

March 2012

THE GLLA COMMUNICATOR

A Publication of the Greater Lowell Landlords Association, 1080 Main St. Tewksbury, MA

DATE: March 14th, 2012 PLACE: Holiday Inn, Tewksbury, MA TIME: 7:00 pm – 9:30 pm

Meeting, Refreshments & Awards

*****REMINDER DUES FOR 2012 ARE DUE*****

March Speaker

Bruce Boutin who could not make it last month will be speaking on apartment clean outs, and trash removals.

Josh Harrington with the, *J.H. Insurance Group* will be speaking on insurance programs.

Also we expect **David Perez** to be speaking on Turnover apartment cleaning for busy Landlords.

See you at the meeting Dick Macdonald, President

February Meeting Recap:



Allen Trebat (*top left*) with *Merrimack Valley Regional Network* spoke on V.A. Services available for Veterans, and Home/apartment modifications. Money available for for seniors and handicapped.



Sean Burke (*right*) with *Zambia*, an eviction mover with their own warehouses. Who spoke on their \$1,000.00 flat rate eviction moves.



Mark Burrell (*bottom left*) who gave us legal advise on evictions and court procedures.

Deal Killers for the Discriminating Landlord

12 Sure Deal Breakers When Screening a Prospective Tenant

By John Nuzzolese

If you are a discriminating landlord, you surely have a number of conditions on which you will disqualify a prospective tenant. As long as you discriminate legally, and not against any fair housing laws, we may share the same 'Deal Breakers' below. Please let us know if you have any "sure deal-breakers" not listed.

1. BANKRUPTCY

Do you know what a person has to go through before deciding to declare bankruptcy? It can sometimes be years of dodging creditors and bill collectors. It is a process that teaches an individual how to get around paying creditors. It is not a pleasant experience, and it usually educates and hardens a person towards all creditors. *I don't mean to say people who have gone bankrupt are not nice people or will not be good tenants!* I mean to say that I prefer not to rent to people who are well educated on filing bankruptcy and are not afraid to damage their credit.

2. PRIOR EVICTION

Any tenant who has been evicted probably has very bad credit and may feel confident in gaining a few

and the winners were:



1st Wow The President won the \$75.00 Raffle

2nd Tom Kirwin won The \$400.00 Vacation For Two

3rd Batham Chea, a New Member won the Landlord Manual

4th Priscilla Hilliard won the tape measure

months free rent in an eviction should the need arise.

3. CRIMINAL HISTORY

I've been asked by a few landlords, "Am I allowed to discriminate against someone with a criminal history?" Of course you can! Yes, it is legal to decline an applicant because they have a criminal record. It may *not* be politically correct to decline

continued on page 7

THE GLLA ELECTED OFFICERS FOR 2012

President Dick Macdonald 978-851-4330
Vice President Mark Andrade 978-580-4615
Secretary Atty. Mark Burrell 978-263-0066
Treasurer Priscilla Hilliard 978-909-3887
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Welcoming Committee: Priscilla Hilliard, Helen Brown

Raffle Tickets: Chester Briggs, Vichith Nuon, John Purpura

If you would like to volunteer to serve under or even head any one of these committees, please call any of the people above. Any and all assistance is greatly appreciated.

The GLLA IS NOW ON-LINE!

Our web page:

www.GLLAMA.org

** check out craigslist in our website for rentals**

Our e-mail: Macdonaldre@comcast.net for quicker response contact Pres. Dick Macdonald

The MRHA The Massachusetts Rental Housing Association (MRHA) is a statewide concentration of local landlord groups banding together. FOR MRHA MEETINGS BE SURE TO CHECK MONTHLY MRHA NEWSLETTER FOR CURRENT MEETING TIMES AND DATES.

Vendor discounts

15% off for all GLLA members
MARK BURRELL, ATTORNEY AT LAW
978-263-0066

MRHA Web Page

MRHA IS "ON LINE" you can find them at <http://www.massrha.com>, and their e-mail address is mrha@massrha.com Allen Hebert has taken on this task for MRHA, and he would like to hear from any other on-line members. E-mail him at allen@massrha.com For a quicker response contact Pres. Dick Macdonald Macdonaldre@comcast.net

GLLA ANNUAL MEMBERSHIP

The Greater Lowell Landlords Association was formed in 1978, when a group of landlords, discussing mutual concerns, realized they could help each other. The philosophy of landlords helping landlords remains at the core of the association today. We have established three types of memberships.

1. Membership - Owning or managing residential or commercial rental property (Voting member)
2. Associate membership - Planning to own or manage rental property (non voting member)
3. Affiliate membership - Businesses associated with rental property (Non-voting member)

MEMBERSHIP AND ASSOCIATE MEMBERSHIP

FEES for 2012 are \$85 a year, which includes a subscription to our newsletter "the GLLA Communicator", membership in the MRHA, and a subscription to their monthly newsletter. There are also special "members only" discounts offered by local vendors, (See the vendor discounts section of the Communicator).

AFFILIATE MEMBERSHIP

which includes three individual memberships, one MRHA membership, and a business card size ad each month for a year in our newsletter "The Communicator" is only \$195 (over \$300 if priced separately)

All types of memberships have the same privileges except for the voting of officers. All fees are due on the first of the year. ANY MEMBERS NOT "PAID-UP" BY JUNE 1 WILL LOSE THEIR SUBSCRIPTION TO "THE COMMUNICATOR" AND THEIR MEMBERSHIP WITH THE MRHA.

FORMS & BOOKS AVAILABLE at meetings:

Landlord Training Book	\$35.00
45 Forms on paper	\$15.00
45 Forms on CD	\$15.00

ADVERTISING RATES :

Business card 2X3	\$ 30 per issue	\$ 85 per year
Quarter Page 4X5	\$ 55 per issue	\$165
Half Page 8X5	\$ 85 per issue	\$255
Full Page 8X10	\$ 120 per issue	\$500
Full Page INSERT- Supplied 8½X11	\$100 per issue	N/A

The GLLA Newsletter is published 10 months during the year.

The Greater Lowell Landlords Association is a non-profit association, exclusively representing the interests of the rental property industry. Our primary goal is to help protect our interests. We will try to keep you informed, save you money, and help you to stay out of Housing Court. Please note: The information in this newsletter is not intended to be construed as legal, accounting, or other professional advice. You should seek legal advice from licensed professionals for answers relating to your particular circumstances.

SPECIAL REPORT: #3

LPA Lease Clause #3: Late Fees

by John Nuzzolese ©Copyright 2000

One of the most important elements of modern residential leases today is the Late Fee clause. In order to encourage timely rent and discourage late payments, I highly recommend you have a solid late charge clause. Having the clause in your lease is only part of protecting yourself against late rent.

The first step is to explain and warn the tenant about the late fee when going over the lease before signing it. I'll even ask the tenant not to sign the lease if they think that late payments are in their future. I also inform the tenants that I belong to a national tenant reporting bureau and have the power to adversely affect

IT'S THE LAW

by Mark Burrell, Esq.



Q. If my tenant defaults on the lease, can I give my tenant a 7-day notice to quit?

A. Yes. But you have to have two things to do so. First, you have to have a written, term lease, not a tenant-at-will lease. That is, the lease cannot be a month-to-month lease. It has to be for a period of time, for example, for one year. Second, you have to have a provision in your written term lease that states: The landlord may give the tenant a 7-day notice to quit for any default of the lease other than nonpayment of rent (or wording to that effect). Whenever the tenant has failed to pay rent, and you wish to evict the tenant on that basis, you have to give the tenant a 14-day notice to quit. What law permits a landlord to give a 7-day notice? MGL chapter 186, section 15A.

the tenant's credit, so.. "Don't mess up with your rent. It's not worth it." If the tenant values his credit and plans on buying a home someday, I remind them that it is very important to prioritize the rent payment and keep their credit clean.

How much should the late fee be? I feel late charges should hurt. I don't want to make it so high that a struggling good tenant will fall even further behind, but it should be a painful enough fee that the tenant will not want to pay again. Ever.

Another item we include in our Late Charge clause is a Bounced Check Penalty. I usually make the bounced check charge the same as the initial late fee. I also prepare the tenant that if the rent check bounces, it will cause the rent to be late and they will be responsible for a late charge too.

I want to stress to you that the landlord protection clauses in our lease or any other lease are there to protect you, but sometimes you will have to enforce the lease. Many landlords are afraid to lose their friendly relationship with the tenants when it comes to enforcing the lease. Remember that this is your money we are talking about. This is your property they are occupying and you deserve to have a tenant who lives up to his or her agreement with you. Send the late fee notices and make the tenants pay the penalties. You have your own bills and you want your rent on time. That's why you rented to them.



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Dear Anne: Does a “no pets” policy apply if you’re just keeping a pet at your house for a few months as a favor for a friend? My friend wants me to take his dog while his house is on the market. — T.B.

Answer: Yes, a “no pets” policy is just what it sounds like: no pets allowed. Whether it is your own pet or your friend’s is irrelevant.

Dear Anne: I am a senior citizen who is a widow and on my own now. I moved to a new apartment, and of course I brought my telephone with me. I asked the landlord to take care of installing it before I moved in, and I told him exactly where I wanted the phone jacks in my note to him. The apartment doesn’t have any phone jacks now. Well, he said his tenants don’t have telephones anymore, and that he does not take care of things like this (installing phone jacks) for his incoming tenants. He said he hadn’t had a tenant with an “old-fashioned” phone in years. My grandson came home for Christmas vacation and took care of it, but I think you should know that some landlords do not provide these services anymore, and also that many , people think having a cellphone is sufficient. — L.J.

Answer: Things certainly do change. More and more people rely on cellphones. And like many other business owners, landlords are pressed for funds and time, and some personal services to tenants have fallen by the wayside as a result. At the same time, it’s particularly important for older people living by themselves to consider having a hard-wired phone. If the power is out, your phone still works. People with medical issues often have a hard-wired phone, even if they usually use a cellphone. I’m glad your grandson was able to solve your problem.

Landlord declines Section 8 program, tenant faces eviction

Bridgeport, Conn. (WTNH) -A Bridgeport woman is facing eviction after her landlord decided not to participate in the Section 8 housing assistance program.

The woman and landlord have had a great relationship, but because funding was cut to Section 8 the landlord would get less rent, which he can’t afford.

• Read more at the Connecticut Post.

Cynthia Wallace has lived in her Bridgeport apartment with her two daughters for three years, but because of cuts to the section 8 housing assistance program they have to be out Wednesday. “I’m pissed off because I don’t think it’s fair,” Wallace said.

Wallace received her eviction notice nearly 30 days ago. She’s a section 8 renter, which means 30 percent of her income goes toward her rent. Federal funds pay for the remainder, but recently that funding was cut by about 10 percent and folks like Wallace are feeling the cut.

“Now the contract is 1,000 where they’re paying 800 and I’m paying 200,” said Wallace, “and the landlord’s losing out \$200, don’t want to take loss, which I can’t blame them.”

Her original rent was \$1,200 a month. So she paid \$200, and the U.S. Department of Housing and Urban Development (HUD) covered the rest. After re-assessing her apartment, HUD dropped the rent to \$1,000 a month, which means the landlord would lose out on \$200 a month. He can’t afford that loss so he’s decided not to participate in the Section 8 program anymore.

Wallace, who is disabled, says she’s tried reaching out for help, but feels abandoned by the system.

“No decent answers, no decent answers whatsoever,” Wallace said. “And when I tell them I’ve contacted this one and that one they say okay fine, you know they don’t care, they don’t care. They act like they don’t care and it’s really frustrating.”

Wallace is one of many CT residents affected by the cut. HUD says there are several thousand families on the waiting list for Section 8 and public housing.

“Every day I toss and I turn because I don’t know what’s going to happen,” said Wallace. Wallace says she plans to fight the eviction even if it means going to court.

We were so sorry to lose a couple of long time advertisers this month who did not renew their ad for 2012

While we can understand the tight money situation we all face this year...

ADVERTISING is a necessary expense to bring in new customers as well as old ones.

*Dick Macdonald,
President*

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TOP TIPS For Landlords Reinvesting In Their Properties

The outlook for buy-to-let landlords looks positive for 2012, as demand for rental property is expected to remain high and should continue to push up rents.

Research from Paragon, the buy-to-let lender, on Tuesday found that more than half of the landlords it surveyed said they expected tenant demand to grow in the new year, with only 6 per believing that demand would decline in 2012.

While many investors are looking to grow their property portfolios on the back of improved market conditions, others are using the additional income received to reinvest in their existing buy to let buildings.

Robin King, director at Move with Us, provides his top tips for landlords looking to reinvest. *"Being a landlord in 2012 is a privileged position; demand is high and interest rates are at their lowest levels for many years. With any additional secured in this 'haven' period, landlords should be looking at effective ways to reinvest in their current properties, to manage their assets and increase their returns,"* said Mr King.

1. Energy Efficiency

Energy efficiency is increasingly becoming a hot topic for landlords.

Last month, a joint report by two charities - Citizens Advice and Friends of the Earth - found that around 680,000 private tenants live in houses with an energy rating of F and G and have average fuel bills of £488 per year.

From 2018, new legislation will make it an offence to let or market a property that falls below an energy performance certificate rating of Band E.

"With this in mind, landlords should look at the energy efficiency of their properties and how they can improve it," said Mr King. *"Money spent on insulation and investing in energy efficient heating systems will not only tick the green and money-saving boxes, but ultimately it will make the property more desirable for future tenants looking to keep their ever-increasing heating bills down."*

2. Internet Access

King believes that offering instant, continuous and fast broadband is a huge selling point for landlords. He noted that a number of broadband providers now tailor packages for landlords and the costs can be integrated into the total monthly rental price.

Dick's Words of Wisdom



3. Bathrooms and Kitchens

Properties with up-to-date, modern kitchens and clean bathrooms tend to be more appealing to tenants. Two particular items worth investing in, according to King, are a good power shower and a self-cleaning oven.

"These days, tenants are demanding a reliable, hot shower. Nobody wants to pay for something that is dated. Likewise, a self-cleaning oven will not only act as a desirability magnet for prospective tenants, but it will also ensure that your investment is protected from less-than-house-proud tenants," explained King.

4. Cleanliness

"The easiest single thing that any landlord can do to ensure their properties are let quickly is to have them professionally cleaned. It is also worthwhile having the carpets and curtains cleaned, in order to get the maximum rent for the property," said Mr King.

—By Tanya Rowley

Forget Year of the Dragon, 2012 is the Year of the Landlord

Says HomeVestors: "It's a landlord's market"

PR News wire
Untied Business Media

DALLAS, Feb. 1, 2012 /PRNewswire via COMTEX/ - HomeVestors, the professional home buying network of independently owned and operated franchisees that is the number one buyer of houses in the U.S., agrees with Morgan Stanley's Oliver Chang when he says that 2012 will be the "year of the landlord."

For those considering investing in rental properties as a business opportunity, statistics reveal more than one-third of Americans currently rent their homes and this number is likely to increase.

According to David Hicks, co-president of HomeVestors, "The percentage of our HomeVestors® franchisees purchasing homes as rental properties has never been higher, and we have

been in business for almost 16 years. As American families continue to struggle with job loss and decreased incomes, the need for a more flexible housing situation increases. Enter the landlord in what is becoming a win-win situation for those in need of affordable housing and those who can invest in providing it." Chang posits that a five year market free fall has changed the way homeowners and investors view the current housing market. In the face of high national unemployment, ever-rising home foreclosures, and constantly falling home prices for six consecutive quarters, Chang writes that "rents are rising, vacancies are falling, household formations are growing and rental supply is limited. We believe the demand for rental properties will continue to grow."

For renters, several factors attribute to the increased demand for single-family housing. The idea of downsizing to apartment living is an especially

difficult prospect for parents with children accustomed to the indoor and outdoor space a home affords. Even with indications that the economy may be improving, many individuals still have difficulty getting a mortgage and potential home buyers are slow to take on the commitment of purchasing a home. At the same time, the prices investors pay for single family residences are down from three to four years ago. Hicks added, "Bottom line: the return on single family rental investments is very attractive for those who have the means to establish themselves as landlords."

Hicks points out that rents will continue to be supported by a renewed growth in the population of young people who face continued uncertainty regarding their incomes and employment prospects, along with a steadily declining marriage rate. "The time to invest in being a landlord isn't near, it's now."



Life as a Landlord

By BERT STRATTON Cleveland Heights, Ohio

I'M a landlord in Lakewood, Ohio, a Cleveland suburb near where I live that is predominantly prewar apartment buildings and double houses. In Cleveland — and probably most of the Midwest — you can get a clean one-bedroom in a decent neighborhood for \$500. No air-conditioning and no dishwasher, but the unit is painted and has refinished hardwood floors.

I once had a tenant, Stan, who paced those floors at 3 a.m., waking up the people below. When I asked Stan to ease up, he said: "What do you want from me? I can't fly."

He moved out shortly after that.

About 10 years later, he called and said: "Stratton, you remember me. I want to move back in."

"Stan!" I said. "You complained about the guy across the hall blasting organ music. You complained about the people below you fornicating. You skipped on your final month's rent. You painted the floor." "But I used Benjamin Moore paint, Stratton. Only the best." I didn't let him back in.

I want my tenants to be law-abiding and act middle-class. That's the goal. The riskiest tenants are bartenders and servers. They often come home late and party hard, annoying the 9-10-5 tenants. I rent to welders, bartenders, landscapers, flight attendants, legal secretaries and Suzuki violin teachers. Some of the tenants meet one another in the vestibule, fall in love and marry. Then I have another vacancy.

I recently had an application from Joe, 71, a retired factory worker. He made \$1,600 per month.

Welcome, Joe.

I ran a criminal search on him as a formality. Aggravated arson, forgery and sexual battery. Pre-Internet, I would have rented to him. Pre-Internet, it was hard to run background checks. I once rented to a rapist-murderer because I wasn't schlepping down to county records, and he wasn't volunteering he was a rapist-murderer. (The man got picked up on a parole violation and moved out of my apartment without killing or raping again.)

I rented to a retired nurse whose previous landlord followed her to my place. He told me the old lady was a convicted forger and con-artist.

But my building manager had already given her the keys! I moved her belongings into the basement and locked the basement door. "Give me my meds!" she said.

She had a point. I gave her the meds, and her toothbrush. She gave me a lawsuit.

This cost me. I was young. I learned two things:

- 1) Don't ever evict a tenant yourself. Lawyers love "self-help evictions." Wait for a court order.
- 2) Screen all tenants like crazy on the way in.

At cocktail parties, I say, "I'm a landlord." People hate that. Everybody hates landlords. That's because nobody paid rent as a child. Renters think apartments should be free, like the wind, rain and baby food.

I used to say, "I'm in real estate." That sounded better; however, I spend a fair amount of time peering in apartment windows for cats, to charge pet fees. That probably doesn't say "real estate" to most people.

A competing landlord, next door, put in granite countertops and tried to jack up his rents. It didn't work. The fancy-kitchen, fresh-coffee-grinding tenants are mostly in other parts of town or, more likely, in other parts of the country. Renters in Lakewood aren't looking to move out and up right now.

My vacancy rate is 4 percent, the lowest in 10 years. Four years ago, tenants were leaving as if a siren was blasting in the hallway. Young home buyers could get easy financing and low down payments. Now nationwide home sales are back up again, at the highest level since May 2010, but distressed and foreclosed properties make up the largest portion of those purchases. In Cleveland, speculators buy foreclosed houses with all cash. But my tenants aren't at the sheriffs auctions. They have lost faith in the homeownership dream, at least for the moment. They're sticking with rental.

Or they're returning to rental. I have had several tenants move back into my buildings years after leaving, after owning homes and losing homes.

I save the old records on tenants. Nothing personal, just notes on whether they paid the final month's rent, turned in their keys and didn't trash the place. If all's well, I'll let them back.

The good tenants, you don't remember. You have to look them up.

Bert Stratton is the author of the blog Klezmer Guy: Real Music and Real Estate.

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Deal Killers

continued from page 1

criminals, but **Criminals are not a protected class.... Yet.**

4. NO MONEY

Are you a landlord who needs to collect the rent? Or are you a charity who takes in unfortunates who don't have all the required move-in money? If you want to survive in the landlord business, you need tenants who can afford to move in and pay the rent every month. It is a major RED FLAG when a prospect is unable to provide you with the necessary security deposit and rent.

5. BAD CREDIT

What is the purpose of running a credit report on a prospective tenant? You'd be surprised at how many landlords run credit reports that come up BAD and still accept the applicant anyway. For me, bad credit history is a sure denial. Otherwise, why bother running a credit report?

6. TENANT UNABLE OR UNWILLING TO PROVIDE SATISFACTORY REFERENCES

If they're not willing or able to comply with your rental application, why in the world would you expect them to follow the rules of your lease?

7. TENANT UNWILLING TO AGREE WITH YOUR LEASE

That's a no-brainer. DECLINED!

8. BAD ATTITUDE

That's a no-brainer. DECLINED!

9. ALCOHOL AND/OR DRUG PROBLEM

I know you want to be fair and help people, but steer clear of these kinds of problems. You are looking for a responsible tenant who you can rely on.

10. SMOKING

This is a judgment call I try to keep my properties smoke free whenever possible. I find it is difficult to rent a unit to non-smokers that had smokers in it before. Rental re-prep involves a vacancy and is usually

more painting and cleaning, and still may not eliminate the odor.

11. PETS

This is also a judgment call. I try to keep my properties pet free. I learned that it can be difficult to rent after a pet was there, for allergy reasons, odors, etc. Rental re-prep usually includes more painting and cleaning and often new carpeting, and still may not eliminate all the odors.

On occasion when I have great applicants and have inspected the previous home and the pet, I may make an exception, but I am still reminded of the immortal words of my landlord mentor, Nick Koon: *'No dog every improved the value of a rental property.'*

12. TENANT UNABLE OR UNWILLING TO SEE THE RENTAL PERSONALLY OR MEET LANDLORD BEFORE APPLICATION BEING ACCEPTED

Big RED FLAG. Do a search of "Scams" in the LPA Landlord Q&A

Forum. Even if the tenant is legit, you should not be deprived of the right

Mortgage Rates Break Record Lows

By Carrie Bays 1/12/2012

With property values across the country at depressed levels and interest rates dancing around historical lows for months now, housing affordability has hit an all-time high. That affordability inched even higher this week, as mortgage interest rates broke through their previous record lows to fall further still.

Freddie Mac says all loan products covered in its regular weekly market survey eased to set new all-time lows for the week ending January 12, 2011.

The average rate for the 30-year fixed mortgage has been below 4.00 percent for six consecutive weeks now. This week, it dropped to 3.89 percent (0.7 point), down from 3.91 percent last week. Last year at this time, the 30-year rate averaged 4.71 percent.

The 15-year fixed-rate mortgage this week averaged 3.16 percent (0.8 point), falling from 3.23 percent last week. A year ago at this time, the 15-year fixed mortgage averaged 4.08 percent.

Adjustable-rate mortgages (ARMs) also declined to hit new record lows. The 5-year ARM is now averaging 2.82 percent (0.7 point), down from last week's average of 2.86 percent. This time last year, the 5-year ARM was 3.72 percent.

The 1-year ARM averaged 2.76 percent (0.6 point) this week, compared to 2.80 percent last week. Dial back 12 months, and the 1-year ARM came in at 3.23 percent.

Freddie Mac's chief economist Frank Nothaft notes that declines appeared across all loan products even with news of mixed indicators in the labor market.

"Although the economy added 1.6 million jobs in 2011, which was the most since 2006, the unemployment rate remained historically elevated. The 2009 to 2011 period had the highest three-year average unemployment rate since 1939 to 1941," according to Nothaft.

He adds that "the Federal Reserve indicated in its January 11th regional economic review that most industries saw limited permanent hiring at the end of last year."

Freddie Mac's weekly mortgage rate survey is based on data gathered from 125 lenders – including thrifts, credit unions, commercial banks, and mortgage companies – from across the country.






The Greater Lowell Landlords Association

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