

MassLandlords Best Practices

So you want to be a landlord. Here are the promises you should make and the actions you should take.

TO ONESELF: PREPARE, PREPARE AND BE PREPARED AS A LANDLORD

- 1) Learn and know the legal basics of landlording, including Fair Housing laws and lead paint regulations. Work toward passing the basic landlord legal competency test and becoming cML Level Two within 18 months. This may involve purchasing the “Property Management Manual” or similar book, attending the crash course, or reading the MassLandlords website and newsletter in detail.
- 2) Clarify your goals as a landlord (is it for retirement, business and growth, just to own your own home, take care of your children, etc.)
 - a) If disaster strikes and you can’t manage personally, who is going to take over for you? Or how are you going to sell the building(s)/business?
- 3) Strengthen your contacts list: (Build relationships with a plumber, exterminator, and other landlords before you need them. Know who to contact and how to research in order to get or learn anything you need. Reference masslandlords.net/directory when hiring.)
- 4) Have documentation for police, fire, water, in-unit water shut-offs, and circuit breakers, and give this to your renters.
- 5) Before taking action as a landlord, do the following:
 - a) Study the situation at hand and inform yourself, whether it be: state law, rehab decisions, city procedures, leasing options, etc.). Possible actions include:
 - i) upcoming negotiation
 - ii) prospective purchase
 - iii) contractor hiring/supervising
 - iv) doing a repair yourself
 - v) understand tax return filing as a landlord, at least enough to supervise your accountant
 - vi) tenant screening and selection
 - vii) eviction procedures
 - b) Assess your skill for handling the task at hand and either get advice/training or hire a professional if you don’t feel confident or skilled enough
 - c) Understand what your legal vulnerabilities are and how to reduce them
 - d) Consider options and best approach before taking action.
 - e) Remember it’s business, not personal. Monitor your emotional temperature before taking action. Take necessary steps to get into the right mindset before taking action.
 - f) Run your business in a sustainable way, so you stay in it for the long haul.

TO YOUR BUILDING(S): BE RESPONSIBLE AND RELIABLE REGARDING MAINTENANCE AND CAPITAL IMPROVEMENTS

Overall approach:

- 1) Seek opportunities to be reliable, responsible and proactive.
- 2) Make your word your bond.
- 3) Put it in writing and keep a copy.
- 4) Be clear about your plan
- 5) Be timely in scheduling and completing repairs
- 6) Do jobs right the first time
- 7) Communicate and keep every stakeholder informed.

Examples

- 1) Use the MassLandlords Annual Maintenance Checklist. At least once a year:
 - a) Walk through each unit and repair everything that's nonfunctioning or leaking.
 - b) Understand which of your systems require preventative maintenance and make a plan.
- 2) At least once a year check:
 - a) all smoke detectors and CO detectors to make sure they're all working correctly, and replace backup batteries (for non ten-year detectors).
 - b) Windows, doors, common area hallways, and basements are kept clear as egresses
 - c) Perform needed energy conservation (weather stripping, plugging up holes, replacing/fixing drafty windows etc.) as a means to reduce your tenant's energy bills, thus enhancing resident retention. Direct your renters to MassSave or other local nonprofits for efficiency and/or fuel assistance.
 - d) Respond to maintenance issues in a timely fashion: Respond to any and all non-urgent calls/emails/texts from your tenants within 24 hours if not sooner. Do not ignore. Respond to urgent communication knowing time is of the essence.

TO THE TENANCY: MAINTAIN EFFECTIVE TENANCIES THAT WORK FOR YOU

- 1) Communicate effectively and strengthen relationships
 - a) Make it easy for tenants to contact you:
 - i) Post a sign on any property you manage remotely with your name, address and phone number. Also put your contact info on your signature page for your email, and leave your contact info whenever you reach out to your tenant.
 - b) Suggest to each renter that they get renter's insurance.
 - c) Be respectful towards those with whom you have contact as a landlord
 - i) Ask questions and listen actively
 - ii) Strengthen your personal connection
 - iii) Make concessions when they advance your own interests
 - iv) Be polite and professional without being their friend

- d) Clarify expectations:
 - i) Clarify what your expectations are for your tenants
 - ii) Clarify what expectations your tenant(s) should have for you as a landlord.
 - e) Document, document, document
 - f) Be professional and respectful
- 2) Be Smart about Rent Increases
- a) Understand the impact that rent increases or any decisions you make will have on your renters. Specifically, understand whether a substantial, modest or phased-in rent increase, or no rent increase will best help you succeed in any given situation. Factors include:
 - i) Market conditions for rentals, including your neighborhood.
 - ii) Degree of legal vulnerability due to level of property management and habitability conditions
 - iii) Condition of apartment and whether improvements recently made
 - iv) Conflict orientation of tenant
 - v) Tenant's history with property (length of tenancy, previous rent increases, landlord-tenant relationship)
 - vi) Generosity orientation of landlord
 - vii) Avoid the "helping trap." Do not take a shared social burden onto your shoulders alone. Don't exchange lower rent for lower maintenance.
- 3) Engage in dialog when disputes arise – and make a good faith effort to reach a mutually acceptable agreement
- a) Listen
 - b) Be Assertive (examples include:)
 - i) Value yourself and your rights
 - ii) Voice your needs and wants confidently and positively
 - iii) Acknowledge that you can't control other people's behavior
 - iv) Be open to criticism and compliments
 - v) Learn to say no
 - c) Be Reasonable
 - i) Focus on solving the problem rather than blaming the person
 - ii) Seek to understand first before being understood
 - iii) Focus on interests rather than positions
 - iv) Listen more
 - d) Understand how to advance your legal situation as you negotiate in order to reach fair agreements and get them in writing
 - i) Pursue mediation/negotiation throughout the stages of eviction. This includes committing to pursue agreements early on right through trial day – and to honor any settlements if reached.
- 4) When taking over a new building,
- a) Walk through each unit and meet each renter

TO THE COMMUNITY AND THE PUBLIC INTEREST (AS IT WILL FURTHER YOUR OWN GOALS AS A LANDLORD)

- 1) Maximize use of public and private resources: Understand (or know how to find out) what homelessness prevention and tenant stabilization resources are available that will help your tenant pay down back rent or stabilize the tenancy whenever possible -- and make sure your tenant has access
- 2) Attractive building and grounds: Consider what a resident living near your property would want to see as a reasonable external appearance and make adjustments accordingly – even if modest.
- 3) Know the fair housing law and give equal housing opportunity to all.
 - a) Don't leave declined applicants in limbo; get back to them promptly with a reason their application has been declined and what they can do about it, if anything.
 - b) Don't assume that just because a renter appears in the public court records they will be a bad tenant for you. Read the full docket, understand what the case was about, and always get both sides of the story (renter and their previous landlord).
- 4) Know the negative externalities your building may generate, and work to prevent them: lead poisoning, fire, climate change, blight, and noise especially.
 - a) Help public officials and civil servants ensure justice in court:
 - i) Understand your legal role: Are you the owner of the property (listed on the deed)? Are you the lessor (party to the rental agreement)? Are you the officer of a legal entity (who must hire an attorney)?
 - ii) Always mediate, you have nothing to lose.
 - iii) Type instead of handwriting legal documents, including the summons.
 - iv) Use full legal names, not nicknames, on all paperwork from the inception of the tenancy throughout the case.
 - v) List the names of all adult occupants on all legal proceedings, and never minors.
 - vi) Notify renters if you serve notice but don't file (save them a trip to court).
 - vii) Keep the original notice, leave only a copy with the renter, and write on the back of the original your "return of service" (how, when, and to whom it was served).
 - viii) Bring to court copies of all documents for the tenancy.
 - ix) Know before the hearing how much rent is owed through the end of the current month.
 - x) Be tolerant of and helpful to interpreters and renters who need them.