



Small Property Owners NEWS

Families who own and operate 75% of America's rental housing

Small Property Owners Association

The group that ended rent control in Massachusetts by popular vote in 1994

P.O. Box 398115, Cambridge, MA 02139 617-354-5533

www.SPOA.com

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WARNING CORONAVIRUS IMPACTS

If too many tenants stop paying, we risk losing much of America's lower-rent housing

Tenant activists are calling for RENT STRIKES across the U.S.

Nationwide eviction moratoriums invite widespread nonpayment

In most states in America, eviction moratoriums have been imposed, lasting from a few weeks to three or four months or longer. Here in Massachusetts, the statewide eviction moratorium lasts four months plus 45 days after the COVID-19 emergency order is lifted.

Moratoriums stop all "non-emergency" evictions. Top of the list is "for non-payment of rent."

While stay-at-home orders were needed to stop the coronavirus, eviction moratoriums, especially long-lasting ones, easily lead to nonpayment of rent. Many tenants already perceive a \$\$\$ opportunity. They can safely NOT pay rent and NOT be evicted for the duration of a moratorium, likely four to five months or even longer.

If tenants can't figure out this opportunity on their own, tenant activists will surely tell them. Already, tenant activists are calling loudly for **rent strikes** across

America, regardless of income. They are even calling to "BAN evictions, CANCEL rents" entirely, forever, and to use the eviction moratoriums as a stepping stone to their goal of "socially owned housing." Who can resist a chance to save on a household's largest expense?

SPOA's position is to respect the situation of truly needy households, but require tenants to pay when they can afford to pay partial or full rent. That means restarting evictions for these non-needy tenants. And developing ways for people to move safely.

Tenants need ability to move for good reasons: To move to new jobs and get incomes going. To move to a lower-rent unit they can better afford. To move in with roommates. To move in with another household. To move back to parents or relatives. To respect an eviction order and do one of the above.

We small landlords are the families who own and operate the multifamily housing in America's low-, moderate-, and middle-income neighborhoods. We do our own management and repairs from our homes, so we can keep our rents lower. We live in the same building with our tenants, or next door, down the street, not far away. We provide an essential need – shelter – for well over half of all America's renters. We are "first responders" for our tenants, with eyes on our neighborhoods, never off-duty. We are the smallest of small businesses and just as vulnerable as any small business.

Yet we are ignored, scarcely mentioned in the media, never consulted by policymakers, lumped in with "corporate" landlords, and called foul names to justify mistreatment. Legislators listen to the loud voices of tenant activists and tax-funded legal services lawyers, not to the people who provide the housing.

EVICTION A landlord's only way to ensure rent is paid

Eviction or, more accurately, threat of eviction is the only way that landlords can enforce rent payments – and enforce good behavior as well. By stopping evictions, the very real risk is widespread nonpayment as well as increase in crime and objectionable behavior,

such as loud parties and trash in hallways.

The needy, those who have lost jobs and income, need to have rents adjusted down, even to zero in some cases. But those who are able to afford partial or full rent should face eviction if they do not pay.

ZERO Unpaid rent is NEVER paid

Unpaid rent is legally owed. The Massachusetts eviction moratorium affirms the obligation to pay rent. It's a worthless, unenforceable provision.

Here's reality. After about two weeks of not paying rent from sudden financial hardship, tenants realize they can never pay it up. Then their strategy shifts to: How long can I stay living here rent-free before being evicted? Tenant advocates and tax-funded legal services lawyers assist them in doing exactly that.

All that legally owed, unpaid rent is totally uncollectable. Nonpaying tenants never pay it. They move out, leave no forwarding address, and even if they could be located, no way exists to force them to pay.

Unpaid rent is lost forever, not just to landlords, but to every city's treasury when owners cannot pay their property taxes and to every state's treasury when owners pay less in income taxes. These realities are what policymakers are ignoring.

Here's what will happen

Since many leases end on August 31 and eviction moratoriums likely will last longer yet, many tenants already see a clear shot from now to August 31 at least, four to five months or longer of not paying rent.

With widespread nonpayment, these outcomes will happen:

1) Huge displacement

When the states lift the eviction moratoriums, all those nonpaying tenants will owe the rent. But instead of paying, they will decide to move out, all at once, creating a huge shuffle as loads of units empty out and new tenants, vacating elsewhere, move into them. What is gained? Nothing. What is lost? Besides the unpaid rent, a huge displacement of families and neighborhoods at a critical time. And how can landlords trust that new tenants will pay the rent? They can't.

2) The free rent trick

Massachusetts (and perhaps other states) is heading for a double whammy: Nonpayment under the moratorium FOLLOWED BY nonpayment under the

state's rent withholding law, what we call the "free rent trick." Massachusetts law allows nonpaying tenants to easily claim they are "withholding" rent for code violations, with no requirement to escrow the unpaid rent. They BLOCK repairs, UNDO repairs, and DAMAGE their unit to keep those violations going and live rent-free longer and longer. Only when forced out do they move, NEVER paying the unpaid rent.

3) Economic recession => more nonpayment

It seems likely that, once the coronavirus pandemic is sufficiently under control and businesses re-open, we will be in a persistent economic recession. With workers still out of jobs or working for much lower wages, yet more nonpayment will happen.

The combined impact of so much continuing nonpayment will be disastrous for rental housing, especially in moderate- and low-income neighborhoods, which will be hit hardest by job loss and lower incomes in the future.

THE WORST OUTCOMES

Low- and moderate-income neighborhoods

The very real danger is the impact of nonpayment of rent on lower-income neighborhoods where incomes are low, rents are low, but rent burdens are high. In these neighborhoods, owners operate on tight margins, and tenants are prone to job loss or sudden high expenses.

Losing a job or other loss of income puts lower-income families in a terrible crunch. Their easiest route is to stop paying rent as long as possible before being

evicted. Massachusetts law makes it easy for them: the "free rent trick."

95% of all evictions are for nonpayment (source: Boston Housing Court official), and this nonpayment happens almost entirely in lower-income neighborhoods. But in times of recession, this nonpayment happens much more often, and landlords cannot maintain their properties or pay their bills. The outcome is predictable: foreclosures and abandoned housing in lower-

income neighborhoods. These impacts always happen in recessions, but they will now be much worse in this unprecedented crisis. And the loss of America's lowest-rent housing could be substantial, if not stopped.

Who will it hurt? Property owners, yes. But also, lower-income tenants, who will be pushed out of their homes and will have only higher-rent apartments available to move into. Families will have to double up, nonpayment will still often happen, and even these once-better-off neighborhoods could turn into slums.

Losing low-rent housing

The potential magnitude of this impact on America's lowest-rent housing will only contribute to an already-rapid loss of low-rent housing. In the last three decades only, America has lost almost a quarter of its rental housing, all in the low-rent range. In 1990, low-rent housing (defined as rents of \$600 or less) comprised 46% of America's rental housing market. Today, it has dropped to 25% of the market. We could lose much more.

Remember Lawrence, MA "City of Flames"

In Massachusetts, we have a vivid example of how widespread nonpayment can especially impact lower-income neighborhoods.

The working-class city of Lawrence was hit hard by the recession of 1991-92 and made national headlines as the "City of Flames." Many factories were shut down. Many tenants lost jobs and stopped paying rent. In great numbers, the tenants had used (and abused) the Massachusetts rent withholding law, the free rent trick described above. Unable to evict or make repairs, owners abandoned their properties. Over 200 buildings – multifamily housing and factories – were torched (see Wikipedia) to get insurance proceeds.

Skip Schloming, Executive Director of SPOA for 22 years, personally viewed Lawrence's lower-income neighborhoods in 1998, six years after the recession ended. He saw neighborhoods still in deep distress, with no sign of recovery. He saw many vacant lots where burned-down housing had been bulldozed,

many empty buildings boarded up, and some buildings still limping along. Crime was reportedly high: drug-dealing, prostitution, squatters in empty buildings. The damage reached far beyond the owners. Many lower-income tenants lost their homes anyway, while the city lost a huge chunk of its property tax revenues for six years and no end in sight.

This disaster was reported in an essay by Skip and Lenore Schloming (she is former SPOA president), which was honored by the Boston-based public interest think tank Pioneer Institute. It urged adopting a rent escrow requirement for claims of rent withholding. Read it on the SPOA website: spoa.com/theroadhome.

Other evidence

Lawrence is a particularly bad case. But every recession brings foreclosures, abandoned and boarded-up housing, and vacant lots when a city decides it must remove a "problem property" prone to crime.

Tenant activist agenda Rent strikes, no rent payments

Tenant activists across the country are very happy with all the eviction moratoriums, especially long-lasting ones, which encourage a long period of nonpayment. They see in the current crisis an opportunity to push their long-held agenda of "eviction free zones" and "socially owned housing," all housing owned by governments and tax-funded nonprofit groups.

Activists across the country have been pushing for weeks for **rent strikes**. Here is a statement on social media: "What we need [is] an immediate suspension of all rent, mortgage, and utility payments for the duration of this crisis (with NO back-payments)." In other words, pay no rent regardless of income. The idea of rent strikes has a good chance to spread broadly.

U.S. representative Ilhan Omar, a socialist, just introduced a bill to cancel rent payments during the crisis, regardless of income. Bill supporters include Reps. Alexandria Ocasio-Cortez (NY), Rashida Tlaib (MI), and Ayanna Pressley (MA).

But their goal is even worse, to use the coronavirus epidemic as a platform for permanent new policies in which tenants are guaranteed housing ("housing for all is a human right") and never pay rent.

Their ideas are not rational. How can free rent possibly work? Who pays to maintain the housing? With no payment for a household's biggest expense, where is the incentive to work hard and earn more income? How did public housing work out, with its rampant crime and billions of dollars in repairs NOT done?

When the Pilgrims landed at Plymouth, MA, in 1620, they first held all property in common, but it failed largely due to "freeloaders" not working and being supported by others. When private property was established, the settlement succeeded.

Another experiment in communal ownership was New Harmony, Indiana, 1825-27, founded by Robert Owen. Freeloading was again a problem, arguments arose, and the community collapsed in just two years.

SPOA's victory over rent control We organized under a stringent rent control system in Cambridge, MA. Getting no reforms, we sponsored a statewide referendum ending rent control in MA by popular vote in 1994.

PLAN of ACTION

We lost the first round

The eviction moratoriums across the country are “pro-tenant,” enacted not just for stay-at-home reasons, but to appease the loud demands of tenant activists, who are funded by our tax dollars and grants from “charitable” foundations – all Big Money. These activists love the chance to have widespread nonpayment and rent strikes everywhere. They love heavy-handed government and big government payouts, too – to hell with civil liberties like the Fourth Amendment (protection against unlawful searches and seizures) or the Fifth Amendment (private property shall not be taken for public use without just compensation). To take over our rental housing, the tenant activists need those property rights to be destroyed permanently.

But this is our chance

Moratoriums can be repealed or amended. They, along with stay-at-home orders, are arousing great concern among small landlords and all landlords. Like other small businesses, small landlords who operate on slim margins will suffer from nonpayment and become desperate, unable to pay bills or do repairs. They will walk away. And then the steep decline sets in: abandoned housing, boarded-up housing, crime, neighborhoods turning into slums. **Our chance, then, is to bring attention to the impending disaster before it all goes bad.**

Our strategy: Organize & pressure legislators

Get all of us small landlords to . . .

- **Tell our legislators the facts:** Tell them **every time** a tenant stops paying rent who can afford to pay. Tell them **every time** a rent strike happens. Tell them **every time** you see any rental property in bad shape: abandoned, boarded up, or hear a report of the same. **Please share these reports with SPOA.**
- **Use these facts to pressure legislators to reinstate evictions,** right now for the nonpaying tenants whose financial documentation (or refusal to document) shows they are able to pay partial or full rent – as a temporary measure only. As soon as the crisis is over, we go back to regular evictions and make sure that state laws respect private property rights – or change them if they don’t.

As our legislators see widespread nonpayment and housing shut-downs, they will see the true impact of moratoriums – and end or change them.

Our action agenda suggestions are welcome

Watch and report as housing gets hurt or abandoned from nonpayment.

Allow tenants to move as needed. Housing is an essential need, and rental housing is an essential business. Tenants need to move to new jobs and lower-rent housing options. Landlords need paying tenants.

Safety when moving into an apartment. Disinfecting all contact surfaces in a completely empty apartment appears sufficient, much as we have been advised to do in our homes. Consult these CDC guidelines: “Reopening Guidance for Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, Schools, and Homes.” Leaving a unit vacant for 5 days or longer allows the virus to die out. Check online for virus survival.

Develop lower-rent options fast and easy. Such as: Allow **renting by rooms**. Allow prefabricated or permanent **room dividers** to create more bedrooms per unit. Allow **subdivision of large apartments** into two smaller units. These are purely regulatory or zoning changes. No subsidies, no tax dollars needed.

Why do we care about lower-income neighborhoods?

For many reasons. They illustrate the worst impacts of landlord-tenant laws in America, impacts that hurt us all in varying degrees. They show that private owners can provide lower-rent housing, no need for rent control. They are where tenant activists and legal services lawyers are most active, destroying private housing (with the laws they draft) to claim the private rental housing market does not work. Most of all, these neighborhoods are a vital asset of our whole economy and for lower-income tenants generally, mostly renting without subsidies.

The legal services lobby

We need a strong national organization to combat the legal services lobby. Remember, legal services lawyers defend “poor people,” especially tenants. These lawyers are in every state, heavily funded by federal and state tax-dollar appropriations and by a funding mechanism imposed by federal law that seizes the interest on every lawyer’s escrow accounts and uses it exclusively to fund these lawyers. As a huge force in every state, they defend tenants by extracting from small landlords free rent or thousands of dollars in alleged “damages.”

Moreover, **they draft and have drafted all landlord-tenant laws.** The laws are so complicated, so unintelligible to lay people and unsophisticated landlords, that legal services lawyers have the expertise (and the tenant voter bloc support) to draft new laws to their liking. This drafting is why pro-tenant laws exist in many states. Their agenda is to drive private owners out of business with burdensome laws that always push rents. Read SPOA’s new document **“Regulatory Barriers to Housing Affordability”** at our website: www.spoa.com.

Legal services lawyers work hand-in-hand with tenant activist groups across the country, who are funded by “charitable” grants. We need a strong national organization to combat the legal services/tenant activist lobby.

Work for housing preservation in lean times

Establish our own “best practices” on how to operate on less rental income and still preserve our housing. Suggestions are published on the SPOA website: www.spoa.com. We also need to pressure legislators for appropriate legal measures to help preserve housing, such as the following;

Enact rent escrow requirements in Massachusetts and elsewhere to stop loopholes that allow irresponsible nonpayment of rent. See “Remember Lawrence” above for the potential disaster of loosening the obligation to pay rent.

Suspend enforcement of habitability requirements except for emergency conditions. These codes often go far beyond minimum requirements for health and safety, even citing cosmetic “violations.” They put pressure on housing to come up to current standards of affluence, with no improvement in safety. Note these recently proposed new code requirements in Massachusetts: 11-cubic-foot refrigerators, nothing less, and electric lights on switches in all closets, pantries, hallways, storage areas, and more, regardless of ambient light – luxuries that just push rents up, no gain in safety or health.

Encourage tenants to do minor repairs to help keep rents lower. This practice is common in lower-rent neighborhoods, a tacit agreement between landlords and tenants. Fewer demands for repairs allow landlords to keep rents lower. Today’s tenants have become increasingly helpless about everyday types of repair and maintenance and how things work. For their own survival and self-confidence, they need to relearn these skills.

Forget popular ideas for housing affordability

So-called “affordable housing”

A lot of hot air is expended on so-called “affordable housing,” which is entirely **taxpayer-funded** and costs **\$1 million per unit**, according to government officials and an MIT professor of affordable housing finance. The only thing affordable is the subsidized rent. “Affordable housing” is so costly that very little can be built. The private rental housing market does lower-rent housing far better, if not plagued by harmful regulation.

Rent control

It stops all new rental housing construction when lack of supply is the cause of high rents. Rent-controlled units end up with better-off tenants, often living alone, who push out the lower-income families. When rent control ended in Massachusetts in 1994 (thanks to SPOA), only 6% of all rent-controlled households qualified as low- or moderate-income, elderly, or disabled for one or two years of rent control. In other words, rent control gentrifies rapidly while the housing deteriorates from lack of maintenance and investment. Many units go off the market. **Rent control is a political power-grab**, “paying” tenants monthly in reduced rent to vote for pro-rent-control lawmakers who will make rent control even tighter, pushing rents lower and lower. **Tenants care only about low rents, not about maintaining or preserving housing they do not own.**

ACTION: Email us at skore@comcast.net: To share your reports to your legislators. To join our Action Alert email list. To tell us any other concerns. Follow SPOA on facebook: www.facebook.com/SmallPropertyOwners/

For further reading, available at: www.spoa.com

“How to deal with nonpayment”

“How to survive with less rental income”

“How to enter units and do repairs safely”

“Regulatory Barriers to Housing Affordability,”

a 60-page survey of counter-productive rental housing policies in Massachusetts, likely in other areas of the country as well – or soon to arrive in your neighborhood. **Quick read:** 5-page opening statement, “The Mess We Are In.” Read it at: www.spoa.com.

THE BIG PICTURE

Adapt we must, but adapt we will

We human beings are innovative, inventive, and adaptable. That's how we developed all the technologies that have allowed us to achieve our modern affluent lives. Remember, very long ago in prehistoric times, we lived in small bands of hunters and gatherers wandering in the African wilderness, a very **decentralized** way of living. Today, we live a very affluent lifestyle in megacities linked by extensive trade in a global industrial civilization, a very **centralized** way of living. Now we must deal with a pandemic and, very likely, a recession ahead. We will adapt. We will invent new ways to deal with pandemics. And nothing is new.

Diseases of cities

Plagues and epidemics have occurred throughout human history, ever since the first cities arose around 6,000 years ago. The story is the same. A contagious disease is transported by travelers from faraway places, bringing disease to an urban population without immunities. In other words, cities are vulnerable, inherently vulnerable, because they involve large concentrations of people intermixing daily with each other and trading extensively with faraway places. Plagues and epidemics are diseases of cities and of **centralization**. And they happen with increasing frequency as we have urbanized around the world.

A **list of epidemics** on Wikipedia shows an increasing number of epidemics, especially over the last century.

1200 B.C. to 1500 A.D.	records 11 epidemics over	2,200 years	, an underestimate due to lack of evidence.
1500 A.D. to 2000 A.D.	records 57 epidemics over	500 years	, a surge due to increasing industrialization.
2000 A.D. to 2020 A.D.	records 65 epidemics over	20 years	, due to fast-increasing international trade.

Note in the figures above how epidemics occur far more frequently as our industrial civilization grows. Many epidemics are recurring diseases: smallpox, cholera, bubonic plague, yellow fever, typhus, measles, etc,

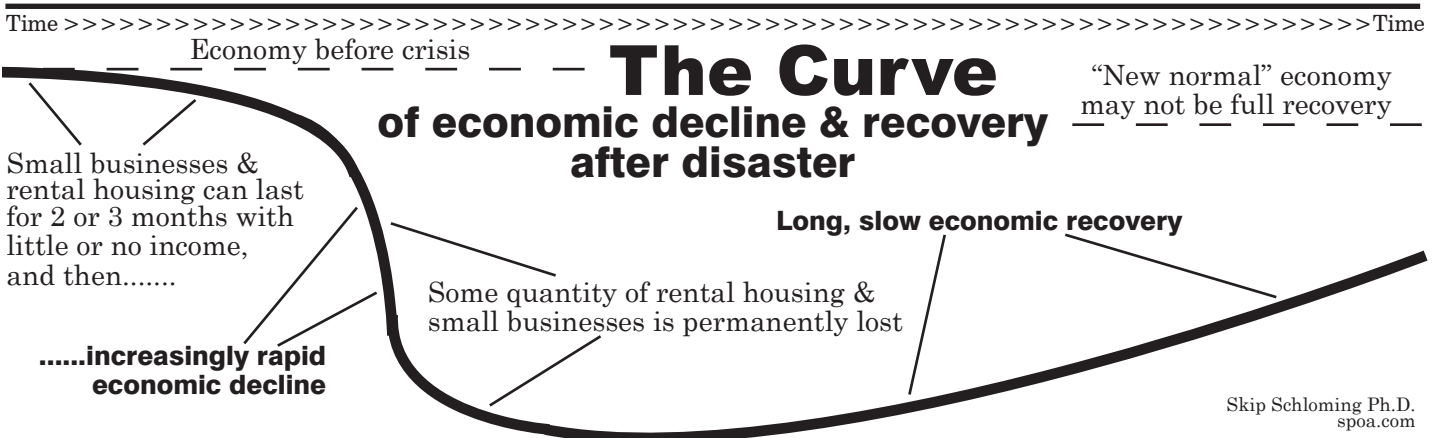
Controlling epidemics Plagues and epidemics are also contained in the same way. Long before we knew about micro-organisms, we knew what worked: social isolation of the sick, staying out of crowds, and wearing masks. In other words, we respond to these epidemics by separating and retreating into our homes and neighborhoods. We **decentralize**. Moreover, economic decline/recession follows epidemics and all sudden disasters.

The Curve: Rapid decline, slow recovery

Below, we draw the shape of economic decline and recovery after many kinds of disasters. The shape is the same, in general – rapid decline followed by slower recovery – even though we do not know the specifics: how deep a recession (or depression) will go or how long it will last.

As we described earlier, Lawrence, MA, saw over 200 buildings torched within 18 months in 1991-92. Six years later, the low-income neighborhoods were still in bad shape, hardly recovering. **Rapid loss, slow recovery.**

Another example. The bubonic plague was perhaps the worst-ever global epidemic. Known as the “Black Death,” it began in the Middle Ages (year 1347) when a dozen merchant ships from the Black Sea arrived in Sicily with most of the sailors dead. The disease spread rapidly throughout Europe and Asia. In Europe, some 20 million people – a third of the population – died in the space of six years. The economy was devastated, Europe regressed to a more primitive state, and it took two centuries to fully recover. **Rapid decline, slow recovery.**



The curve is only the shape. It applies to economic impacts of many disasters including plagues, recessions and depressions, climate change, wars, volcanoes, earthquakes, and other disasters. Until a disaster is over, no one knows how fast, how slow, how high, how low, how widespread, how local.

Is it ALL bad?

We are decentralizing now to control the virus, and decentralizing in other ways. Less international trade with China is likely, more intra-national trade. Less decision-making by the U.S. president, more decision-making by governors and mayors. Government rules are always one size fits all, but reality is local and varies widely. Ultimately, *We the People*, we individuals, will decide based on our immediate, unique circumstances.

The prospect ahead is recession and some degree of decentralization. When disasters happen, economies are damaged, and we find ourselves struggling to survive in a new reality. We turn to family, friends, neighbors, and to finding our essential needs close at hand. In other words, we respond to recessions by decentralizing.

We likely will go “backwards” to a lower level of affluence. But backwards is not all bad. We have lived successfully at many lower levels of affluence in the past. As we draw into our families and our neighborhoods, we are not only safer from epidemics, but we can have more meaningful, longer-lasting social relationships, less moving around in crowds. The adjustment may be difficult at first, but we will relearn values we once cherished. We will also develop lost skills, practical skills, working around the house and helping in neighborhood projects, moving through life at a slower pace with less stress. As small landlords, we will also develop better communication with our tenants and restore our fundamentally cooperative relationship – money in exchange for maintained housing – in place of the hostility that tenant activists foment.

In fact, decentralization means less travel by cars and other means, as we have already seen, and fewer demands on all our natural resources. It is a path towards a “greener” world, not by government fiat, but by local decisions we all make in response to a less affluent world. Decentralization is, perhaps, an idea to keep in mind.

For further reading: “From Wilderness to Civilization,” a website in progress, mapping the course of human history from decentralization to centralization, based on the doctoral dissertations in sociology of Skip and Lenore Schloming: www.wildtocivilized.com.

SPOA National Defending the interests of small landlords and all landlords

The **Small Property Owners Association (SPOA)**, rhymes with Noah) plans to expand its membership nationwide and seeks long-term funding commitments (two to five years or longer) from landlords, rental property associations, and other real estate groups in the country, to establish SPOA with a salaried executive director and support staff. Ask for our **Proposal for SPOA National: skore@comcast.net**. Please include your contact information.

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we ask you to help us grow into

SPOA National

A strong nationwide organization to defend the interests
of small landlords & all landlords

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Please contact Skip Schloming for long-term funding commitments: 617-354-2358

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