


JULY 2021



## An Open Letter to Representatives and Senators about the End of the CDC Moratorium and the State of Emergency

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Refusing RAFT =  
Discrimination? Yes, Says  
Attorney General

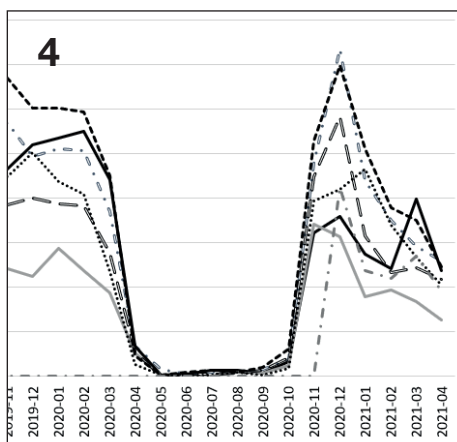
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Federal ERAP Aims to Keep  
More Renters in Their Homes



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## LETTER FROM THE EXECUTIVE DIRECTOR

# Test is Live

### IN JUNE 2021 WE FINALLY LAUNCHED OUR CERTIFIED MASSACHUSETTS LANDLORD™ TEST, WORKED ON DUES PRICING, AND LOOKED AT THE RENTAL ASSISTANCE PICTURE.

In June we reduced our event frequency to allow the team to focus on launching the certification test, which finally is live. We also started to reevaluate the price we charge for membership dues, and looked at the state's administration of rental assistance.

The certification test is live for members who meet the requirements of Level One, the commitment to follow best practices. Members who pass the test will become Level Two. Unlike Level One, a Level Two certification is permanent.

We describe the new test in this month's edition of the newsletter. In a nutshell, the test helps us to vouch for landlords who have learned what a safety minded, equal opportunity housing provider ought to know. Landlords who meet the requirements of the certification program can access a variety of images and marketing copy to advertise their status to prospective renters.

As we have grown, our membership and services have expanded to offer value to all kinds of housing providers. This means our dues structure and membership options should stretch up and down the ownership spectrum from large to small owners and managers. When we look at what similar organizations charge for dues, and how they charge, we find that our "per person" pricing model does not reflect best practice, and also that memberships may be worth much, much more to some than we charge.

No decisions have been made yet, but it seems likely that we will switch to a "per business" pricing model, with dues set based on the size of the business. Each "business" (an umbrella covering any applicable LLCs or trusts) would then pay dues once, and then every team member in that business would have a MassLandlords login, member benefits, and the ability to certify.

For businesses with only a few units and one team member, little would change. For larger businesses, this would likely result in dues higher than what we currently charge. The higher dues would remain affordable, offering savings beyond what dues cost. Any change would provide us with resources to pay all required staff, and to advertise the Certified Massachusetts Landlord™ to prospective renters.

Feedback on this potential change is welcome at [hello@masslandlords.net](mailto:hello@masslandlords.net).

Turning to policy briefly, I will say that Massachusetts continues to lead in housing stability, but "best" does not necessarily imply "good". The state continues to "time out" roughly half of all applications for rental assistance. A public records request revealed that in May alone, 5,400 applications for rental assistance were timed out due to blanks or duplication. Please fill out this survey if you had a renter go through the assistance process.

I encourage you to become a Certified Massachusetts Landlord™, and to forward this newsletter to a friend so that they can become certified, as well. Thank you for supporting our mission to create better rental housing.

Stay safe,

**Douglas Quattrochi**

Executive Director,

MassLandlords, Inc.



# An Open Letter to Representatives and Senators about the End of the CDC Moratorium and the State of Emergency

## Dear Legislator,

I write to inform you of the state of the housing safety net in the commonwealth. The primary message of this letter is that our safety net is working. There are easy but meaningful actions you could take to improve it.

## ARE RENTERS ABLE TO PAY NEXT MONTH'S RENT?

The most recent data for Massachusetts from the Census Household Pulse Survey indicates that we are in the best position since the pandemic began:

Confidence to pay next month's rent	Percent of respondents	Number of respondents
High confidence	58%	611,965
Moderate confidence	18%	184,449
Slight confidence	8%	86,899
No confidence	8%	81,691
Did not report	2%	27,490
Payment is deferred with landlord permission	2%	21,809
Occupied without rent (e.g., payment is forgiven by landlord)	4%	38,681
<b>Total</b>	<b>100%</b>	<b>1,052,983</b>

For the 8% who are not confident, the commonwealth continues to process intake for rental assistance.

## DO WE HAVE ENOUGH RENTAL ASSISTANCE ALLOCATED?

Roughly, yes. This time last year, MassLandlords estimated that \$1 billion would be needed to help navigate the pandemic. As of the most recent federal Emergency Rental Assistance Program (ERAP) allocation, Massachusetts has now had access to just under \$900 million in rental assistance. \$100 million comes from state funding through the Eviction Diversion Initiative, \$437 million comes from the US Consolidated Appropriations Act of 2021, and \$360 million comes from the US American Rescue Plan Act). This money will be available for a while yet.

Of the \$437 million allocated to Massachusetts in the December 2020 Consolidated Appropriations Act of 2021 (CAA 2021), 65% must be spent by Sep 30, 2021, to avoid United States Treasury claw back. This means 35% will be available through the rest of the fall.

Of the approximately \$360 million allocated to Massachusetts in the March 2021 American Rescue Plan Act (ARPA), 50% must be spent by March 31, 2022, to avoid claw back. This means 50% will remain available into next year.

For any given household, the federal funding now guarantees **up to 15 months of rent will be covered**. Specifically, 12 months of rent arrears (owed rent), plus 3 months of stipends (future rent) will be paid upon application, **with no dollar cap**. This funding is available without regard to a renter's residency status (e.g., undocumented are still qualified).

## ARE EVICTIONS BEING FILED?

Yes, and we must continue to work hard to ensure housing for all. But overall eviction rates are at the low-end of what is statistically "housing crisis normal" prior to the pandemic. Visually, filings appear to be falling.

Unemployment assistance combined with rental assistance is resulting in a very low filing rate relative to the economic disruption that many of us are still experiencing. In other words, considering how bad the economy is for renters, it reflects all of our hard work that filings are not higher than before the pandemic.

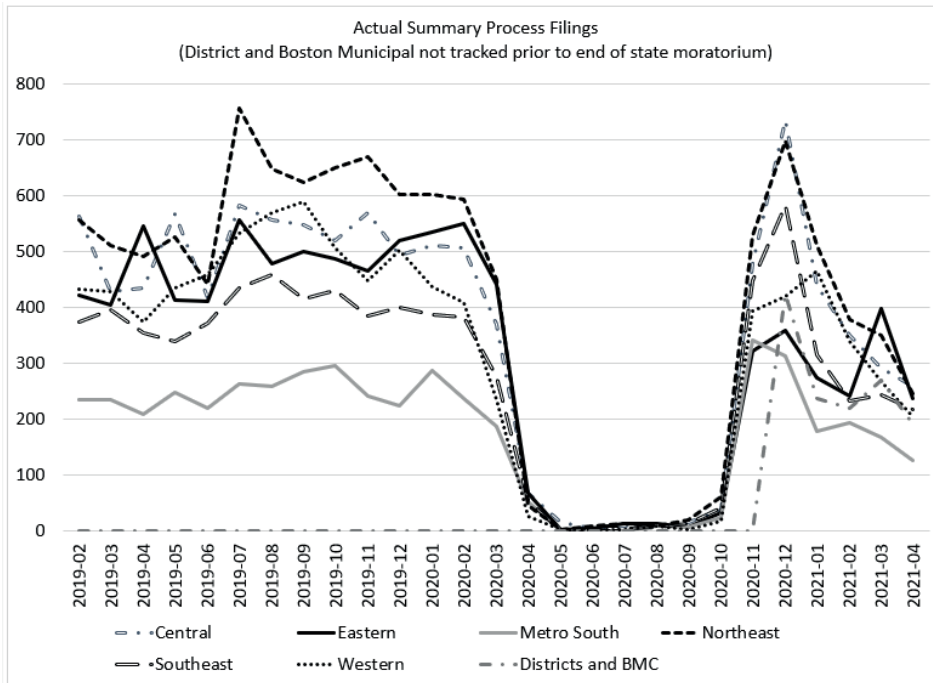
## ARE LANDLORDS REQUIRED TO PARTICIPATE IN RENTAL ASSISTANCE PROGRAMS?

Yes, we are fortunate to live in a state with strong discrimination protections requiring landlords to participate. General Law Chapter 151B Section 4 prevents discrimination on the basis of receiving public assistance, or on any requirement or condition of that program. Case law (*DiLiddo* 2007) firmly establishes the breadth of this protection. A landlord must fill out the forms, provide their tax documentation, provide a bank account for direct deposit and dismiss cases that are fully paid.

The attorney general has stated that it is discriminatory to refuse to participate in the state safety net. At a webinar on May 13, her office indicated that requests for enforcement were now being received and handled per their normal process.

We have requested that the Department of Housing and Community Development place an advisory statement at the top





of all rental assistance forms notifying landlords that participation is required by law. The websites where the applications are hosted now say this.

### WILL ANYTHING CHANGE WITHOUT THE CDC MORATORIUM?

Little if anything will change in Massachusetts, but other states may experience events of national newsworthiness.

The census household pulse survey indicates that not all states have had the same level of housing safety net. Removal of the CDC moratorium may have a noticeable impact in other states.

In Massachusetts, our courts have treated the CDC moratorium as applying only to levies of execution (forced move-outs). This means that any case that a landlord needed to file would have already been filed.

Also, the CDC moratorium covers renters who are applying for rental assistance. We have more than enough rental assistance allocated, and a mature application process. It falls to court mediators, the tenancy preservation program and other services to make sure that renters submit complete applications. When rental assistance arrives, it should be enough to cure all CDC-covered filings (stop the eviction).

**We do not expect a sudden increase in Massachusetts filings when the CDC**

**moratorium is either overturned or lapses.** Other states may be different.

### WILL ANYTHING CHANGE WITHOUT THE STATE OF EMERGENCY?

Little if anything will change in Massachusetts. The legislature enacted mandatory continuances (pauses) for renters in court waiting for a rental assistance application (Chapter 257 of the Acts of 2020). Although this provision will expire when the state of emergency is ended on June 15, the courts are already in the habit of granting continuances by request for any reason, including rental assistance applications.

**We do not expect a sudden increase in executions (forced move-outs) when the state of emergency ends.**

### IS THERE ANYTHING THE LEGISLATURE SHOULD BE DOING?

Yes. Although our safety net is working in the broadest possible sense, in individual cases many of us are still slipping through the cracks.

The most recently published data from the Department of Housing and Community Development indicate that 57% of all applications for rental assistance are being rejected because of incomplete applications. There is no indication that there is widespread attempted

fraud. Rather, there is every indication that renters are being stymied by difficult applications. Those of us without full residency documentation, a high level of English proficiency, or other general assistance are likely not receiving the level of support needed to complete the detailed rental assistance applications.

In response, first it would make sense to keep the courts open. Renters with crushing pandemic-related burdens often cannot be identified and helped until forced to appear in court. Mediation, language access and tenancy preservation, among other court resources, help renters through the lengthy application for rental assistance. Without the courts, there will be far fewer complete applications.

Second, it would make sense to allow landlords of any size to apply for rental assistance on behalf of our renters. Currently, we landlords are allowed to apply on behalf of our renters only if we own 20 units or fewer in the commonwealth. This needlessly penalizes renters who leased up with medium-sized and large landlords. Based on the unpublished work of Henry Gomory at Princeton University, we know that roughly half of all Massachusetts renters are in this category.

Overall, we should be proud of the current state of the Massachusetts housing safety net, and should continue working to ensure that it catches everyone who may fall.

I hope this summary is helpful. Note that our policy team is available to help with any housing related matter.

Sincerely,

Douglas Quattrochi  
Executive Director  
MassLandlords, Inc.  
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# Six Months Beyond the State Eviction Moratorium – No ‘Eviction Tsunami’

By Eric Weld, MassLandlords, Inc.

## Evictions continue trending downward following the October 2020 expiration of the state moratorium, MassLandlords tracking data shows.

Eviction filings in state housing and district courts six months after the state’s eviction moratorium expired in October 2020 remained on par with, or were lower than, filings before the coronavirus pandemic, according to weekly housing court data compiled by MassLandlords.

Following a brief spike in eviction filings in the weeks immediately after the moratorium expired on October 17, 2020, tracking data reflected a generally steady decline in filings through April 2021.

Compared to evictions filed in months leading up to April 2020, when the state declared a State of Emergency and a moratorium on nearly all evictions, filings half a year after the eviction moratorium were trending slightly lower in all court districts. In February 2020, for example, Metro South district filings were between 200 and 300, whereas in April 2021 they were slightly over 100. The Northeast

district, which consistently has the highest rate of eviction filings and spiked to nearly 700 in December 2020, declined to less than 300 filings in April 2021, half the rate of February 2020.

### EVICTON TSUNAMI?

This data, which is compiled from statistics published by state housing courts, presents a strong contrast to the rampant predictions in early fall of 2020. Then, we were warned of skyrocketing overall eviction filings if the moratorium were to expire. Media headlines frequently exclaimed the term “eviction tsunami” to describe what they forecasted would take place. Six months later, an eviction tsunami clearly had not taken place in Massachusetts.

Still, millions of renters across the nation remain vulnerable to housing disruptions as incomes continue to recover from the coronavirus economic hit. In the U.S. Census Bureau’s Household Pulse Survey for Week 22, taken January 6-18 (this is the first survey that reflected 2021 responses), 21% of adult renters reported being behind on their rent, with 47% saying they will likely be evicted from their homes in the next two months. In the Household Pulse Survey for Week 30, taken May 12-24, more than 3 million renters nationally responded that they were either very likely or somewhat likely to leave their homes due to eviction in the next two months.

Several government rental assistance programs – such as the new Emergency Rental Assistance Program (ERAP) in Massachusetts and other states – are attempting to alleviate this crisis.



Despite numerous predictions of an “eviction tsunami” in Massachusetts following expiration of the state eviction moratorium in October 2020, no such wave has occurred six months later, court data shows.

Image: cc by-sa 4 mass landlords

## GOVERNMENT RENTAL ASSISTANCE IS WORKING

The contrast between the predicted onslaught of evictions and the more routine trend that resumed in Massachusetts strongly suggests that state, federal and municipal government assistance programs, including unemployment, are having a mitigating effect as intended.

Since April 2020, state, federal and municipal governments have responded with funding targeted toward helping renters remain in their homes when their income has been reduced due to the economic downturn, among other reasons.

For example, Governor Baker's administration announced ERMA, the Emergency Rental and Mortgage Assistance program, in April 2020, to cover rents and mortgages in arrears. The program, still ongoing, is funded through federal government sources, including money from the March 2020 CARES Act.

Governor Baker announced the Eviction Diversion Initiative in October, in anticipation of the state's eviction moratorium expiration. This is a \$171 million program, with \$112 million going to housing stability. In total, Massachusetts has access to nearly \$900 million in rental assistance through state and federal programs since its State of Emergency was declared.

Also, the state's RAFT (Rental Assistance for Families in Transition) program is ongoing, and a new ERAP has been established using federal funds from ARPA (American Rescue Program Act), specifically for households affected by the COVID-19 economic slump.

Finally, federal unemployment assistance, originally increased as part of the CARES Act, and extended (at a slightly lesser rate) in subsequent Covid-related legislation, has helped mitigate economic stress and enabled payment of rent and household expenses.

## UNEVEN RESULTS AMONG COUNTIES, STATES

While it must be acknowledged that the hundreds of millions of dollars from state and federal assistance programs have helped tame overall eviction numbers, the results are uneven. Some counties and high-population communities, with typically greater socioeconomic need, continue to struggle with proportionally high rates of eviction filings.

For example, our data shows that Quincy, Fall River and Lynn lead the state in percentages of eviction filings, with Malden, Somerville and Pittsfield not far behind. At the low end of the spectrum are Greenfield, Westborough and Worcester.

Incongruity is also evident nationwide. States have employed a range of responsive measures to combat COVID-19 economic damage, some more effective than others. A CNBC poll conducted in April and May 2021 found that renters in South Carolina, Georgia and Florida were among the nation's leaders in being behind on paying their rent, often a precursor to eviction. Residents of Maine, Utah and Kentucky reported the lowest rates of unpaid rent. Massachusetts falls near the middle among states in this statistic.

Those statistics coincide with an analysis by AdvisorSmith in December 2020 using data from the U.S. Census Bureau's Household Pulse Survey. The analysis concluded that South Carolina tops the list, with 21% of renters at risk of being evicted. Florida (15.6%) and Georgia (13%) are also in the top six of states with the highest risk of eviction, while Maine (0.2%) has the lowest such risk in the nation.

## ONGOING EVICTION TSUNAMI PREDICTIONS

Predictions persist of a coming wave of evictions when the CDC eviction


moratorium expires as scheduled on June 30, 2021 (assuming it is not extended again). The federal moratorium has prohibited many evictions, such as for nonpayment, when they are the result of COVID-19.

It's possible the federal moratorium has dampened the rate of eviction filings in Massachusetts as some housing providers, aware that forced move-outs would not be awarded in court, found alternative solutions to eviction. Therefore, it's unlikely that the moratorium's expiration will have a substantial impact on the state's eviction filings.

## EVICTION TRENDS IN THE NEAR FUTURE

In general, Massachusetts is in a favorable position regarding evictions, according to the court data. As long as rental assistance and unemployment funding remains available to those in need, it would be expected that the trend of declining eviction filings will continue.

Of course, what happens in Massachusetts depends largely on what happens in the rest of the world. And while coronavirus numbers have declined significantly in the United States, they remain elevated in other parts of the world, posing a continued threat to pandemic recovery and the economy.

Eventually, the state's supplemental rental assistance programs and enhanced unemployment will end or become accessible for a much smaller percentage of people. Ideally, that reduction in available funding will coincide with an economy and job market that can sustain the state's population. 





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# Refusing RAFT = Discrimination? Yes, Says Attorney General

Peter Vickery, Esq., Legislative Affairs Counsel

## Turning down rental assistance applications could be considered unlawful

Renters who are in arrears may qualify for one or more subsidies, e.g., Rental Assistance for Families in Transition (RAFT), Emergency Rental and Mortgage Assistance (ERMA), and Emergency Assistance Rental Program (ERAP). If the subsidies take care of the arrears, does a housing provider have to accept them, even if they come with strings attached? The short answer is yes. Here's why.

### ANTI-DISCRIMINATION LAW

Members of MassLandlords know that Chapter 151B of the Massachusetts General Laws states it is unlawful to discriminate against a person "because the individual is such a recipient, or because of any requirement of such public assistance, rental assistance, or housing subsidy program."

Discrimination is one of the counterclaims and defenses that renters can raise in summary process cases, so it can defeat the landlord's claim for possession (as well as having to pay the renters' damages and legal fees).

The law in this area is relatively clear. When a landlord refused to accept a housing voucher because the landlord considered the program requirements too burdensome, the Supreme Judicial Court held that the landlord had violated MGL Ch 151B. The name of that case is *DiLiddo v. Oxford Street Realty, Inc.*, 450 Mass. 66 (2007). Similarly, when a Pittsfield landlord objected to dealing with the local agency administering the Section 8 program, the Western Division Housing Court followed the reasoning in the *DiLiddo* case and held that the landlord had violated Chapter 151B. The name of that case is *Clemons v. Niedzwiecki*, 15 CV 0488 (2016).

Does this mean that if renters can pay off their arrears using RAFT, ERMA or

ERAP the landlord has to accept the payment, even if there are some strings attached (such as agreeing to dismiss any summary-process cases)? Yes, says the Attorney General in this advisory.

"If your landlord refuses to accept RAFT or ERMA, or refuses to fill out their portion of the application, they may be violating Massachusetts law," the advisory states.

This is consistent with what Attorney General Maura Healey Tweeted on January 7, 2021:

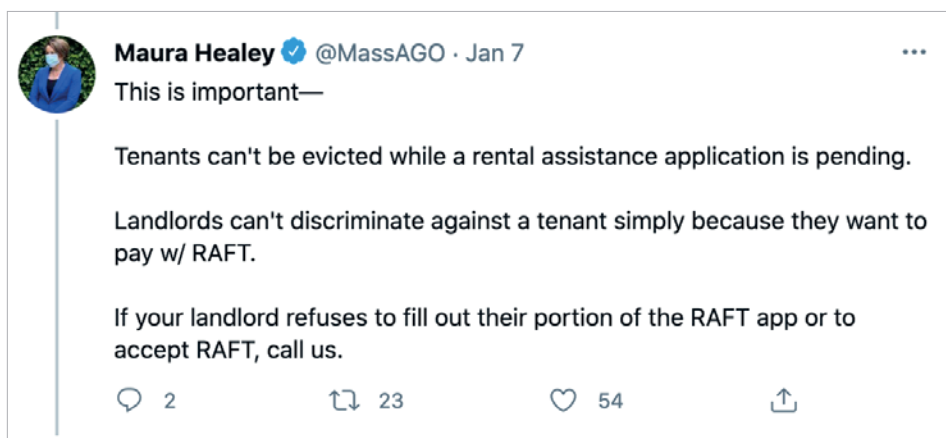
"This is important - Tenants can't be evicted while a rental assistance application is pending. Landlords can't discriminate against a tenant simply because they want to pay w/ RAFT. If your landlord refuses to fill out their portion of the RAFT app or to accept RAFT, call us."

The AG's Civil Rights Division makes the same point in this [FAQ](#) document.

Enforcing Chapter 151B is part of the Attorney General's job. So not only could renters raise the landlord's rejection of RAFT, ERMA or ERAP as a counterclaim in the summary process case, it also seems likely that the Attorney General will pursue landlords who flat-out refuse subsidies or slow-walk their part in the application process.

### MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

Here at MassLandlords we have believed from the get-go that landlords who reject RAFT, ERMA or ERAP would run afoul of Chapter 151B. To help ensure that we are providing reliable information, we



Attorney General Maura Healey is clear: Denying rental assistance applications could run you afoul of the law.  
Source: Twitter




have been trying to find out whether State agencies share our opinion.

For example, back in October 2020 we asked the Massachusetts Commission Against Discrimination (MCAD) to provide some guidance. Why MCAD? Because this is the agency that has the statutory authority to interpret chapter 151B, which means that the courts have to give considerable weight to what MCAD says about whether a particular act or practice constitutes unlawful discrimination.

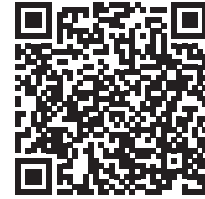
But MCAD declined our request, saying that the agency would wait until it received complaints making such claims and adjudicate those complaints on the merits. Seven months on, anecdotal evidence indicates that MCAD now has plenty such cases on its docket. It

is worth noting that it is not only the Attorney General who can file MCAD complaints against landlords. Individual renters can do so, and (under section 1.04 (1) (c) of the agency's regulations) so can advocacy organizations.

### CONCLUSION

Our mission here at MassLandlords is to create better rental housing in Massachusetts by helping current, new and prospective landlords run profitable, compliant and quality businesses. Being a member means complying with our Commonwealth's anti-discrimination laws, and the law on this point is now clear: Rejecting RAFT, ERMA, and ERAP would constitute unlawful discrimination. 

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# 10 Tips for a Successful Landlord-Tenant Relationship

By Kimberly Rau, MassLandlords Writer

## A director for a Massachusetts inspection services department offers his ideas for smooth sailing when navigating a rental property

Your town's building and health inspectors are experts when it comes to building

codes and the state sanitary code. They're the ones who ensure compliance on new construction and renovations. They are also the ones who answer the call when a tenant requests an inspection on their rental property.

In other words, when it comes to rental properties, Massachusetts building and health inspectors have seen just about

everything. In a small municipality, one person may hold both of these jobs.

One local director for his municipality's inspection services department told MassLandlords that "much of the reason ISD gets complaints about properties is because of a lack of communications and ensuing frustration." What followed were his top 10 tips for avoiding a tenant complaint in the first place. He is not being named in this article because a follow-up email requesting permission to attribute these suggestions to him was unanswered as of press time.

### #1: COMMUNICATION IS KEY

The first, and probably most important, suggestion boils down to communication and check-ins on a regular basis. (Ironically, we have not heard back from our inspector about whether we can attribute this great list to him by name, but the point stands nonetheless.)

"Be reliable and available," he stated, noting that your business investment is your tenant's home.

"If something goes wrong, tenants need to know that the problems in their homes will be fixed immediately. Is there a phone number clearly posted on the building showing who to call in the event of little problems or big emergency?" (Note: under the state sanitary code, unless you or your property manager live onsite, you must have signage telling your tenants and members of the public how to contact you.)

In other words, if you are responsive to your tenants and receptive to what they have to say, chances are you are going to nip problems in the bud before they get bad enough to warrant an inspection request. Tenants who feel as though



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their landlord takes their concerns seriously are also more likely to let their landlords address them.

### #2: BE RESPONSIVE; MANAGE EXPECTATIONS

Don't wait until something major breaks to start trawling the internet for contractors or service providers.

"Have reliable contractors ready," our inspector wrote. "Have back-up contractors ready." Think about when things are likely to break and have a roster of people you can call in case the first person isn't available. Sure, the furnace could break in July, but if it goes in the middle of a cold snap in January, you may find yourself in a long line of people looking for help for the same problem. Having a number of providers you can contact will help you get the problem addressed in a timely fashion. Remember, "sorry, my plumber isn't available" is not an excuse for having a unit that isn't up to code.

No matter how fast or slow the turnaround for a repair is, it's important to communicate those timelines to your

tenants. Be compassionate; depending on the issue, this could affect how they are able to use their home. Confirm with them that they understand and are okay with the proposed timeline. (You may need to gently remind them that every plumber in the city is busy in the event of a sewer backup, for instance.)

If you are going to be out of town or otherwise unavailable, make sure you have a designated responsible person to act in your stead, responding and making decisions so your tenants always have someone watching out for them.

### #3: REGISTER YOUR UNITS WITH YOUR CITY

Some municipalities in Massachusetts, including Boston, require landlords to register their rental properties with the city or town. But even if your city does not require registration, if there is an optional registry, our inspector suggests you get your rental properties on file with the appropriate department.

This is beneficial because the city will have the most up-to-date contact

information for you in the event that a problem arises. Yes, you should be making this information available to your tenants (who will ostensibly pass it on to the city if an inspection is requested), but this is another great way to be a proactive landlord.

### #4: ALWAYS GET PERMITS

Not only does getting work permits for jobs that require them keep you on the right side of the law, it also keeps you on your tenants' good side. A permit, our inspector says, ensures that the contractor doing the job is qualified and serves as proof that the problem was fixed by a licensed professional. (Remember, plumbing and electrical work require licensed contractors under state law.) It also shows your tenant that you are committed to fixing problems the correct way.

### #5: MAINTENANCE IS KEY

The best way to fix a problem is to keep it from becoming a problem in the first place. This means paying attention to

the things that are likely to need upkeep before they break.

“Maintain appliances as recommended by the manufacturer,” our inspector wrote. “My guess is this is rarely done. Some systems require monthly, quarterly or annual check-ups.” Keep a record of your maintenance work and get permits if necessary.

When you are thinking about maintenance, don’t stop at big-ticket appliances such as furnaces and air conditioning systems. Get your heating system inspected annually, yes, but then think smaller. For instance, are your smoke detectors in compliance? Detectors with replaceable batteries are no longer acceptable under the state sanitary code.

This may seem time-consuming and expensive, but it’s almost certainly cheaper than the alternative. If you’re not sure where to begin, we suggest reviewing our [annual maintenance checklist](#).

## #6: DEFINE AND DELEGATE RESPONSIBILITIES

As the landlord, you know you’re responsible for repairs and maintenance on things that come with the apartment (if the fridge you provided breaks, you must repair or replace it, but if your tenant breaks the window fan they brought with them, that’s on them). But other things are not so clear, and can lead to miscommunication and frustration down the line.

When your tenant signs the lease, that’s a great time to go over expectations from both parties. Who is responsible for clearing snow from the driveway? What about the sidewalk? Who will mow the grass in the summer? In a multi-unit rental, does the tenant have the right to store anything in the basement or yard? (Our inspector reminds you that allowing tenants to store things in the hallway is not a great idea.)

Moreover, is the tenant allowed to run a home business out of the place? What if that home business has foot traffic that could disrupt other tenants (or potentially violate zoning laws)? (Our [rental agreement](#) says “no businesses.”) Is the tenant allowed to smoke on the property? Can the tenant use the driveway to repair automobiles or change oil?

Setting these boundaries ahead of time will save you the headache of trying to negotiate repairs or maintenance down the line, and will prevent an “I didn’t know I couldn’t do that!” argument in the process.

## #7: GIVE YOUR TENANTS THE TOOLS THEY NEED

A tenant who has a home they can be proud of is a happy tenant. A landlord with tenants who are proud of their home has a much easier job than a landlord with tenants who don’t take care of the place.

But, taking care of a home requires the right tools for the job. Are you more likely to fix a problem right away if you have the right tools at hand, or if you have to go to the store (or ask someone else for them)? The same is true for your tenants. If you want a neat, clean property that adds value to the neighborhood, then you need to be proactive.

Make sure there are enough trash bins (and recycling and yard waste bins, if applicable), and that any onsite dumpsters are both of adequate size and emptied frequently enough that they aren’t overflowing. (All dumpsters should be equipped with a lock only your tenants can access.) We do not recommend you have your tenants perform outside maintenance, but if you do go that route, make sure they have good-quality tools, such as appropriate snow shovels.

## #8: UNDERSTAND THE SANITARY CODE

Otherwise known as [105 CMR 410](#), the [state sanitary code](#) sets the standard for habitable living in Massachusetts. As a landlord, you must read and understand what that means for your rental properties. Understanding the minimum standards of living is paramount to keeping your tenants happy and avoiding getting cited for code violations.

## #9: BE PROFESSIONAL

“Adhere to contracts and deadlines in contracts,” our inspector wrote. “Give adequate notice of deadlines [and] consider reaching out verbally to tenants to let them know a notice is in the mail.” This notice could be a

lease renewal, termination of tenancy or notice of scheduled maintenance of repairs. By not taking your tenants by surprise, you are creating a better path of communication, which helps encourage positive interactions.

## #10: TAKE PRIDE IN YOUR RENTAL

Remember point 7? You want your tenants to take pride in their home, but ultimately, that starts with you.

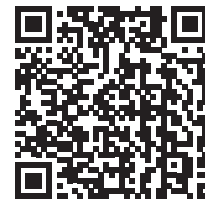
“This means fixing the little things like broken windows, broken cabinets, holes in walls,” our inspector wrote. Freshen the paint. Repair broken shingles and siding. Keep your home looking good.

“Appearance is important to the tenant respecting the property and the community respecting the neighborhood,” he concluded. In other words, treat your tenants like customers and be proud of the product you are offering for rent.

## CONCLUSION

At the end of the day, there are no perfect landlords and no perfect tenants, and no tenancy is going to run 100% smoothly all of the time. But by using some common sense and adhering to the law and best practices, you can set yourself – and your tenants – up for success. [ML](#)

Point your camera app here to read more online.





# Announcing Our Certified Massachusetts Landlord™ Level Two Test

By Kimberly Rau, MassLandlords writer

**The MassLandlords team has invested extensive time and effort into creating a well-rounded cML Level Two™ certification exam**

This spring, the MassLandlords team reached a new milestone in its groundbreaking landlord certification process with the rollout of the cML Level Two™ exam, designed to assess landlords' knowledge in a wide range of relevant areas.

## BACKGROUND ON THE CERTIFIED MASSACHUSETTS LANDLORD™ PROCESS

To become a Certified Massachusetts Landlord™ is to tell your tenants that you are a landlord who not only knows and follows the laws governing rentals in Massachusetts, but also that you pay great attention to your business and embrace best practices to make their experience better than average.

Not to be confused with licensing, this first-of-its-kind voluntary certification was created by MassLandlords and has three levels in total. cML Level One™, a provisional step, requires that participating landlords commit to using MassLandlords "best practices" and advance to cML Level Two™ within 18 months. This requires a passing score on the Level Two exam. To reach the third level, landlords will need to complete continuing education credits each year. This third step is expected to roll out later this year.

## THE CML LEVEL TWO™ EXAM

Throughout the early months of 2021, members of the MassLandlords writing, legal and technical teams worked together to create an examination that was thorough, fair and an accurate assessment of a landlord's knowledge base.

To pass the test, a landlord will need to prove their understanding of various laws relevant to rental housing, as well as

best practices outlined in MassLandlords courses and articles.

Throughout the winter and early spring, MassLandlords staff wrote more than 700 questions (and counting!) in more than 80 different concept groups. Subject areas include unlawful evictions, mediation, discrimination, ethics, lead laws and building maintenance, among many others.

## A SMART TEST

MassLandlords has utilized an adaptive, rather than classical, model for its certification test. In classical testing, there is a set score that is considered passing. Test takers answer all questions on the exam and are scored based on their correct answers. This classical format has fewer overall questions than an adaptive test (more on that later), and also creates the possibility that a tester could pass with large knowledge gaps. (Consider a 100-question test where a passing score is 70. The taker could get 30 questions wrong and still pass; if all 30 questions



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MassLandlords is proud to announce the rollout of its Certified MassLandlord Level Two™ test, covering four content areas and allowing the next level of certification for its Level One members.

Image source: Unsplash

were in one area, that demonstrates a large knowledge gap.)

In adaptive testing, questions are selected at random from a large test bank. This is why MassLandlords staff members wrote so many questions for this test. In this model, testers will answer random questions from each knowledge area. They will get harder questions as they answer correctly, until our algorithm is satisfied that the examinee is proficient in what we deem “essential knowledge” for certification. If a test taker answers incorrectly, they will receive easier questions to determine their knowledge base. This means that examinees will be asked as many questions as necessary to determine if they pass or fail, with some possible extra questions (but certainly not all of them). In other words, adaptive tests have more questions overall than classical tests, but examinees will likely be asked fewer questions than in a

classical test, where they must answer all test questions.

Our staff has written questions that cover knowledge areas categorized into four modules: Maintain Buildings, Follow the Law, Talk to Tenants and Be a Part of the Community. Across these modules, questions cover a wide range of difficulty, from very simple to very complex. Our test is designed to target those at all levels of education attainment, from high school diplomas to advanced degrees.


### A DIFFICULT TEST

The Level Two test is not an easy exam, for good reason: being a landlord in Massachusetts is difficult. From strict rules governing security deposits to the state sanitary code and deleading, there are a lot of things you have to get exactly right to avoid ending up in court. And that’s before you even get

to properly screening your tenants or handling an eviction.

There’s a lot to learn, but that’s why you have 18 months to get from cML Level One™ to taking and passing the Level Two test. And if you don’t pass the first time, you can try again once you’ve brushed up on your knowledge. The important thing is to understand what makes a great Massachusetts landlord, and that’s no small feat.

### A TEST TO BE PROUD OF

When you take the MassLandlords certification exam, you are not only showing your commitment to being the best landlord you can be and giving your tenants reason to be confident in your sound property management. You are also participating in a process that is unique – not just to Massachusetts, but as far as we can tell, anywhere in the country. The considerable effort that has gone into crafting this exam shows our pride in MassLandlords and our faith in our members. 

Point your camera app here to read more online.





# Federal ERAP Aims to Keep More Renters in Their Homes

By Eric Weld, MassLandlords, Inc.

**ERAP, the Emergency Rental Assistance Program, is the federal government's latest funding plan to help tenants impacted by COVID-19 pay their rent and utilities.**

With the addition of ERAP, the Emergency Rental Assistance Program, a federal initiative announced on May 7, 2021, Massachusetts – and other states' – residents who are struggling to pay rent due to the financial impact of the coronavirus pandemic now have another funding option.

While coronavirus cases have declined significantly and the national economy shows strong signs of recovery, many renters in the state remain behind on rent

and household bills, some owing well into five figures. In many cases, landlords have also fallen behind on mortgage, upkeep and utility bills, often as a result of losing rental income from distressed tenants.

This ERAP funding is part of the American Rescue Plan Act (ARPA), signed by President Joe Biden on March 11, 2021. The \$1.9 trillion bill allocates \$21.6 billion to all states for the specific purpose of creating ERAPs, and other housing assistance, to support renters and housing providers impacted by the pandemic. The ARPA builds on three previous Covid-related federal spending programs passed in 2020.

## ERAP FUNDING BY STATE

Massachusetts received \$457 million as part of the program, to provide "broad

rental and utility assistance through the end of 2021," according to the Mass.gov [ERAP FAQ](#). \$20 million of that amount goes to Boston for housing assistance specific to the city and separate from ERAP.

According to U.S. Department of Treasury statistics, surrounding New England states received ERAP funding in rough proportion to their populations. Connecticut, with 3.5 million people, about half the population of Massachusetts, received nearly \$236 million, while Rhode Island, Vermont and New Hampshire each received what appears to be a minimum funding threshold for small states of \$200 million.

## APPLYING FOR ERAP

Unlike Massachusetts programs, [RAFT](#) (Rental Assistance for Families in Transition) and [ERMA](#) (Emergency Rent and Mortgage Assistance), ERAP was set up specifically to help renters who are in danger of losing their housing because their income was affected by COVID-19. (RAFT and ERMA funding is not contingent on COVID-19 impact.).

ERAP applicants must be able to demonstrate that they are in danger of losing their housing due to COVID-19 impact.

Applying for ERAP follows the same procedure as for RAFT and ERMA. All three programs use the same application. Contact local RAAs (Regional Administering Agencies) to apply. RAAs can determine applicants' eligibility among ERAP, RAFT and ERMA.

ERAP funding is only available for renters, to address rent and utilities arrears, and limited future rental payments. On June 4, 2021, ERAP



ERAP, the Emergency Rental Assistance Program, was designed, with federal government funds, specifically to help renters affected by the COVID-19 economic slump to remain in their homes.

was expanded to assist with up to 18 months of rent or utilities arrears or prospective rent. ERAP assistance may only be applied to costs accrued after March 13, 2020.

Landlords who own up to 20 rental units may apply for rental assistance on behalf of eligible renters who are having difficulty paying rent. Before doing so, work with your tenants to make sure they have not already applied for ERAP (duplicate applications for the same program could delay processing). Also, be sure to get a signed consent form from your tenants before applying for assistance on their behalf.

#### **ERAP IS NOT A RAFT REPLACEMENT**

ERAP funding is not intended to replace RAFT or ERMA. Some applicants may be eligible for funding from more than one program, and households that have received RAFT and ERMA assistance are still eligible for ERAP, and vice versa.

However, when applicants are eligible for more than one rental assistance program, ERAP will be prioritized over RAFT and ERMA while federal funding is available.

Alternatively, applicants who don't qualify for or have been turned down by ERAP may qualify for a different assistance program, such as RAFT. For example, if your tenant was turned down by ERAP because they cannot prove Covid-related impact on their income, they might qualify for RAFT, which does not have that requirement.

ERAP is an ad hoc rental assistance program created with federal government funding. When that funding is exhausted, the program will end, while RAFT and ERMA remain in place for ongoing rental assistance in the state.

#### **HOW IS ERAP DIFFERENT FROM RAFT AND ERMA?**

ERAP is distinct from RAFT and ERMA in a few important ways.

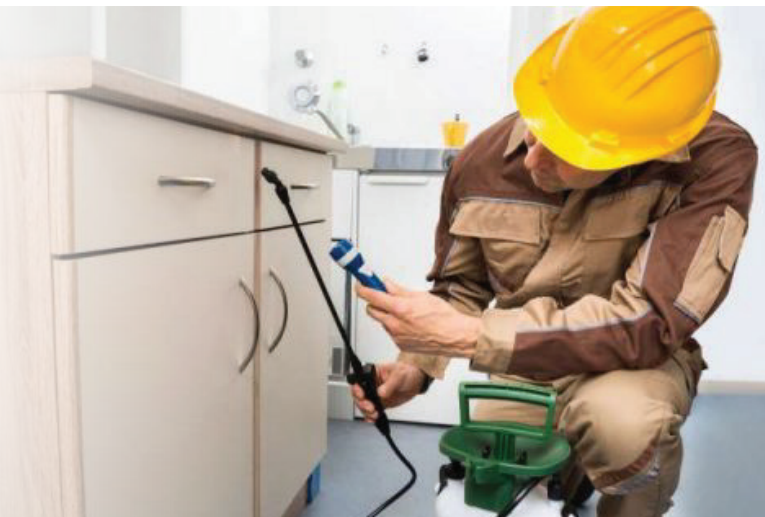
In order to qualify for ERAP funding, renters must provide a written statement detailing COVID-19 impacts on their income, such as unemployment, decreased wages and/or increased expenses.

ERAP also provides a higher benefit, with no cap on the dollar amount. Funding may be used for up to 18 months of rental arrears and utilities arrears up to \$1,500. This funding may only be used for arrears accrued after March 13, 2020.

ERAP also allows a higher income for eligibility. Renters who earn up to 80% of Area Median Income (AMI) may qualify for ERAP funding, as opposed to RAFT's limit of 50% AMI for eligibility. Applicants should remember to use their most current income, as it has been impacted by COVID-19.

#### **SPEND IT OR LOSE IT**

Like funds allocated to Massachusetts in the Consolidated Appropriations Act of 2021 (CAA 2021), ERAP funds come



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with a “use it or lose it” caveat. “After September 2021, the U.S. Treasury may reallocate unobligated funds to grantees that have obligated at least 65% of their funding,” according to the [mass.gov FAQ](#).

All ERAP funds are required to be committed by September 2022.

### ERAP CONCLUSION

State programs such as RAFT and ERMA are permanent programs that have been in place before and during the pandemic to help renters remain in their homes. But given the magnitude of the financial crisis, existing programs have not been enough.

According to MassLandlords’ monthly state eviction analyses, there are still between 200 and 400 evictions per month being filed in court divisions across the state. Eviction filings have come down

since a spike following the expiration of the federal eviction moratorium in October. But thousands of Massachusetts renters are still at risk of losing their housing.

ERAP is intended as temporary assistance to keep as many renters in their homes as possible as the economy continues to recover. [ML](#)

Point your camera app here to read more online.



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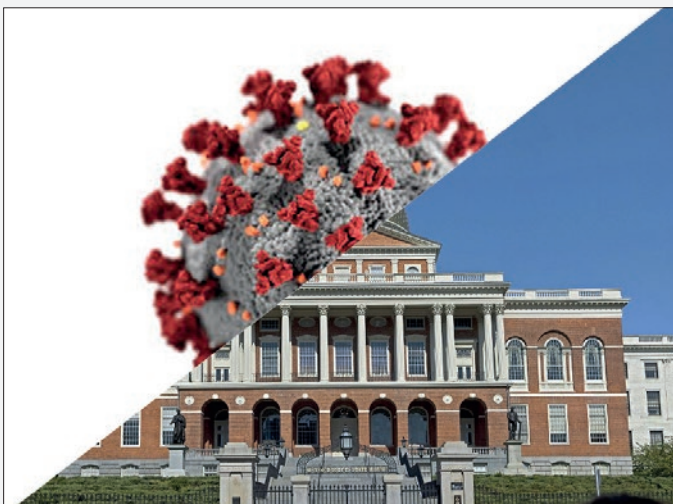
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### ARTICLE YOU MAY HAVE MISSED

## Eviction Moratorium 2.0 Filed, Would Undo Rent Escrow (192 H.1434 HD3030)

Is the Massachusetts legislature planning another partial eviction moratorium? Bill 192 H.1434 HD3030, titled "An Act to prevent COVID-19 evictions and foreclosures and promote an equitable housing recovery," would come close.

The bill would make it all but impossible for judges to award possession to landlords during the State of Emergency. It would also reverse the small rent escrow victory for landlords that the state's highest court announced in *Davis v. Comerford*. And it even manages to create a perverse incentive in favor of smoking. In the State House, support for 192 H.1434 HD3030 now amounts to 31% of the legislature (62 cosponsors at time of writing). 

The full article can be found at: [MassLandlords.net/blog](https://MassLandlords.net/blog)

# REGIONAL



## 2021 JULY

Upcoming events  
See details under each region

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



## 2021 AUGUST

Upcoming events  
See details under each region

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				



## Reconnect with friends and loved ones. Become a Certified Massachusetts Landlord™. Stay safe this summer! Events will be scheduled as needed.

### STATEWIDE

### Short Virtual Meeting: Lunch and Learn Help Session on Security Deposits

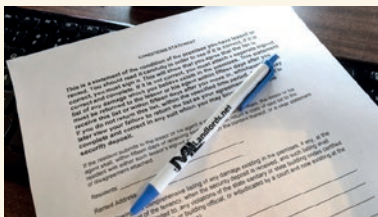
TUE  
07/20

A few security deposit slides will motivate a help session where you can bring your own security deposit questions and we will do our best to answer them. Or you can attend without any questions just to watch and learn from others.

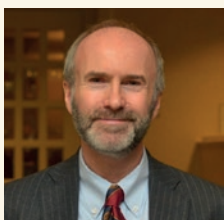
Security deposits are one of the primary liabilities for Massachusetts landlords. If you make a paperwork mistake, you might owe your renter **three times the amount of the deposit** plus attorney's fees. And what a lot of paperwork there is! First receipt, second receipt, annual receipt, conditions statement, withholding receipt, signed under the **pains and penalties of perjury**... Should you even bother?

Well yes, you can **successfully take a security deposit**. We'll show you how!

We'll be giving an overview of the law and will screenshare some the forms available on our site



You'll be ready to take a fully compliant security deposit after this training



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

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

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12:20pm Presentation ends,  
help session begins  
01:00pm Meeting ends

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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.

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

Password will be emailed and viewable [online](#).

Topic: Short Virtual Meeting June 15, 2021

Time: Jul 20, 2021 12:00 PM Eastern Time (US and Canada)

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This is part of the [Virtual rental real estate networking and training series.](#)

Google calendar users: [add our event calendar to your own.](#)

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### Statewide Short Virtual Meeting: Tenancy Preservation Program

WED  
07/28

This part of the presentation will give attendees a comprehensive overview of the **Tenancy Preservation Program (TPP)**. TPP helps landlords who otherwise would have to evict a renter for behavioral challenges. We will cover:

- TPP-eligible conditions that can destabilize a tenancy:
  - o Hoarding
  - o Dementia
  - o Long Covid
  - o Hearing impairment
  - o **Domestic violence**
  - o and more
- How to access TPP services either by

- o Filing in court
- o Applying before court

- What a successful TPP intervention entails
- and more!

The Tenancy Preservation Program can be a godsend in certain situations where a tenant could be successful if only they had some non-financial help. TPP is not a rental subsidy; TPP offers non-subsidy help.

Attendees will leave with knowledge of the program, **confidence** in working with a range of TPP-related disabilities and conditions, and pro tips for getting renters in need the help they deserve.



**You don't need to think of eviction for a Tenancy Preservation Program (TPP) eligible renter**

Part of this presentation will be given by Alyson Gibbs, Father Bills & Mainspring.

Part of this presentation will be given by Joanne Camara, Father Bills & Mainspring.

Part of this presentation will be given by David Eng, MassHousing.

#### Purchase tickets or register for no charge in just a few clicks!

#### **"No Sales Pitch" Guarantee**

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

#### **Open to attendees statewide**

You are welcome to participate in this virtual meeting no matter where you are.



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**WEDNESDAY, JULY 28TH****VIRTUAL MEETING AGENDA**

12:00pm Short introduction

12:05pm Tenancy Preservation  
Program (TPP)

12:35pm Questions

12:50pm Short virtual meeting ends

**PARTICIPATION IS EASY**

We have two formats of online events:

- **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](mailto: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: Tenancy Preservation Program (TPP): Short Virtual Meeting July 28, 2021

Time: Jul 28, 2021 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting  
<https://us02web.zoom.us/j/81962301207>

Meeting ID: 819 6230 1207

Passcode: Will be emailed and viewable [online](#)Dial by your location  
+1 301 715 8592 US (Washington DC)

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

Meeting ID: 819 6230 1207

Passcode: Will be emailed and viewable [online](#)Find your local number:  
<https://us02web.zoom.us/j/kdyPjlZSge>**PRICING**

Open to the public. Membership is not required!

- Contemporaneous participation:
  - o Public: \$10
  - o Members: No charge, registration required
  - 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 [Tenancy Preservation Program](#).**[Click here to purchase tickets for or register for this event](#)**

This event is operated by MassLandlords staff.

Want to speak at a MassLandlords meeting? [Submit a speaker request](#).This is part of the [Virtual rental real estate networking and training series](#).[Suggest and vote for future meeting topics](#).Google calendar users: [add our event calendar to your own](#).iPhone & iPad users: [add our event calendar to iCal](#).

**BERKSHIRE COUNTY**  
**BOSTON, CAMBRIDGE, SOMERVILLE**  
**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](mailto:hello@masslandlords.net).

**CHARLES RIVER (GREATER WALTHAM)**  
**GREATER SPRINGFIELD**  
**LAWRENCE**  
**METROWEST**  
**NORTH SHORE**  
**NORTHERN WORCESTER COUNTY**

**Fitchburg: Networking and Speaker****THU**  
**07/08**Our next NWCLA event will be held Thursday, July 8th. Check [MassLandlords.net/events](https://masslandlords.net/events) for updates.



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## 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

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

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