



Fair Ruling in Frechette v. D'Andrea: Use and Occupancy Payments May Not be Waived Under Indigency Statute

Going Green: New Energy
Incentives to Bridge Gap in
Mass Save Programs

Notice of Occupant Right to
Refuse Town or City Inspection

Contents

3 Letter from the Executive Director

4 Fair Ruling in Frechette v. D’Andrea: Use and Occupancy Payments May Not be Waived Under Indigency Statute

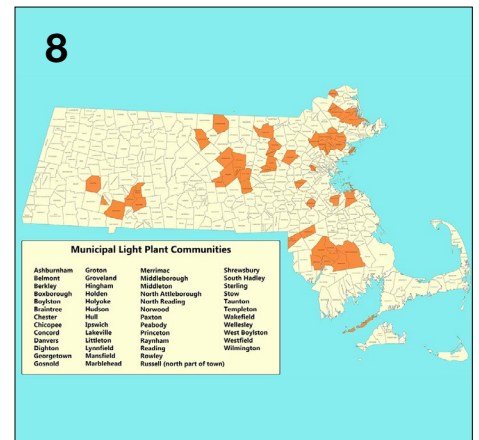
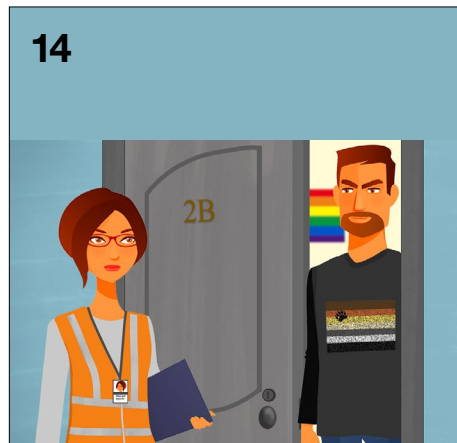
8 Going Green: New Energy Incentives to Bridge Gap in Mass Save Programs

12 The Landlords’ Security Deposit Quick Checklist

14 Notice of Occupant Right to Refuse Town or City Inspection

18 Anti-Rent Control and TOPA Flyers Distributed to Select Communities Showing \$577 Million Lost from Just

20 REGIONAL





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info@masslandlords.net
774-314-1896

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LETTER FROM THE EXECUTIVE DIRECTOR

Events are Changing

Our Letter from the Executive Director for August 2024 shares insights from a recent analysis of our service offerings.



This month's letter focuses on the results of our analysis of event attendance. I should be talking policy, but a month after I last wrote that we were "waiting for the senate shoe to drop," we still have not learned whether Massachusetts will saddle itself with TOPA, eviction sealing or both. I am therefore left to focus off-topic a little, to discuss how we've learned that events are "not sticky." This means people who attend an event once are unlikely to attend again. And it means we need to make changes, both for the sake of events and training, but also for our policy machine.

It's fair to say that the pandemic hurt directly managed dinner meetings. Whereas MassLandlords used to run four events monthly in Greater Springfield, Worcester, Waltham and Cambridge, we have since struggled to attract and retain attendees. Three of our four partner associations still manage their own dinner meetings elsewhere, but even they see lower attendance.

This is not to say the pandemic is entirely to blame! On the contrary, the new analysis shows we had problems even before Covid arrived. Many regular event attendees have suggested reasons why more people didn't come: the price, the venue, the event time, the speaker, the subject matter, the traffic, etc. These suggestions have all been welcome, and in fact we have experimented with various solutions. But no matter what we have tried, we have not anywhere in the last 10 years developed a growth pattern of repeat event attendance: not in-person, not on Zoom, and not with the crash course.

I believe the larger truth has to do with the internet. First of all, people don't leave their home or office to learn anymore. When a toilet breaks, we YouTube how to fix it. We expect to be able watch a video or otherwise find new skills online on-demand. And further: people don't expect to make new connections over a meal. If we need to meet someone new, we search for them on an app, have a call or visit their office. If we need to eat, it's with people we already know (or else we eat alone). The old pattern of gathering strangers over food to learn together has sadly faded away.

We know in-person events have value. To give one example: policy advocacy (especially by renter advocates) is now happening at live, free events. At these events, there is no food; any networking time is implied rather than formalized; the information being shared is new and doesn't exist online. Besides this type of event, there are other ways in-person events could succeed.

The data show that if we continue on our current trajectory, we will spend a lot of our organizational resources (and half of my time) running events with a long-term audience trending toward zero. So we're changing course.

I have not yet asked the Board to approve a new direction, because I don't yet know in which direction to go. It's a complicated problem. Many of us get value from events the way they are now. We have ideas for things to try. We will roll out new offerings with careful attention to cost-benefit ratios for our association and for you and your business.

As we divert resources into exploring new options, some anticipated events may not take place. Please bear with us in this transition.

Thank you for supporting our mission to create better rental housing. We've got your back only because you've got ours. Please join as a member, encourage others to join, become a property rights supporter or increase your level of support. We aim to hire both a full-time educator and policy advocate, and our events replan will support this.

Sincerely,

Douglas Quattrochi

Executive Director

MassLandlords, Inc.

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Fair Ruling in Frechette v. D'Andrea: Use and Occupancy Payments May Not be Waived Under Indigency Statute

By Kimberly Rau, MassLandlords, Inc.

In Frechette v. D'Andrea, the Supreme Judicial Court of Massachusetts ruled that defendants invoking the indigency statute during an appeal must still pay use and occupancy payments themselves.

Use and occupancy payments may not be waived under the state indigency statute during an appeals process, the supreme judicial court ruled in 2024 in the case Frechette v. D'Andrea. This means that renters who appeal a summary process ruling may still be required to make use and occupancy payments as a condition of keeping their appeal active.

The decision came after attorneys for a defendant in a summary process

case tried to get their client's use and occupancy payments waived along with an appeal bond. The attorneys stated the payments were acting as a barrier to their client's ability to access the courts.

FRECHETTE V. D'ANDREA: A LONG ROAD TO EVICTION

In 2008, Dorothy Menzone purchased a property in Webster. According to court documents, Menzone's daughter, Elizabeth D'Andrea, moved to that property in 2008 to help care for her mother. Menzone reportedly made all payments on the house until her death in March 2013. Following her mother's death, D'Andrea did not make any mortgage payments, and the bank foreclosed on the property in 2019.

In December 2021, Edward A. Cianci and Raymond Frechette bought the

foreclosed property from the bank. D'Andrea was still living on the property at that point, but did not make any rent payments to the new owners.

Cianci and Frechette brought a summary process case against D'Andrea in February 2022, and won. The housing court ruled in favor of the plaintiffs in March 2023. At that point, D'Andrea would have been living on the Webster property rent-free for at least 10 years.

D'Andrea appealed the decision. The housing court set up an appeal bond and ordered D'Andrea to pay Cianci and Frechette \$1,275 in monthly use and occupancy payments as a condition of going forward with the appeal. D'Andrea was able to get her appeal bond waived under the state indigency statute, but the housing court refused to budge on the use and occupancy payments.

D'Andrea appealed the order, and the question of the use and occupancy payments under the indigency statute went before the Supreme Judicial Court.

USE AND OCCUPANCY PAYMENTS ONLY MANDATED DURING APPEALS

During an eviction, there are three ways a landlord may get their rent paid by court order.

During a regular (non-appeal) case, use and occupancy payments will only be ordered by the court if your attorney first makes a motion for them. Use and occupancy payments only become a legal requirement during an appeal.

After a case has been decided, an appeal may be filed. An appeal bond, as



This Highland Street property in Webster is owned by Raymond Frechette and Edward Cianci, and occupied by Elizabeth D'Andrea, who has reportedly not paid rent or mortgage in more than a decade. (Image: Google Earth)

outlined in MGL Chapter 239, Section 5, is issued as a condition of keeping the appeal going.

During a regular appeals process, Section 5(c) requires a surety bond as a condition of the appeal moving forward. The renter will also be required to make use and occupancy payments to keep the appeal going.

If your renter appeals the summary process ruling, and they meet the state’s requirements for the indigency statute (see below), Section 5(e) allows the appeal bond to be waived. It is under this statute that D’Andrea’s attorneys argued that the ordered use and occupancy payments also should be waived.

SJC: THE STATE INDIGENCY STATUTE COVERS FEES, BUT NOT USE AND OCCUPANCY

The purpose of the state indigency statute (MGL Ch. 261, Section 27A) is to keep court costs, such as an appeal bond, from being a barrier for those seeking justice through the appeals process. “Extra fees and costs,” not including attorneys’ fees, may be waived, reduced or paid in full by the commonwealth.

Attorneys for D’Andrea argued that their client should not have to pay the use and occupancy costs herself, since making those payments was also a condition of the appeal moving forward. They said that the use and occupancy costs should be waived as she met the requirements for relief under the indigency statute, and the appeal bond had already been waived under those standards.

The SJC disagreed and sided with the housing court, stating that “... use and occupancy payments required of an indigent party under G.L. c.239, §5(e), may not be waived, substituted, or paid by the Commonwealth under the indigency statute because use and occupancy payments are not an ‘extra fee or cost’ as defined in the indigency statute.”

Further, the SJC noted, the defendant had not paid rent in years, and use and occupancy are payments that any defendant would have to make anyway in order to live in their home.

“You don’t get to live for free,” stated Chief Justice Scott Kafker at the hearing, adding that such payments are not

specific to the appeals process. “Use and occupancy is not a fee or a cost, it’s to ensure payment. So again, you don’t live for free...even if you were not in this lawsuit, you would be paying your rent or paying your mortgage.”

A “FAIR BALANCING OF INTERESTS” IMPORTANT WHEN CONSTITUTIONAL RIGHTS CONFLICT

The SJC also backed up the housing court’s decision to set use and occupancy at \$1,275, noting that the payment amount is a “fair balancing of interests” between plaintiff and defendant.

This is an important point because one of the major issues of this case is whether you can deny someone an appeal because they can’t afford use and occupancy payments. If you don’t make your court-ordered payments, your case is dead in the water.

However, as Justice Kafker noted, there are two parties involved in this case. There are the new homeowners, who have real costs associated with owning the property, and who have not seen a dime of rent since they purchased the house in late 2021. Then there is D’Andrea, who says her Social Security income is not enough to cover the use and occupancy payments.

When constitutional rights conflict, as they do here, the court must come up with a fair balance between the two parties’ interests. The SJC affirmed that this is what the lower court did when it set the use and occupancy payments, noting the owners’ costs and also that D’Andrea already had a poor track record with rent. She was unlikely to win her appeal, and she had already violated a previous court order to make use and occupancy payments.

The courts determined that while the payments of \$1,275 may be unaffordable for D’Andrea, as her counsel claims, the amount is still below the property’s estimated \$1,700 rental market value.

“We conclude that the ordered use and occupancy payment of \$1,275 per month in this case was rational and represents a fair balancing of interests between the parties, even if it exceeds D’Andrea’s ability to pay,” the ruling states.



“You don’t get to live for free” – SJC rules that use and occupancy payments may not be waived or paid by the commonwealth under the indigency statute. (Image: sa swampyank-wikimedia)

STAY OUT OF COURT WHENEVER YOU CAN

This ruling is a small victory for landlords, but you should still try to stay out of court whenever you can.

Eviction is time-consuming and expensive. Consider the timeline of this case. The plaintiffs bought the house, which was in foreclosure, in 2021. The resident of the house had not been paying the mortgage, and she did not start paying rent once she had landlords.

The landlords served a notice to quit in February 2022, approximately two months after they bought the property. In June 2022, the court ordered D’Andrea to make use and occupancy payments of \$1,500, to begin in July 2022, but she did not. It took more than a year from the notice to quit for the court to ultimately rule in the landlords’ favor, in May 2023.

Counting from when they bought the property, that’s 17 months without a rent or use and occupancy payment. The SJC decision we’re writing about was made in June 2024, 13 months after that. Court records show that D’Andrea’s lawyers have filed for a motion of reconsideration, which may further prolong things.

And the actual appeal against the

summary process judgment is still ongoing as well. Presumably, as the use and occupancy payments are still being appealed, Frechette and Cianci are still paying taxes, mortgage and upkeep on a home they are not allowed to occupy or rent out, and are not receiving rent for.

We don’t know if D’Andrea was offered any sort of incentive to move out when Frechette and Cianci bought the home, or if she would have been open to a cash for keys offer. We do know, from the SJC’s report, that when the court asked her what she felt would be a fair rent for the property, she declined to provide an answer.

Further, because D’Andrea told the court that her income comes from Social Security payments, she would be considered judgment proof by the state of Massachusetts. This means that her landlords will not be able to collect on any monetary judgment awarded them, unless something about D’Andrea’s situation changes in the future.

CONCLUSION

Whenever possible, stay out of court with your renters. Winning a summary process case takes a long time and may not result

in your receiving any lost rent.

Issue a notice to quit and file your court process as a backstop to negotiation, but keep trying to negotiate something with your renters along the way. There are often other lawful ways to regain possession of your rental than completing a summary process. And, since the state now requires court mediation as a step in the eviction process, you may be able to come to an agreement with your renter before going in front of a judge.

However, when court is unavoidable, at least you know your tenants will (theoretically) have to pay use and occupancy if they appeal the judge’s decision. **M**

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ARTICLE YOU MAY HAVE MISSED

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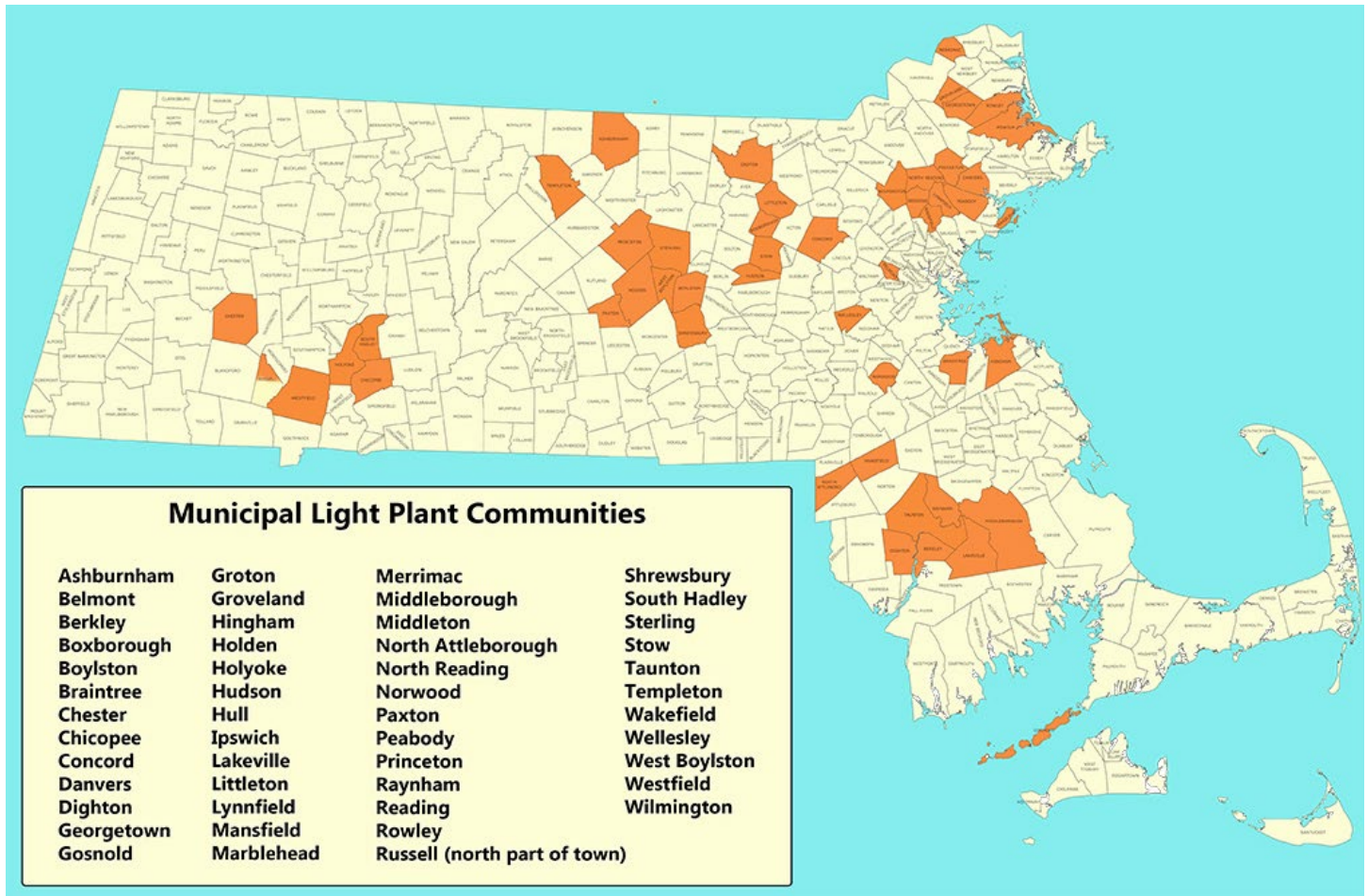
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Going Green: New Energy Incentives to Bridge Gap in Mass Save Programs

By Kimberly Rau, MassLandlords, Inc.



There are 41 municipal light plants in Massachusetts, serving 50 communities across the state. Incoming federal funds will help residents of these municipalities make their homes more energy efficient. [Image: Derived from public color map]

Inflation Reduction Act funds will support energy efficiency rebates for homes in municipal light communities, which have not been covered by Mass Save incentives.

Incoming federal dollars will provide energy incentives to those living in communities serviced by municipal light plants, along with supplementing programs already in place through Mass Save.

This is major news for homeowners and landlords living in areas that

are currently not eligible for Mass Save incentives, as it could allow for decarbonization and energy retrofits at greatly reduced cost.

The state applied for federal funds through the Inflation Reduction Act (IRA) in May 2024. Through the IRA, Massachusetts expects to receive \$73

million for home efficiency rebates and \$72.8 million for home electrification and appliance rebates.

The state’s Department of Energy Resources (DOER) expects to administer the funds starting in 2025 through new and existing programs. Though some of the money will go to supplement programs already offered by Mass Save, for the first time, funds will also be available for programs to support municipal light communities.

BACKGROUND: MUNICIPAL LIGHT COMMUNITIES AND MASS SAVE

Many cities and towns in Massachusetts receive their gas and light through one of the big-name utility providers such as Eversource, National Grid or Unitil. These large companies, among others, are Mass Save sponsors, also called program administrators.

Mass Save offers home energy assessments, as well as considerable rebates and other cost-saving incentives for energy retrofits and upgrades. Depending on income, customers may also access discounts or fee-free services. The programs Mass Save offers may also qualify homeowners for federal tax credits.

Eligible homeowners can save a lot of money depending on what their home needs. For example, landlords generally get whole-building insulation and air sealing 100% paid for by Mass Save.

If your municipality is one of the communities serviced by a Mass Save sponsor, then you may be eligible to participate in the energy incentives and programs offered by Mass Save.

However, not everyone lives in an area serviced by these larger providers. They receive their light and/or gas from a municipal provider, called a municipal light plant (MLP). There are 41 municipal light plant communities in Massachusetts that serve 50 municipalities. People with homes in these communities are not able to access Mass Save programs, and are limited to whatever, if any, incentives their MLP offers.

The IRA funds will allow those living in areas served by MLPs to save money on home efficiency and appliance upgrades through new and existing programs.



Converting to a non-fossil fuel-based system like a heat pump can be expensive. However, incoming federal dollars may help many residents with the cost. (Image: cc-by-sa Santeri Viinamaki)

MLP-HER PROGRAM TO OFFER REBATES ON EFFICIENCY RETROFITS

With federal grants it receives from the U.S. Department of Energy (DOE), the DOER will be able to offer rebates for energy efficient retrofits to both single- and multifamily properties, as long as the upgrades will reduce the home’s energy use by at least 20%.

The new Municipal Light Plant–Home Efficiency Rebates (MLP-HER) program is for residential customers in the state’s municipal light communities that are not eligible to participate in Mass Save programs. The program will be available for single- and multifamily homes (up to four units) of all income levels. While the details of the program are still being developed, MLP-HER will support home weatherization and electrification of space heating, among other measures. The DOER will administer funding for these programs.

Federal home energy rebate funds will also support the DOER’s existing Affordable Housing Decarbonization Grant Program, which helps existing affordable rental housing units with energy-efficient upgrades.

The state expects to receive \$73 million

in federal money for home efficiency rebates. Of that, \$22 million is slated to help MLP communities through the HER program, or just over 15% of the total expected funds for both the HER and Home Electrification and Appliance Rebates programs. This number is “approximately proportional to the percentage of the Massachusetts population in MLP communities,” according to a document published by the DOER earlier this spring.

HOME ELECTRIFICATION AND APPLIANCE REBATES TO EXPAND MASS SAVE REACH

An additional \$72.8 million in federal dollars from the DOE’s Home Electrification and Appliance Rebates (HEAR) program will help income-restricted residents see greater savings on energy upgrades and retrofits. These dollars will be administered through two existing Mass Save programs.

Mass Save’s income-eligible program serves single-family homes at or below 60% of the state median income, and multifamily homes at or below 60% of the area median income (AMI). The enhanced residential offers program assists households at 61–80% of the area

median income with rebates and services.

“Integrating HEAR into Mass Save will lower administrative costs, allow more funding to be available to residents, enable Mass Save to serve many additional customers, and provide rebates for 100 percent of the total project cost of eligible electrification measures for households below 80 percent AMI,” stated the [DOER press release](#).

HOME ENERGY IMPROVEMENTS ARE COSTLY BUT NECESSARY

We’ve written extensively about the importance of reducing carbon emissions, and with good reason. [Climate change](#) is not going away, and could have disastrous effects for everyone if efforts are not made to slow global warming.

Massachusetts has committed to a [Clean Energy and Climate Plan for 2050](#), but that requires effort from individuals as well as larger organizations and companies.

We’ve recommended [heat pumps](#) and discussed [solar energy](#) and [geothermal heating](#), as well as the importance of [proper insulation](#). We’ve also covered one case study where an older home successfully received a [deep energy retrofit](#).

But these energy-saving measures come at a high cost, and can be prohibitive for property owners. We are glad to see the state (finally!) applying for IRA funds, and even happier to learn that these funds will help communities not eligible for Mass Save incentives.

Are you a landlord in a municipal light community who plans to take advantage of these new programs in 2025? Email us as hello@masslandlords.net and let us know your thoughts. [ML](#)

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There's a lot to remember when it comes to handling a security deposit in Massachusetts. Take it one step at a time. (Image: Lic CC BY SA 4.0 MassLandlords Inc.)

Your at-a-glance order of operations for handling a security deposit in Massachusetts.

Security deposit law in Massachusetts is very specific. If you mess it up and get taken to court over it, you could end up paying triple damages plus attorney's fees. So, if you are new to landlording in Massachusetts, we strongly suggest you head over to our [security deposit landing page](#) and read it carefully.

For reference, security deposits are covered in [MGL Chapter 186 Section 15b](#). Members can read our [plain-language explainer](#) as well.

For seasoned landlords who just need a quick referral guide, this checklist is for you.

BEFORE THE TENANCY:

1. Use our [annual maintenance checklist](#) to find everything broken or leaking.
2. Fix as many things as possible.
3. Walk through the apartment and make notes of any remaining issues on a written [conditions statement](#). [Include this in the lease packet](#). (Your renter has 15 days from the start of the tenancy to object, otherwise anything you haven't listed is presumed in perfect working order.)
4. Take pictures of everything in every room. A good rule of thumb is to aim for 20 pictures for each ordinary room and 50 pictures for each kitchen or bath. This is your evidence for court.

AT THE START OF A TENANCY:

5. Collect the security deposit and whatever information your bank needs to open the account. A typical bank will need

The Landlords' Security Deposit Quick Checklist

a form W-9 and a copy of the tenant's license. If they are not a US person, use a form W-8 BEN. Immediately issue a [move-in money receipt](#).

6. Within 30 days, deposit the security deposit in a Massachusetts bank, in a landlord-tenant account. Immediately issue a [security deposit receipt](#).


ANNUAL MAINTENANCE:

7. Pay the tenant accrued interest each year.
8. Issue the [security deposit annual statement](#) to the tenant.

WITHIN 30 DAYS OF TENANCY END (POSSESSION):

9. Pay all interest.
10. If there are damages, send an itemized list, with [appropriate documentation](#).
11. Return the original deposit, minus any damages with interest added at the end. Never take interest for repairs.

BEFORE GOING TO COURT WITH A RENTER:

12. Talk to an attorney. Tell them you have a security deposit. If they say to give it back, give it back. 

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Notice of Occupant Right to Refuse Town or City Inspection

Renters have a right to privacy. We encourage landlords to share this information with renters while explaining how landlords retain right to access.

The “Notice of Occupant Right to Refuse Municipal Inspection” should be included with every rental agreement or handed out separately to new renters. This notice details the circumstances under which an occupant must admit you as the landlord or your agent. This notice also explains how, if there is no emergency, they can

require a city or town official to get an administrative warrant before granting access to the rental.

WHY USE THIS FORM?

This notice is important for many reasons, chief among them the existence of rental registries. Many Massachusetts towns and cities have enacted or are considering enacting rental registries (Amherst, Boston, Worcester, etc.). Advocates for these registries claim to speak on behalf of renters. They say we need preemptive inspections for public safety, because renters don’t call in complaints themselves.

Actually, if renters aren’t calling in

complaints, it’s probably because they value their privacy and time more than the repair. Ask any renter whether they want someone in their home to snoop around, and the answer will be “no.” Ask them who they normally call for maintenance, and the answer will be “the landlord.” Town and city officials don’t fix things. Landlords fix things. If the landlord is unresponsive, the renter can call the town or city, but the landlord still has to come in.

WHAT DOES THIS FORM DO?

This form clearly states when renters must allow a public official into their home. It’s far less often than proponents of registries would care to admit.

As a notice of rights, we are careful not to overstep. We are not recommending that renters refuse town or city officials. But we want to be clear that renters have a right to deny entry to the public if they should so choose.

Landlords should give this form to renters not because it’s a legal requirement (it is not). We just want you to take an active role in protecting both privacy rights and property rights.

DOESN'T THE STATE SANITARY CODE REQUIRE REGULAR INSPECTIONS?

No, 105 CMR 410, the state sanitary code, section 410.600, calls for “inspection upon request.”

WHAT ABOUT MEANS OF EGRESS?

Totally separate from the state sanitary code, 780 CMR 1001.3.2 requires five-year inspections for emergency exits. In most cases, these can be conducted



We all have a right to privacy, including renters. If the city or town asks to go into your home, they don't have the rights a landlord would have. You can refuse until they get a warrant. Derivative of 123rf.



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- ★ Purchase-and-sale Agreements
- ★ Lease Agreements
- ★ Title and Settlement Services
- ★ Title Issues
- ★ Title Insurance Claims
- ★ Real-estate Litigation
- ★ Condominium

without entering the unit just by looking at common areas.

WHAT ABOUT THE BUILDING CODE OR A SECTION 110 INSPECTION?

The state building code, 780 CMR 110.7, contains wording about “periodic inspections” on page 18. (If that link rots, [try this one](#).) The state code modifies the 2015 International Building Code (IBC). Does this apply? Not the way most people think, for three reasons:

1. First, Section 110 calls for reinspecting permitted work in existing buildings, but permits cannot be reinspected in full once the walls are closed, so the whole section is a garbage regulation. It calls for reinspection of whatever permitted work still exists and is visible, a small sliver and what folks think.
2. Second, in any case, Section 110 does not apply to single-family rentals or two-unit buildings.

3. Third, Section 110 does not reference the sanitary code, or anything similar, with respect to rental units.

Under IBC 2015 as modified by Massachusetts, periodic inspections fall under the parent Section 110, which begins, “Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved” (emphasis added). Once the work is finished and the walls are closed, there is no longer anything to inspect. Hold that thought.

Section 110.7 requires periodic inspections of “existing structures,” with a maximum certification duration of five years. This is what inspectors cite as proof they can enter. But remember, the context is permitted work. If the walls are closed and the work is finally approved, there is nothing to inspect anymore. If the work was never permitted (e.g., preexisting nonconforming work,

think “1890 three-decker”) there is nothing to inspect here, either. Towns or cities should not be reinspecting whole buildings and preexisting work under Section 110.

What about the table calling for inspections of multifamilies? Under the 2015 code, “multifamily” is defined as “residential group R-2 occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature.” (Don’t be distracted by the word “permanent.” Here use of the word “permanent” is in contrast with the term “transient” used in the definition of R-1, which refers to hotels. Renters count as “permanent.”) Put simply, despite the code saying “multifamily,” the legal definition exempts all two-unit buildings and single families used for rentals. Section 110 gives absolutely no basis for periodic inspection of such buildings.

For three units and above, or rooming houses, are inspections required? Maybe, but still they wouldn’t be inspecting for

compliance with the sanitary code. They'd be reinspecting for the building code.

Note 3 in the table reads, for "R-2 Multi-family... [inspections shall be] Prior to issuance of new certificate." The building code for multifamilies is intended to be inspected only as part of closing out a building permit. This is not a sanitary code inspection.


What about the "maximum certification period" of five years? Note 5 says this is "intended to provide administrative flexibility." They give examples of how inspections can be at a more frequent interval. This clearly shows an intent that something should be inspected.

Unfortunately, though, because the building code is not the state sanitary

code, and does not reference it, we cannot easily see any authority for periodic inspections of the sanitary code.

In summary, if a renter in a three-unit or above is asked to permit access specifically for a 110 inspection, the need to get an administrative warrant still applies, and then only for the building code.

WHAT IF THE TOWN OR CITY JUST WANTS TO INSPECT?

They can get a warrant. When in doubt, talk with an attorney. Did we get something wrong? Send us the citation at hello@masslandlords.net, and we will correct this article. 

Point your camera app here to read more online



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Anti-Rent Control and TOPA Flyers Distributed to Select Communities Showing \$577 Million Lost from Just Three Towns

What will Boston Rent Control cost the City of Newton?

Did you know Boston, Cambridge and Somerville have filed rent control with the legislature? If the legislature approves, this will start a chain reaction that will reduce Newton's State Aid.

■ RENT CONTROL REDUCES ASSESSED VALUES

In 2012, MIT Economist David Autor published a peer-reviewed paper looking at the increase in assessed value after rent control ended¹. Rent control was outlawed in 1994. Assessed values increased 20% over the next ten years specifically because rent control was repealed. He corrected for general inflation and market effects. Flipping his math, we estimate rent control will reduce today's assessed values by 15%.

Total City Budget	FY 24 Revenue from Local Taxes	Lost revenue if rent control enacted there
Boston	3,128,000,000	469,200,000
Cambridge	476,549,430	71,482,414
Somerville	242,383,780	36,357,567
Total:		577,039,981

If Boston, Cambridge and Somerville enact rent control, they will need \$500 million a year from State Aid. (If Newton enacted rent control, you would need \$65,759,247 in State Aid.)

■ NEWTON'S REAL ESTATE ENABLES CITY GOVERNMENT

89% of Newton's revenue comes from local taxes.
Great work! You're supporting yourself!

■ NEWTON'S FY 2024 STATE AID:

\$35,505,563

■ NEWTON'S SHARE OF STATE AID LOST TO BOSTON:

(\$3,196,534)

Given a fixed pot of money from the state, Boston rent control will cost Newton **\$3,196,534**. Ask your representative and senator to vote against rent control in all its forms. What can help people with high housing costs? Make rental assistance work better. Also, help us create more housing while preserving what we love about our neighborhoods. For more information or to schedule a one-on-one zoom, email hello@masslandlords.net.

Similar analysis applies to TOPA/renter right of first refusal!

¹ Housing Market Spillovers: Evidence from the end of rent control in Cambridge Massachusetts, National Bureau of Economic Research, June 2012.

MassLandlords sent flyers detailing the impact of rent control and the tenant opportunity to purchase act to town officials, showing how their budgets would be reduced.

In late June, MassLandlords notified over 200 local officials how their towns would be impacted by the adoption of rent control or the tenant opportunity to purchase act (TOPA, or right of first refusal) in other towns. For example, we studied what would happen to Worcester if Boston, Cambridge and Somerville enacted rent control or TOPA. We estimated a \$577 million reduction in local tax revenue in Boston, Cambridge and Somerville that resulted in a 9% reduction in state aid to Worcester.

This math follows from peer-reviewed economic analysis of the end of rent control. In essence, rent control dramatically reduced assessed values. This effect "spilled over" onto even uncontrolled properties.

The spillover effects in the paper were local, but when we layer in Massachusetts state aid, we can see statewide impact. Any town that adopts a policy of curtailing their local real estate market, like Boston, Cambridge or Somerville, will suffer greatly reduced local tax revenue over time. Given a fixed pot of money for state aid, a sharp reduction in one town's tax revenue will result in all other towns getting less state aid.

Said another way, if Boston, Cambridge and Somerville are allowed to shoot their market in the foot, then:


1. **Their real estate tax revenue will fall,**

This flyer was shared with Newton city councilors. Public Domain.

2. Their share of state aid will increase, and
3. There will be less state aid for all other towns.

It's too bad Massachusetts doesn't have a state equivalent to the federal Office of Management and Budget. If we did, surely these capable public servants could calculate the cost of rent control or TOPA better than we can. Absent professional attention, we did our best to estimate the costs.

The towns mailed were Brockton, Fall River, Lawrence, Lowell, Lynn, New Bedford, Newton, Worcester, Quincy and Springfield. The officials mailed were all city or town selectpersons or councilors, as well as all state representatives and senators whose districts touched the town. These towns accounted for roughly half of the total loss of state aid resulting from Boston, Somerville and Cambridge enacting either rent control or TOPA. Other towns not mailed would be likewise impacted.

Is this a glaring problem in advocacy for TOPA or rent control? Or have we misunderstood municipal funding? Tell us what you think by emailing hello@masslandlords.net. 

Point your camera app here to read more online



What will Boston Rent Control cost the City of Worcester?

Did you know Boston, Cambridge and Somerville have filed rent control with the legislature? If the legislature approves, this will start a chain reaction that will reduce Worcester's State Aid.

RENT CONTROL REDUCES ASSESSED VALUES

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Total City Budget	FY 24 Revenue from Local Taxes	Lost revenue if rent control enacted there
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Cambridge	476,549,430	71,482,414
Somerville	242,383,780	36,357,567
Total:		577,039,981

If Boston, Cambridge and Somerville enact rent control, they will need \$500 million a year from State Aid. (If Worcester enacted rent control, you would need \$56,259,288 in State Aid.)

WORCESTER'S REAL ESTATE ENABLES CITY GOVERNMENT

44% of Worcester's revenue comes from local taxes. State Aid is an important part of your budget.

WORCESTER'S FY 2024 STATE AID:

\$419,660,174

WORCESTER'S SHARE OF STATE AID LOST TO BOSTON:

(\$37,781,628)

Given a fixed pot of money from the state, Boston rent control will cost Worcester **\$37,781,628**. Ask your representative and senator to vote against rent control in all its forms. What can help people with high housing costs? Make rental assistance work better. Also, help us create more housing while preserving what we love about our neighborhoods. For more information or to schedule a one-on-one zoom, email hello@masslandlords.net.

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¹ Housing Market Spillovers: Evidence from the end of rent control in Cambridge Massachusetts, National Bureau of Economic Research, June 2012.

This flyer was shared with Worcester city councilors. Public Domain.



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MassLandlords Upcoming events

See details under each region

2024 AUGUST

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

2024 SEPTEMBER

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2	3	4	5	6	7
8	9 SWCLA 7:00PM-9:00PM	10 MWPOA 5:30PM-7:45PM	11	12 NWCLA 7:00PM-9:00PM	13	14 Springfield Crash Course 8:30AM-4:00PM
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Based on data and member feedback, we are reimagining our video training offerings.
Check back next month for details!

STATEWIDE

Statewide Chat, 5 pm - 6 pm: Open Questions and Answers (Q&A)

**MON
08/26**

We'll be having a round table discussion about **any rental real estate topics**. This meeting is a great opportunity for attendees to learn from each other's experiences. Bring your questions about emotional support animals, lead paint, security deposits, rental assistance, or anything real estate related.

Attendees are welcome to share their own experiences, warnings, pearls of wisdom, and more. Participation is not required, you're welcome to come and just listen.

This event will be moderated by volunteers and/or staff with significant and compliant rental experience. **We will not have an attorney present. We can talk about what the law says, but we cannot give legal advice particular to your situation.**



Dana Fogg will moderate open Q& time. You can volunteer for a future event.



We'll be having a free-flowing conversation. Ask us anything related to operating or investing in rental housing!

Open Q&A time will be moderated by **Dana Fogg**. Dana started his

rental business in 1994 with his first Multifamily in Watertown. Since then, Dana and his wife have purchased and sold rental properties around the Metro West area. They now have 7 Units in Watertown and Marlborough. Dana is the Vice President of the Metro West Property Owners Association.

"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.

LAST MONDAY IS FOR MEMBERS: MONDAY, AUGUST 26TH

The last Monday of every month we'll meet on zoom. Mark your calendar!

CHAT AGENDA

- 5:00 pm Start
- 6:00 pm Chat ends

PARTICIPATION IS EASY

We have two formats of online events:

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

ACCESSIBILITY

Automatic closed captions may be activated at any time. Simply turn on this setting from inside the Zoom app.

Questions may be asked over microphone after using the "raise hand" feature of zoom. Questions may also be entered via the Zoom text chat box.

PRICING

This event is closed to the public.

- **Members:** No charge. Registration is required.

This event will not be recorded.

Slides and handouts if any will be uploaded to [open questions and answers](#).

This event is operated by MassLandlords, Inc. staff.

This Chat counts for continuing education credit for Certified Massachusetts Landlord Level Three. [Beep in.](#) [Leave feedback/beep out.](#)

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

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

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Add just this event to your calendar:

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NORTHERN WORCESTER COUNTY METRO WEST

MetroWest Property Owners Association Marlborough Dinner Meeting, 5:30 pm: Annual Summer Picnic

**TUE
08/13**

MEET AND NETWORK WITH YOUR FELLOW MWPOA MEMBERS, FEAST ON A CLASSIC BARBECUE ORDERED BY DANA FOGG

MWPOA Members must register for this meeting on the MassLandlords Website at this link: <https://masslandlords.net>

[net/spotlight-event/2024-08-13-marlborough/](https://www.masslandlords.com/net/spotlight-event/2024-08-13-marlborough/) prior to the meeting.

Please send an RSVP no later than Thursday, August 8th so we can plan on buying the right amount of food.

There is no charge for MWPOA Members. Non-MWPOA MassLandlords Members may also register at the above link by purchasing a \$12 ticket for the sumptuous feast and soft drinks.



Prepare for a sumptuous feast and soft drinks.

TUESDAY, AUGUST 13TH

MWPOA DINNER MEETING

AGENDA

- 5:30pm Barbecue
- 7:00pm Ends

LOCATION

Marlborough Fish and Game
1 Muddy Ln
Marlborough, MA 01752

PRICING

Open to the public. Membership is not required!

- Public and non-MWPOA members: \$12
- MWPOA members only: No charge. Registration is required.

This event will not be recorded.

Slides and handouts if any will be uploaded to MWPOA.

This event is operated by volunteers at a partner association.

**SOUTHERN WORCESTER COUNTY
BERKSHIRE COUNTY
CENTRAL WORCESTER COUNTY
CHARLES RIVER (GREATER WALTHAM)
BOSTON, CAMBRIDGE AND
SOMERVILLE
GREATER SPRINGFIELD**

Springfield Crash Course: The MassLandlords Crash Course in Landlording: Elevate Your Landlord Game

SAT
09/14

Learn everything you need to succeed as an owner or manager of residential rental property in Massachusetts.

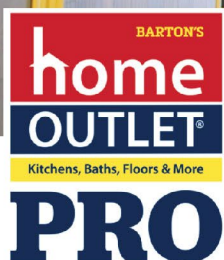
This fast-paced course is strictly limited to 16 participants to allow for detailed discussion and Q&A. Course tuition includes:

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Director, a trained presenter and experienced landlord, and the attorney.

- A comprehensive agenda, see below.
- Your choice of two books:
 - *Every Landlord's Tax Deduction Guide* by NOLO,
 - *The Good Landlord* by Peter Shapiro,
 - *Getting to Yes* by Roger Fisher, and/or
 - *The Housing Manual* by H. John Fisher.
- A bound summary of all material presented.
- Breakfast pastries, coffee, tea.
- Lunch sandwiches, sodas, chips, cookies; all dietary requirements satisfied, please notify us when you purchase a ticket.
- A MassLandlords ballpoint pen.
- A MassLandlords certificate of completion and permission to use "MassLandlords Crash Course graduate" on your marketing material.

You will receive a box packed with your personalized signed certificate, your choice of two books, course notes, pen, and half a dozen other pieces of literature.

COURSE GRADUATE TESTIMONIALS



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

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



"Mr. Quattrochi presented the course in a comprehensive and easy to follow step-by-step format. His PowerPoint presentation was

provided to us, in a binder, as part of the course, and I took notes right on the pages. I find this part to be an effective tool because I can refer to it anytime I need to follow procedure. There's more to it, but for a fun day, I personally, recommend this course to anyone in the Real Estate landlording/investing business, beginners in this profession as well as experience professionals." - Edwin Rivera

"This has really been a great deal. 2 books, 8 hours 'class' time, bound notes/slides -- impressive value!" -Dawn

"I found this course extremely useful. It was completely professional and gave me a great new perspective." -Nicholas

"I'm glad there was more in depth discussion than just reading off the slides. I appreciate the opportunity for questions and practice." - Crash Course Graduate

"If I had done this 20 years ago. Oh my goodness!" - Crash Course Graduate

"Great overview of being a landlord in MA" - Crash Course Graduate

"Covered a lot of ground concisely, but still enough time for questions and insight. Worth every penny." - Crash Course Graduate



MassLandlords Executive Director Doug Quattrochi



Attorney Peter Vickery, Esq. Attorney and Counselor at Law, is also MassLandlords Legislative Affairs Counsel

Part of this presentation will be given by **Doug Quattrochi**, Executive Director, MassLandlords, Inc. Doug was a founding member of MassLandlords in 2013. He became the association's first Executive Director under new bylaws in 2014. Since then, he has scaled the organization from a core of 160 members in Worcester to approximately 2,500 dues paying businesses from Pittsfield to the Cape, and from an all-volunteer team to approximately 20 full and part-time staff plus 50 volunteers. Doug has been instrumental in advancing democratic governance mechanisms, including score voting for policy priorities and a staggered and democratically elected Board of Directors. Doug also oversees the RentHelper spin-off, which is expanding access to electronic banking for those of us who are unbanked or underbanked. Prior to MassLandlords, Doug held leadership roles in various Massachusetts startups, two of which are still operating. Doug holds a Master of Science in Aerospace Engineering from the Massachusetts Institute of Technology.

"Doug's presentation was excellent. He was very clear and provided detailed explanations." -Larry

"Doug always holds very informative classes full of substance and Very organized!" -Thomas

"Your answers to member's questions were most helpful." -Liz

Part of this presentation will be given by **Peter Vickery, Esq.** Attorney Vickery practices law in Western Massachusetts where he focuses on landlord-tenant law (representing landlords in Housing Court) and discrimination defense (representing business owners in the Massachusetts Commission Against Discrimination). He graduated from Oxford University (Jesus College) with a BA in Modern History; obtained his Post-Graduate Diploma in Law from the University of the West of England in Bristol; his JD from Boston University School of Law; and his Masters in Public Policy & Administration from the University of Massachusetts, Amherst. Attorney Vickery served one term on the Governor's Council (the elected 8-member body that approves or vetoes

the governor’s choice of judges in Massachusetts) and on the State Ballot Law Commission. As Legislative Affairs Counsel for MassLandlords he drafts bills, bill summaries, and testimony in the area of housing law, and writes amicus briefs in cases that have strategic significance for rental-property owners.

Purchase your ticket in just a few clicks!

Public attendees can purchase your ticket in just a few clicks!

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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.

**SATURDAY, SEPTEMBER 14TH
CRASH COURSE AGENDA**

IN-PERSON COURSE AGENDA

8:30 am - Introduction of MassLandlords and course participants

8:45 - Rental markets

Urban, suburban, rural.

- o Luxury, college, professional, working, subsidized, rooming houses.
- o Airbnb.

9:00 - Property selection

- o Lead paint.
- o Charging for utilities.
- o Climate change risk.
- o Heat pumps.
- o Vinyl plank vs. hardwood floors.
- o Landlord trade-offs repairs vs. cleaning.

9:40 - Marketing and advertising

- o Getting the right applicants.
- o Small business branding tips and tricks.
- o Where to advertise.

10:05 - Break for ten minutes

10:15 - Finish marketing and advertising

10:35 - Applications and tenant screening

- o Criminal, credit, and eviction background checks.
- o Discrimination and fair housing.
- o Interactive tenant screening workshop.
- o Section 8.

11:30 - Tenancies

- o Lease vs Tenancy at Will.
- o Move-in monies.
- o Security deposits.
- o Pet rent.

11:50 - Break and Lunch, with free form Q&A

12:20 - Warranties and covenants

- o Water submetering.
- o Sanitary code.
- o How to raise the rent fairly.
- o Support animals.

12:40 - Dispute resolution

- o Eviction notices to quit.
- o Court process.
- o Move-and-store

- o Relocation assistance.

1:40 - Break for ten minutes

2:50 - Maintenance, hiring, and operations.

- o Tax advantages.
- o Property managers.
- o Contractors.
- o Building permits.
- o Extermination
- o LLCs and trusts.
- o Grants and alternative funding.

3:10 - Break for five minutes

3:40 - Overview of books and resources for further education

3:45 - Review of unanswered questions

4:00 - End Course

Please note that end time may vary based on questions.

LOCATION

Realtor Association of Pioneer Valley
221 Industry Ave
Springfield, MA 01104

FOOD

Breakfast:

- o Fresh bagels, large muffins, cinnamon rolls, coffee cake slices and scones with cream cheese, butter, and jam
- o Fresh fruit platter
- o Assorted fruit juices and coffee

LUNCH:

- o Assorted gourmet sandwiches
- o Garden salad
- o Pasta salad
- o Assorted pastries
- o Soda, juice, water



WATER DAMAGE
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MOLD REMEDIATION
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FIRE DAMAGE
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E: bob.couture@restoration1.com
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*Dietary restrictions: Purchase a ticket and set your preferences at [My Account](#) one week prior to the event or earlier. Once set, preferences remain set for future events.

Masks welcome! Eating and drinking is not required. Please note: as we are unable to monitor the buffet, we are unable to offer a reduced ticket price for attendees who will not be eating.

PRICING

Open to the public. Membership is not required!

- Public: \$275
- Members: \$250

This event will not be recorded.

Slides and handouts if any will be uploaded to [Massachusetts Crash Course in Landlording and Rental Real Estate](#).

Purchase your ticket in just a few clicks!

Public attendees can purchase your ticket in just a few clicks!

This event is operated by MassLandlords, Inc. staff.

This Crash Course counts for continuing education credit for Certified Massachusetts Landlord Level Three. [Beep in.](#) [Leave feedback/beep out.](#)

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\$20.25 to \$49. 557 Union Avenue Realty Trust. Yan Alperin. Beacon Hill Property Management. Broggi R.E. & Property Mgmt Inc. Linda Caterino. McCharles Craven. CHELSEACORPLLC. Sean Doherty. Michael Donahue. Bob Finch. Lucille Fink. Dana Fogg. Royce Fuller. GMC Property Management LLC. Haverhill Multi-Family, LLC. JCCarrig Real Property. Karen Jarosiewicz. King Craft Property Mgmt. Geri Ledoux. Matthew Maddaleni. Kristina Midura-Rodriguez. Vincent Monaco. Jill Monahan. Darlene Musto. Alex Narinsky. Liz O'Connor. Olson Apartments. Glenn Phillips. Cheryl Popiak. Ted Poppitz. Chris Rodwill. Alexandra Schoolcraft. South Shore Apartments, Wembley LLC. The Claremont Living LLC. Webber and Grinnell Insurance. Lorenzo Whitter.

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Up to \$10. AAMD MGT. Bernard Welch Realty Inc. Chris Adler. Bob Allen. Lori Amara. Rob Barrientos. Ray Boylan. Broggi R.E. & Property Mgmt Inc. Nigel Brooks. Corofin Properties. Demers Enterprises. Nisha Deo. Liz Dichiara. Dietschler Properties. Energywise homes, Inc. Deborah Entwistle. Matt Explosion. Cristina Ferla. Margaret Forde. Justin Forkuo. Forge Property Management. Alan Fournier. Ross W. Hackerson. Lori Haims. Hancock Holdings LLC. Mike Hempstead. JD Powers Property Management LLC. JMG Realty & Investments. Catherine Jurczyk. Kee 55, Inc. Agency Account C/O Ercolini. John Kubilis. Altagracia Lama. Jo Landers. Sean Lopez. MassBay Group. Shane McGlone. Ana Monte. Murphy Realty. Michael Ozog. Mary Palazzo. Benjamin Perry. Jesse Pianka. PJM Property Management. Alvan Pope. Tara Pottebaum. Property Realty Group LLC. Douglas Quattrochi. Kathryn Rivet. Lisa Rizza. Cary- Amy Rose. Michael Siciliano. Jonathan Siegel. John Siri. Joann Strub. Summit Rentals LLC. Topaz Realty Trust. Vadim Tulchinsky. Snaedis Valsdottir. Mark Waitkevich. Stuart Warner. Westmass Apartments LLC. Carole Winkler Wells. Kim Wu.

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