
Prepping Rentals
for Winter Weather
Year-Round

Horton v. Washington:
Judge Rules No Retaliation
in Landlord-Tenant Case

**Ballot Question 1:
MassLandlords
Recommends Vote “Yes”
to Hold the Legislature
Accountable via Audit**

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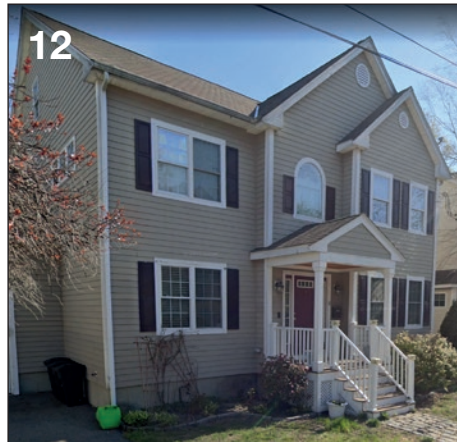
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LETTER FROM THE EXECUTIVE DIRECTOR

Writing Grant Proposals

Our Letter from the Executive Director for November 2024 details two grants we're pitching for, plus our work to modernize our services and offerings.



This edition will be light for original newsletter content because in October we redirected our staff writers to grant writing. In general, October was full of activity including more work toward monthly dues and new training videos.

At time of writing, we intend to apply for two grants. The first of these would make MassLandlords a Mass Save "community first partner" for Fall River and New Bedford. The new, three-year Mass Save plan has a host of expanded benefits for a set of "designated equity communities," of which New Bedford and Fall River are two. The new benefits include 100% of the cost of weatherization, barrier removal and heat pumps. If we are awarded the grant, we would help a large number of renters and landlords, who might otherwise not participate, to upgrade their homes and reduce emissions. We have drafted an extensive grant proposal for local outreach.

The second grant is to move one or two parcels of unbuildable land from the rental real estate tax roll and into permanent conservation trust. We've seen it happen: we buy land hoping to develop it, but we can't get the permit, and it becomes a monkey on our back. The Department of Conservation and Recreation is funding opportunities to increase engagement with conservation initiatives in environmental justice communities. We have identified two donors interested in gifting us land and have drafted a proposal to reforest and use the land to educate. If you are interested in learning more about donating unbuildable land, email us at hello@masslandlords.net.

Besides this grant work, we have continued to implement monthly dues in our software development environment. The back-end database is more or less complete. We are nearly finished with the first draft of the front-end signup flow. We have been talking about monthly dues for a long time. It's rewarding to know that we can pursue long, difficult projects and overcome many technical barriers. We don't have a timeline for release (probably this winter). Existing memberships will not be changed, except for annual members with monthly property rights contributions. In this case, we plan to convert that membership to monthly for no additional cost.

We have now launched three video series in lieu of zoom virtual meetings (section 8, eviction sealing and deleading). Overall participation has been higher than we used to achieve with live zooms. This makes sense: you can now watch videos on demand. We intend to continue video production, and supplement our video series with live zooms and networking events, to ask questions and meet people.

The RentHelper service continues to go well and was written about in Boston.com as a place landlords can offer credit reporting to renters.

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.

Sincerely,

Douglas Quattrochi • Executive Director, MassLandlords, Inc.

Point your camera app here to read more online.



Ballot Question 1: MassLandlords Recommends Vote “Yes” to Hold the Legislature Accountable via Audit

By Kimberly Rau, MassLandlords, Inc.

The legislature holds itself above the law, denying the state auditor access to evaluate its activities, and stating it can audit itself. It's time for that to change.

There are four statewide ballot initiatives on the November 2024 ballot. MassLandlords strongly supports a “yes” vote on Question 1: Should the auditor oversee the Legislature? Voting yes would require the Massachusetts legislature to give the state auditor access to its inner workings, thereby correcting one of the many ways the legislature holds itself above the law and accountability.

Every four years, voters in Massachusetts elect a state auditor. This is a constitutionally created position. It is intended to ensure that state agencies follow the laws and regulations that govern them by evaluating their documents and records.

But there's one government body the auditor hasn't been able to investigate, and that's the state legislature.

MGL Chapter 11, Section 12, states that the state auditor has the authority to audit “all departments, offices, commissions, institutions and activities of the commonwealth.” Question 1 would specifically add the legislature to this verbiage in order to ensure the auditor can access it for review.

The ballot initiative was introduced by current state auditor Diana DiZoglio. Legislators are largely not in support of Question 1.

IF QUESTION 1 PASSES, WHAT HAPPENS?

Question 1 does not give the state auditor the ability to view everything the legislature does. Some activities, including

votes, debates, committee assignments and policy priorities, are considered off-limits from executive interference, which would include the state auditor. Even if Question 1 passes, these actions will not be available for audit.

Tufts' Center for State Policy Analysis has a very detailed document that goes into the intricacies of Question 1. It suggests that even if the ballot initiative



The state legislature is not subject to the open meetings law, the open records law and has been able to deny the state auditor access to its inner workings. It's time for that to change. (Image: Derivative Mass Statehouse eb1 cc-sa Fcb981)

succeeds, the legislature holds a lot of power to delay or otherwise obstruct an audit. Theoretically, the legislature could go so far as to defund the auditor’s office, which would likely result in the matter going before the courts.

“Absent legislative consent, the auditor will struggle to pursue any investigations of the legislature,” the document states in its “Reasons for a No Vote” section. But the “Reasons for a Yes Vote” section is far more compelling to us.

“[A] fight between the auditor and the legislature could end in a stalemate, but it could also trigger a court ruling that empowers the auditor to investigate non-core legislative functions, potentially keeping the public more informed about the behavior of our state lawmakers,” the document states.

THE ARGUMENT FOR QUESTION 1

The state allows for two 150-word arguments for and against each ballot

question, though it is clear that it does not endorse either opinion.

The argument in favor of Question 1 was written by Neil Morrison for the Committee for Transparent Democracy. Morrison argues that the state auditor is elected by the people to audit state entities to ensure their government is working for them.

“The State Legislature is the only state entity refusing to be audited by the State Auditor’s office,” Morrison writes. He goes on to state that while the legislature says the audits it conducts on itself through a private vendor are sufficient, Massachusetts has one of the least transparent legislatures in the country.

“Support for this initiative will help the State Auditor’s office shine a bright light on how taxpayer dollars are spent to help increase transparency, accountability and accessibility for the people of Massachusetts,” Morrison concludes.

THE ARGUMENT AGAINST QUESTION 1

Jerold Duquette, of MassPoliticsProfs.org, wrote the argument against Question 1. He argues that a legislative audit conducted by the state auditor would violate the separation of powers guaranteed in the state constitution, because the state auditor is a member of the executive branch of government.

Duquette argues the auditor’s job is to measure government officials’ performance in carrying out public policy goals, which are determined by the legislature.

“The State Auditor cannot substitute her interpretation of those goals for the Legislature’s without compromising the constitutional independence and pre-eminence of the Legislature,” Duquette states.

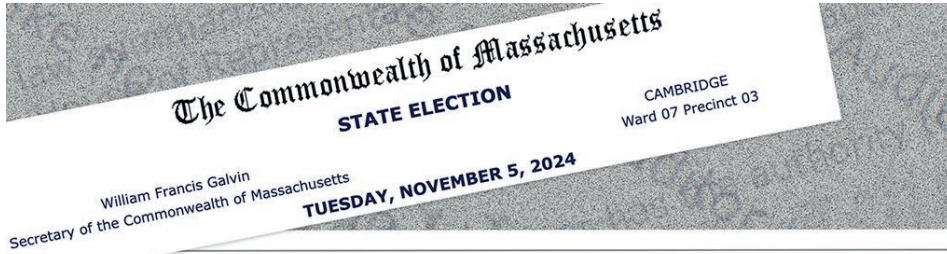
In other words, he argues, auditing the legislature could turn the state auditor into a political actor and compromise their objectivity.



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QUESTION 1

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

SUMMARY

This proposed law would specify that the State Auditor has the authority to audit the Legislature.

A YES VOTE would specify that the State Auditor has the authority to audit the Legislature.

A NO VOTE would make no change in the law relative to the State Auditor’s authority.

Question 1 in the November 2024 election asks voters to decide if the state auditor should be allowed to audit the Massachusetts legislature. We fully support this. (Lic: CC by SA 4.0 MassLandlords Inc.)

CHECKS AND BALANCES ARE LACKING IN THE LEGISLATURE

Those who oppose Question 1 state that allowing the auditor access to the legislature would violate the separation of powers that govern the state and take power away from the voters. A majority report was written by the Special Joint Committee on Initiative Positions to try this argument.

“In a representative democracy, power rests with the constituents who elect their Representatives and Senators and hold them accountable,” reads the majority report for Question 1.

“Rather than achieve its stated goals, the proposed Initiative Petition would limit the power of the voters who elect Members of the Legislature by expanding the powers of the Executive Branch; essentially, the Auditor would supplant the people for herself in holding the Legislature accountable,” it continues.

We couldn’t disagree more. Massachusetts constituents can’t easily perform their own audit on the legislature, because the legislature does not have to follow the open meeting or public records laws. How, exactly, is anyone

supposed to get information from a government body that gets some of the lowest marks for transparency in the country? Separation of powers is important, but so are checks and balances, and there aren’t as many avenues for that as there should be with our legislature.

MILLIONS OF DOLLARS IN SECRET PERKS FOR REPS AND SENATORS

Take, for instance, the long-recognized perk of senators and representatives “earmarking” funds for special projects in their districts when setting the annual statewide budget. The Senate’s 2024 \$58 billion budget proposal had more than \$4 million in such earmarks before most of the Senate even saw the budget. They included \$1.5 million for a conference center/wedding venue in Senate President Karen Spika’s district, and \$250,000 for naval vessel care at Battleship Cove, which is in Senate budget chief Michael Rodrigues’ district.

These perks, along with many others, were written in before the Senate had a chance to read or vote on the budget, and that doesn’t include the earmarks from other senators for their districts.

Meanwhile, in the House, representatives were adding around \$5 million of their own earmarks into their budget. They were written into other budget amendments, and presented as part of a document with more than 12,000 words, which lawmakers had approximately a half hour to read before voting.

“There’s no opportunity for anybody in the public to see what’s being

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Advertisement for TEAM Impressa Real Estate Sales & Leasing. It features the company logo "TEAM Impressa" with the tagline "Where experience counts". Below the logo is a checkmark icon and the text "Real Estate Sales & Leasing". Below that is another checkmark icon and the text "A Contemporary Real Estate Brokerage". At the bottom, there is a red box with the website address menard-bostonrealestate.com, the email address barbara@teamimpressare.com, and the phone number 617-935-3044.

done — until it’s too late,” former representative Jonathan Hecht told the Boston Globe.

What’s more, there’s a reported long-standing practice of not filing legislation or amendments to bills to secure funding for these pet projects. Not only is this practice not illegal, it’s apparently encouraged.

“When you’re on the committee [with Michlewitz] and you’re three doors down . . . we talk,” Rep. Patricia Haddad told the Boston Globe. “For me to file an amendment would be kind of dumb.”

THE STATE AUDITOR IS A CONSTITUTIONAL OFFICE

Then there’s the matter of the auditor position itself. The state auditor is a constitutional office. This means that the separation of powers also guaranteed in the constitution has allowed for a directly elected officer (the auditor) who is accountable to the people. Arguably, this is not really an executive position at all, but instead an office of independent oversight.

Why the legislature feels the need to find their own independent auditor outside of the one elected by the people is a question beyond the scope of this article.

The state auditor is performing their duty to the residents of Massachusetts when they perform an audit; the legislature is denying citizens this right by keeping the auditor out of their books.

In other words, the people have a right to know what the legislature is up to, and the state constitution gives them a way to do this, through the state auditor.


CONCLUSION

If Question 1 passes, that doesn’t mean the auditor will get to look at everything the legislature does. Some activities will still be protected and remain private, no matter what the public thinks about that.

It also doesn’t mean the auditor will be able to immediately perform an audit. If Question 1 passes, there’s a good chance the outcome will be challenged in court. Plus, in order for any ballot measure to

take effect, the legislature must enact it. Expect delays.

However, this is a rare chance for the public to get a sliver of transparency from their elected officials. This is something they should be offering up on their own, but since they aren’t, a democratically enacted ballot question is the next best thing. Democracy works. Let’s make it work better.

We support transparency and accountability across all levels of government, and urge you to join us in voting “yes” on Question 1 this November. 

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Prepping Rentals for Winter Weather Year-Round

By Eric Weld, MassLandlords, Inc.

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

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

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

By the time winter rolls around each year, you've likely addressed some cold weather-proofing measures at your rentals. But there might remain a few steps you can take to further secure your properties against catastrophe from snow, ice and freezing temps.

And every year, spring will follow with its heavy, accumulating

rainfalls, which can mean disaster for an un-weatherized structure.

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

SAVE MONEY ON WINTER PREP BY STOCKING UP IN SUMMER

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

Straw hats may be passé fashion, but the advice is still sound: The ideal time to buy winter supplies is in the summer, just as you might buy beachwear in the winter. Prices are lower when demand is lower. Once fall arrives and winter approaches, shoppers start clearing the store shelves of snow boots, shovels, space heaters, ice melt and sand.

For best savings, purchase calcium chloride – one of the most common de-icing materials – in bulk in August, when prices are cheapest, then store it until needed. The same principle applies

to rock salt, also known as sodium chloride. Which one is better?

Also, it's smart to book service and inspection appointments with heating system technicians in the summer, when their schedules are leaner. In some cases, they might even offer a better rate in the off season when they don't have to squeeze you in.

Now for that checklist:

Now for that checklist:

1 HOME WEATHER PREP STEP 1: ROOF DRAINS AND GUTTERS

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

Flat roofs should be monitored throughout the year, especially around snow, ice and heavy rainfalls, to make sure they are draining properly. Even if flat roof drains are clean and clear, other factors can still cause problems. A buildup of ice around the drain, for

example, can keep melt from entering the drain. Also, flat roof drains typically empty into city sewers rather than storm drains. As a result, during heavy rainfalls – which, thanks to climate change, are increasingly becoming a winter concern in addition to spring – flat roof drains become susceptible to backups due to overtaxed sewers.

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

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

GUTTER CLEANING AND GUTTER GUARDS

Gutters and downspouts might be relatively easier to manage, especially with the proliferation of gutter guard products in recent years. Keeping gutters and downspouts clean and clear is a must, to allow the free flow of water (i.e., rain, snow and ice melt) down to the ground level and away from home and building foundations. And importantly, cleared gutters carry water off the roof, an essential step in avoiding the buildup of ice and snow that can result in dreaded *ice dams*.

Gutter guards, also known as gutter helmets, have become a popular product for keeping debris like leaves and roof runoff from mucking up and clogging gutters. These are linear protective covers affixed over the top of gutters. Gutter guards are either meshed or vented to allow rain water and roof melt to enter the gutter while blocking debris. There are dozens of brands and installation companies to choose from, and prices

range from an estimated \$7.50 to \$12.50 per linear foot installed. Commercial size gutter guards are also available for large buildings, and will permit more leaf and debris through-movement when debris does enter the system.

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

2

HOME WEATHER PREP STEP 2: TRIMMING TREES, STRUCTURE INTEGRITY

While you are outside contending with gutters, check all the trees on your properties. Lop and trim any branches hanging over roofs, as well as any dead branches and limbs that seem vulnerable to breaking off and falling in high winds

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or when weighed down with snow and ice. This is a smart safety step recommended by FEMA, but it could also spare you expensive repairs such as damaged window or siding replacements.

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

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

While checking the exterior, keep an eye out for tiny holes, cracks or potential air leaks around window and doorframes

in particular, and repair them with caulking and other materials.

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

3 HOME WEATHER PREP STEP 3: ON THE INSIDE

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

An annual inspection by a heating system technician is recommended (see above regarding summer scheduling). At minimum, have a licensed HVAC technician or plumber replace the furnace filter once a year. Boilers may benefit from preventative thermocouple

replacement. Thermocouples can wear out and fail over time, and are easy to replace.

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

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



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4 HOME WEATHER PREP STEP 4: WORKING WITH TENANTS

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

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

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

5 HOME WEATHER PREP STEP 5: SPRINGTIME

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

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

extreme cases, such as problems with interior mold, lawsuits can follow.

A few simple steps can avoid most home water damage.

DOWNSPOUT EXTENDERS

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

WATERPROOF FOUNDATION

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

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

Stone-foundation waterproofing is a more debatable proposition, and notoriously difficult to achieve. Keeping water from entering (and freezing in) the countless nooks and crevices in the stone wall is the key. Repointing the foundation may help with moisture seepage, but


absolute waterproofing from the exterior includes an expensive excavation and drain installation. Some argue that stone foundation waterproofing is most cost effective from the interior, with an application of polyurethane foam to the walls and some kind of plastic barrier affixed around the base perimeter and floor, if possible. A sump pump might be necessary for buildings with stone foundations.

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

THOUGHTS OF SUMMER

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

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

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

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Horton v. Washington: Judge Rules No Retaliation in Landlord–Tenant Case

By Kimberly Rau, MassLandlords, Inc.

The Eastern Housing Court ruled that tenants' counterclaim in their summary process case did not meet the burden of proof for retaliation.

A 2024 ruling from the Eastern Housing Court determined that landlord Aletta Horton did not act in retaliation when she sought to recover possession of her Hyde Park property via summary process action. The court found the claims from her tenants, the former owners of the property, were unfounded and awarded her possession.

This is an important case in a state that has some of the most tenant-friendly laws in the country, including statutes that protect renters from retaliation. However,

as this stemmed from a no-fault/without cause eviction, it also proves our point that eviction sealing is going to cause headaches for landlords.

In this article, we'll briefly discuss what retaliation is, and look at why the landlord in *Horton v. Washington* was found to be in the right.

WHAT IS RETALIATION?

Landlords have the right to raise the rent for their properties and decide whether a lease should continue. Usually, you don't need a reason for these actions. However, if you raise the rent or terminate a tenancy within six months of your renters exercising their rights, that could be considered retaliation. "Exercising rights" includes starting or joining a tenants' union, asking the Board of Health for an

inspection, or reporting legal violations. These are actions your renters are legally allowed to take, which you cannot punish them for.

If your tenants claim retaliation, the burden of proof is on you, the landlord, to show that you had some other reason to make changes to the tenancy during that six-month time period. It's best to make sure you have a strong argument for your actions.

We have a larger article that goes in-depth on how landlords can [avoid a retaliation claim](#), which we recommend you read. Fighting a retaliation charge can be a long, costly court process that you don't want to find yourself involved in.

HORTON V. WASHINGTON – UNDERPAID RENT LEADS TO SUMMARY PROCESS ACTION

According to public records, Aletta Horton purchased 10 Waterloo St., Hyde Park, at auction in 2019. The property was in foreclosure at the time. Horton allowed former homeowners Jayme and Brian Washington to rent the 4,700-square-foot house from her. Court documents state the rent was initially \$3,500 a month, though no written lease was in place. The initial plan was to sell the property back to the Washingtons, but that did not happen.

These facts are not disputed. However, Horton and the Washingtons disagree on whether Horton agreed to lower the rent in 2022. The Washingtons argue that Horton was on board with them paying only \$3,000 a month; Horton states this was never the plan. Regardless, the Washingtons paid \$3,000 a month starting in February 2022.



The property at 10 Waterloo St., where tenants Jayme and Brian Washington alleged their landlord was retaliating against them by issuing a notice to quit. The courts determined otherwise. (Image: [Google Earth](#))

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The court ruled in favor of the landlord in *Horton v. Washington*, but it could have gone differently. Always hire a lawyer. Always have a lease. (Image – Public Domain)

In January 2023, Horton issued her renters a notice to quit. When they did not vacate the property, she issued a summary process and complaint through a constable in March 2023. The court issued an order for monthly use and occupancy payments of \$3,250 in October 2023.

TENANTS CLAIM PROPERTY ISSUES WERE IGNORED, JUDGE DETERMINES OTHERWISE

In response to the summary process case against them, the Washingtons also filed a countersuit against Horton, claiming breach of quiet enjoyment, violation of consumer protection laws and retaliation.

The renters claimed that multiple problems with their rental home had been ignored, leading Horton to evict them instead of fixing the issues.

However, the court found little evidence for the Washingtons' allegations.

"Mrs. Washington alleged the Premises suffered a leak, but did not present any evidence of any such condition," court documents state.

"Additionally, she failed to introduce any evidence she communicated a conditions defect to Plaintiff, at any time. She

further testified that the Boston Water and Sewer Commission indicated it would shut off the water, but it was never shut off. In any case, Mrs. Washington admitted she did not pay any water bill."

The only exhibit introduced by the renters was a single email dated April 14, 2022, which the court found did not support the Washingtons' counterclaims. Their claims of disruption of quiet enjoyment and violation of consumer protection laws were dismissed for a similar lack of evidence.

The Washingtons claimed retaliation based on a civil action they had filed in October 2022 regarding the water bill for the property. However, the court determined that matter had been resolved "amicably" through mediation in the same month. The Washingtons did file a motion to enforce the decision, but did so six months after Horton had issued the notice to quit.

"INDEPENDENT REASON" FOR SUMMARY PROCESS BOLSTERS NO RETALIATION FINDING

Additionally, Horton testified that the large home and property was costing

her \$9,000 a month to maintain and needed to be sold. A [Zillow listing for the property](#) confirms it has been on the market at various price points since at least January 2023.

"Furthermore, the Court credits Plaintiff's testimony concerning a pressing financial hardship upon her in maintaining Tenants, as her tenants, and finds said financial hardship anchors an independent reason for commencing this summary process action," the decision reads. It explicitly stated that the no-fault eviction could not be seen as retaliatory.

"Even if Tenants had met their burden of proof, the Plaintiff rebutted any presumption of retaliation in serving the [notice to quit]," it concluded.

The court issued a ruling in favor of the landlord, including possession of the property, as well as \$26,250 in lost rent, plus fees and interest.

THINGS COULD HAVE GONE DIFFERENTLY

In this case, Horton was able to show the court she had not acted in a retaliatory manner by providing solid reasons for issuing a notice to quit, including her

tenants' underpayment of rent, high property costs and her need to sell the property unoccupied. (It didn't hurt that her tenants' claims appeared to the court to be unfounded.) If she had issued a notice to quit after receiving reports of legitimate issues with the property, and did not have a pressing financial reason to have the property vacated, things might have gone differently.

The lack of a written lease almost certainly made things more difficult for Horton. Without a lease stating the rent, the dispute surrounding the alleged rent reduction became up to the courts to determine. It would have been easier to disprove had there been a lease in place, as any amendment to the rent would have required a new lease be signed.


This also highlights the importance of having proper legal representation. Massachusetts law requires landlords who operate under an LLC to hire an

attorney for court proceedings, but does not make the same requirement of independent landlords. Horton had attorney Jordana Roubicek Greenman advising her, and the tenants appeared pro se. However, the tenants only had to present evidence of their retaliation claim to have a leg to stand on. They failed, but if they had had a lawyer, and Horton had appeared pro se instead, things may have gone differently. Always hire an attorney for legal matters.

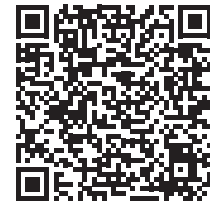
CONCLUSION

This case ended in a landlord victory, but highlights a looming issue for landlords. *Horton v. Washington* was a no-fault/no-cause-stated eviction case, meaning the Washingtons may petition to have their eviction sealed as early as May 2025, when the new eviction sealing laws take effect in Massachusetts. Had it been an eviction for nonpayment of rent, they

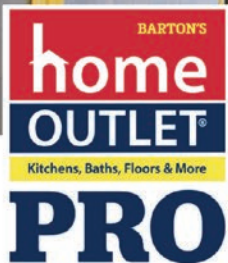
would have had to wait at least four years to have their eviction sealed.

This means that any landlord the Washingtons may encounter in the future could proceed with no knowledge of the lengthy and expensive battle Horton went through to regain possession of her property. Will it cause the next housing provider to lose tens of thousands of dollars in rent? For their sake, we hope not. 

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ARTICLE YOU MAY HAVE MISSED

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

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.

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REGIONAL

MassLandlords Upcoming events

See details under each region

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
17	18	19	20 Open Q&A with Atty Greenman 4:30PM-5:30PM	21	22	23
24	25	26	27	28	29	30

2024 DECEMBER

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2 SWCLA 7:00PM-9:00PM	3	4	5	6	7
8	9	10 MWPOA 5:30PM-7:45PM	11	12 NWCLA 7:00PM-9:00PM	13	14
15	16	17	18 Open Q&A with Atty Greenman 4:30PM-5:30PM	19	20	21
22	23	24	25	26	27	28
29	30	31				

STATEWIDE

Third Wednesday Office Hours with Attorney Greenman. No Presentation. Open Q&A. 4:30 pm - 5:30 pm Zoom.

WED 11/20

We'll be having open office hours about **any rental real estate legal topics** you may care to bring. This meeting is a great opportunity for members to learn from an experienced attorney.

We will not enter attorney-client privilege. We will not address questions in private. We will have a group discussion about legal topics of interest to attendees. Questions will be answered entirely at Attorney Greenman's discretion and as time allows.



Attorney Jordana Greenman



We'll be having a free-flowing group conversation. Ask us anything related to landlord-tenant law or closings.

Part of this presentation will be given by **Attorney Jordana Roubicek Greenman**. She is a real estate lawyer, recipient of the Super Lawyers Rising Star award 2012-2020, and one of Boston Magazine's Top Lawyers of 2022 and 2023. Her practice - with offices in Boston and Watertown - includes commercial and residential landlord/tenant disputes, condominium

association representation, general real estate litigation, and commercial and residential real estate closings. Attorney Greenman has a well-respected reputation for aggressively advocating for her clients' goals, and ensuring beneficial outcomes at a reasonable cost. She was an instrumental part of the team spearheading legal action opposing the Massachusetts and Boston eviction moratoriums, and is very active within the legal community. Attorney Greenman is a member of the Real Estate Council for the Massachusetts Bar Association and the Real Estate Bar Association, writes columns for the Massachusetts Lawyers Journal and Real Estate Bar Association News, and regularly leads legal seminars for first-time homebuyers and small-property owners.

"Attorney Greenman is such a great source of common sense and specialized wisdom!" -David

Members register for no charge 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.

THIRD WEDNESDAYS WITH ATTORNEY GREENMAN NEXT ON WEDNESDAY, NOVEMBER 20TH

Except for holidays and where her schedule requires otherwise, Attorney Greenman will be available to members on the third Wednesday of every month.

ZOOM CHAT AGENDA

4:30 pm Start
5:30 pm Zoom Chat ends

By member survey, the business update has been reimagined as a set of convenient videos viewable anytime online.

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.

ZOOM CHAT DETAILS (HOSTED BY ZOOM)

We will share our video, audio, and computer screen and slides.

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

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

Topic: Attorney Greenman Nov 20

Time: Nov 20, 2024 04:30 PM Eastern Time (US and Canada)

Join Zoom Meeting <https://us02web.zoom.us/j/89000488080>

Meeting ID: 890 0048 8080

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

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PRICING

This event is closed to the public.

- Members: No charge. Registration is required.

Registration in advance is required.

This event will not be recorded.

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

Members register for no charge in just a few clicks!

This event is operated by MassLandlords, Inc. staff.

This Zoom Chat counts for continuing education credit for Certified Massachusetts Landlord Level Three. Beep in. Leave feedback/beep out.

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NORTHERN WORCESTER COUNTY

Northern Worcester County Landlord Association Fitchburg Dinner Meeting, 7 pm: Protecting Investments and Tenants

THU 11/14

Join us for our monthly meeting. This month we will hear from American Alarm and Communications, Inc. Learn about state code changes and what that means for landlords.

American Alarm and Communications, Inc. offers a variety of alarm and surveillance systems to protect your investment and tenants. They strive to provide customers with outstanding security services every day. This means taking a proactive approach to service, 24/7 support, and a quick response to service calls.

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!

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**THURSDAY, NOVEMBER 14TH
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Visit nwcla.com for any last-minute updates or changes.

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- 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.

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