



# 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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## COMING OUT OF THE MORATORIUMS

# Saving America's small landlords Saving our lower-income neighborhoods

- The Small Property Owners Association is the only organization that knows how lower-income neighborhoods work – from the viewpoint of small landlords •

**Small landlords across the country all face substantially the same situation:** A loss of rental income – in some cases, serious or catastrophic loss – due to tenants losing their jobs from the pandemic shutdowns. This loss is aggravated by eviction moratoriums still in effect in many states. And now we have the federal eviction moratorium that we are stuck with until at least December 31 of this year. These moratoriums, for their duration, protect tenants from eviction for nonpayment of rent, even when they can afford to pay rent.

We can only speak in clear detail about Massachusetts, but our comments here likely apply to other states as well. If you live outside of Massachusetts, please consult with local lawyers and landlord advocates on how your state's landlord-tenant laws may operate differently.

### No "tsunami of evictions"

Despite a year's worth of eviction cases that likely will be filed in court when all eviction moratoriums end, no "tsunami of evictions" will happen. Such an idea is utterly false, a scare tactic of tenant activists. Landlords do not want vacant units. They will work things out with their tenants. Many eviction moratoriums have ended across the country with no reports of mass evictions. When rent control ended in Massachusetts in 1994 (thanks to SPOA), no mass evictions happened then, as feared.

Tenant advocates, legal services lawyers, and far-left radical legislators in Massachusetts and across the country are using this scare tactic to argue that the moratorium on evictions should be extended for as much as one full year. They want all that rent **cancelled**. Some even want never-ending **permanent** rent cancellation. Very irresponsible. Such ideas, enacted into law, would destroy small landlords, turn many lower-income neighborhoods into crime-ridden slums, and cause a huge loss of low-rent housing. Later in this newsletter, we give documentation for this predictable outcome of prolonged nonpayment of rent.

We cannot let this outcome happen. Eviction moratoriums must end soon. And the private rental housing market needs to return to near-normal operation.

### Working with our tenants

We landlords need to be realistic about our situa-

## MA eviction moratorium ends, federal moratorium until Dec 31

Governor Charlie Baker ended the Massachusetts eviction moratorium, strictest in the country, on October 17. In its place, the recently imposed federal CDC moratorium applies nationwide and remains until December 31. The federal moratorium allows you to start an eviction and do everything – except the court cannot issue an execution for possession.

Thus, landlords can now start an eviction with a 14-day notice to quit for nonpayment (federally subsidized housing or mortgages need a 30-day notice) and use it to pressure the tenant to come to an agreement, either start to pay at whatever rent the landlord and tenant decide OR a move-out agreement. You do not need to pursue the eviction unless the tenant does not cooperate. But, if you filed and proceeded through the eviction steps, you would be ready to move the tenant out almost immediately, once the federal moratorium ends.

For more details on available financial assistance or for mediation or legal assistance, go to:  
[www.mass.gov/info-details/information-for-landlords-on-emergency-housing-assistance](http://www.mass.gov/info-details/information-for-landlords-on-emergency-housing-assistance)  
 For mediation and legal assistance, check out: [www.mass.gov/orgs/housing-and-community-development](http://www.mass.gov/orgs/housing-and-community-development)

tion. After many months of nonpayment by tenants, if we go to court to evict them, we can expect at least two or three months of *further* nonpayment of rent as our case slowly winds its way through court, perhaps waiting until Spring or Summer before getting a court hearing on a nonpaying tenant – who will keep on not paying rent until the court evicts them.

Moreover, in Massachusetts at least, tenants can easily play the “free rent trick” and stop their eviction by claiming “rent withholding” for code violations while the tenants, happily living rent-free, block repairs and damage their units – all to keep living rent-free longer and longer. To stop this fraudulent “free rent trick,” SPOA is urging Governor Charlie Baker and Massachusetts legislators to pass a mandatory rent escrow requirement for all claims of rent withholding. But we cannot count on it passing.

Another consideration. If you evict your current tenants, besides all the additional nonpayment, who can you get to replace them? In lower-income neighborhoods especially, your only choice of tenant may be a nonpaying tenant moving out from another landlord. As the saying goes, you will be jumping from the frying pan into the fire.

**New or inexperienced landlords** need to remember that careful screening of your prospective tenant is critical to avoid serious problems. In particular, the only good landlord reference is NOT the tenant’s current landlord, who may give a rosy recommendation for a bad tenant that they are desperate to get rid of. A recommendation from a *former* landlord is critical. They can speak honestly about their former tenant.

With these considerations in mind, we landlords will want to avoid any further nonpayment – and that likely means making deals with our existing tenants, even the nonpaying ones. Once all moratoriums end (hopefully very soon), we suggest that landlords and tenants negotiate with each other, household by household, just as we have done many times in the past at the start of new tenancies.

## **Saving tenancies**

For the current crisis, we have two suggestions for these negotiations. **First suggestion:** We suggest that you consider forgiving the past-due rent. For landlords, collecting the past-due rent is virtually impossible. So, forgiving it is not any real loss to you, but it may be a friendly overture to your tenants. It may get them to come to the table to negotiate and agree to start paying rent. Moreover, you can set a new rent “going forward” that includes a monthly amount to recover some of the past-due rent in installments. It is up to you and your tenant to decide what works for both of you.

**Another alternative:** You could agree with them that you will forgive the past-due rent in ex-

change for a firm move-out date in the future, in a signed agreement, one copy to each of you.

**Second suggestion:** If you and your tenant hope to save the tenancy and get rental payments starting again, we also suggest that you set a new rent based on each tenant household’s income, as best as you can determine it, and your own financial needs to stay in business. In many cases, the only workable new rent level will be lower than what the tenant previously paid. Why? The tenant household may still be suffering from reduced income, or rents in your area may have already dropped. Many landlords now are lowering their rents and even offering one or two months of free rent, just to get new tenants or keep their existing tenants. So, a lower rent may be the best you can expect.

But remember, these agreements are voluntary, legally binding when you both sign them, but voluntary. So, what you agree to with your tenants is up to you and your tenants and no one else. All options are open.

## **Financial assistance and mediation**

In general, it is best for you to stay away from the government, and for the government to stay away from you. But if your tenant’s income is too low or your own needs are too great, you or your tenant may need to apply for financial assistance, if it is available. Contact government officials, or have your tenants contact them, to see what financial assistance may be available. Another option may be mediation services that are available to help you and your tenant reach an agreement.

In the current crisis, SPOA believes that financial assistance from the government is critical to help struggling landlords and tenants. The pandemic shutdowns have treated landlords cruelly, forcing them to provide housing – an essential service – without being able to charge for it. Food is essential, medications are essential, and grocery stores and pharmacies all can charge. Not landlords.

## **CRISIS: Vulnerable small landlords**

Consider the situation in moderate- and low-income neighborhoods where small landlords (10 units or less) are the most common form of ownership. The rents in these areas are fairly low. For example, while the median rent in Boston’s middle-income areas is around \$2,800 (based on realtors’ listings and their fees), fully 30% of all Boston rents are less than \$1,000 (U.S. Census data, 2017, based on random sampling), which will be typical of lower-income neighborhoods. At the same time, tenant incomes are also low. As a result, tenant households often spend more than 50% of their income even on these low rents.

In this situation, a loss of income is a **disaster** for these tenants AND a **disaster** for their landlords who own a few units with one or more units not paying rent. The serious danger is that the landlords, unable

to pay their mortgages, their taxes, their insurance, or do repairs, simply walk away from their properties and abandon them. Apart from the landlord's loss, abandoned housing puts all the tenants, even good-paying ones, at risk. When the untended housing becomes unlivable, they are on the street. Then, the abandoned housing becomes a place for drug-dealing, prostitution, homeless squatters – and crime spreads to middle-income neighborhoods where all the goodies are. Property tax revenues are lost, so tax bills go up on everyone else.

**We know how nonpayment of rent works.**

When nonpayment goes up, services suffer, repairs suffer, the housing deteriorates, landlords abandon their properties, and crime sets in. The only question is one of degree. Just how bad will it get?

Later in this newsletter, we discuss **“tenant right to counsel”** and present powerful evidence of exactly this kind of disastrous outcome: the story of Lawrence, Massachusetts, in the 1990s, and the substantial loss of low-rent housing across the country in the last three decades.

**Targeted financial aid, never enough**

Financial aid, then, is definitely needed and must be very well targeted to the most needy situations, which will often be in moderate- and low-income neighborhoods where the pandemic shutdowns have caused the most loss of income to tenants and to landlords.

Realistically, however, no amount of government funding for financial assistance or for expedited services like mediation can be authorized in sufficient

quantity or ramped up fast enough to deal with more than a relatively few cases. So we all need to stretch and adapt to this unusual situation that we all find ourselves in.

**Another solution:**

**Tenants moving to more affordable housing options**

Preserving present tenancies, however, should not be the only goal. Tenants often have good reasons to move: to a new job, to a more affordable housing situation, and to end the harm and loss to small landlords.

Some tenants, then, may decide to resolve their housing situation by moving into “congregate” or “shared” housing, such as taking in or becoming a roommate, or two smaller households joining to share one larger apartment. These and similar options are certainly more affordable, and tenants are going to make these decisions on their own. We landlords may encourage tenants to move, but we cannot stop them.

Moving into these shared situations, however, does pose a risk of increasing Covid-19 transmission. Fortunately, the Centers for Disease Control (CDC) has guidelines for congregate and shared housing. Basically, the guidelines want everyone in the household to do all the standard Covid-safe practices (handwashing, masks, social distancing, avoiding crowds, etc.), especially if the household has one or more vulnerable members.

**Take Action!**

**We had a major win** with Governor Baker's decision to end the MA eviction moratorium!

Now, we face angry tenant advocates who are pushing to get their other favorite “tenant protections” passed: • just-cause eviction, • local-option rent control, • tenant right to counsel, • eviction record sealing, • tenant right to purchase, and • real estate transfer fees.

**PLEASE: Call or email or visit your State Senator and Representative and URGE them to vote NO on any and all of these proposals. Just name them; you do not need bill numbers. They all know what they are.**

**You can email or call them. To find out who they are, go to: [www.wheredoivotema.com](http://www.wheredoivotema.com) and enter your street address. Find your senator and rep in the “General Court,” the official name of the State Legislature.**

**A powerful way to influence your senator or rep is to VISIT them or MAIL 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.**

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**SPOA's goal is major policy change.** We have hired a lobbyist firm and a social media person. We need to hire a new executive director as soon as possible. Please go to the back page of this newsletter to donate as generously as you can. Thank you so much!

# Tenant right to counsel

## Sounds nice. Destroys housing.

### We will lose our beautiful, historic, multifamily neighborhoods



This idea – a tenant right to counsel – is being proposed nationwide, with well over one hundred affiliated organizations pushing it in state legislatures across the country.

If adopted, it will damage and destroy America's low-income multifamily neighborhoods, causing a slide towards crime-ridden slums and housing loss.

If adopted, it will push many small landlords to decide to exit the rental housing market – and others never to enter it. It would replace many small local landlords with a few distant, corporate-bureaucratic large landlords, both private and nonprofit. We would lose a valuable local resource, many men and women with practical skills and watchful eyes on our multifamily neighborhoods, lost forever.

Legal services lawyers have drafted this proposal in conjunction with tenant advocacy groups. The legal services lobby is a nationwide partisan, political movement funded by taxpayer dollars and other government appropriations. It should be defunded and made to seek private donations for its activities.

Small landlords predominate in lower-income neighborhoods, usually a husband and wife who own a handful of units, do their own management and repairs, and operate part-time or full-time from their homes. They are often minorities, as are their tenants. Over half of all U.S. rental housing is owned by small landlords. These people are at risk. They are never talked to. Just ignored.



**A “tenant right to counsel” has only one goal and one outcome:** To prolong periods of nonpayment and give tenants free rent, then let them be evicted. Its proponents cannot state this goal openly, and they never research the impact.

**The socio-economic impacts** of widespread, prolonged nonpayment of rent are disastrous.

- Hostility and hatred between landlords and tenants
- Abandoned and boarded-up housing
- Permanent loss of low-rent housing
- Good-paying tenants displaced
- Neighborhoods sliding towards slums with crime
- Property tax and income tax revenue losses

**FACT: America has lost a huge amount of low-rent housing over the last three decades.** In 1990, low-rent housing (defined as rents below \$600) made up 46% of America's rental housing stock. By 2017, it had dropped to just 25% [Note 1]. Various reasons caused this alarming loss, such as inflation, rising incomes, and condo conversion. But one significant reason is prolonged periods of nonpayment of rent caused by landlord-tenant laws.

**FACT: Rents in lower-income neighborhoods are quite low.** U.S. Census data found that, in Boston, almost 30% of rents were less than \$1,000 in 2017, based on random sampling, not realtors' listings [Note 2]. Such low rents are barely sufficient to maintain the housing.

**FACT: 95% of all evictions are for nonpayment**

**of rent**, according to former Boston Housing Court chief administrator Harvey Chopp [Note 3]. This nonpayment occurs largely in lower-income neighborhoods, and it signals that virtually all nonpaying tenants would qualify for free lawyers. Judges typically award most of a tenant's unpaid rent to the landlord, but it is virtually impossible to collect.

**FACT: Funding for a Massachusetts “tenant right to counsel”** would have to increase by almost 13 times its present allocation to handle a caseload that would grow from 2,895 nonpayment eviction cases in Fiscal Year 2019 to 37,000 cases a year [Note 4]. This funding would need to support 13 times more legal services attorneys, their salaries and benefits, and their office space, equipment, and support personnel. It would also need to support a corresponding increase in judges, courtroom space, and support personnel for the greatly increased litigation time. No cost-benefit analysis has been done.

### How a “tenant right to counsel” would work

**Small landlords in lower-income neighborhoods cannot afford attorneys** at \$200 to \$300 an hour on rents below \$1,000 and one or more rents not being paid. With only a few units, small landlords are soon put out of business by prolonged nonpayment of rent. The claim that 80% of landlords come to court with attorneys may not be factually wrong, but is misleading. The landlords who come to court with attorneys are primarily public housing authorities, nonprofit “afford-

able housing” groups, and a few large landlords – not small landlords.

**The playing field is tilted horribly against small landlords by a “tenant right to counsel.”** The tenant is getting both a free attorney and free rent – and has no incentive whatsoever to resolve the case. The small landlord, in contrast, is losing rental income, seldom can afford an attorney, and desperately wants a quick resolution. Is this impact “equal justice” and “leveling the playing field,” as legal services lawyers claim? Just the opposite, it promises to crush small landlords.

**“Summary process” stops being summary.** “Summary” means “quick,” as in “summary judgment.” When a person lives in someone else’s property without paying rent, the matter is serious and needs rapid resolution. The court system established “summary process” specifically for landlord-tenant issues, to replace “self-help” evictions. Landlords have accepted summary process knowing it is slower than self-help, but relatively quick and inexpensive: after a short 14-day notice to quit in Massachusetts, the landlord and tenant state their case to the judge without attorneys. A “tenant right to counsel,” then, destroys a long history of legal practice – and guarantees that the eviction process will be as long and slow as possible when nonpayment is the sole cause of action.

**How complicated are nonpayment eviction cases?** The issue is simple. Did the tenant pay or not pay the rent? What is the evidence? The judge is an attorney. Do we need two or three attorneys in the courtroom to decide this simple fact?

**What will free lawyers do for tenants in nonpayment situations?** Come up with reasons why nonpaying tenants cannot be evicted. For example:

- **Demand** that the apartment must be certified code-perfect before the landlord can evict a nonpaying tenant, who starts damaging the apartment to keep living rent-free longer.
- **Demand** a jury trial to decide a simple nonpayment case – at least a three-month delay and three more months of free rent.
- **Demand** triple damages for each time a busy, less-literate small landlord has violated any provisions in our complicated landlord-tenant laws, always drafted by legal services lawyers. A Boston landlord counselor says that these damage claims often mount up to \$40,000 and go as high as \$70,000 on rents around \$900 in Boston’s lower-income neighborhoods. If the poor landlord cannot pay \$\$\$\$\$, then demand more free rent for the tenant.

## Who pays?

**When nonpaying tenants get many more months of free rent,** four losers pay for it:

**Small landlords** suffer financially, as any family

would from reduced or zero income, and when they can no longer do repairs and maintenance, they can lose their properties and all their investment in time and money.

**A landlord’s other, good-paying tenants** can expect cutbacks in repairs and services, followed by rent increases. If landlords abandon their properties, these good-paying tenants can also lose their housing as it becomes unlivable.

**The housing** in lower-income neighborhoods especially can be abandoned and start to decline rapidly from lack of repairs. In serious recessions (such as now), lower-income neighborhoods turn into slums with abandoned, boarded-up housing everywhere, and much low-rent housing is permanently lost. Crime becomes rampant. (See Lawrence MA below.)

**Taxpayers** will pay for this loss in higher taxes because of lower property tax and income tax revenues from lower-income neighborhoods and increased budgeting to manage abandoned housing and higher crime rates.

## Who wins?

**The lawyers,** the legal services lobby for whom a “right to counsel” is a full-employment act.

## Examples of housing loss from nonpayment of rent

**Lawrence, Massachusetts,** demonstrates the potential impact of widespread, prolonged nonpayment of rent. The city lost much of its lower-income housing when it was hit hard by the early 1990s recession. Factories closed and laid-off workers could not pay their rents. They became unevictable because of the Massachusetts rent withholding law (MGL Ch 239 8A), which left owners with no money to make the nonpaying tenant’s unit code-perfect. Many landlords abandoned their housing. Over a two-year period, more than 200 buildings (both factories and housing) were torched [Note 5] for insurance proceeds. Six years later, the author of this article was invited by the city’s chief inspector to view the lasting impact in Lawrence’s damaged neighborhoods, which remained a broad patchwork of vacant lots and boarded-up housing, and a smattering of still-occupied buildings with nonpaying tenants hanging out on doorsteps. Crime was rampant: drug-dealers, pimps and prostitutes, squatters and vandals. The city inspector attributed this disaster to the state’s defective rent-withholding law. In 1999, Skip Schloming and Lenore Monello Schloming received “honorable mention” in a Better Government competition sponsored by the Boston-based think tank Pioneer Institute for their white paper “The Road Home” [Note 6], which explained the need for a mandatory rent escrow requirement and included an account of Lawrence’s experience.

**Hendry Street in Boston** A recent article in the Boston Globe [Note 7] reported that on “Boston’s Hendry Street,... by 2009 [the Great Recession], half of the 20 properties on the street were foreclosed, and vacant buildings had been taken over by gangs.” A “stabilization” program “fell short,” and private investors “... snapped up properties, rented them out until the market stabilized, and then once again flipped them for a significant profit.”

**Abandon housing** always rises during recessions. Boston maintains a list of abandoned properties [Note 8] based on neighbor complaints, currently at 737 entries, with 10 properties listed in the last 14 days and 25 properties in the last month. Common complaints are: “drug activity and paraphernalia,” “rat infestation affecting surrounding areas,” “homeless people living there using drugs and squatting, windows and doors not secured, weeds overgrowing sidewalk, fence falling apart,” and it goes on and on. These conditions lower property assessments in the surrounding areas.

### **Cost comparison: right to counsel vs. financial assistance to tenants**

**A “tenant right to counsel” is very high-cost,** as stated above. One-time financial assistance, however, is highly cost-effective. A Massachusetts rental assistance program recently spent, on average, less than \$3,000 per tenant household in one-time grants to resolve evictions-about-to-happen and preserve tenancies – compared to \$3,000 per month in “emergency assistance” to put families up in hotel and motel rooms – and not preserve the tenancies.

The same amount of public investment for a “tenant right to counsel” would be **far better spent** on such small grants to tenants. They simultaneously help tenants stay in their homes and help small landlords stay in business.

The stated goal to “protect tenants from displacement” never mentions the other side of the coin: landlords who, in almost all cases, are not receiving rent from tenants. It is as if landlords do not exist and can be completely ignored, or worse yet, they are evil and greedy – stereotyping and hatred that in a racial context would be considered reprehensible. Displacement, moreover, is not always bad or harmful, even involuntary displacement. The job of protecting tenants from displacement by providing free rent is not one that small private landlords are able to do.

“Right to counsel” in the current pandemic crisis will cause a massive disruption in lower-income neighborhoods, accelerate housing loss, and displace tenants.

### **Give landlords free attorneys, too? NO.**

Giving both landlords and tenants free attorneys does nothing to shorten the prolonged periods of nonpayment that we must avoid. All that funding? Give it

as direct assistance to tenants, not to lawyers.

**An alternative solution:** Deal separately with nonpayment. Let the court take evidence, determine whether nonpayment is happening, and issue an enforceable order for prompt possession. If the tenant has other issues with the landlord – housing conditions, violation of security deposit rules, etc. – let the tenant come with a free attorney to district, housing, or small claims court to adjudicate those issues. The dangers and unfairness of prolonged nonpayment are avoided, yet the tenant does not lose their right to make these other claims.

### **A Massachusetts Commission on Rental Housing Policy**

In 1994, Massachusetts voters ended rent control. The voters were right. SPOA was right. MIT studies and other studies showed that rent control caused housing deterioration, plummeting property values, gentrification, and crime.

But in the 25 years since then, SPOA has been completely ignored by housing advocates and lawmakers, as they push to get rent control back and impose a host of new regulations – rent cancellation, tenant right to counsel, tenant opportunity to purchase, just-cause eviction, eviction sealing, transfer fees to build “affordable” housing, and more – expecting to pass them with zero input from small landlords, we who are part of the equation that makes rental housing work.

Good government policy has been stated (Google it) that recognizes the importance of including all stakeholders in formulating regulation that affects them.

SPOA urges that a “Massachusetts Commission on Rental Housing Policy” be established, to include all the relevant stakeholders, with the aim to have well-moderated, thoughtful, rational, evidence-based discussions.

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### **Notes**

1. [www.jchs.harvard.edu/research-areas/working-papers/documenting-long-run-decline-low-cost-rental-units-us-state](http://www.jchs.harvard.edu/research-areas/working-papers/documenting-long-run-decline-low-cost-rental-units-us-state).
2. <https://data.census.gov/cedsci/table?q=rental%20housing&g=314M300US1446014454&tid=ACSDP1Y2017.DP04&hidePreview=true> (figures are rounded).
3. Personal communication with Skip Schloming.
4. The Massachusetts Legal Assistance Corporation (MLAC) processed **2,895** nonpayment eviction cases in Fiscal Year 2019: <https://equaljusticecoalition.org/wp-content/uploads/2020/03/FY-21-Issue-fact-sheet-Housing.pdf>. Massachusetts District and Housing Courts processed **38,984** summary process (eviction) cases in 2019: [www.mass.gov/lists/trial-court-statistics-for-fiscal-year-2019](http://www.mass.gov/lists/trial-court-statistics-for-fiscal-year-2019). Calculation is based on 95% of eviction cases involving nonpayment.
5. Wikipedia: <https://www.google.com/search?channel=cus2&client=firefox-b-1-d&q=Wikipedia+history+of+lawrence+ma>
6. <https://spoa.com/TheRoadHome.pdf>
7. August 17, 2020.
8. [https://mayors24.cityofboston.gov/?q=abandoned&service\\_id=4f38920fe75084437f000151&utf8=%E2%9C%93](https://mayors24.cityofboston.gov/?q=abandoned&service_id=4f38920fe75084437f000151&utf8=%E2%9C%93)

# SPOA's immediate & long-term goals: POLICY CHANGE

Tenant advocates want one full year of cancelled rent, with no pay-back obligation. They also want permanent rent cancellation. "Housing is a right," they claim with moral righteousness. What they really want is to ruin the private rental housing market, run private landlords out, and have the government or nonprofits take over.

Government and nonprofit employees cannot run housing well. Public housing projects have been torn down, decades after they were built, after becoming crime-ridden with drug dealers and squalid places to live. New York City's public housing projects are \$40 billion behind on repairs.

What about all our historic, immigrant-built, multifamily neighborhoods, with two to six units per building? Each building is unique. No far-away government or nonprofit bureaucracy can possibly manage them well, especially with little or no rental income.

Small landlords (10 units or less, doing their own management and repairs from their homes) are the backbone of America's multifamily neighborhoods, especially in low- and moderate-income neighborhoods. Their investment in time and money means they care strongly about their properties. They are people with practical skills and watchful eyes on their neighborhoods. Tenant advocates only foster hostility between landlords and tenants.

SPOA's long-term goal is to become a strong statewide organization and even a national organization – and end the past 50 years of anti-landlord laws drafted by legal services lawyers. We want to restore cooperation between landlords and tenants and make neighborhoods strong again.

## For the immediate future, as moratoriums end

When all the eviction moratoriums end, the risk is great that nonpayment will continue unabated. In Massachusetts, tenants can continue not paying rent in two ways: wait several months or longer for their eviction to come up in the backlog of cases in court and/or play the "free rent trick" – claim they are "withholding" the past-due rent for code violations, then block repairs and damage their units to stop their eviction for months, even up to a year or more in some cases. Rent payments need to resume, or tenants need to move into more affordable housing situations.

## TO CREATE more affordable housing options:

**End restrictions on renting:** Allow renting by rooms "as of right," allow two households to share one larger apartment, etc. Make state aid dependent on local zoning reform.

**Create a substantial new supply of smaller units with "naturally" lower rents:** Allow existing large apartments to be subdivided into two smaller units with "naturally" lower rents. Zoning changes only. Consistent with pedestrian, bicycle, and public transit. Use "affordable housing trust funds" to subsidize any fire sprinkler requirements. Discussed further in "Regulatory Barriers to Housing Affordability" on the SPOA website.

**TO STOP yet more nonpayment after moratoriums end: Mandatory rent escrow:** End the "free rent trick." **End monetary claims** that slow eviction of nonpaying tenants. Litigate claims separately.

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## MA eviction moratorium ends!

### Saving America's small landlords Saving our lower-income neighborhoods

• The Small Property Owners Association is the only organization that knows how lower-income neighborhoods work – from the viewpoint of small landlords •

**Tenant right to counsel**  
Sounds nice. Destroys housing.

**SPOA's goal is policy change**

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