



Small Property Owners NEWS

Families who own and operate over half 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 617-354-2358

www.SPOA.com
rhymes with "Noah"

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SPECIAL ISSUE

END THE MORATORIUMS - OPEN THE ECONOMY - Or we face an unprecedented crisis in our lower-income neighborhoods

We hear it daily. The pandemic lockdowns are crushing small businesses. That includes small landlords, the ignored small business. Meanwhile, the "big ones" are making even more money now. A huge redistribution of wealth is happening – from the poor to the rich, from small to big!

And that's not all. When small businesses close, those losing their incomes are not just the owners but their employees, too. When laid-off employees cannot pay their rents, small landlords are also losing income. And sooner or later, when no one wants to buy property with non-paying tenants, they abandon their properties and lose all their investment in time and money, impoverished.

And their tenants, too, are at risk of displacement and homelessness. Abandoned housing is already in bad shape, suffering from unpaid rents and scrimping on repairs. It soon becomes uninhabitable, forcing tenants onto the streets, with no landlords willing to rent to them. Given how interconnected we are – small landlords and small businesses – we cannot call for an end to eviction moratoriums without calling for the economy to open up as well, to hire back the workers so they can pay their rents. We are all in this crisis together.

We are losing our neighborhoods. When restaurants, gyms, salons, and more are shut down, we lose our local meeting spots with friends, neighbors, and colleagues. When housing is abandoned, gangs, drug-dealers, prostitutes, and homeless squatters take it over. Or faraway, deep-pocket corporate landlords buy it for pennies on the dollar and raise rents.

Small businesses and small landlords are "many eyes on the street," keeping watch for local problems in neighborhoods, keeping city services doing their jobs. Small landlords also have handy skills, useful to tenants and neighborhoods. When we lose small landlords, we lose our neighborhoods and their local support networks.

Are we to become a society of large-scale, impersonal bureaucracies, factories, and government housing? Unless the economy opens up and the eviction moratoriums are ended very soon, these outcomes will happen.

Right now, unprecedented power is concentrated in the hands of state and local officials as individual governors and mayors single-handedly decide who survive and who do not. They throw out our civil rights, the Bill of Rights, in the name of public health emergency. National security is the other justification for arbitrary control. But this emergency authority is only temporary. Once the immediate emergency is over, the emergency authority must end, Constitutional rights restored, and decisions made by our elected representatives after reasoned debate. Ultimately, decisions must be made by us, the people "on the ground," who know our unique circumstances and what is happening in our lives.

The very real danger, however, is that dictatorial officials will want to keep their power far beyond the end of the Covid pandemic, pushing for harsh, permanent regulation that kills us small businesses and landlords and lets them and the big corporations rule. We must fight (peaceably), not just to stop the

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lockdowns and the eviction moratoriums, but to stop the ever-encroaching power of centralized control.

We must fight for our rights. We Americans, We the People, have always had to fight for our rights against tyrannical authority: freedom from the British colonial monarchy, freedom from Southern slaveowners, freedom from Nazi and Soviet dictatorship. Our fight today must be peaceable but strong.

We have a noble cause. We are fighting for all of us little guys: small business owners and their employees, small landlords and their tenants. We are fighting for our neighborhoods and our local businesses. We will do it peaceably. **And we will not be defeated !!**

Maybe the lockdowns are wrong

The Covid-19 pandemic has made us all very afraid. We see it as a public health crisis, which gives extensive emergency powers to executive officials – governors and mayors – to order whatever they consider necessary.

We and they had no experience with this massive pandemic. We were learning along the way. So lockdowns were chosen at the start, even though lockdowns had never before been used to stop epidemics. And when the results did not pan out, the lockdowns got worse.

We present the following information in support of opening up the economy.

In October, three epidemiologists (experts on the spread of diseases in populations) with widely different political persuasions had “grave concerns about the damaging physical and mental health impacts” of the pandemic lockdowns. They met and drafted the **Great Barrington Declaration**, which has so far been signed by **12,906** medical and public health scientists and **38,916** medical practitioners around the world. The Declaration argues:

“Current lockdown policies are producing devastating effects on short and long-term public health. The results (to name a few) include lower childhood vaccination rates, worsening cardiovascular disease outcomes, fewer cancer screenings, and deteriorating mental health—leading to greater **excess** mortality in years to come, with the working class and younger members of society carrying the

heaviest burden.” (gbdeclaration.org)

In other words, many more deaths will result from the lockdowns than from Covid-19 infections (not counting the economic impacts of the lockdowns).

The death rate is what counts, not the number of infections or hospitalizations. The statistics on deaths from Covid, according to the Declaration, are not 3%, but around 0.2% or **two deaths in every 1,000 Covid infections** for people **under age 75**, a very low rate. In children, death from seasonal flu is two or three times greater than death from Covid. But for people **age 75 and up**, the picture is very different. Their death rate is 4% or **four deaths in every 100 infections**. Most older people may need to be hospitalized, but with better therapeutics now, 96% will survive. Their 4% death rate, however, is **a thousand times higher** than for people under 75, a very sharp difference. (Death rates vary locally.)

Conclusion: In light of this sharp difference, the Declaration says “the most compassionate approach... is to allow those who are at minimal risk of death to live their lives normally [with the usual precautions: masks, washing hands, social distancing] ...while better protecting those who are at highest risk.” It urges that schools, universities, extracurricular activities, restaurants and other businesses, arts, music, sports, and other cultural activities should all resume normal operations. Rules for nursing homes and multigenerational households are suggested and easy to implement.

Vaccine rollout put elderly at 7th and 9th in line

When the vaccine rollout was announced, health professionals, other public servants, prisoners, and the homeless got top priority for vaccines, even when many have a very low death rate. But people with 2 or more co-morbidities (including many elderly) were way down, **7th** in line. People age 65 and higher were **9th** in line. Very hard to justify.

The Department of Public Health said it seeks “equity,” which means treating different groups differently to achieve an equal result. That should mean an equal

death rate. But nothing in the priority rankings suggested any reduction in death rate for the elderly until they get the vaccine in April 2021 at the soonest. No “science” here, to use the word of the day.

To the rescue: Lenore & Skip Schloming, as private citizens, objected with “outrage” to all state legislators. Two days later, a representative called us to say that the Department of Public Health had just changed priorities, putting ages **75+** first in line after public servants, etc., in early February. **75+** should really be first in line.

The free rent trick Once the eviction moratoriums end, we then face tenants turning to the “free rent trick,” aided by legal services lawyers and tenant advocates. Yet more nonpayment! Will the Massachusetts Legislature ever take care of this all-too-obvious fraud that steals rent from vulnerable small landlords – and hurts all the good-paying tenants who pay one way or another for the lost rent? We must fight for mandatory rent esrow!

Small Landlords: Who We Are

We small landlords are families who provide housing for over half of all renters in America's low-, moderate-, and middle-income multifamily neighborhoods. We do our own management and repairs from our homes – no offices, no hired employees with benefits – so we can keep our rents lower. Our tenants live in our building, next door, down the street, or nearby. We provide an essential service – shelter. We are “first responders” for people's homes and our neighborhoods, never off-duty. We are the smallest of small businesses and just as vulnerable as any small business. We are liberal Democrats and conservative Republicans and everyone in between, but not far-left or far-right. Many of us are people of color, as are our tenants. Owning rental property is an important first step up the economic ladder, often taken by communities of color. It needs to be protected, not harmed or destroyed.

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 a few tenant activists, not to the people who provide the housing, do the repairs, and pay the bills, including the taxes that pay their salaries. We need to fight – in numbers and peaceably – to change minds and change laws.

Our Strategy Now

Our challenge now is to change the minds of our state and local legislators, who have a knee-jerk reaction in favor of all proposals coming from tenant advocates. Landlord requests, like rent escrowing, have been brushed aside for decades. To change their minds, we need to get their attention and educate them. **The best persons to do this education are local landlords – YOU – talking to YOUR state and local lawmakers in YOUR electoral district.** Why you? Because you can vote **for** them or **against** them in their re-election, so they will be very friendly and listen to you very carefully.

Tenants don't talk to them; they don't care enough like we do. Tenant activists are too few to influence them very much. But WE are very numerous. WE are many votes **for** them or **against** them. They will listen to us. Yet we seldom contact them. But if we small landlord-voters talk to our lawmakers, we will succeed – but only if this contact happens all across the state, in every electoral district.

Landlord groups of all kinds, all across the state

We need many landlord groups all across Massachusetts, groups of all kinds, big and small, local, statewide, and regional. Even two individual landlords working together constitute a group and give each other support and confidence. Here is what you and all of us landlords need to do:

- 1. Get educated** Read the SPOA Newsletter and other sources to know what legislation we support, what legislation we oppose, and why. They are talking points to learn and repeat to your lawmakers and others.
- 2. Get new members** Join SPOA or any other group, to keep up to date and motivated. Or just find a fellow landlord to go with you to visit your lawmakers. Usually, it will be your state senator and representative, but it may also be your local councilors or town meeting members. Much happens locally, too.
- 3. Get into action** Find a fellow landlord to go with you, and plan to visit your lawmakers at their homes or in their district offices, which will be near where you live. We will help you in the following ways.

Get on SPOA's Action Alert email list (it's FREE) by going to the SPOA website (www.spoa.com) and clicking on the boxed link in the upper right-hand corner of every page. You will get Action Alerts. In them you will find late-minute news as well as talking points on an issue and the following:

The SPOA OnePager It will be a short version of this newsletter. It will tell you our goals and what you can do. You can give it to other landlords to read it. It will tell you how to find who your state legislators are.

OnePage Testimonies In each Action Alert will be a link to a one-page pdf on one or two topics. Each one of these OnePage Testimonies is designed to educate you on the topics AND for you to **print them out and take them** to your state or local lawmaker. Alternatively, you can take the easy route and send it to them **by email**. Whichever way you choose, tell them briefly why you oppose or support a particular legislative proposal. Tell them your own thoughts about the specific topic(s). And you can hand them a copy of the OnePage Testimony (or attach it to an email) and ask them to read it. Remind them that you are in their district and that you vote. You might even remind them that you pay taxes, which pay their salaries!

If other landlord groups want to do their own version of this Strategy, that's fine.

Our common goal is to educate ourselves and put pressure on all our state and local legislators in every electoral district.

What We Can Hope For

I have a vision – for small property owners and small landlords across Massachusetts and across the country, in every city and town.

I have a vision – that small landlords are recognized as an important sector of our economy, providing housing for at least half of all renter households in the U.S.

I have a vision – of freedom for all kinds of small property owners, small business owners as well as small landlords, to operate our properties as we see fit, consistent with good practices and well-being for all.

I have a vision – that safe housing for all can be achieved by the private rental housing market, if allowed to do it.

I have a vision – that the hostility instigated between landlords and tenants ends, and that a spirit of cooperation returns to our neighborhoods.

I have a vision – of harmful laws and regulations being overturned and replaced with owner-friendly, owner-supportive laws, while respecting the concerns of all occupants.

I have a vision – that we will embrace the legitimate values of our adversaries, but seek them in productive, nondestructive ways.

I have a vision – that the decades of neglect of small property owners will end and that we will have seats at the table of discussion and policy.

But I do fear – that we face a massive, unprecedented disaster in the next two to six months if eviction moratoriums continue to cause ongoing, unsustainable loss of rental income, especially for small landlords in lower-income neighborhoods. Small landlords are not deep pockets, yet we are the only essential sector of our economy that is not allowed to charge for our essential service. When we are forced to abandon our properties, our tenants will be displaced, our housing will decay or be snatched up for pennies by corporations, and much of our country's lowest-rent housing will be lost forever. This impact will hurt communities of color the most.

Skip Schloming Executive Director (1996-2017, 2019-2020)

From the mailbag

The requirements [for notifications delivered with a Notice to Quit] are ridiculous – including sending a copy of any Notice To Quit to the Executive Offices.

Landlords are getting hammered. In addition, if a tenant asks for a jury trial, I have been told by the Boston Housing Court it will be at least January 2022 – that includes non-payment cases. I have landlords that are \$20,000+ in the hole with multiple tenants. They cannot afford to pay their mortgages, never mind make repairs.

– An attorney

Thank you for the update and for everything you have been doing for all those decades.

The worst of these [tenant] proposals is the free lawyer thing. From our experience with section 8, a free lawyer is a weapon that shifts the power in the house to the tenant. They can stop paying, complain, make unreasonable demands, order you around, harass you or do whatever else they like, and if you disagree they inform you that you can “call their lawyer” and threaten they will take you to court until your house belongs to them. They have a sword that they dangle over your head and laugh in your face if you do not jump.

If this becomes law, we will never have another tenant again.

– Name withheld

I own rental income property and expect to lose \$75,000 in lost rent due to con artist tenants, more than half my net income!!! One tenant bought a new car, another lives on a trust and stopped up his toilet, refusing to pay, another was working but claiming unemployed \$ and left when the state caught up with her, owing \$6,500 in rent and \$8,400 to the state.

– Longtime SPOA member

Get your **FREE** **SPOA Action Alerts!**

Our Strategy Now, explained on page 3 of this newsletter, tells you how our Action Alerts are a critical part of our statewide campaign.

To sign up for our FREE Action Alert emails, go to spoa.com and click on the “Action Alert” box in the upper right-hand corner of each webpage.

Who is SPOA?

rhymes with “Noah”

SPOA began in 1987 in Cambridge, Massachusetts, under the nation’s then-most-stringent rent control system. Many small landlords sold their properties cheap and left the city. Others were treated cruelly by the pro-tenant rent control board. SPOA grew rapidly. We asked for reforms and got none. Then, a young lawyer came to SPOA with a statewide referendum ballot question to end rent control, which he had gotten approved by the state attorney general. We had no choice; we had to run with it. We collected some 100,000 signatures, got the question on the November 1994 ballot, and campaigned hard with help from landlord groups across the state. “What will the poor do without rent control?” was the constant reply. But “horror stories” of deeply abused small landlords had spread across the state – and we won by a slim margin! The Legislature acknowledged our win, but allowed one or two more years of rent control for elderly, disabled, and low- and moderate-income tenants. Of all the rent-controlled tenants in Boston, Cambridge, and Somerville, the three cities that had rent control, only 6% of them applied for it, showing the awful gentrifying impact of rent control. The better-off, educated, white tenants had grabbed up and held onto those cheap apartments.

Three more battles against rent control happened in Boston in the late 1990s when tenant advocacy groups asked the City Council to reinstate rent control under such names as “community stabilization” and “collective bargaining.” In each case, we mailed letters to all the city’s residential owners (single-fam, condo, two- and three-fam, four-plus) explaining how rent control would impact each owner group. When they realized that their properties would be strictly controlled and devalued or their property taxes would rise sharply, they flooded City Councilors with messages, and the Boston Council rejected rent control repeatedly and resoundingly.

A citywide referendum in Cambridge was sponsored by tenant activists in 2002, to bring back rent control to the city that had always loved rent control. As we did in Boston, we wrote all the Cambridge residential property owners and defeated the referendum in a landslide vote, 61% to 39% – by the city that once loved rent control. **When property owners, the taxpayers, are informed, we always win.**

Stopping the “free rent trick” became SPOA’s top priority following the end of rent control. In the SPOA Newsletter, we profiled numerous stories of landlords being robbed by nonpaying tenants who claim “rent withholding” for code violations, the repair of which they viciously block, or they keep creating new violations by deliberate damage. In 1999, SPOA leaders Skip and Lenore Schloming won “Honorable Mention” in a Better Government competition by the Boston-based libertarian think tank Pioneer Institute, for a white paper “The Road Home” (available on the SPOA website). This paper showed the devastating impact of the “free rent trick” when a severe recession hit the city of Lawrence, and it called for a mandatory rent escrow law. In 2003, after walking the State House halls, we assembled a majority of Representatives and Senators to agree to a mandatory rent escrow bill. It was defeated by backroom deals struck by tenant advocates. Over 2015-2016, a state representative supervised negotiations that included SPOA executive director Skip Schloming, a landlord attorney, legal services attorney Annette Duke from the Massachusetts Law Reform Institute, and one other legal services lawyer, who all agreed on mandatory rent escrow language. Unfortunately, it got badly sidetracked, and no action has happened since. When the eviction moratoriums end, the free rent trick could strike in spades and extend this cruel streak of nonpayment for years. A mandatory rent escrow law is an urgent top priority now.

Rent control, one year of rent cancellation, just-cause eviction, tenant right to purchase, tenant right to counsel and other anti-landlord legislation, some defeated in the past, and all of them defeated in the 2019-2020 state legislative session. But they will all be reintroduced in the new legislative session.

The SPOA Newsletter has been published monthly (except July and August) since 1987. It now publishes bi-monthly. The newsletter features horror stories involving small landlords, including cruel rent strikes, and carefully analyzes pending legislation and how it would impact small landlords (always negatively).

SPOA’s leaders following our 1994 victory have been Lenore and Skip Schloming, who served as SPOA president and executive director, respectively, until 2017. After a brief “retirement,” They came back in 2019. Both of them are sociologists as well. Skip has a Ph.D.; Lenore completed her doctoral dissertation but had twin boys. Their training has added an important perspective when they analyze the real-life impact of landlord-tenant regulations on small landlords and on multifamily neighborhoods.

SPOA’s future is to carry on as the first major organization that speaks for small landlords and has defeated rent control numerous times by popular vote. We are ramping up to be a fully statewide organization and to build a financial base to hire staff and a paid executive director to replace Skip, who has been volunteer. Skip and Lenore also see SPOA as having a national role, defending small landlords as a critical economic sector in every city and town across America, along with small business owners as well, all of us much ignored.

Our property rights in the Bill of Rights

Perhaps we need to remember that our property rights come directly from the Bill of Rights, the first ten amendments to the U.S. Constitution, ratified in 1791.

We start with the First Amendment because freedom of speech is essential to protect our property rights:

Congress shall make no law ... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Did you forget that we have a protected right to peaceably assemble and petition the government?

The Fourth Amendment is the bedrock of our property rights:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Unreasonable searches and seizures of property are the chief ways our property rights get infringed on. Seizure has a broad meaning, including laws and regulations that restrict how we can use our property or what we may charge when others use it.

The Fifth Amendment adds further property rights protection:

No person shall be ... deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

That phrase “taken for public use” could apply to various regulations on rental property to protect the health and safety of occupants or to reduce market rents for the benefit of a sector of the public, renters. But the U.S. Supreme Court has ruled that a “taking,” as it is called, must be a 100% taking before it violates the Fifth Amendment, which protects a huge amount of government regulation. A possible future battle?

Cities step wrongly into landlord-tenant law

An alarming situation is arising. Now cities – Boston, Cambridge, Somerville – are imposing their own landlord-tenant rules, including their own municipal eviction moratoriums. They have also required that all notices to quit must be accompanied by a city-drafted notice of tenant rights, including how to contact legal services lawyers and tenant advocacy groups. In other words, they are, in effect, telling tenants how to play the “free rent trick” and other ways to block eviction and even demand thousands of dollars in alleged “damages” the landlord “caused.”

Landlord-tenant law is supposed to be state-level, and cities can change local rules only through a “home-rule petition” approved by the Legislature. But if cities can order a stop to evictions for nonpayment in the name of public health, then they can also order rent control and any number of other regulations in the name of public health.

Somerville has changed its condo conversion rules on its own, making condo conversion so slow and costly that now no owner or developer will do it. Somerville also wants to give tenants a “right of first refusal,” to buy the property they live in when the owner wants to sell, turning a property’s sale into a lengthy and costly process. Cambridge considered right of first refusal and voted it down because it would lead to a racket of payoffs to tenants who have no intent or ability to buy, to give up their right to purchase so that the owner can sell quickly, as most selling owners want. The Somerville Property Owners Coalition is fighting the city’s condo conversion rules in court.

The state Legislature should stop this local usurpation of state-level authority. Otherwise, it will grow and

This Special Issue of the SPOA Newsletter is posted on the SPOA website (spoa.com). Please reprint it or email it as often as you wish. Send it to fellow landlords and friends.

Take Action! Talk to your legislators!

End the eviction moratoriums! Open the economy!

PLEASE: Call or email or visit your State Senator and Representative and URGE them to OPEN THE ECONOMY and END THE EVICTION MORATORIUMS. Use arguments from this newsletter.

To find out who they are, go to: www.wheredoivotema.com and enter your street address. Find your senator and representative in the “General Court,” the official name of the State Legislature.

To email Governor Charlie Baker, go to: www.mass.gov/forms/email-the-governors-office.

A powerful way to influence your Senator or Rep is to VISIT them or EMAIL them at their home. Go to: <https://www.ocpf.us/Filers/Index>. On the left, scroll down to your legislator’s name, click on it, then go to the bottom item: “Candidate Address” That’s where they live! They may also have a local office.

The problem with subsidies

The issue of subsidies arises in many ways. All of the following are subsidies: Section 8 rental vouchers, taxpayer funding to build so-called “affordable housing,” various “inclusionary zoning” requirements to include a percentage of lower-rent units in new apartment construction projects, and rent control. So also are food stamps, Medicare, ObamaCare, and unemployment insurance.

These subsidies all have a serious problem. They reduce the recipient’s incentive to earn income, in direct proportion to the amount and duration of the subsidy. That reduced incentive then goes on to have further impacts on the recipient and his/her household.

Section 8 seems efficient. It allows tenants to live in private rental housing, which is far cheaper than building costly new housing for low-income households. But Section 8’s impact can be truly cruel.

The most common and widespread impact is the single-mother household. Like most subsidies, the amount of subsidy is based on the tenant household’s income. The more the income, the less the subsidy (usually 30% of income).

So, what happens is quite predictable. The men, who would otherwise be husbands and fathers living with the household, are sufficiently absent so that their presence and their income is not counted, making the subsidy larger. These absent men, in turn, are a serious loss to the single mother and her children, especially the boys. They grow up with no father to be a model for them, a model of income-earning skills, of supporting the family, of helping around the house, and of interacting with their children with love.

Then, when the boys become men, they do not have a household to support or the skills and motivation to

hold down a job. So they turn to illegal gang activities: drug-dealing, theft, guns, and more. Meanwhile, the women, the mothers without a husband/father, see a succession of men for short visits and under-the-table payments. This whole disastrous situation is self-perpetuating.

The Section 8 program is being slowly dismantled, primarily for this impact, although the new administration in D.C. may reverse and even expand it. Princeton sociology professor Matthew Desmond, a defender of lower-income tenants, urges expanding the Section 8 program to all needy families. Surely, there are better ways.

Here is more evidence that subsidies reduce the incentive to earn income. A recent study of renter households in New York City found that the turnover rate in non-subsidized households was 60% a year versus a turnover rate of 20% for subsidized households. In other words, the unsubsidized households in most cases are moving to better work situations with higher incomes while the subsidized households stagnate in their housing. Rent control in Cambridge (1960-1995) had the same impact. Rent-controlled tenants often gave up better career choices when it required them to move and lose their very deep subsidy in reduced rents.

The idea of a universal basic income is similarly flawed. It would cause a widespread reduction in income-seeking and undermine its very own funding. We humans, like other animals, have to work to feed ourselves, a response built into our bodies that gives us the energy and skills to seek food, shelter, and other needs. Tampering with that built-in response harms us.

At the same time, all these subsidies create government dependents who will advocate and vote for more government subsidies – and they have the time to do it.

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SPECIAL ISSUE

Our Strategy Now page 3

Read about SPOA's statewide strategy to combat the unprecedented onslaught of anti-landlord legislation. All that we defeated in 2019-2020 will be reintroduced in the new legislative session that just started !!!

SPOA seeks volunteers

CHOOSE: Be a SPOA grassroots coordinator in your local state electoral district, getting other landlords into action.

OR: Be an aide in SPOA's inner circle, helping with local coordinators, fundraising, getting SPOA's messages out, and more.

Sign up for our Action Alerts! They are FREE! Go to spoa.com, see box upper right-hand corner

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