" or "it passes inspection," what does that really mean? Renters have strong counterclaims against owners who fail to meet all aspects of the state sanitary code, which may be more detailed than a home inspector will find. By searching the court records for not just current litigation but also past litigation, you can see if this property has a history of nonpayment, withholding due to conditions, or other red flags. This might mean either the previous owner did not have the money to make repairs, or that the renters damaged the premises attempting the "free rent trick." Either way, there may be higher than expected maintenance costs for you.

REASON THREE: CAPITAL REQUIRED MAY BE HIGHER THAN FORECAST

If there's an indication that rents are not coming in, or that maintenance has been deferred for a long period of time, then your estimates of how much capital is required to own the property may be

too low. A single kitchen gut renovation can cost \$10,000 to \$50,000 depending on the market. If there are structural or plumbing issues along the entire stack, then you may need to multiply the per-kitchen price by the number of units affected. If an eviction moratorium or other court delay means you need to float the cost of unproductive units for months, a year, or longer, you need to know that in advance, too. It is much better to wish you had bought something than to wish you hadn't. Before you offer, it's still possible to get a partner or other investor to help you take over the building with the right amount of investment.

REASON FOUR: IF YOU ARE UNPREPARED, EVERYONE LOSES

If you end up purchasing a place for which you are undercapitalized, you, your partners, and your tenants will all lose. The tenants will end up with another landlord who can't make needed repairs or resolve existing conflict. This will drive the best tenants in your market to other properties, leaving behind the ones who need the most support or who can pay the least. This in turn generates more court action, all while you are running out of money. It makes sense to get eviction information up-front.

REASON FIVE: KNOW YOUR BUSINESS PLAN

Some of us are turnaround specialists. We want to find the properties with massive and long-term eviction problems because we're masters at tough-love tenant relations, subsidy applications, and thin-margin renovations. On the other hand, some of us need "turn key." We're willing to pay a premium to know that the building is solid, the renters are stable, and this property will be an investment more than a job. Whatever business we have, we can use the rental real estate due diligence search of eviction records to identify opportunities that fit our plan.

HOW TO USE THE RENTAL REAL ESTATE DUE DILIGENCE SEARCH

STEP ONE: SELECT A TIME FRAME

The rental real estate due diligence search will let you look in the recent history or further back. The MassLandlords team

Street Number:

Street Name:

City:

SEARCH

Court Division	Case Number	File Date	Street Number	Street Name	City
malden district	2050SU000129	2020-11-16	185	Main Street 56	Malden
malden district	2050SU000130	2020-11-16	185	Main Street 54	Malden
malden district	2050SU000131	2020-11-16	185	Main Street 14	Malden
malden district	2050SU000154	2020-12-21	185	Main Street 47	Malden
malden district	1950SU000211	2019-06-10	520	Main Street 1604	Malden
malden district	1950SU000214	2019-06-17	38	Main Street 23	Malden
malden district	1950SU000233	2019-07-01	904	Main Street	Malden
malden district	1950SU000270	2019-07-29	520	Main Street 706	Malden
northeast	19H77SP002724	2019-06-14	148	Main Street 10	Malden

Sample results from the rental real estate due diligence search for "Main Street, Malden." CC BY-SA 4.0 MassLandlords

manually read cases and load them into this system weekly, as part of our [eviction data study](#). See above disclaimer for time periods available.

STEP TWO: ENTER AN ADDRESS

The rental real estate due diligence search works like the [registry of deeds](#), in that you can enter a street number, a street name, and a city name.

STEP THREE: TAKE THE RESULTS TO THE COURT RECORDS

The rental real estate due diligence search cannot give up-to-date docket histories about individual cases. For this, we need to view the cases on the [official MassCourts site](#). Our search is a much better place to start than the MassCourts site, because the MassCourts site does not let you search by address. But all the details are at MassCourts.

The results will appear as “filing date, court division, and docket number.” This allows you to verify that the cases are in the date range requested. It also allows you to visit MassCourts for the matching division. At MassCourts, use the Search by “Case Number” option to read each individual case. Enter the case number exactly as it appears in the rental real estate due diligence search results. The case will come up unless it is sealed.

We do not give links directly to the individual cases because MassCourts.org does not support individual case links. (If you are aware that this article is out of date, email us at hello@masslandlords.net).

THE RENTAL REAL ESTATE DUE DILIGENCE SEARCH IS NOT A TENANT SCREENING TOOL

Our rental property due diligence search cannot easily be used to search for tenant backgrounds. We do not accept a unit number in the search fields, although a unit number will display in the results. We do not allow searching by name. The courts control which renter records may be viewed on a by-name basis. Some cases are sealed now (e.g., minors) or may be sealed in the future. You should conduct any tenant screening search at [MassCourts](#) primarily.

RENTAL REAL ESTATE DUE DILIGENCE FOR MASSACHUSETTS CONCLUSION

We are fortunate to live in a state with a robust safety net, decently transparent courts, and a great trade association like MassLandlords to pull all of this information together for you. Search your property eviction records before you buy!

RENTAL REAL ESTATE DUE DILIGENCE FREQUENTLY ASKED QUESTIONS

WON'T MY AGENT OR ATTORNEY LET ME KNOW IF THERE ARE ACTIVE EVICTIONS?

Yes, they should, but only after the purchase and sale. In a listing or term sheet, sellers will disclose only the contract value of rental agreements. After you sign a purchase and sale agreement, you, your agent, or attorney may conduct what are called “estoppels.” These documents can help you determine whether there is active litigation against any renter. It's better to have information about current litigation earlier in the process. Waiting until after the P&S creates several inefficiencies:

First, you may not know to ask for estoppels at all, closing a deal you don't want. If you are an inexperienced buyer, make sure your team includes an agent and an attorney who are familiar with tenant estoppels. Some attorneys don't like estoppels; they obtain the same information informally. In either case, this tool gives you an early indication of what the post P&S process should uncover.

Second, if you learn about litigation only after the P&S, you may back out of the deal. This wastes everyone's time, including yours, your agent's, the seller's, and the seller's agent's. Who wants to tour the property, crunch the numbers, have a flurry of calls back and forth to set up a P&S, and take the property off the market only to find out two weeks later that the eviction is a deal-breaker. Better for everyone to learn early!

Third, the original offer is the best time to explain the reasons why you do or do not want a property. This is an added tool to beat out other bidders.

If you want the property because you know how long an eviction takes, because this particular eviction is almost finished, and/or because you are well enough capitalized to see it through, then your offer should indicate this additional strength. You might even be able to offer over asking with this detailed case knowledge. Do the math!

On the other hand, if you don't want a property at asking because the litigation looks too long or expensive, then you can try adjusting your offer down to reflect the true costs to you after closing. Even in a less-than-asking scenario, which typically looks weaker, a buyer can still indicate strength by demonstrating detailed knowledge and willingness to close even given the litigation.

Sellers gain by picking the buyer who is best informed and least likely to back out of any deal.

WHAT IF THE PROPERTY HAS EVICTIONS?

A result here does not indicate whether the case is ongoing or closed. It does not indicate whether the landlord, the renter, or both were failing in their obligations. You must take each matching docket and view each case history at MassCourts to know.

Furthermore, each business is different. If you want to get a good deal on a property, then the more court activity, the better! You can act as the clean-up specialist to do what the current owner cannot or will not: repair the property, enact tougher screening criteria, apply for and wait for subsidies, or whatever may be needed.

If you are an inexperienced landlord, caution: we recommend you obtain lots of training at MassLandlords, and build a very good team including an attorney, before acquiring any asset with ongoing litigation. Or else you should consider passing on the deal.

HOW MANY TIMES CAN I SEARCH?

As a member, you can search for your own business or clients as often as you like. You may not search for non-client friends or family. Dues are priced to be affordable, especially for new or

prospective landlords. Please have them sign up as a member.

HOW DOES MATCHING WORK?

The text you enter must appear in the records exactly as entered, or there will be no result.

Street number is difficult because of variations. For instance, was "122R Inman" written as "122 R" (with a space)? Was "One Broadway" written as "1 Broadway"? When in doubt, leave the street number blank.

Street address type is also difficult, and is not recommended. For "Henshaw Place," do not enter "Pl" or "Place." Enter only "Henshaw" and then visually screen the results to find "Place" as opposed to "Lane," "Corner" etc.

WHY DOESN'T MASSLANDLORDS SHOW TENANT NAMES?

Two reasons:

First, you can already search by tenant name at [MassCourts.org](https://masscourts.org).

Second, this search feature is intended to be used by buyers of real estate. The search is focused on all units at an address rather than any given unit or renter.

CAN I USE THIS SEARCH FOR TENANT SCREENING?

This search is not a tenant screening tool. We do not list tenant names. We only list unit numbers if the courts listed them.

There is one advantage of starting a tenant screening search here. We return results from all court divisions all at once. So you can enter a street address and you may see which courts have had jurisdiction. You can then search those courts at MassCourts.


If you search for an address intending to learn about a particular renter, you will have to verify the time period, the unit number, and the name all match your applicant. This will require looking up at MassCourts.org each docket number returned here. It may be that the applicant you are considering was not listed on a case brought at that address or unit. Furthermore, the courts may seal certain cases (e.g., minors), rendering them unable to be used in tenant screening. MassCourts.org remains the official source of information on litigants.

WHY DOESN'T MASSLANDLORDS LINK TO THE INDIVIDUAL MASSCOURTS CASES?

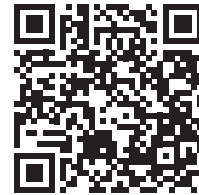
At time of writing, MassCourts did not allow case-specific inbound links. If you notice this has changed, email hello@masslandlords.net and we can update our software.

CAN I USE AUTOMATED TOOLS OR SOFTWARE TO SEARCH?

No, our site is not fast enough to handle front-end requests from automated systems. You will bog down the site for everyone. Utilization is monitored.

We have developers on staff who may be able to open an API for you. Email hello@masslandlords.net to inquire. Costs above and beyond membership dues may apply. 


Point your camera app here to read more online.



ARTICLE YOU MAY HAVE MISSED

Perspectives: Landlords Dawn and Dale McGuire vs. Tenants Alycia Floyd and Tim Connors during the eviction moratorium

The McGuires allege that their tenants were trying everything they could to avoid paying rent; Floyd and Connors counter that their rental home was plagued with issues.

It was around a quarter past 10 on Tuesday, Jan. 5, when the eviction hearing between Dawn and Dale McGuire and their tenants, Alicia Floyd and Tim Connors, began. The hearing was taking place more than nine months after the landlords had served their tenants a notice to quit and started the eviction process, due to the coronavirus pandemic and ensuing eviction moratorium. 

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

CAFFÉ NERO DECISION: Will It Affect Landlords?

By Peter Vickery, Esq., Legislative Affairs Counsel

An eatery forced to close due to governor's orders during the pandemic was in the right, judge says

In a recent ruling, Superior Court Judge Kenneth Salinger held that a commercial tenant did not have to pay rent because the governor's shutdown order frustrated the purpose of the lease. The decision has left some landlords wondering about the implications for the residential market.

FRUSTRATION OF PURPOSE: IF THE CAFÉ CAN'T OPERATE, IT DOESN'T NEED TO PAY RENT.

Readers will recall that on March 23, 2020, Governor Charlie Baker issued Order No. 13, prohibiting restaurants from letting customers eat or drink indoors and ordering the temporary closure of "non-essential" businesses.

The closure turned out to be permanent for many Massachusetts businesses,

including Caffé Nero on Boston's Newbury Street, which had leased space from a company called UMNV 205-207 Newbury, LLC. The tenant stopped paying rent in April 2020. The landlord issued a notice of breach and terminated the lease on May 19, 2020, and on June 29, 2020, (a week after Caffé Nero reopened), the landlord commenced summary process proceedings. In October, while the case was pending, Caffé Nero's operators vacated the premises and returned the keys.

The one and only purpose of the lease was the operation of a café in which customers could sit down indoors to eat and drink. Order No. 13 put an end to that and with it, said Judge Salinger, the tenant's obligation to pay rent.

Under the well-established doctrine of frustration of purpose, a party to a contract does not have to perform its obligations (here, to pay rent) if some unanticipated event destroys the value of the contract.


The name of the case is UMNV 205-207 Newbury, LLC v. Caffé Nero Americas Inc., and it is available online via Attorney Richard Vetstein's [Massachusetts Real Estate Law Blog](#). Vetstein points out that "the ruling could give leverage to struggling restaurants dealing with lost business and unpaid rent bills."

CAN THIS RULING HELP OR HURT MASSLANDLORDS MEMBERS?

Does this case have implications for housing providers? No. Judge Salinger held that because the governor's shut-down order prevented the tenant from operating an indoor café (the sole

purpose of the commercial lease), the tenant did not have to pay rent. The situation with residential leases is the exact opposite, so the doctrine of frustration does not apply.

Nothing that the governor (or the state legislature) has done has prevented the activity that is the essential purpose of any residential lease, namely, providing a dwelling. On the contrary, rental accommodation is something that both the Commonwealth and the federal government deemed so necessary that they enacted partial eviction moratoriums. Under the Massachusetts moratorium (Chapter 65), housing providers were not allowed to start summary process proceedings except when the tenant was posing a threat to health and safety.

There are plenty of bills, statutes, regulations, executive orders, agency guidelines, local bylaws and judicial decisions for landlords to worry about. This is not one of them. 

Point your camera app here to read more online.



Caffé Nero on Newbury Street in Boston, now closed after the pandemic forced it to shut its doors.

Image Source: Google Maps



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THE AIR WE BREATHE –

How to Measure and Manage Indoor Air Quality in Rentals

By Eric Weld, MassLandlords, Inc.

Indoor air quality in our homes and rentals may be poorer now than ever before, for many reasons. What can landlords do about it?

Indoor air quality and indoor air pollution have become hot-button issues over the past 20 years – and especially in 2020 – for several reasons. Indoor air quality affects our health in countless ways, and more people are spending more time inside, breathing the air.

Advances in energy-efficient construction have, ironically, had negative impact on indoor air in many buildings by tightening homes and other built structures, in an effort to retain more heated and cooled air inside. As a result, more pollutants are trapped inside too. Increased usage of synthetic materials

has also contributed to the problem. Now, reliance on well-operating ventilation and air systems to circulate healthy air has become more pronounced.

According to the Environmental Protection Agency (EPA), between 33% and 50% of commercial buildings in the U.S. have poor indoor air quality, resulting in more than 10 million lost work days a year.

Meanwhile, the coronavirus pandemic has heightened the emphasis on indoor air circulation as well, amid uncertainties of the transmission of the virus and how much of the live molecules are wafting through the air at any given time.

The increased awareness of indoor air quality (IAQ) has drawn closer scrutiny of rental housing conditions, and intensified the responsibility for landlords to provide suitable indoor environments.

A RIGHT TO CLEAN AIR

The importance of having access to healthy, breathable air inside the dwellings that we live in and rent hardly needs to be pointed out. Americans spend, on average, 90% of our time indoors. The air we breathe in our homes dictates our quality of life because it so heavily affects our health.

“Because no matter who we are or where we come from,” declared human rights advocate Martin Luther King III, “we’re all entitled to the basic human rights of clean air to breathe, clean water to drink, and healthy land to call home.”

That’s hard to argue.

But what, exactly, is clean, healthy indoor air? And where do landlords’ responsibilities in providing healthy indoor air begin and end?

These questions, and their amorphousness, underscore the difficulty of managing, enforcing, legislating and litigating the subject of IAQ. Sources of and contributors to bad indoor air are so disparate and diverse, it’s difficult to define what quality indoor air is.

The EPA describes IAQ as “the air quality within and around buildings and structures, especially as it relates to the health and comfort of building occupants.” This necessarily general definition is too vague to be usefully applied to landlord-tenant, court and legislative disputes.

Further complicating the issue is the relative subjectivity of breathable air. Air quality for you might not mean the same thing as it does for your tenants, or from one tenant to another. Some people don’t mind, or even think about, regularly inhaling pet dander, cigarette or



Most house mold won’t grow to this extreme version of highly harmful black mold. But even minor mold growth, hiding in damp corners, can detrimentally affect indoor air quality. Image: cc by-sa flickr

marijuana smoke, or perfume. Others can become ill by such pollutants.

IAQ ACCORDING TO THE STATE SANITARY CODE

It's a landlord's duty and legal mandate to provide a suitable dwelling for habitability as defined, at minimum, by the state sanitary code, formally known as Minimum Standards of Fitness for Human Habitation (105 CMR 410). The state sanitary code is typically enforced by local health departments and boards. In Boston, the code is enforced by the Housing Inspection Department.

The state sanitary code details general requirements for indoor air quality. The code provides sections specific to several sources of compromised IAQ, including proper venting of space heaters (105 CMR 410.202), natural and mechanical ventilation (410.280), asbestos containment (410.353), smoke detection and carbon monoxide detectors (410.482), prohibition of lead paint (410.502), extermination of insects, rodents and skunks (410.550), storage of garbage and rubbish (410.600) and maintenance of garbage- and rubbish-free spaces (410.602).

In addition, federal law requires disclosure to renters and prospective home buyers about the presence of lead paint on the property. Massachusetts (and California) law also requires that residents be notified before any pesticides are used indoors.

And, most municipalities maintain their own specific regulations pertaining to habitable dwellings. Many local housing codes are based on a 20th-century model developed by the Center for Disease Control and the American Public Health Association.

BEYOND THE SANITARY CODE

The sanitary code specifically regulates indoor air quality, with sections addressing asbestos, lead paint, garbage and pests. But there is a long list of IAQ inhibitors that are outside the sanitary code and federal and local regulations, some of which are landlords' responsibility.

Mold is one example, though pending changes to the sanitary code may change that. At time of writing, the state

sanitary code doesn't mention mold, but additions to the code are proposed that would require "chronic dampness" to be addressed. The code as written also includes requirements for proper ventilation and mitigation of excess moisture, two measures that can minimize mold conditions. There is no law mandating mold-free rentals, but landlords are increasingly vulnerable to litigation, as documented in [this article](#).

Radon, similarly to mold, is not regulated in Massachusetts. This invisible, odorless natural gas is the second-leading cause of lung cancer; yet its detection and management in homes and rentals is not required by law. It is highly recommended, however, that landlords test for radon periodically. Test kits are relatively cheap (\$10-\$20 at local hardware or home improvement stores). The test is simple and quick, and it might avoid a lawsuit, or even tragedy.

Of course, there are many pollutants that are beyond the responsibility or capability of landlords to control. In some respects, tenants are responsible for the air they breathe in their rentals, when it involves smoking cigarettes, for example, using chemical cleaners, keeping pets clean and groomed, or maintaining a hygienic environment.

Before we go further in defining landlords' roles in providing clean IAQ, let's look at an overview and breakdown of potential indoor air pollutants, with some definitions and details.

SOURCE GROUPS OF INDOOR AIR POLLUTION

There are three main categories of indoor air pollution: biological, chemical and combustion pollutants.

BIOLOGICAL POLLUTANTS

Biological pollutants include pet dander, mold and mildew, dust mites, viruses and bacteria, pests and pollen, among others. Cockroaches can be particularly harmful to indoor air, as they produce allergens in their fecal matter, saliva, skins and body parts that can aggravate asthma and allergic reactions. Even dead cockroaches release allergens in their decaying skin tissue.

Mice and rats are another pest contributor to bad indoor air. The protein in



Breathing dust at the level shown here, can be very damaging to lung and respiratory functions. Often it takes a dust monitor or streaming sunshine through a window to illuminate the buildup of indoor dust.
Image cc by-sa pixabay

their urine, which can become airborne when it dries, is a potent allergen. And dead rodents in the walls (mice often climb into walls and insulation to die after eating poison from traps) can contaminate the air for weeks.

Still, except for tobacco smoke (a combustible pollutant), this source may be the most manageable.

Pet dander, dust, pollen, bacteria and pests can be managed, to a large extent, with cleaning, disinfecting and exterminating. These can take place on a schedule as intense as necessary depending on the living situation (pets living with you?), location, the season and personal habits.

The most common and challenging biological pollutant – and among the most frequent subjects of IAQ-related landlord-tenant disputes – is mold. One of the most common inhibitors to healthy IAQ, mold can contribute to the development of asthma, allergies and respiratory infections for those who breathe it for protracted periods. Mold thrives in dampness, so controlling relative humidity inside is the key to mitigating mold. A level of 30%–50% humidity is the recommended range inside to minimize mold and mildew conditions. Dust mites and cockroach habitats are also supported by damp environments.

In some cases, a dehumidifier, placed in a damp area, will keep mold, moisture and dust mites in check. There is a wide range of dehumidifiers available, including

integrated whole-home systems – for dwellings in which constant dampness is an issue – and numerous portable units that can address specific areas. Dehumidifiers are rated by the capacity of moisture they remove in a given temperature setting. In general, when buying a portable dehumidifier, it's better to buy a larger one that will run less frequently than to rely on a smaller one running much of the time during high humidity.

Also, you should remove mold-friendly materials in damp areas, such as cardboard boxes, drywall and old wood paneling. Wipe down all surfaces in damp areas with a strong anti-mold and mildew cleaner. Professional mold mitigation will be necessary in some cases.

CHEMICAL POLLUTANTS

Our modern world is filled with chemicals for cleaning, building, stripping, gluing, finishing, deodorizing and just living. Even our own breath contains a mixture of volatile organic compounds (VOCs) like carbon dioxide, methanol, ethanol and others that are harmful to human health in concentrated amounts.

Chemical pollutants include VOCs such as lead and radon, but also benzene and toluene that might off-gas from carpet adhesive, and formaldehyde, a toxic chemical in conventional floor sealers, finishes, ceiling tiles, furniture and cabinet materials like pressed wood. Exposure to many VOCs can have adverse long- and short-term impacts on human and pet health. Concentration of VOCs is much higher indoors, as the compounds are emitted by thousands of everyday household, industrial and construction products.

It's impossible to completely remove chemicals from our interior breathing spaces. But we can certainly reduce harmful chemicals and pollutants in three ways: 1) cutting down on products that contain VOCs, 2) properly ventilating and 3) cleaning the air.

Often, air can be cleansed naturally. Rather than perfuming the air by spraying scented purifier and VOCs into the house, it's much more effective to determine the source of a pollutive smell – such as decaying cockroach carcasses – and remove it.

There are also many natural products, including air fresheners, on the market, and natural air scents are only as limited as your innovation. Potpourri, cloves, lemons, citrus mixes, cinnamon sticks and candles are all preferable air improvers to chemical “purifiers.” When possible, substitute off-the-shelf air fresheners and cleaners, many of which are full of VOCs, with natural products.

If you do reach for chemical air cleansers, check the label. Manufacturers are not required to list VOCs by that term on their labels, but you can scan for often-used chemicals that are harmful, such as acetone, benzene and xylene.

One of the best natural ways to eradicate indoor pollutants? Open windows and doors whenever possible. Outside air is cleaner than inside air, and creating natural ventilation is free, plentiful and healthy.

Good ventilation systems in homes and rentals are more important now than they used to be, because most newer buildings – those built in the past 30 years – are built with higher efficiency standards, for the purpose of keeping more heated and cooled air inside and, inversely, cold or hot, humid air outside. This efficiency is more cost-effective for cooling and heating dwellings, but it also retains more air, and pollutants, inside, and blocks helpful outside air from coming in. According to the Consumer Product Safety Commission, poor IAQ can be found in about 30% of new and remodeled buildings.

Allowing outside air into a dwelling, and forcing bad air out, is an essential role of HVAC systems with strong outdoor intakes. Venting polluted air, through bathroom exhaust fans, overhead stove fans and attic fans, is just as important.

Finally, air purifiers have become popular, particularly during the coronavirus epidemic, but evidence of their efficacy is very mixed. Some lower-priced ionizing air filters may even be harmful to indoor air because they produce ozone. Also, most small air purifiers are simply not powerful enough to clean the spaces in which they are typically used.

COMBUSTION POLLUTANTS

Combustion pollutants include any gases or particles produced by burning fuel. They include tobacco smoke and smoke

from burning wood, charcoal or natural gas, as well as carbon monoxide and nitrogen dioxide.

These pollutants enter homes and rentals from improperly vented space heaters, stoves, clothes dryers, fireplaces, etc. Venting combustion pollutants to the outside is essential for healthy indoor air.

Carbon monoxide is another odorless, colorless – in other words, nondetectable – toxic gas and is lethal even with brief exposure. Carbon monoxide results from the burning of fuels from cars, stoves, grills, fireplaces and furnaces. More than 400 Americans die every year from carbon monoxide poisoning.

In Massachusetts, Nicole's Law – named after 7-year-old Nicole Garofalo, who died of carbon monoxide poisoning in 2005 – requires that carbon monoxide alarms be installed in every level of homes containing fossil-fuel burning equipment, including furnaces, boilers, water heaters and fireplaces. That pertains to almost all rentals in Massachusetts.

COOKING WITH GAS

One outsized source of combustion pollutants is the gas stove, which creates heat for cooking by the combustion of natural gas, propane or butane. The use of gas stoves has grown nearly 400% in the United States since 1950, and today about 40 percent of American households use gas stoves. Culinary professionals and aficionados love cooking with gas stoves because the burners afford a high level of heat control. Cooking with gas is also cheaper than using electricity.

Unfortunately, gas stoves emit harmful pollutants into the air, including carbon monoxide, formaldehyde, particulate matter, and most troubling, nitrogen dioxide, all of which contribute to higher levels of respiratory illnesses. An analysis of studies conducted by the International Journal of Epidemiology in 2013 found that children raised in homes with gas stoves have a 42% higher risk of developing asthma symptoms. The paper also confirmed findings from a 1992 analysis concluding that children exposed to a level of nitrogen dioxide consistent with gas stove cooking are more vulnerable to respiratory illness.

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For many who are used to cooking with gas, going back to electric ranges and ovens is a nonstarter. Rather, the optimal alternative to gas cooking is induction. Induction cooking is faster, more powerful, and gives even more control than gas. Induction range/oven prices are only slightly more expensive than electric and gas products. And induction pan sets are available from \$100. (Some landlords have started providing induction pans as move-in gifts to introduce renters to their first induction range.)

With so much information coming to light in the past 10 years about the harm to indoor air caused by gas stoves,

and improvements coming quickly in the induction cooking realm, the days of cooking with gas are numbered. That's a good thing.

IMPACTS OF BAD INDOOR AIR QUALITY

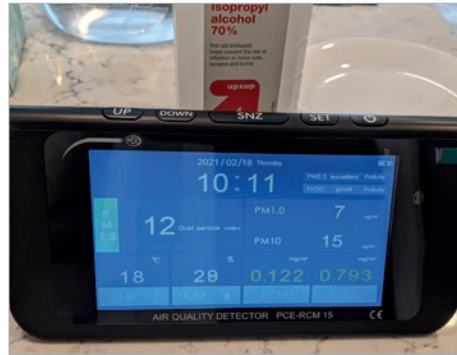
Whatever the cause, there is no dispute that bad air inside wields a range of detrimental effects on those who breathe it. The high percentage of time spent inside rises even more for people who are most susceptible to indoor pollutants, such as very young and elderly people, and those with cardiovascular and respiratory diseases. The Institutes of

Health Metrics and Evaluation (IHME) estimated 1.8 million deaths in 2012 due to indoor air pollution, as reported in [Our World in Data](#). The World Health Organization (WHO) put the number at 4.3 million deaths worldwide. Wherever the actual number lies, it's safe to say that poor indoor air quality is responsible for millions of deaths each year. The WHO has called indoor air pollution "the world's largest single environmental health risk."

Asthma is one of the most common IAQ-related maladies that has seen a steep incidental rise in the past few decades. Other effects include cardio-pulmonary and respiratory irritation,



Detecting CO2 levels inside can be a good overall measure of indoor air quality. Portable devices like the Temtop M2000C are broadly available. Image cc by-sa 4-0 Masslandlords



Tabletop air quality monitors like this are widely available, relatively inexpensive, and provide a convenient way to measure indoor humidity, dust, particulates, temperature and more. Image cc by-sa 4-0 Masslandlords



Ozone measuring devices like the PocketLab Air offer a convenient, portable device for monitoring not only O3, but also CO2, barometric pressure, particulates and other air qualities. Image cc by-sa 4-0 Masslandlords

inflammation, cancer, developmental delays, compromised immunity, and even death in the case of carbon monoxide.

Sick Building Syndrome (SBS) is a modern phenomenon in which people develop poor health symptoms – similar to common cold symptoms – when spending prolonged time in one particular building. The symptoms of SBS dissipate when the sufferer leaves the building and return when they reenter. SBS is difficult to prove, and though poor IAQ is frequently believed to be responsible, the cause is uncertain.

TESTING, TESTING INDOOR AIR QUALITY

Even if there could exist some agreed specificity around a definition of the “health and comfort” of quality air, it’s tricky to test and monitor for all potential bad air sources.

Testing indoor air is most effective when done selectively, for a specific pollutant. There is no all-in-one test because IAQ is so broad and difficult to define. There are certainly IAQ sensors and testing systems available, but they are targeted for specific pollutants or categories of pollutants. Radon tests are one example of such tests, as are legally required carbon monoxide and smoke sensors. Inexpensive test kits are also available for mold.

There is also an assortment of general IAQ monitors on the market that measure levels of temperature, relative humidity, carbon dioxide and particulate matter like smoke and dust. Some monitor VOCs as well.

AN IAQ TESTING GUIDE

CO2 MONITORS

Concentrated levels of carbon dioxide (CO2) can cause tiredness, sleepiness and headaches, and even nausea and dizziness in high levels. At extreme levels, loss of consciousness may occur. CO2 is emitted every time living organisms, such as humans, breathe out, but it’s also a byproduct of fossil fuel combustion.

The detection of CO2 inside can serve as a good barometer of overall IAQ. CO2 sensors and monitors are abundantly available and simple to use. They come in handheld and desktop styles, and are available in a wide range of prices starting at about \$80. Inside measurements of CO2 should be below 1000 parts per million (ppm).

RADON TESTING

The Massachusetts Department of Public Health recommends testing for the potentially deadly gas radon during winter when levels are typically higher. Radon kits are widely available at home improvement stores, and certified radon specialists are available for hire. For a free radon test kit, call the Massachusetts Radon Hotline, 800-723-6695.

Place the test kit in the dwelling’s lowest level where people spend time and follow package instructions for the duration of the test. Run HVAC systems during the test to recirculate inside air, but do not use fireplaces, whole-house fans or other devices that bring in air from outside.

Radon is measured in picocuries per liter of air (pCi/L). A radon test will ideally measure less than 2 pCi/L. The EPA recommends taking mitigation action for tests between 2 and 4 pCi/L. A reading above 4 requires immediate mitigation.

TESTING FOR VOCs

VOCs have become ubiquitous. Testing for VOC levels is not a simple process, and can be very expensive if done properly. VOCs testing companies, such as AirMD in Boston, can provide thorough lab tests of indoor air samples and provide reliable VOC levels.

Alternatively, air quality monitors in the \$200 range claim to measure VOCs inside. These devices can give accurate readings of temperature and humidity, but they typically use a cheap heated metal oxide semiconductor sensor that may not be accurate for measuring VOCs.

TESTING FOR DUST

The buildup of dust inside homes, offices and schools poses a serious health risk because dust is made up of a range of particulates, including dirt, skin, hair, clothing, bacteria, dead bugs, pollen and even tiny bits of plastic. When humans breathe in these dust particles, they can lodge inside the body and disrupt respiration and other functions.

Dust monitoring devices proliferate the market in a variety of prices and technologies. Laser scattering measures the concentration of scattering light when a laser hits particle matter. Air particle

counters are more practical for home use, and come in handheld, portable and remote models ranging in price from about \$90 to several thousand dollars.

TESTING FOR OZONE

We want ozone (O3) in our atmosphere, high in the sky, where it protects us from the sun's UV rays. But we want to keep an eye on ozone in our interior breathing air, where it can damage lung tissue and reduce lung efficiency.

Industrial ozone measurement devices can be large and cumbersome for home use. But a relatively new device called the PocketLab Air is about the size of a transistor radio and measures ozone, carbon dioxide, particulates, barometric pressure and other air qualities. It lists at \$318.

A much cheaper alternative is ozone test strips, which are easy-to-use, chemically treated bands that change colors in reaction to ozone measurements. These come in packages, some less than \$1 each.

IS THE LANDLORD RESPONSIBLE FOR INDOOR AIR QUALITY?

Assigning responsibility for air quality in rentals is another tricky matter. Other than state sanitary code regulations, lead paint, carbon monoxide and smoke sensors, IAQ is largely unregulated. But it would be a mistake to view that as reason not to be vigilant about IAQ in your rentals. Responding to bad indoor air complaints, or worse, waiting around to be sued by tenants, are both far more

expensive solutions than taking measures to test and maintain healthy air.

Disputes frequently arise among tenants and landlords around indoor air quality, but healthy IAQ is a collaboration, and people have differing living standards. Often unwittingly, we compromise our air by inviting or allowing an array of pollutants like cigarette smoke, VOCs from cleaning products, aerosol purifiers, hair-sprays, perfumes, etc.

The safest route for landlords is to disallow any pets and smoking on the rental property. Not only will that help maintain fresher air for all tenants in the building, it will also save money on cleaning, painting, carpet replacement and odor mitigation.

David Turcotte, a professor at the University of Massachusetts, Lowell, who researches healthy homes and sustainable housing, recently advised MassLandlords members at a virtual meeting on what landlords can do to minimize IAQ-related risk.

Turcotte listed four general steps landlords can take to maintain healthy air in their rentals: 1) minimize the use of pesticides; 2) seal up all holes and entry points of rental buildings to keep pests out; 3) in new structures, use construction materials that minimize exposure to chemicals and dust; and 4) control moisture by employing sound drainage systems, fixing any leaks and reducing dampness.

INDOOR AIR QUALITY CONCLUSION

We've come to a point in which outdoor air is much healthier than indoor air. That hasn't always been the case. Since the Clean Air Act of 1970, which largely focused on reducing outdoor air pollution, key air pollutants have been more than cut in half outside. Meanwhile, indoor air quality has declined precipitously.

We now know that inside air, in many cases, is negatively impacting our health in ways we weren't considering only a decade ago. And while regulation is slow to respond, consumers are gradually becoming more informed about the pollutants in household products.

Even in the absence of robust regulation of indoor air, it's in the inherent interest of landlords to provide healthy indoor air for tenants. It's common knowledge: Healthy, happy tenants are higher quality tenants, better able to provide for themselves economically, pay their rent on time and in full, and remain tenants in good standing for longer, more stable periods.

Healthy, happy tenants make healthy, happy landlords. 

Point your camera app here to read more online.



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Should I Issue A 1099 FORM IF MY EX-TENANT OWES RENT?

By Kimberly Rau, MassLandlords writer

Losing rent is frustrating, but attempting to exact revenge through the IRS may be petty.

The IRS is clear: If you are forgiven a debt of more than \$600, then it counts as income, which means it needs to be reported as such on your taxes. Conversely, if you're a landlord and you willingly forgive rent that your tenant owes, you can issue a 1099-C form, which then compels them to claim it as income on their taxes.

That's the official reason why you'd use such a form. But landlords sometimes try to use a 1099 form as a way to "get back" at tenants who skipped out on paying rent.

Here's a hypothetical scenario: A judgment is issued in your favor by the court, but your tenants are not able to make payments. You evict them, but they can't make good on the judgment, so you still don't get your missing rent.

Your official recourse is to let the judgment continue to accrue interest and, if the ex-tenants ever do come into some money, collect on the debt at that time.

Some landlords, however, are keen to try and take things into their own hands.

"Can I send a 1099 to last address known of a tenant who stuck me for rent?" begins one question on the Mr. Landlord forum. "I'm tired of using the courts to win worthless judgments. I'd rather send in a 1099 to IRS and let tenant be on the defensive end for once." Some of the replies on the forum suggest the writer leave well enough

alone. Others, however, chimed in with their own claims of sticking their former tenants with a big tax bill (how they'd know what their former tenants' tax bills were is just one question that comes to mind in this scenario).

But the original poster on that forum isn't alone. At MassLandlords, we've had people ask about issuing 1099 forms as revenge against former tenants, and the question comes up plenty all over the internet.

"The tenant moved out and owes me for last month and a half rent plus utilities," writes Calvin of Georgia, in an old letter to BiggerPockets. "Instead of going after them in small claims court (they don't have any money) I would prefer to report it as income to the IRS for them and let the IRS have a chance of getting some taxes out of them."

Check out the verbiage on that last letter in particular: "I would prefer to

report it as income to the IRS for them," as though the former landlord were doing this indigent tenant a favor. "[L]et the IRS have a chance of getting some taxes out of them," as though anyone, ever, has felt so warm and fuzzy toward the IRS that they wanted to help them out!

In these instances, issuing a 1099-C form is nothing more than a petty form of revenge. The IRS certainly isn't going to come find you and give you a check for your altruism. You can't use it as a write off, either, since the missing rent wasn't money you had to begin with.

Further, issuing such a form is your formal way of stating that you have forgiven your indebted tenants the money they owe you. Once you do that, you can never go back and recoup it. You are far better off going to court and getting a judgment in your favor that way, or, if you already have a judgment in your favor, letting it stand and continue

8585 <input type="checkbox"/> VOID <input type="checkbox"/> CORRECTED		OMB No. 1545-1424	
CREDITOR'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no.		1 Date of identifiable event	<div style="font-size: 2em; font-weight: bold;">2020</div> <div style="font-weight: bold;">Form 1099-C</div>
		2 Amount of debt discharged	
		3 Interest, if included in box 2	
CREDITOR'S TIN	DEBTOR'S TIN	4 Debt description	<div style="font-weight: bold;">Copy A</div> <div>For Internal Revenue Service Center</div> <div>File with Form 1096.</div> <div>For Privacy Act and Paperwork Reduction Act Notice, see the 2020 General Instructions for Certain Information Returns.</div>
DEBTOR'S name			
Street address (including apt. no.)			
City or town, state or province, country, and ZIP or foreign postal code			
Account number (see instructions)		5 Check here if the debtor was personally liable for repayment of the debt <input type="checkbox"/>	
		6 Identifiable event code	7 Fair market value of property
			\$
<div>Form 1099-C Cat. No. 26280W www.irs.gov/Form1099C Department of the Treasury - Internal Revenue Service</div> <div style="text-align: center;">Do Not Cut or Separate Forms on This Page — Do Not Cut or Separate Forms on This Page</div>			

An IRS 1099-C form can have legitimate uses for landlords, but using one to get back at tenants who owe you rent is probably not the best use of your energy. Image Source: Internal Revenue Service


to accrue interest. At least then you have a chance of being made whole. Consider a judgment in your favor like a winning lottery ticket that, for some reason, you can't cash in yet. You may not be sure you'll ever get the money, but that doesn't mean you'd throw it in the garbage. Would you give it away to inconvenience someone else, knowing that meant you'd never be able to collect what you were due?

It would be disingenuous for us to imply that all landlords who are considering issuing a 1099 for missing rent are doing so just to be petty. There are plenty of cases in which landlords have been seriously put at a disadvantage by tenants who are looking to make things difficult for them. We have heard plenty of stories of angry tenants who have

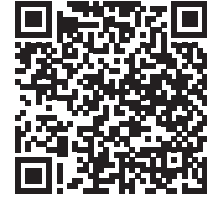
damaged the property before leaving for the last time. In these cases, ex-tenants tend to stop short of crimes they could be arrested for (think arson), but still leave plenty of disaster in their wake (leaving all the taps on and plugging the drains is just one anecdote that we've heard over the years). We are not about to say that injured landlords shouldn't be upset by that. However, we can't condone using the IRS to exact revenge with arguable impact on the past tenant and no benefit to the landlord.

Can you issue a 1099 form to a renter who has stiffed you on rent? Yes. Is it petty? It definitely can be. Will you actually receive any benefit from it besides knowing you potentially put someone in a bad situation in a worse one? No.

Will you be a better person for having done this?

That's up to you to decide. 

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Court Asked to **PROVIDE COUNSEL FOR INDIGENT LANDLORDS**, DEFLECTS

By Peter Vickery, Esq., Legislative Affairs Counsel

The Committee for Public Counsel Services will not help indigent landlords, despite courts requiring an attorney and the executive funding renter counsel.

Governor Baker's Eviction Diversion Initiative provides taxpayer funded lawyers for indigent tenants. What about similarly situated landlords? They may be eligible for lawyers too, but not taxpayer funded: landlords get unpaid volunteers. And landlords with an LLC? Nothing. You do not need a doctorate in constitutional law to recognize the flaw in this scheme, a flaw that cries out for a remedy. We suggested one solution, a way to publicly-fund private counsel for income-eligible landlords, but so far it has not met with success.

COMMITTEE FOR PUBLIC COUNSEL SERVICES

On behalf of MassLandlords, I wrote to the Chief Justice of the Trial Court, Paula Carey, asking her to establish a new division within the Committee for Public Counsel Services (CPCS) for income-eligible housing providers, including corporations and LLCs owned by income-eligible individuals. CPCS is the public body that pays private counsel in criminal cases and some family law cases involving the care-and-protection of children.

In the letter I cited a prepublication study from Princeton University indicating that 42% of the ownership of Massachusetts rental real estate consists of LLCs and non-LLC organizations. Our



own research indicates that in summary process cases 60% of plaintiffs are LLCs and non-LLC organizations. By either metric, approximately half of all owners in Massachusetts would be legally required to hire lawyers in summary-process cases, whether or not they could afford it.

I suggested that "where housing providers who have no choice but to retain counsel in order to safeguard their interests via summary process proceedings are unable to obtain counsel by reason of indigency, judges should be able to assign private counsel." Based on my reading of the applicable statute, I said that in my opinion "it is in the discretion of CPCS to establish a new division dedicated to summary process cases, and that no act of the Legislature would be necessary to effect this change."

Chief Justice Carey did not agree, unfortunately. In her reply she stated that an act of the Legislature would, indeed, be necessary. She is the Chief Justice of the Trial Court, so it is her opinion, not mine, that matters.

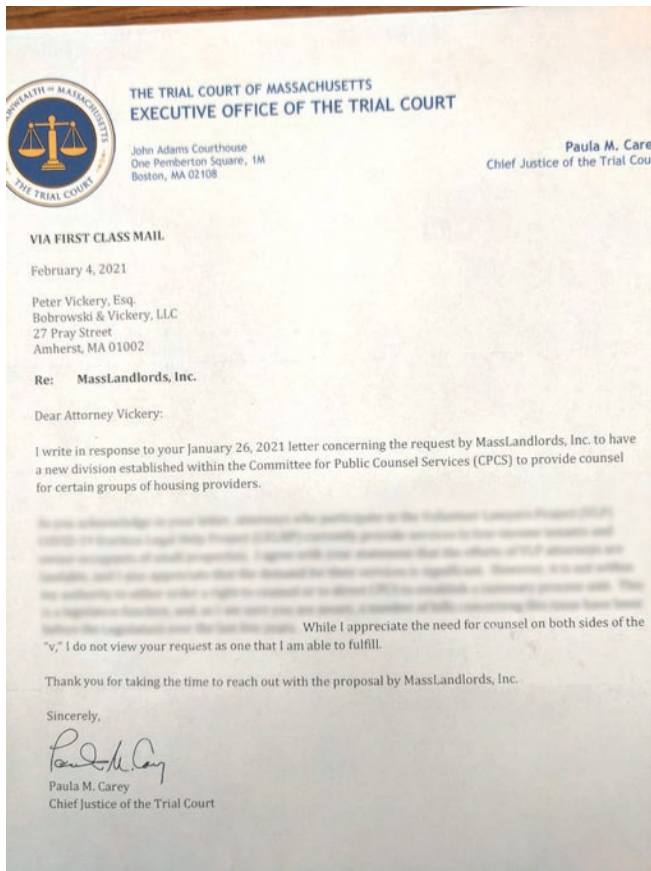
It may seem a little out of the ordinary for MassLandlords to be asking for the public funding of private counsel. How did it come to this?

VOLUNTEERS? STEP FORWARD

It came as no surprise that Governor Baker's Eviction Diversion Initiative dedicated \$12.3 million to legal services for low-income litigants.

What did come as a surprise was the stark divide in the very nature of the legal services provided for low-income landlords. In its overview, the administration states:

To prevent evictions during the COVID-19 crisis, legal aid offices are hiring more lawyers and paralegals to help low-income people who are dealing with eviction. Through the COVID Eviction Legal Help Project (CELHP) six legal aid programs will assist low-income tenants, and the Volunteer Lawyers Project will provide legal assistance for low-income owner-occupants of 2- and 3-family homes.



THE SOLUTION THAT IGNORES THE PROBLEM

In the campaign to provide tenants with taxpayer-funded lawyers, we often hear that in eviction cases most landlords are represented by counsel and most tenants are not. Of course, if the landlords are corporations or LLCs they have no choice: Massachusetts law requires them to hire attorneys. But in the advocates' demands for action, this inconvenient, narrative-spoiling fact tends to get a good leaving alone.

For example, you can read and re-read the report from the Boston Bar Association's Analysis Group titled

"Investing in Fairness, Justice, and Housing Stability: Assessing the Benefits of Full Legal Representation in Eviction Cases in Massachusetts" without ever finding any reference to the reason for this lopsided legal representation. The report certainly refers to the disparity:

While a majority of plaintiffs, typically landlords, are represented by legal counsel, in 2019 91.3% of tenants in eviction proceedings did not have legal representation.


The reason for it (i.e. the legal requirement that deprives many landlords of the right to represent themselves) does not even warrant a passing reference, not even in one of the 88 footnotes. This would not matter so much if landlords were happy with the state of the law. Far from it, though. In 2018, the year before the Boston Bar Association's Analysis Group published its report, we in MassLandlords had filed an amicus

brief urging the Supreme Judicial Court (SJC) to let property managers to at least complete and file the summary process summons and complaint.

To be clear, the lawyers for the property manager and the lawyer for MassLandlords (yours truly) were all urging the SJC to let landlords not hire lawyers. You can read about the twin cases, Williams and Hatcher, on the MassLandlords website.

Unfortunately, the SJC ruled the other way, reiterating the obligation that corporate and LLC landlords must hire attorneys from the outset, even for the task of filling in the summons-and-complaint form. As with so many public policy problems, the favorite solution is what matters, not the root cause.

CONCLUSION

We believe that the principles of equality before the law and equal access to justice require that attorneys who represent economically vulnerable housing providers should be paid, just as those who represent renters are paid. Although our proposal for establishing a new division within CPCS has not yet gained traction, and the likelihood of the Legislature passing the necessary new law is remote in the extreme, we will continue to push. 

Point your camera app here to read more online.



Low-income tenants receive assistance from paid attorneys whereas low-income landlords have to rely on volunteers, i.e. unpaid lawyers, if they are even eligible. True, the eviction moratorium and economic turmoil left many landlords without the resources to hire lawyers, leaving said lawyers with ample time on their hands. But that time is over. And true, there may be some underemployed lawyers all too eager to take their minds off their woes by providing free legal services. But not many, it seems. Consequently, the (paid) employees of the Volunteer Lawyers Project are having a hard time recruiting volunteer lawyers. This situation is the culmination of the years-long effort by the Massachusetts Right to Counsel Coalition.

The coalition's supporters page reveals that many of the organizations that endorse the proposal are themselves publicly-funded, e.g. the Massachusetts Law Reform Institute, City Life/Vida Urbana, and Greater Boston Legal Services.

A Landlord's Guide to THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

By Kimberly Rau, MassLandlords writer

What SNAP is, how it differs from food stamps, and why it's important for rental property managers to understand

On the surface, it may not seem like the Supplemental Nutrition Assistance Program (SNAP) would be terribly relevant to landlords. After all, it's not like tenants can pay their rent with food stamps or a SNAP debit card. But did you know that SNAP benefits can count as income when you are vetting a potential tenant's ability to pay the rent? And that more people than you probably think get some form of food-related assistance?

In this guide, you'll get a background on SNAP and learn why it's important to consider it with regard to rental housing.

WHAT IS SNAP, AND HOW IS IT DIFFERENT FROM FOOD STAMPS?

The Supplemental Nutrition Assistance Program is typically called SNAP, and is the same thing as the former "food stamp" program. Created in 1964, it provides a monthly benefit to low-income U.S. citizens and certain legal noncitizens that allows them to purchase nutritious food.

Prior to 1990, recipients of food assistance received actual stamps that could be redeemed at participating grocery stores for food items. Then, in 1990, the benefits system began converting over to Electronic Benefits Transfer (EBT) cards. Paper food stamps were totally eliminated in 2008, and on October 1 of that year, the name officially changed to SNAP.

WHO PAYS FOR SNAP BENEFITS? HOW IS THE PROGRAM FUNDED?

The United States federal government pays for 100 percent of SNAP benefits. States split the cost of administering the program with the federal government, with the federal government covering close to half of the costs.

Of course, federal programs are funded by federal tax dollars, which means that anyone who pays taxes helps pay for SNAP. However, the amount you pay may be less than you think: In Fiscal Year 2019, just eight percent of the federal budget, amounting to \$361 billion, went to "safety net programs," including Supplemental Security Income for the elderly and disabled, and SNAP, among many other initiatives. If that number sounds big, compare it to the country's defense budget, which was \$697 billion, or 16 percent of the budget, in the same year.

WHO IS ELIGIBLE FOR SNAP, AND HOW MUCH CAN SOMEONE GET IN BENEFITS?

Like many government assistance programs, qualifying – and how much in benefits someone is eligible for – is based on income and household size. For the SNAP program, a "household member" is considered anyone with whom you buy food and make two-thirds or more of your meals with, as well as your spouse (even if you don't share food with them) and any child under 22 who lives with you. As far as income goes, SNAP considers your paycheck income, of course, as well as any child support payments.

Here is a general list of income guidelines. Under these guidelines, assistance maximums range from \$194 a month, for a one-person household, to \$1,018 a month, for a household with seven members. However, COVID has changed several aspects of the SNAP program, including income and benefits guidelines. Here is a list of income guidelines under the Disaster SNAP program. And through at least June 2021, recipients will see a 15 percent boost to their snap benefits. Further, due to COVID, rules requiring recipients to be looking for work or logging volunteer hours have been temporarily suspended.

While grocery costs can vary wildly depending on the local cost of living, the USDA prepares suggested food budget reports based on family size and income (budget levels are divided up between "thrifty," "low-cost," "moderate-cost" and "liberal"), as well as average food costs. The reports assume all snacks and meals are prepared at home. A suggested "low cost" monthly budget for a family of four is \$748.50 as of December 2020. By comparison, the maximum in benefits a family of four could hope to receive on SNAP is \$646 before COVID increases are factored in.

WHAT CAN SNAP BENEFITS BE USED FOR?

Recipients of SNAP benefits can use their EBT cards to purchase most foods, as well as seeds or plants for growing food (for instance, tomato plants or beans). SNAP benefits cannot be applied toward hot or prepared foods, alcoholic beverages, supplements, live animals or pet food. It cannot be used on non-food items such as diapers or feminine sanitary products.

If that seems like an oversight to you, you aren't alone. However, it may be explained in part by the dearth of women in Congress at the time that SNAP was created. In 1964, the 88th Congress was in place. A total of 14 women (two in the Senate, 12 in the House) out of the 535 members (100 senators and 435 representatives) were part of that Congress. That's less than 3 percent representation for approximately half the population.

A more complete breakdown of eligible items can be found here.

HOW COMMON IS IT FOR SOMEONE TO RECEIVE SNAP BENEFITS?

The most recent official information on SNAP benefits is from Fiscal Year 2019. In short, 760,000 Bay State residents received SNAP benefits in FY19. This represents 11 percent of the state population, or one in nine. More than 53 percent of those receiving SNAP benefits were in families with children; almost 51 percent are in families with members who are disabled or elderly; and more than 32 percent are in working families.

Nationally, 12 percent of the population received SNAP benefits in FY19.

WHY IS KNOWING ABOUT SNAP BENEFITS IMPORTANT FOR LANDLORDS?

First and foremost, as a landlord, your tenants may come to you if they are having trouble paying the rent. SNAP benefits can help a family access nutritious food, but if money is tight it can also help them redirect dollars that would be spent on groceries to other expenses, such as rent. You may be the resource that can point them in the right direction (more about that later).

In that same vein, SNAP benefits count as income. As we said, benefits that help recipients save money at the supermarket allow them to re-allocate that money to other needs. An applicant with an annual wage that looks too low to allow them to afford a rental unit you're offering may actually have enough to cover the rent when SNAP benefits are factored into the equation.

SO, SHOULD I ENCOURAGE APPLICANTS TO LIST SNAP BENEFITS AS INCOME IF THEY HAVE THEM?

Absolutely. Your goal should be to get a tenant who can afford to pay the rent, and SNAP may help them do that.

WHAT HAPPENS IF I DON'T WANT TO COUNT AN APPLICANT'S SNAP BENEFITS AS INCOME?

You could be opening yourself up to charges of discrimination. You cannot decide not to rent to someone because they receive government assistance. If an applicant can afford the place, then, barring other disqualifying reasons (19 large dogs, for example, or an open admission that they plan to sell drugs out of the place), you should consider renting to them. If you're not sure how to properly screen your potential tenants, take some time to read over our applicant qualifier form. It's a points-based system that allows you to objectively screen your applicants.

3/5/2020
DTA DPC - P.O. Box 4406
Taunton, MA 02780-0420

Gmail - Lease Renewal
EN 1234

Massachusetts Department of Transitional Assistance

01/21/2020

Dear [REDACTED]:

What DTA decided: Your SNAP benefits are now \$285.00. They will go to \$533.00 on 02/13/2020 because your household's countable income has changed.

How we decided your benefit amount: Go to the pages at the end of this notice to see how we decided your benefit amount.

Questions? Please call DTA at 1-877-382-2363 if you have any questions about your case, you need help because of a disability, or you have trouble reading or understanding this notice.

We must not discriminate due to age, race, color, sex, disability, religion, national origin, sexual orientation, gender identity, or political beliefs. If you think that we have discriminated against you, contact 617-348-8555 to find out how to file a complaint.

See Your Benefits Online: You can use DTA Connect to review case information, check EBT balance, print documents, make certain updates, and upload verifications! For information on DTA Connect, please go to www.mass.gov/DTAConnect.

Tell us about changes! You must report all changes in income, assets or family size to DTA within 10 days. You must also tell us right away about changes in your mailing address and phone number. The post office does not forward DTA mail.

Legal Services: To ask about free legal services, call: Community Legal Aid, Inc. at 1-855-252-5342.

Regulations: The regulation(s) used in reaching these decisions are 106 CMR: 364.500, 364.600, 364.980. You can find our regulations online at www.mass.gov/dta/regulations.

Massachusetts Department of Transitional Assistance

Date: 01/21/2020

Sent from Yahoo Mail for iPhone
(Quoted text hidden)

← DTA Connect

Other adjustments

Recoupment of SNAP overpayment \$0.00/ month

Your SNAP Amount:
\$530.00/month

EN: [REDACTED] Agency ID: [REDACTED]

Request For An Appeal

If you have trouble reading or understanding this notice, call DTA at 1-877-382-2363 for help.

What is an appeal? If you disagree with a Department of Transitional Assistance (DTA) action, you have the right to appeal. If you appeal, you will have a hearing. Hearings are usually held in your local DTA office. If you cannot come to the office, you can have a phone hearing. An independent hearing officer will make the decision. At least ten days before the hearing, you will get a notice of the time and place of the hearing. At the hearing, a DTA employee will explain the reason for the DTA action. You or someone helping you can then explain why you disagree with the action. After the hearing, the hearing officer will make a decision and mail a copy to you.

← Benefit Detail

SNAP Benefits Status: **Active**

EBT Balance \$34.52 Start Date: 10/8/19
Next SNAP Benefit: \$355.00 on 9/5/20

Effective as of 8/18/20

Request Income Verification

Head of Household

[REDACTED]

Benefit Status: Active
Benefit Date: 10/21/19

Members of Household

[REDACTED]

Benefit Status: Active
Benefit Date: 10/21/19

Case Manager Information

DTA Assistance Line

Though SNAP benefits are considered confidential, a potential tenant wanting to count them as income can provide you proof of their benefits. Here are three examples that you may see (personal information redacted). Images credit: CC BY-SA 4.0 MassLandlords Gwendolyn Property Management

SO IF A TENANT LISTS SNAP BENEFITS AS INCOME, HOW DO I VERIFY THAT?

You can't make a phone call to verify SNAP benefits. The United States Supreme Court has ruled that SNAP benefits are confidential. However, a tenant who volunteers that they receive SNAP benefits because they are hoping it will help them secure a rental unit should have no problem providing you with the proof you're looking for. It's not illegal for them to give you the information, you just can't call the SNAP offices yourself and ask for proof.

IF ONE OF MY TENANTS NEEDS FOOD ASSISTANCE, HOW QUICKLY CAN THEY GET SNAP? HOW DO THEY GET STARTED?

Depending on their circumstances, someone who has fallen on hard times can get emergency SNAP benefits in as little as seven days. These are


called emergency SNAP benefits, and to be considered eligible, applicants must answer yes to one or more of the following questions:

- Does your income and money in the bank add up to less than your monthly housing expenses?
- Is your monthly income less than \$150 and is your money in the bank \$100 or less?
- Are you a migrant worker and is your money in the bank less than \$100?

Your tenant should start by applying for SNAP, at which point a case worker will screen them for emergency eligibility. Applicants who get emergency benefits will also get instructions on how to get ongoing benefits.

Your tenants should also know that state Department of Transitional Assistance (DTA) employees must keep application information private, including immigration status. SNAP benefits

are not cash, so they do not create a "public charge" problem with immigration officials.













If your tenant does not meet the requirements for emergency benefits, all is not lost: They may still be able to get monthly benefits if they meet income requirements for their household size. Non-emergency SNAP cases are typically decided within 30 days. 

Point your camera app here to read more online.



Better Communities Better Policy Better Lives

MEMBERSHIP BENEFITS

 RENTAL FORMS	Download a complete set of up-to-date rental forms (applications, leases, notices to quit, and more).	 LEGAL STANDING	Vote in MassLandlords elections, serve on boards, and be represented in policy discussions with local and state officials.	 EVENTS	Monthly networking and education at events state-wide.
 NEWSLETTERS	In-depth news, tips and tricks emailed monthly.	 HOME DEPOT SAVINGS	20% off paint; purchases over \$1,000 eligible for price reductions; concierge services for larger jobs.	 COLLECT CHECKS ONLINE	Never bounces, reports for credit, members get first tenant free for a year via RentHelper.
 SERVICE PROVIDER DIRECTORY	Search for service providers or be listed as one (electricians, managers, realtors, attorneys, plumbers, snow removers, and much, much more).	 VIDEOS, ANALYSIS, & SPREADSHEETS	Watch past events, learn about the laws, and access spreadsheets you can build on like our CFL vs LED ROI calculator.	 CREDIT SCREENING COUPONS	Save on SmartScreen credit reports.
 MESSAGE BOARDS	24/7 access to Massachusetts Landlords for advice and/or to contribute your professional expertise.	 HOME BASE	Preferred pricing and name tag at dinner meetings.	 ENTITY FORMATION SAVINGS	Create LLC's or Inc's for a low, members-only fixed price via New Leaf Legal.

SIGN UP AT

<https://masslandlords.net/join/>

REGIONAL



2021 APRIL

Upcoming events
See details under each region

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



2021 MAY

Upcoming events
See details under each region

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

**STATEWIDE
BERKSHIRE COUNTY
BOSTON, CAMBRIDGE, SOMERVILLE**

Cambridge Virtual Meeting: Networking and Training Event

**TUE
04/20**

Our next Virtual meeting will be held Tuesday, April 20th. We are working with members to select a topic. Suggestions always welcome at hello@masslandlords.net. Check MassLandlords.net/events for updates.

CAPE AND ISLANDS

Cape and Islands Virtual Meeting: Networking and Training Event

**MON
04/26**

Our next Virtual meeting will be held Monday, April 26th. 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 homelessness 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.

Worcester Virtual Meeting: Networking and Training Event

**WED
04/14**

Our next Virtual meeting will be held Wednesday, April 14th. 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)

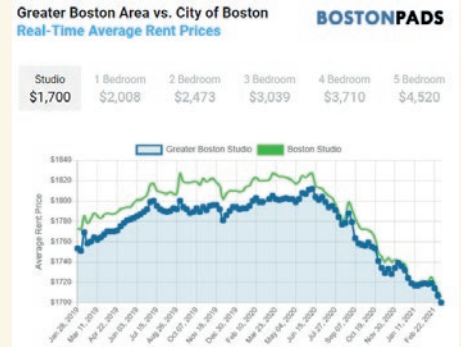
Statewide Virtual Meeting: Rent Data and Forecasts for Greater Boston and Massachusetts

**WED
04/07**

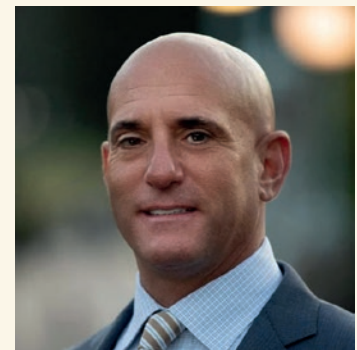
Have rents in Greater Boston crashed? What will happen this summer and fall when still more units turn over? Does anyone know? At this event, we will gain an inside look at rental market data from Massachusetts' largest apartment listing platform. We will find out:

- What has really been happening with rents?
- Do the changes vary by unit size or location?
- What if working from home becomes permanent?
- Will the college market come back?
- Can we make predictions for June 1? September 1?
- What can landlords do to prepare?

We will also look at how the National Internet Listing Services (ILS) are increasingly charging for their services and how that can affect your NOI.



Studio Prices from BostonPads' real time rent data



Demetrios Salpoglou, CEO, BostonPads.com

Part of this presentation will be given by Demetrios Salpoglou, CEO, BostonPads.com. Demetrios Salpoglou is the CEO of bostonpads.com which is an information and technology based services company that provides cutting edge resources to real estate companies. Demetrios has developed over 90 real estate related websites and owns hundreds of domain names. Demetrios also owns and operates six leading real estate offices with over 130 agents. Demetrios has pulled together the largest apartment leasing team in the Greater Boston Area and is responsible for procuring more apartment rentals than anyone in New England – with over 100k people finding their housing through his services. Demetrios is an avid real estate developer, peak performance trainer, educator, guest lecturer and motivational speaker.

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, a virtual registration desk, event software, and event staff..

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, APRIL 7TH

VIRTUAL MEETING AGENDA

- 5:00pm Sign-in and virtual networking: you can 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 Rent data and forecasts
- 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: Rent Data and Forecasts Virtual Meeting April 7, 2021

Time: Apr 7, 2021 05:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81873339440>

Meeting ID: 818 7333 9440

Passcode: Will be emailed and viewable [online](#).

Dial by your location

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

Meeting ID: 818 7333 9440

Passcode: Will be emailed and viewable [online](#).

Find your local number:

<https://us02web.zoom.us/j/kdYE2tJSdb>

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 our page on [Market Conditions](#).

This event is operated by MassLandlords staff.

Want to speak at a MassLandlords meeting? [Submit a speaker request](#).



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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 Waltham Virtual Meeting: Networking and Training Event

WED
05/05

Our next Virtual meeting will be held Wednesday, May 5th. 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

THU
04/08

Our next Virtual meeting will be held Thursday, April 8th. 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

TUE
04/13

Our next event will be held Tuesday, April 13th. Check MassLandlords.net/events for updates.

NORTH SHORE NORTHERN WORCESTER COUNTY

Fitchburg: Spring Cleaning: Dumpsters, and Clean-Outs

THU
04/08

Spring is in the air, and trash is in your building. Join us for a presentation by NWCLA Sponsor Bin There Dump That to learn and discuss practical ideas on what to do to clear the clutter from the rentals. Spring is the beginning of the rental

moving season and having a clean building will help to retain your existing residents, or attract new and cleaner renters.

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, APRIL 8TH

NWCLA MEETING AGENDA

Visit nwcla.com for any last-minute updates or changes.

7:00pm Presentations

LOCATION

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.

PRICING

Membership not required!
Open to the public.

- Public and Members other than NWCLA: \$10
- MassLandlords.net/NWCLA members: pay annual dues, then free

Zoom meeting information will be provided the day of the event.

This event will be recorded and accessible for active NWCLA members only at <https://www.nwcla.com/members/meeting-recordings/>.

This event is operated by volunteers.

Fitchburg: Networking and Speaker

THU
05/13

Our next event will be held Thursday, May 13th. Check MassLandlords.net/events for updates.

SOUTHERN WORCESTER COUNTY

Southbridge Virtual Meeting: Pest B Dead

MON
04/05

Our April Meeting speaker will be Gary Brogna, owner and chief technician for Pest B Dead. Pest B Dead is fully licensed and insured, and is certified to do business in Massachusetts and Connecticut. They are located at 106 Main St., Webster.

PLEASE NOTE: Given the current COVID-19 precautions, we have decided to continue holding our meetings via ZOOM until further notice.

All members whose dues are up to date will be sent a link to the meeting via email. From that email, all you have to do is click on the link and it will bring you to the meeting.

MONDAY, APRIL 5TH

SWCLA MEETING AGENDA

7:00pm Douglas Quattrochi,

Executive Director,
MassLandlords, Inc. Update on
MassLandlords activities

7:15pm Gary Brogna, owner and chief
technician for Pest B Dead

8:00pm Meeting wrap-up

LOCATION

Zoom meeting information will be emailed to SWCLA members on the day of the event and viewable online.

PRICING

Open to SWCLA Members only. Pay annual dues then free. All SWCLA members whose dues are up to date will be sent a link to the meeting via email.

This event is operated by volunteers.

Southbridge: Networking and Speaker

MON
05/03

Our next event will be held Monday, May 3rd. Check MassLandlords.net/events for updates.



✿ Better Communities ✿ Better Policy ✿ Better Lives



Schedule Calls With Our Staff for Business Advice and Legal Information

For Just
\$90/HR

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/>

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