



**BlueHub Legislation Fails;
Lawsuit Against Nonprofit
Moves Forward**

**RealPage Automated Price-
Optimization Software in
DOJ Crosshairs for Possible
Antitrust Violations**

**When are Landlords
Responsible for
Crimes at Rentals?
Chicopee Housing
Authority, Former
Director Named in
Wrongful Death Suit**

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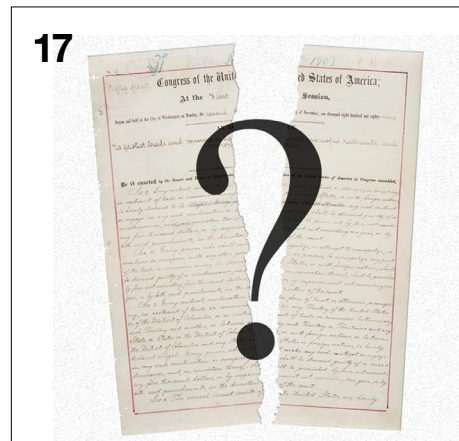
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Published by MassLandlords, 14th Floor, One Broadway, Cambridge, MA 02142.

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LETTER FROM THE EXECUTIVE DIRECTOR

MassLandlords Elections

Our Letter from the Executive Director for October 2024 talks about housekeeping activities designed to ensure we continue to operate securely.



In September we continued to develop our website and focused on our new recorded event format, described in this edition. Meanwhile, Mass Save continues to move toward a needed expansion for rental housing. Finally, October will bring to us our own MassLandlords elections, before the federal elections. We will discuss all this and how team health presently shapes what we do.

Our website went through two successful updates in September. We retain two part-time developers in order to keep us protected against security vulnerabilities and to develop new features. Approximately 500 of us since May have experienced billing delays because of a vendor. These were all corrected as of Sept. 17. We have also been working to automate our weekly digest and prepare for the eventual rollout of monthly dues.

I continue to hold a non-voting stakeholder seat on the Energy Efficiency Advisory Council Equity Working Group. This is a state body that influences the Mass Save three-year plan, which is being reimagined for 2025 to 2027. The final plan is that Mass Save should cover all of the costs of weatherization, electrification and barrier removal for certain rental housing in 21 so-named “designated equity communities.” In these places this would solve the “split incentive problem,” where landlords are unable to borrow to make upgrades that basically only reimburse renters and the public at large. This would be approved for implementation in the February timeframe.

We have two full-time team members dealing with long-term illness at time of writing. The Board of Directors may be called in to help. For this reason, nominees for our October election have been informed of the above-average workload anticipated. We may have uncontested elections this time around. If so, we will engage otherwise willing nominees in non-critical volunteering (committee-type work). It takes a lot to volunteer for MassLandlords on top of having a business and a personal life. We will be glad to have board continuity as we work through the present difficulties and to expand our volunteer team with a committee.

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Sincerely,
 Douglas Quattrochi
 Executive Director
 MassLandlords, Inc.

When are Landlords Responsible for Crimes at Rentals?

Chicopee Housing Authority, Former Director Named in Wrongful Death Suit

By Kimberly Rau, MassLandlords, Inc.

Plaintiffs allege CHA and Monica Blazic knew the accused was dangerous prior to the stabbing of Domingo Arocho. When is a landlord responsible for crime on their property?

Six individuals are suing the Chicopee Housing Authority and its former executive director, Monica Blazic, in a wrongful death lawsuit following a 2021 murder at one of its properties. They say the housing providers knew the suspect, a tenant, was dangerous and should have done more to protect its residents and their guests.

In September 2021, Domingo Arocho, 67, was visiting his girlfriend at the CHA-owned George D. Robinson apartments, when fellow tenant Urimagua-Guraboa, 73, allegedly stabbed him in front of his girlfriend and other guests and neighbors. Arocho died as a result of the attack, and Urimagua-Guraboa was charged with murder.

Now, family and other witnesses are suing the CHA and Blazic for damages, stating they knew Urimagua-Guraboa was a threat based on prior run-ins with the law and incidents at CHA-owned properties.

Besides the case against the Chicopee Housing Authority and Monica Blazic, this article will also discuss under what circumstances landlords may



Domingo Arocho was stabbed on Peloquin Drive in 2021 while visiting his girlfriend. Witnesses and family state the CHA knew another tenant was violent and allowed him to live in public housing anyway. [Image: Google Earth]

find themselves held liable for criminal activity in their rentals.

AN ALTERCATION ENDS IN DEATH

On Sept. 10, 2021, Domingo Arocho was visiting his girlfriend Candida Laracuente at her home at the George D. Robinson Apartments. An altercation began, at which time Urimagua-Guraboa allegedly stabbed Arocho 13 times in front of witnesses.

“[Urimagua-Guraboa] also attempted to kill Ms. Laracuente, but she was able to escape,” the complaint reads. “After he was satisfied Mr. Arocho was dead, [Urimagua-Guraboa] walked back towards his unit, shouting ‘Who’s next?’ while holding the bloodied knife.”

When police arrived at the scene,

multiple witnesses identified Urimagua-Guraboa as the perpetrator.

Media coverage in the days following the incident quoted police reports that stated “multiple eyewitnesses to this incident had consistent stories that Urimagua-Guraboa approached Arocho after a verbal argument and stabbed him multiple times. Arocho attempted to defend himself with a wooden stick during this altercation.”

Urimagua-Guraboa reportedly told police he was at home when Arocho attacked him first with a wooden stick, but did not deny stabbing Arocho.

Police reports state that when they searched Urimagua-Guraboa, they recovered a folding knife, which the defendant stated was the knife he used



Monica Blazic, shown here third from left in a 2015 photo with the Landfill Closure Alternatives Advisory Committee, is specifically named in the lawsuit that alleges she and the Chicopee Housing Authority were negligent in preventing the death of Domingo Arocho. Image source: The Pioneer Valley Planning Commission, <http://www.pvpc.org/projects/chicopee-landfill-closure-alternatives-project>, 2015

to stab Arocho. He was arrested and ultimately charged with murder.

Arocho was pronounced dead at Baystate Medical Center. His family members and others who witnessed the attack are the individuals bringing the wrongful death suit against the CHA and Blazic.

WRONGFUL DEATH VS. CRIMINAL CHARGES

Wrongful death lawsuits are civil lawsuits that seek compensation for damages from responsible parties. This is different from a criminal case, which can result in jail time or other punishment. A defendant can be charged civilly, criminally or both. (Consider O.J. Simpson, who was found not guilty of murder in his criminal trial, but later found guilty and ordered to pay monetary damages in a civil trial brought by the Goldman family.)

In this instance, separate criminal charges have been filed against Urimagua-Guraboa, the man who allegedly stabbed Arocho. The case is being tried in the Hampden County Superior Court and is still ongoing, with Urimagua-Guraboa held without bail.

The case against the CHA and Blazic is a civil suit that alleges negligence

on the part of the defendants. Unlike a criminal lawsuit, where the prosecution must prove guilt beyond a reasonable doubt, a civil case requires that the prosecution prove negligence only by a preponderance of evidence.

In other words, they must prove that the charges against the defendants are more likely than not to be true. This is a much easier thing to prove than guilt beyond a reasonable doubt. The four elements of negligence that a plaintiff must prove to have a successful case are: 1) duty of care (the defendant had a legal obligation to act reasonably and prudently to prevent harm to the plaintiff); 2) a breach of that duty of care (the defendant did not act reasonably or prudently to prevent harm); 3) causation (the actions of the defendant led directly to the injuries in question); and 4) damages (the actual harm that was suffered).

THE CLAIMS AGAINST THE CHA

The plaintiffs brought a case against the CHA and Monica Blazic because they believe the CHA knew the accused was dangerous and refused to remove him from the housing program. Their complaint alleges that,

given Urimagua-Guraboa’s history of violence on CHA property, Blazic and the CHA were aware of the danger he presented to others.

The plaintiffs further allege CHA violated its own admission and continued occupancy policy for residence when it allowed a violent person to remain in the program.

According to court documents, Urimagua-Guraboa was almost evicted from his residence at the CHA-operated apartments at Benoit Circle in April 2019 following an altercation with fellow tenant Maritza Ortiz. According to the plaintiffs’ complaint, Ortiz told police that Urimagua-Guraboa hit her with a cane he had tied to their shared balcony. He reportedly also grabbed her by the neck and told her he was going to kill her. Court records show both Urimagua-Guraboa and Ortiz were served notices to quit for threatening each other. Both were allowed to remain in the housing program after signing agreements not to contact the other. In October 2019, Urimagua-Guraboa was relocated to the George D. Robinson apartments for reasons not found in the public record.

Urimagua-Guraboa ran into trouble at his new place as well. Court documents allege that there were multiple complaints about his behavior, but he remained in residence. His immediate next-door neighbor, Candida Laracuente, called the police more than once regarding Urimagua-Guraboa's behavior, which reportedly included threats of violence. The most recent phone call to the police before the incident in question was on Sept. 8, 2021.

"There is no question CHA, its officers, administrators...and/or employees were aware of this incident," the plaintiffs' complaint reads.

MONICA BLAZIC AND THE CHA'S CONTENTIOUS HISTORY

This is not the first time the Chicopee Housing Authority has been in the news for allegations of misconduct, nor the first time Blazic has been named in a lawsuit.

In April 2021, the U.S. Attorney's Office for Massachusetts filed a complaint against Blazic, who at the time was the executive director of the CHA, alleging she discriminated against

disabled tenants. That complaint was later amended to include allegations of discrimination against Black and Hispanic tenants on the basis of race and national origin.

"Since at least 2013, Blazic has made statements with respect to the rental of CHA dwellings demonstrating that she prefers White tenants to Black and Hispanic tenants," the amended complaint states.

The CHA denied the allegations and said it planned to defend against them. There has not been a resolution to the lawsuit to date, and Blazic has since retired (she was listed as executive director through mid-2023).

This appears to be a pattern. The executive director before Blazic, James Lynch, retired prior to a 2009 audit report that showed, aside from sanitary code violations and slow repair turnaround times, a potential conflict of interest between Lynch and the bank that held CHA's money market accounts. Lynch was on the board of the bank and did not disclose this relationship to the CHA. The matter was referred to the State Ethics

Commission, but was dropped as Lynch was no longer the executive director.

Unfortunately for Blazic, her status as a retiree won't provide immunity from being named in the current lawsuit, as she was still in her role at the time of the murder.

WHEN CAN LANDLORDS BE HELD LIABLE FOR CRIMES AT THEIR RENTALS?

Historically, when it comes to civil cases against housing providers, determining whether the landlords were held responsible comes down to the particular circumstances of the incident.

Typically, landlords cannot be held responsible for crimes that were unforeseeable. In 2015, the Massachusetts appeals court upheld the initial ruling on *Belizaire v. Furr*, which stated a landlord was not responsible for a 2009 shooting that resulted in the death of a visitor at the landlord's rental property. Court documents state the tenants were having a party when an unknown individual shot four people, one of whom died. The administrator of the estate sued



Is the break-in something you could be held responsible for? It depends on the circumstances. [Lic: Ady for Unsplash]

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the landlord, but the appeals court determined the event was not foreseeable. The property did not have a history of serious violence or issues with firearms, and a connection between the tenant and the shooter could not be made.

“As a general rule, a landowner does not owe a duty to take affirmative steps to protect against dangerous or unlawful acts of third persons,” the ruling stated, quoting Luoni v. Berube. That case decided a homeowner was not responsible for injuries resulting from a fireworks display they had not authorized.

However, there are exceptions. The appeal also cited Fund v. Hotel Lenox of Boston, Inc., a case that was overturned on appeal. In that case, the appeals court overturned a summary judgment and ruled that the hotel was liable for a stabbing of a guest, as there had been “numerous nonviolent crimes and occasional violent crime in [the] hotel, and inadequate security.”

“More particularly, liability has been imposed in the rare cases in which a person legally on the premises is attacked, and the owner or landlord knew of or should have known of both the previous attacks and the potential for a recurrence based on a failure to take measures to make the premises safer,” the ruling for Belizare stated, referencing Fund and other cases. “In these circumstances, the court has found that a ‘landlord or property owner may be liable for failing to prevent reasonably foreseeable criminal acts.’”

In other words, if you know something is likely to become an issue, and you don’t do anything about it, you could be held accountable if a problem occurs. If there is no way you could have predicted or prevented an incident from occurring, the courts are less likely to hold you responsible.

It is on these grounds that the plaintiffs brought a case against the CHA and Monica Blazic.

HOW TO AVOID BEING SUED FOR INJURIES AT YOUR RENTAL PROPERTY

For civil negligence lawsuits, a tenant must prove you had a duty to keep them safe, that you were negligent in that duty, and that your actions (or lack thereof) resulted in injury. They also have to prove they were, in fact, injured by your actions.

Not every lawsuit against a landlord will be able to prove all four tenets of negligence. But even if you win, going to court is a time-consuming, emotionally draining and often very expensive process. Not only do you want to avoid losing in court, you also want to avoid getting there in the first place.

Fortunately, as the old saying goes, an ounce of prevention is worth a pound of cure. What does that mean?

“Courts are likely to hold landlords responsible for tenant injuries when a simple, reasonably priced precaution could’ve eliminated the dangerous condition. For example, painting a bright

stripe on an unexpected step up to a patio is a simple measure a landlord could take to prevent a tenant from tripping,” states an [All Law blog article](#) about landlord-tenant injuries.

“On the other hand, a landlord wouldn’t be expected to fix a situation that posed a very low risk if it would be exorbitantly expensive to do so,” it continues.

So, keep your properties well-maintained and up to code (which you are required to do anyway under the state [Sanitary Code](#)). This warranty of habitability is your promise to your renters that their home will be safe for them.

Make sure your stair railings are secure, your fire alarms are in working order and (especially in multifamily homes) the common areas and egresses are free of clutter and other hazards. Respond to maintenance requests and reports of problems quickly. And make sure all your plumbing and electrical work is performed by a licensed contractor, as state law requires.

DOMESTIC VIOLENCE AND RENTAL PROPERTIES

If an unknown assailant comes in off the street and hurts your renter, you are

unlikely to be charged with negligence (though if your property is in a high crime area and you neglect to keep the property secure, you could be liable).

However, when it comes to injuries from other people, domestic violence puts tenants, primarily women, at risk of harm. This is abuse from someone who lives or lived with your renter, or is/was in an intimate relationship with them. If your tenant makes you aware of domestic violence issues, follow legal guidelines for [changing the locks](#) and keeping your renter safe.

If you have a multifamily property, make sure you are screening your tenants carefully. You can’t deny someone tenancy based on arrests, but you can use [convictions to refuse an applicant](#) under certain circumstances (consult an attorney if you are unsure). These protections are in place so you can promote a safe environment for all.

And, if you receive reports of violence from other renters, thereby violating your lease, you can start a for-cause eviction process. As always, check with your lawyer to ensure you are handling this in a lawful manner.

CONCLUSION

As a landlord, there will always be unforeseen problems that come up (usually at the least opportune moment). But by doing your due diligence and keeping your properties safe and in good repair, you can avoid a lot of preventable problems.

As for the Chicopee Housing Authority and Monica Blazic, it could be a while before the negligence suit against them concludes. Considering their history, we hope they move forward in a less problematic fashion than has been alleged. Regardless, we will follow this story and update as necessary. [ML](#)

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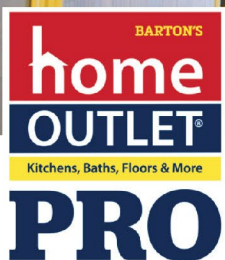
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BlueHub Legislation Fails; Lawsuit Against Nonprofit Moves Forward

By Kimberly Rau, MassLandlords, Inc.

Compensation

| Key Employees and Officers | Compensation | Related | Other |
|--|--------------|-----------|-----------|
| Michael Nilles (Interim President, Loan Fund & Ex Officio Board) | \$277,073 | \$0 | \$48,554 |
| Kathryn Mchugh (Svp, Commercial Lending) | \$223,889 | \$0 | \$39,086 |
| Elyse Cherry (Ceo & Ex Officio Board Member) | \$159,627 | \$638,507 | \$209,792 |

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BlueHub Capital is a nonprofit whose CEO, Elyse Cherry, received nearly \$800,000 in compensation and “related” earnings in 2022. That’s not including the “Other” category. (Image: ProPublica)

Economic development bill stalls after legislative session ends; homeowners claim they were not adequately informed about shared appreciation mortgages.

As a lawsuit heats up against Roxbury nonprofit BlueHub Capital, a bill that could have protected such groups from litigation seems to have failed at the end of the most recent legislative session. Was BlueHub helping the community, or preying on homeowners during a time of need?

BLUEHUB: A NONPROFIT THAT MAKES BANK

BlueHub Capital, formerly Boston Community Capital, is a nonprofit that offers to help people on the brink of foreclosure save their homes by buying the at-risk properties and then selling them back to the homeowners with new mortgages that are more affordable. The mortgage lending portion of the company is called BlueHub SUN.

With that new mortgage comes a “shared appreciation mortgage” (SAM) that entitles the company to a portion of the accrued equity when the homeowner sells their home or refinances with another lender. This equity, the company

states, allows the nonprofit to continue to invest in the community by helping other homeowners.

It’s a lucrative business. BlueHub began offering SAMs in 2010, after the 2008 housing market crash. As the housing market recovered, home values rose, and some recipients of BlueHub SUN mortgages found themselves owing tens of thousands of dollars or more in equity to the lender before they could sell or refinance.

The 2022 reported revenue for BlueHub Capital was more than \$22 million. That year, CEO Elyse Cherry earned a salary of nearly \$800,000.



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LAWSUIT ALLEGES HOMEOWNERS NOT INFORMED OF SHARED APPRECIATION MORTGAGE

In 2020, a group of BlueHub borrowers filed a class action lawsuit against the lender. Plaintiffs allege that the ramifications of a SAM were not explained to them when they entered into a new mortgage with BlueHub, and that the lender engaged in predatory lending practices that have made individuals unable to build generational wealth.

The SAM must be paid off before the home can be refinanced with another lender or sold, often requiring the homeowners to lose a large chunk of their equity. It also blocks borrowers from accessing home equity lines of credit. In some cases, the SAM can take more than 40% of the borrower’s equity, depending on how long the mortgage remains with BlueHub and how much the property has appreciated in value.

Attorneys for the plaintiffs allege BlueHub’s disclosure practices are

opaque and that the company is not clear at closing about how much money the homeowners will owe through the SAM. They also claim that because BlueHub promises no “balloon payments” on mortgages and no negative amortization on the loan, they are misrepresenting their product.

Sara Jane Shanahan, an attorney for BlueHub, stated to [GBH News](#) that she is “confident that the program has been very beneficial to people and that all the disclosures were made in accordance with the law.”

When asked whether closing documents BlueHub borrowers sign show the percentage of their equity that must be shared with BlueHub, Shanahan said they do not. She said that’s because there are a number of hypothetical situations that could change how much is ultimately owed. She stated that borrowers are given formulas to calculate potential appreciation and sharing scenarios.

BlueHub alleges that without their

help, the homeowners, many of whom likely would not have qualified for refinancing from other lenders, would have lost their houses entirely.

“SUN offers clients a second chance to regain their financial footing and save their homes for good,” the BlueHub website states. “But that second chance isn’t free.”

BlueHub has requested a summary judgment against the plaintiffs, but if that is not granted, the case will move to a jury trial.

BLUEHUB WEBSITE DISCLOSURES NOT HISTORICALLY CLEAR

Today, the phrase “shared appreciation mortgage” appears twice on BlueHub’s [Foreclosure Relief Page](#), with a brief explanation of what a SAM is. But a search through archives of the pages reveals that in 2019, the phrase “shared appreciation mortgage” does not appear at all. Verbiage instead reads “resell the home, typically at current fair market

value on the very same day, to its existing occupants with a new, fixed-rate 30-year mortgage and a shared appreciation arrangement with BlueHub SUN.” There is no link to a page that defines what this “arrangement” might be, and there does not appear to be an internet archive for the explainer button that shows up on the page.

In March 2020, the verbiage is the same on BlueHub’s page, and it remained the same through March 2021. This means that BlueHub did not become as transparent about SAMs as it is now until after the lawsuit was filed.

ECONOMIC DEVELOPMENT BILL INCLUDES LEGISLATION TO PROTECT BLUEHUB

During the 2023-2024 legislative session, verbiage was included in the Senate’s version of an economic development bill (S.2869) that would have protected nonprofit mortgage lenders who make initial disclosures about shared appreciation mortgages from certain types of litigation after the fact.

This did not sit well with plaintiffs in the lawsuit, who wrote in to oppose the language in the bill and testified against it at the State House in 2023.

“They are criminals,” Derrick Harper, a BlueHub client, stated at the hearing.

“In plain language, what this means is that mortgage lender BlueHub Capital... will be exempt from every consumer protection law in Massachusetts,” Nardella Thomas, a plaintiff in the aforementioned lawsuit, wrote. “This legislation is a get out of jail free pass for one mortgage lender.”

This verbiage did not appear in the House’s version of the economic development bill. The Senate forced the House to amend its bill. When H.4804 was put before a conference committee, it did not pass before the end of the two-year session on July 31, 2024. This means the bill is likely finished, as any bills left unpassed at the formal end of the session must have unanimous approval. This is typically not attempted for controversial bills such as this one.

When the new legislative session begins in January 2025, all unpassed bills are considered ended. Though the




How did BlueHub manage to get special legislation put into the Senate’s economic development bill? Opaque legislation processes means we may never know. [Image: 123rf]

same verbiage could be re-introduced in the next session, for now, it is presumed to have failed.

Though BlueHub did not appear by name in the Senate’s version of the economic development bill, it is the only nonprofit we could find in the state that utilized shared appreciation mortgages.

We wonder who managed to convince Senate representatives to include such controversial protections in the economic development bill, and how. We checked the state’s lobbyist website and can find no record of BlueHub registering itself, or any of its employees, as a lobbyist. Surely the Senate did not include verbiage to protect the company out of the blue. This could point to lobbying violations, but we are unlikely to ever know for sure. The legislature is exempt from public records law.

CONCLUSION

A decade ago, BlueHub was being praised in the press for helping homeowners. Then-Attorney General Martha Coakley reportedly upheld it as a way to help revitalize the neighborhoods hit hardest by the foreclosure crisis. Now it’s the subject of a class action lawsuit with people decrying their practices as predatory. Are they villains, or heroes? That’s in the judge’s hands now. 

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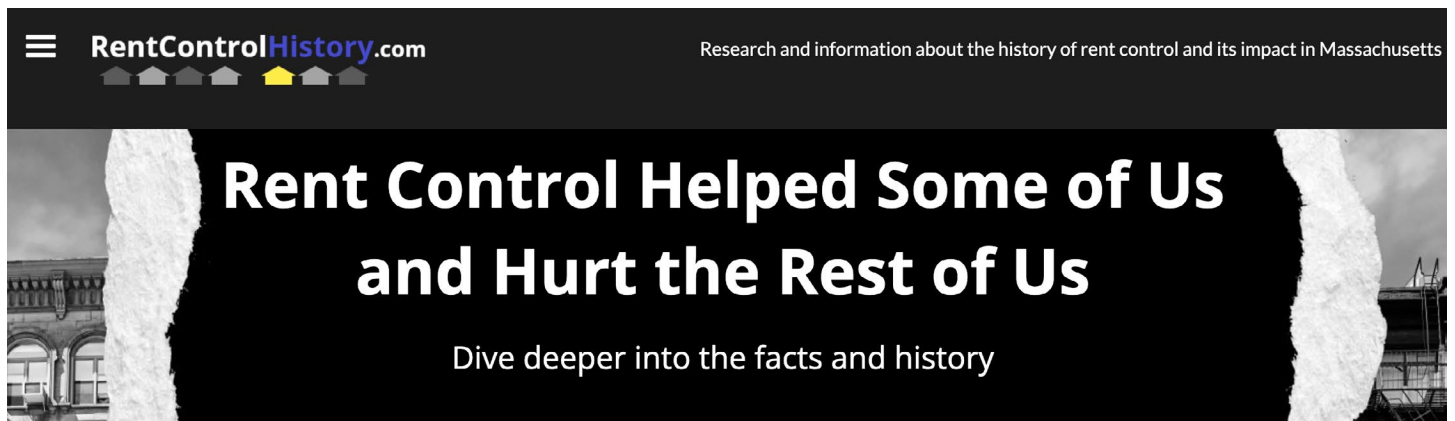
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MassLandlords Website rentcontrolhistory.com Halts Multiple Calls for Rent Control

By Eric Weld, MassLandlords, Inc.



The rentcontrolhistory.com masthead tells it like it is and invites viewers to scroll and click for more details, images and background. Image: MassLandlords.net.

Since its publication in winter 2024, our site rentcontrolhistory.com has been viewed more than 662,000 times. And all the attempts to revisit rent control have gone silent.

When we were constructing our educational website rentcontrolhistory.com during winter 2023-24, the charge to reinstate failed rent control policies in Massachusetts was in full force from several different angles.

Since we first published rentcontrolhistory.com in January 2024, as well as several articles detailing the policy's many harms, the call for rent control – or “rent stabilization” as Boston Mayor Michelle Wu euphemized it – has stalled and quieted. The timing correlation is unmistakable. Our online campaign to educate and inform people about rent control's ugly, inequitable, racist and woefully inefficient past coincided neatly with the recession

of multiple efforts to revisit such policies. We think, humbly, it's more than coincidence.

A statewide (and nationwide) slowdown in rent and housing costs may have also contributed to the quieting of calls for rent control. And we don't kid ourselves that attempts to reinstate rent control in Massachusetts are a thing of the past. Demands for restrictions on rents will likely never go away completely. And anyway, in our heavily restricted state, there are always new badly considered policies that hamstringing the rental business to take rent control's place. But for the moment, at least, rent control seems on the back burner.

RENT CONTROL ATTEMPTS FROM ALL ANGLES

In summer 2023, calls for rent control were manifold and momentum was leaning in its favor. Mayor Wu had proposed a law that would have limited rent increases in Boston to 6% above a given year's Consumer Price Index (CPI), with a 10% hard cap. Wu was elected to

office with rent control as a solid part of her platform. Upon taking office, she quickly appointed, under questionable circumstances, a Rent Stabilization Advisory Committee that formulated the plan, which echoed an even more draconian policy. St. Paul, Minn., had earlier passed a law that capped rent hikes at 3% in any given year, as approved by voters in 2021. Predictably, new rental housing in that city has since slowed to a crawl, and by summer 2024, St. Paul Mayor Melvin Carter proposed exempting all new housing from rent control.

The Boston City Council approved Mayor Wu's proposal in September 2023 and it moved to the state Housing Committee, from which it did not emerge.

Meanwhile, Massachusetts representative Mike Connolly of Cambridge launched an initiative for a question on the 2024 election ballot to revive local-option rent control. If passed, Connolly's referendum would have overridden the 1995 law that banned rent control statewide and replaced it with the Tenant Protection Act, which included

rent control, for municipalities that opted for it. That 1995 rent control ban was itself approved by a majority of voters in an election ballot.

In a bit of irony, it was disagreement among some progressive groups about how best to reinstate rent control that contributed to the failure of Connolly's campaign to gain the funding it needed. Connolly's efforts to collect signatures for the ballot question sputtered, and his campaign ended in November 2023.

All the while, rent control supporters crowded on Beacon Hill calling for legislative passage of multiple bills proposing local-option rent control, none of which advanced. And in July 2024, in an effort to rein in housing costs, President Joe Biden unhelpfully called on congress to enact legislation that would force corporate landlords eligible for federal tax incentives to limit tax increases to 5% or risk losing their tax breaks.

ONCE AGAIN: RENT CONTROL IS NOT THE ANSWER

As we and others have argued for years: rent control is not the answer to alleviate rising rents. It's a deterrent because it disincentivizes investment in and construction of new housing, which is part of the answer. Demand for rental housing is much greater than supply. Therefore, supply must increase in order to ease rent increases.

Also, restrictive zoning that has expanded over the past century deters affordable housing. In particular, single-family required zoning that allows only one dwelling on a residential plot of land for entire sections of cities, proliferates American communities and crowds out opportunities for multifamily housing. Landowners who prefer a single-family home should have that right. But property owners who wish to use their land for multifamily purposes when it's appropriate should have that option as well without having to overcome outdated zoning restrictions. Some Massachusetts cities take it further, hampering multifamily investment by mandating large single-family-only lots of an acre or more, as well as lavish frontage requirements and off-street parking.

ML **MassLandlord:**  @MassLandlord · Mar 29
Meet the judge, the prince and the mayor who got rent controlled apartments instead of those in need.



This Twitter ad, highlighting inequities of rent control, worked well to attract viewers to rentcontrolhistory.com. Image: MassLandlords ad.

There is some progress in the works. Governor Healey's recent housing bond bill includes provisions allowing accessory dwelling units (ADUs) to be built by right across the state and provides funding for several measures aimed at expanding affordable housing. The MBTA Communities Act is nudging cities across the state to build multifamily housing into their local planning. Several communities and the entire state of Oregon have passed or proposed legislation eradicating single-family-only zoning.

It's not only us at MassLandlords who are publicly decrying rent control policies. Most economists agree that rent

control is bad economic policy because it doesn't do anything to increase supply that would serve outsized demand. The popular blogger Matthew Yglesias added his voice to the issue, recently pointing out the folly of President Biden's rent control suggestion.

A PICTORIAL, EDUCATIONAL COMPENDIUM

We have repeatedly spelled out similar arguments in articles on the MassLandlords website over several years. But last year's onslaught of regressive rent control proposals called for something deeper and more comprehensive.

Our site rentcontrolhistory.com aims not to lecture or overtly advise against rent control, rather to demonstrate and illustrate, through numerous archival photos and descriptive captions, how rent control first emerged and has evolved. We show the racist, prejudicial motives behind early attempts to restrict housing and land use to keep certain people out of certain neighborhoods; how today's housing crisis has been in the works for more than a century; how rent control first became law; how the policy hindered affordable housing and helped those who needed it least; how a prince, a mayor and a judge, as well as long lists of doctors and lawyers, had rent-controlled apartments while low-income renters couldn't qualify; how residents of cities without rent control subsidized those with rent control; how rental housing conditions deteriorated in cities with rent control; how landlords suffered (and even


died) because of rent control; and how it was finally fixed in 1994.

We aimed to make rentcontrolhistory.com a user-friendly, accessible, attractive compendium filled with engaging, easily consumable content that helps people of all opinions form contextualized views on the issue.

Since the site's publication, it has been viewed more than 662,000 times. And the clamor for rent control has ebbed considerably.

We are proud of rentcontrolhistory.com and its web presence. More importantly, we are encouraged that it has made a positive impact for housing providers, and that our voice is being heard on vital issues.

We will continue to promote rentcontrolhistory.com and update its pages as appropriate. When the philosopher George Santayana famously said, "Those who fail to learn from

history are doomed to repeat it," (later paraphrased by Winston Churchill, who often mistakenly receives credit for this quote), he could have been projecting our rent control situation. And when calls to reinstate rent control inevitably arise again – as we know they likely will – we will again be positioned to push back and respectfully demonstrate why it's a terrible idea. 

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RealPage Automated Price-Optimization Software in DOJ Crosshairs for Possible Antitrust Violations

By Eric Weld, MassLandlords, Inc.

Is it illegal collusion when thousands of landlords set rental prices based on an algorithm that includes nonpublic lease data? DOJ lawsuit will decide.

A lawsuit brought by the U.S. Department of Justice and attorneys general in eight states against the proprietor of a widely popular revenue-management software product names several Massachusetts landlords, and could affect how some rental property owners set prices.

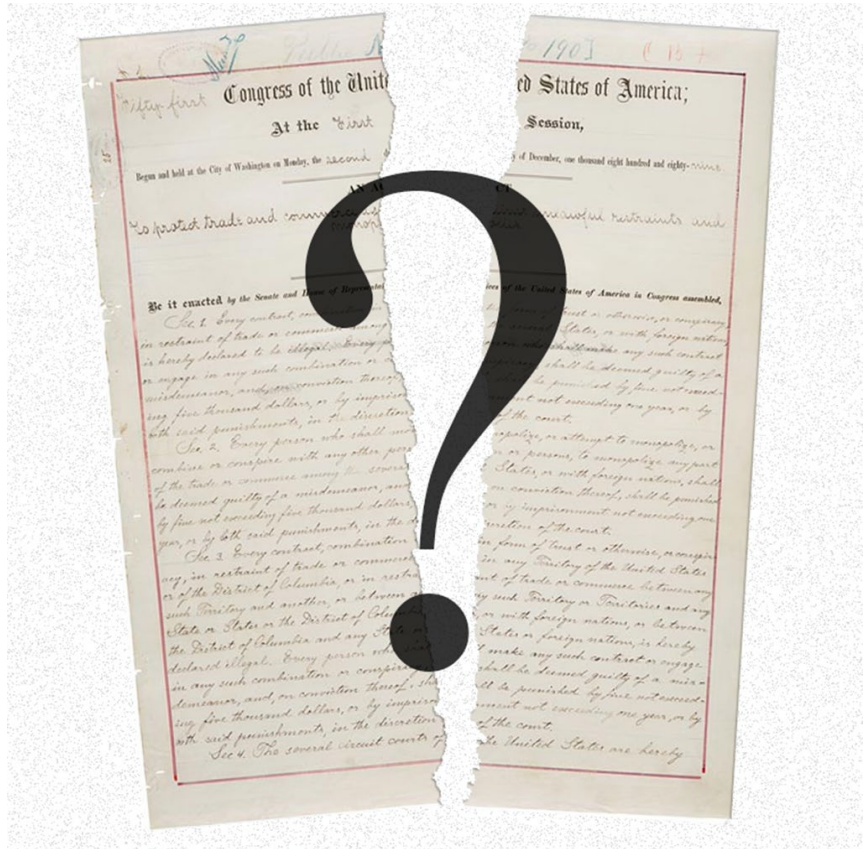
The defendant in the case is a company called RealPage, Inc., based in Richardson, TX. RealPage is accused of breaching sections of the Sherman Antitrust Act in conspiring to monopolize the housing market and stifle fair competition among landlords. The states of California, Colorado, Connecticut, Minnesota, North Carolina, Oregon, Tennessee and Washington joined the DOJ as plaintiffs in the suit. The federal suit consolidates more than 30 antitrust cases against RealPage.

RealPage offers a software product called AIRM (formerly called YieldStar), a logarithmic data product uses artificial intelligence (AI) to compile a set of statistics that yield optimal pricing models for rentals. Some of the data included in the algorithm are supplied by the company's customers. A 2022 analysis by ProPublica of RealPage's revenue-management software services states that RealPage estimates its algorithm contains

lease transaction data for more than 13 million rental units.

The analysis notes that RealPage has more than 30,000 customers for its real estate tech services, including the AIRM software. Customers of RealPage's AIRM Lease Rent Option feature are landlords

and property managers (typically with numerous rentals) for whom automated pricing assists their business. More importantly, as promoted by RealPage, AIRM users often see a significant increase in revenue based on their suggested rental prices.



The Sherman Antitrust Act, depicted here, was first signed into law by President Benjamin Harrison in 1890, and used heavily by President Theodore Roosevelt. It was also levied against Microsoft nearly a century later, to curtail the company's outsized personal computer market share. The Sherman Act was intended and is still used to disallow trusts among people or groups that unfairly collude to influence market or share prices in the group's favor. Image: cc by-sa MassLandlords-Jennifer Rau.

RealPage promotes its rent-advising software as a revenue booster capable of outperforming the market by up to 7%, according to ProPublica. In one example, Greystar, the largest property management firm in the country, reported that its buildings using YieldStar software, which contain tens of thousands of apartments, outperformed competitors by 4.8%. The analysis cites a couple in a downtown Seattle building using RealPage pricing, who saw their rent raised by 33% in a single year.

CONSPIRACY OR NOT CONSPIRACY?

One sticky issue for RealPage is that some of the statistics incorporated by the AIRM algorithm are not public information. For example, the algorithm uses rent prices received on actual executed leases, as well as real lease terms – data not available to the public. If a group of landlords were to get together and share such data from their own businesses, then use that data to set rental prices in concert, it could be considered illegal conspiracy. Further, RealPage conducts work groups, including landlords, that meet privately for consultation, says the ProPublica analysis, a red flag for antitrust investigators.

The gray area in the RealPage lawsuit is that, in using its revenue management software, landlords are not gathering to conspire or collude. They may be inadvertently colluding by collectively using sensitive rental data included in the algorithm. But their unwitting conspiracy

is allegedly managed and guided by RealPage through their AIRM and Lease Rent Option software. And, refutes RealPage, there is nothing in antitrust laws that explicitly says the anonymous use of nonpublic data in constructing algorithms is illegal. Directly sharing such data with customers would clearly violate the Sherman Act, but that is not what RealPage is doing.

The Sherman Act was passed by Congress in 1890. Though the law continues to frame antitrust jurisprudence, when it was written, technology like AI and sophisticated algorithms that compute data far faster than human minds were generations away from invention. This case provides another example that today's technology, across all fields, is changing faster than laws and public intent can keep up or manage.

REALPAGE REFUTES THE CHARGE

The [RealPage website](#) is now largely dedicated to its defense against the wall of antitrust allegations. It appears scrubbed of former marketing language promising large revenue gains through use of its software. But older versions of the company's website contain descriptions of its revenue management services that promise bottom-line gains not only by maximizing rents, but also, sometimes, by intentionally leaving units unoccupied to drive up demand. "RealPage's new AI Revenue Management helps you continuously maximize asset value by leveraging the best of

YieldStar and LRO's precision pricing capabilities," notes language from the company's website in 2020 and 2022. "It's the industry's only price optimization solution powered by next-generation data that makes it possible to consistently reduce vacancies and maximize rents."

In a "Response to False Allegations Concerning its Revenue Management Software" currently posted on its website, RealPage argues that its rent price-management software benefits both housing providers and residents; that the company does not "set" rent prices, as its customers decide their own rent prices based on its suggestions; that it uses nonpublic data only anonymously and in aggregate; and that the allegations charging illegality are distorted, exaggerated and untrue.

RealPage points out that its YieldStar and Lease Rent Option (LRO) products were already closely scrutinized by the DOJ in 2017 when the company acquired LRO from another company, to assure no antitrust violations.

"The DOJ granted antitrust clearance for RealPage's acquisition of LRO without any objections about RealPage's revenue management products or related business practices," notes the company's response. "RealPage's revenue management products are fundamentally the same today as they were when the DOJ reviewed them in 2017."

This may be a specious argument. The DOJ's 2017 review was limited in scope to approving RealPage's acquisition of another company (LRO). It didn't

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Numerous rental properties across the U.S., especially large apartment buildings, are increasingly owned by corporations and large rental real estate businesses. Corporate landlords are increasingly using automated products to decide rent prices, such as RealPage’s AIRM and Lease Rent Option software. Image: cc-by-sa Flickr-Runs With Scissors.

consider alleged conspiracy or collusion with landlords that impacts the overall rental market.

LANDLORDS WORKING TOGETHER

RealPage’s marketing language, and public comments made in the past by RealPage executives, have not helped its claims of propriety. According to the DOJ lawsuit, RealPage has used the marketing phrase “a rising tide raises all ships.” The complaint also claims that RealPage’s vice president of revenue management services has said, “there is greater good in everybody’s succeeding versus essentially trying to compete against one another in a way that actually keeps the entire industry down.”

The ProPublica report claims that one of the developers of the revenue management algorithm software told ProPublica that rental agents exercised “too much empathy” in contrast to AI-generated pricing models.

The DOJ complaint is littered with such anti-competitive language and has helped invite the antitrust action. RealPage has the right to, and will likely argue many of the statements in the complaint. Whether RealPage’s attempts to dominate the rental real estate revenue management market violates antitrust laws may come down to interpretation of the law. It may also help define the nature of collusion and conspiracy, and how information sharing is regarded for landlords going forward.

TWO LARGE RENTAL MARKET TRENDS

Regardless of whether RealPage’s rent-suggesting algorithm product constitutes an antitrust breach, it does reflect a couple of trends transforming the rental industry. One trend is widespread movement toward pricing automation. AI-powered pricing software can process a massive array of statistical information pertaining to a specific rental unit and surrounding market trends. As a result, these tools can maximize accuracy and efficiency while reducing risk.

RealPage has been aggressive in marketing its AI-powered revenue-management software market-wide. There’s nothing illegal about that. But the broad acceptance of its software model may have created an unwitting cartel among housing providers. Such a substantial bloc of landlords and property managers acting in concert, and making pricing decisions based on nonpublic data, may be inadvertently and unfairly influencing the entire rental market, the DOJ lawsuit contends.

Another trend, ongoing for some time, is the transition of rental property from small landlords to corporate and large-scale businesses. Rental property (commercial and residential, including homes) owned by corporate landlords increased from 24% of the market in 2010 to 29% a decade later; according to an article published by the Medici Project, a private fund management firm.

Both these trends have the effect of removing the human element from the business of rental housing. Apartment administration – move-in, rent collection, eviction notices, etc. – is increasingly handled remotely. And the percentage of renters who don’t know their landlord – or know who their landlord is – is on the rise.

REALPAGE: HOUSING SHORTAGE NOT ABOUT AUTOMATED PRICING

For RealPage’s part, the company underscores many of the current conditions contributing to the housing crisis in the U.S. Automated price and revenue management is not among them, RealPage insists. It’s about burgeoning demand and insufficient supply, inflation, outdated zoning and permitting requirements, increasing home prices and other factors, its lawsuit response enumerates.

RealPage’s revenue-management software has nothing to do with increasing rents across the country, the company avers. And its success in attracting tens of thousands of housing providers to use its automated pricing tools does not constitute antitrust violations, it says.

The DOJ lawsuit and judges’ decisions on RealPage’s activities will decide whether the company is violating the Sherman Act. The case’s outcome may have lasting ramifications on how thousands of landlords set prices and compete against one another in the open rental market. Until the case is decided, MassLandlords members are advised not to discuss pricing or rents except when using publicly available information. [M](#)

Point your camera app here to read more online



Zoom Powerpoints Moving to Videos for 2024 – 2025 Season (FAQ)

MassLandlords' extensive repertoire of PowerPoints, previously given at live meetings, zooms and webinars, are being recorded.

Did you know MassLandlords has more than 240 different repertoire topics that we have presented in the past? If you missed some of this, you're not alone: we've had more than 9,000 event attendees since the pandemic started, but many of these were repeat attendees whose schedules lined up with ours. Now, as of September 12, we're recording and sharing this content as on-demand video. Watch whenever you need at your convenience!

- [Qualified Opportunity Zones](#)
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- [Rent Control: Theory, History and Unintended Consequences](#)
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- [Section 8 Tutorial !\[\]\(815df092dd722ee9268ef8e6d0193e3a_img.jpg\)](#)
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- [Surety Bonds](#)
- [Tax Escalation Clauses](#)
- [Tax Liens](#)

Look for the camera icon in our list of topics to see which are recorded. New recordings added every other week!

HOW CAN I SEE WHICH TOPICS HAVE BEEN RECORDED?

We have a complete list of repertoire we intend to repeat, visible at [MassLandlords.net/events](https://masslandlords.net/events). At time of publication (October 2024) only our first set of videos on Section 8 had been recorded. But we were working steadily through our list of topics starting with the most well-attended zoom events.

Our Section 8 video series received more than 100 views in the first five days. This works out to more than triple the impact we were having with our average zoom. And unlike a zoom, we have an enduring presentation to return to the next time an applicant asks, "Do you accept Section 8?" (The answer: "Of course I do!")

HOW DO I ASK QUESTIONS?

Below each video, click the button to "Mark as watched." This is our commitment to one another that we at least tried to watch the video before we ask our question.

Questions will be answered seven days after the video posts. If you don't watch the video in this timeframe, don't worry: the video will remain up. But you should mark time on your calendar to watch the video within seven days of posting. This way, if you have a question, we will see it in time to answer it.

WHAT IF I HAVE A QUESTION AFTER THE INITIAL 7-DAY PERIOD?

You can search our site for written content, ask on our [message board](#) or [Facebook group](#), or email hello@masslandlords.net to register for some one-on-one [helpline](#) time.

WHAT IF I FIND AN ERROR?

Email us at hello@masslandlords.net. We can either take the video down or post a correction.

WHAT IS THAT GAG AT THE END ABOUT?

Our attempt at a joke. The goal is to have a little humorous reward for watching the video through to completion. Yes, we deal with serious subject matter! If you don't want to watch the gag, you can stop the video beforehand. You can still click the button to "Mark as watched" even if you stop early.



Most of our videos will be filmed in the office. We have experimented with on-location shoots! We will go back to on-location filming if we see a good response from our PowerPoint zooms.

WHY ARE YOU MAKING THIS CHANGE?

We want to increase our reach and add an additional reason for members to remain members long-term. Our event data show zooms were having declining impact, primarily because in an organization of our size, it's rare for everyone's schedule to line up. Our video on-demand library will help us attract and keep more members.

IS (EXECUTIVE DIRECTOR) DOUG (QUATTROCHI) THE ONLY PRESENTER?

Maybe. If we can get a guest speaker willing to record, we will do so. We have in the past given honoraria to speakers to somewhat reimburse them for their time

to present. Even with this, it has been increasingly hard to book expert speakers, whose time is in short supply. In the meantime, we have loads of "by landlord, for landlord" information to share.

WHERE ARE THE VIDEOS?

Visit MassLandlords.net/events for live and recorded training, including our videos.

WILL THERE STILL BE LIVE ZOOMS?

Yes! Live zooms will not have a PowerPoint presentation. They will be open-ended Q&A with a host. We will post these to MassLandlords.net/events and email members according to their preferences.

WILL THERE STILL BE IN-PERSON MEETINGS?

Yes! In-person meetings will not have a PowerPoint presentation. They will be networking based and give you an opportunity to talk to real landlords in your area. We will post these to MassLandlords.net/events and email members according to their preferences.

WHY DON'T YOU POST THESE TO YOUTUBE?

Our service is too niche for what other YouTubers do with a global audience and ad revenue. This is why we have made our videos members-only. Membership dues supports our ability to produce this content.

HOW DO I SUGGEST NEW TOPICS?

For now, email hello@masslandlords.net. In the future, we will create a topic suggestion and voting forum. 

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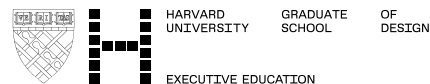
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|--------|------------------------------|-----------------------------|-----------|------------------------------|--------|----------|
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 SWCLA 7:00PM-9:00PM | 8 MWPOA 5:30PM-7:45PM | 9 | 10 NWCLA 7:00PM-9:00PM | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 SWCLA 7:00PM-9:00PM | 29 | 30 | 31 | | |

2024 NOVEMBER

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|--------|------------------------------|-----------|------------------------------|--------|----------|
| | | | | | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 MWPOA 5:30PM-7:45PM | 13 | 14 NWCLA 7:00PM-9:00PM | 15 | 16 |
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Andrew has 10+ years experience as project manager, is a real estate investor, property manager, broker, syndicator and mentor for 3+ years. Andrew has been featured on the Bigger Pockets

Rookie podcast, episodes 267 and 345. A Massachusetts native, learn how Andrew started his real estate career while simultaneously working a W2, acquiring 9 deals in his first two years from a \$200,000 HELOC.

Meetings are open to the public! Zoom tickets are \$10. Zoom meeting information will be provided the day of the event. First-time in-person visitors can attend for \$20 per person to “check us out,” with dinner included. If they decide to join, the \$20 will be applied to an NWCLA membership, or sponsorship of choice, that night. Become a member and the annual dues pay for all 10 meetings a year!

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

THURSDAY, OCTOBER 10TH

NWCLA DINNER MEETING AGENDA

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

- 7:00pm Dinner, Networking & Presentations

o Networking draws from 25 towns including Fitchburg, Gardner, Leominster, Athol, Holden, Ayer, Orange, Ashburnham, Spencer, Ashby, Lunenburg, Townsend, Westminster, Princeton, Sterling, Lancaster, Shirley, Groton, Pepperell, Winchedon, Templeton, and Hubbardston.

LOCATION

British American Club
1 Simonds Road
Fitchburg, MA 01420

FOOD

- Dinner will be provided.

PRICING

Open to the public. Membership is not required!

- Public and non-NWCLA members In Person: \$20
- Public and non-NWCLA members Zoom: \$10
- NWCLA members only In Person: No charge.

This event will not be recorded.

Slides and handouts if any will be uploaded to <https://www.nwcla.com/members/meeting-recordings/>. This event will be recorded and accessible for active NWCLA members only. Please note if you are not an active NWCLA but do purchase a ticket you will not be able to access the recording.

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

This event is operated by volunteers at a partner association.



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