

Chapter 10

Getting Organized

Legal Tactics: Tenants' Rights in Massachusetts
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Why Organize	149
You Have a Right to Organize	150
Where to Start	150
1. Know Your Rights	
2. Get Help	
3. Find the Common Ground	
4. Bring Tenants Together	
5. Put Together a Plan	
Developing a Plan	153
1. Possible Tactics	
2. Bad Conditions	
3. Unfair Rent Increases and Displacement	
4. Harassment	
5. Foreclosure	
6. Negotiating a Solution with the Landlord	
Organizing Actions	163
Building a Tenant Group	164
1. Developing Leadership	
2. Keeping Tenants Informed	
3. Evaluating What You Are Doing	
4. Getting New People Involved	
5. Dealing with Internal Conflicts	
6. Not Overdoing It	
7. Keeping Communications Open	
8. Being Inclusive	
9. Watching Out for Landlord Tactics	
10. Connecting to a Larger Movement	

Having a Structure..... 168
1. What Is a Tenant Association
2. Setting Up Committees
3. Working with a Lawyer

Building Support..... 170
1. Accessing the Media
2. Community Support
3. Political Support

How to Run a Good Meeting..... 172

Getting Organized

by David Grossman

Italicized words are in the Glossary

Why Organize

Although tenants in Massachusetts have many rights, it can sometimes be difficult to enforce those rights on your own because landlords often have more resources and more power. One way to level that playing field is to join forces with other tenants. By working together, tenants can overcome many different types of housing problems and have successfully organized against rent increases, bad conditions, *evictions*, harassment, and *foreclosures*. **Tenant unity can be a powerful force.**

Some examples of what tenant groups have accomplished include:

In 2003, a new owner bought a run down multi-family building in Roxbury, refused to make repairs, and tried to raise rents by more than \$1,000 per unit. Tenants refused to pay the rent increase and organized, demanding negotiations with the landlord over the physical conditions of their apartment and future rents. Although this effort took three years, in 2006 the tenants successfully negotiated a *collective bargaining agreement* that required the landlord to completely renovate ("gut rehab") each of their apartments and to temporarily relocate the tenants while the work was being done. Two years later, with the renovation work completed, the tenants negotiated a second collective bargaining agreement that required the landlord (or anyone to whom he sold the building) to keep the rents at levels more than \$1,000 per month below market rent for the next ten years.

In 2005, a new owner bought a building on South Street in Jamaica Plain and

immediately notified all of the tenants, some of whom had been living there for over 30 years, that he would not renew leases and that everyone would have to leave. Although he refused to admit it, the landlord's plan was to convert the building to condominiums. Some tenants resisted and the landlord then began eviction proceedings against them. The tenants formed a tenant association and organized to stop the evictions. Eventually the landlord backed down, dropped the eviction cases, and signed agreements permitting each of the tenants to remain in her apartment at the same rent for the next five years.

While working in a group does not always result in such a neat victory wrapped up in a written agreement and while group work takes time and patience, tenants are, increasingly, reaching into their community for support. With organizers, lawyers, and other community advocates, tenants are successfully negotiating new *leases* and agreements that keep their apartments affordable and improve their housing conditions. In some cases, tenants are even able to negotiate the purchase of their property by a nonprofit developer that will keep it affordable over the long term.

Challenging a landlord, however, can feel frightening. As a tenant, you may be afraid that your landlord will label you a troublemaker. Or you may be afraid of *retaliation* or losing your home. The best way to protect yourself is to find out your rights, figure out your options, and fight the battle with others, not alone. Imagine if you were a landlord and more than one tenant came to you as a group with a complaint. There is more power in numbers, and organizing changes the power dynamic.

As a group, tenants have the power to define what is happening as a moral issue about a group of people's homes, not just a legal issue about an owner's investment. For example, while the law does not prevent a landlord in the private unsubsidized housing market from doubling rents, organized tenants have taken a stand against excessive rent increases and won fair rent increase schedules.

The key is not to let a landlord discourage you from trying to organize to improve your housing. If you let landlord pressure keep you from moving forward, you are only helping her instead of yourself.

The purpose of this chapter is to pass on the lessons that organizers and tenants have learned about how to organize. Being able to organize is a valuable skill. By working collectively, and not alone and in isolation, tenants can shift the balance of power such that the housing needs of people in a community can compete in a real estate market that continues to drive up the cost of housing.

For more information about successful organizing efforts and a growing network of tenants in Massachusetts, go to: www.MassTenants.net.

You Have a Right to Organize

Tenants in Massachusetts have a right to organize. It is illegal for a landlord to *retaliate* against you by trying to *evict* you, sending you a rent increase notice, or sending you a notice of any substantial changes in the terms of your *lease* or *tenancy* because you have attended a tenants meeting, joined a tenants group, or because you are organizing a tenants group.¹

Despite the fact that it is illegal for a landlord to retaliate against you for organizing, it happens. For this reason, as you take on the work of bringing tenants together, the best way to protect yourself is by knowing your rights, putting all significant communication to the landlord in

writing, and documenting what is happening. It is also important to get help.

For more information about retaliation, see **Chapter 13: Evictions**.

Where to Start

1. Know Your Rights

As a tenant, when you organize you need to know what your rights and responsibilities are and what the landlord's rights and responsibilities are. Knowing your rights will always help you determine what options you may have. This book is a starting place.

You can also go online to www.MassLegalHelp.org for answers to frequently asked questions that you can use as handouts.

In addition, you can find sample organizing materials at the Boston Tenant Coalition's website at: www.masstenants.net/organizing.

Because no two situations are the same, it is also important to consult with legal and community advocates who can provide you with more information about the law and help you think through your particular situation.

2. Get Help

If you start to organize tenants, the more help you have, the better off you will be. As you confront specific legal issues, contact a lawyer to educate the group about the law and potential legal strategies. A lawyer familiar with housing law can tell you what your rights are, help you evaluate different legal strategies, advise you about how to protect yourself, help you negotiate agreements with your landlord, and represent you in court. A list of legal services offices and legal referral programs are in the **Directory**.

To help you bring together a group that can exert the necessary pressure, it is also good to try

to get the help of a trained organizer. Organizers can help groups develop strategies, think through different tactics, do door-knocking, call meetings, plan "actions," and develop leadership skills.

Unfortunately, there are only a few organizations that make tenant organizing a priority, so you may need to become creative about how you get this type of help. Local community action programs or community development corporations sometimes have staff who help tenants organize. Towns and cities have money called Community Development Block Grant funds, which can be given to tenant groups to hire an organizer.² Local religious organizations and labor organizations also may be able to offer and interested in providing organizing assistance to tenants. For a list of community development organizations and tenant groups, see the **Directory**.

At some point, you may also need to do some research to find out what's going on with your building, who your landlord really is, who holds the mortgage on the property, and what the property's ownership history is. Landlords sometimes hide their identities by hiring management companies or by forming trusts, corporations, or partnerships, or by putting the property in a relative's or spouse's name. Local universities and law schools may be able to provide students to help you do research on the ownership of your building.

For more information see the section called **Who Owns Your Building in Chapter 14: Taking Your Landlord to Court**.

If your building has been foreclosed, finding out who the owner is can be even more complicated. For information about how to do landlord research in this context, see the section called **How to Get Information About a Foreclosure in Chapter 21: Tenants Facing Foreclosure**.

If your landlord has filed for bankruptcy see the section called **How Bankruptcy Affects Your Case in Chapter 11: Receiverships**.

3. Find the Common Ground

One of the first steps in organizing is to talk with other tenants to find out what problems they have had with the landlord. Talk to people in the hallway, at the mailboxes, wherever you see them. Tell them that you've been having problems and ask them whether they have been having problems, too. Then listen carefully to what people are saying.

You may find that you are not alone. If other tenants have been having similar problems with the landlord, you may want to go door-to-door and talk to more people. An organizer can help you by providing you with support, materials, and tips about how to do door-knocking.

If you live in a small building where there are not many other tenants, consider expanding your outreach efforts to other buildings in your neighborhood owned by the same landlord. Tenants in those buildings may be experiencing problems similar to yours. In some circumstances, you may even consider reaching out to tenants in your neighborhood who live in buildings owned by other landlords. For example, in some towns and cities, tenants in buildings that have been foreclosed by different lenders have formed groups that jointly advocate to solve common problems.

When you go door-to-door, introduce yourself as a tenant in the building. Let people know why you're out knocking on doors. For example, if you haven't been able to get the landlord to make repairs or you just got a rent increase, ask other tenants whether they have had the same problem.

In your door-to-door campaign, you can use a survey to collect information about what problems people have been having in order to figure out what the common problems are. See the sample survey, which you can adapt to fit your situation (see **Form 16: Tenant Survey**).

Talk to as many tenants as possible. Be careful not to avoid talking to tenants who may keep to themselves. If you exclude people from the start,

those people may feel left out and resentful and could undermine later organizing efforts. Including people from the get-go is a very important part of organizing.

As you speak with tenants, you may find that people are scared to talk for fear of *retaliation*. Expect that some people may not open up to you right away. Understanding their fear, educating them about their legal rights, talking about your own personal situation, and giving people hope that together tenants may be able to solve a problem (as described by the examples at the beginning of the chapter or other successful struggles you may hear about) is an important part of helping people feel they can step out and that organizing can work.

As you talk with tenants, give them a handout to read so that when you have gone they will have something in hand that will help them better understand the situation. See **Form 28: Sample Tenant Organizing Flier**. Also check www.MassLegalHelp.org for free information about tenants' rights.

If people in the building speak different languages try to have your flier translated. People in the building, tenant organizing and advocacy groups may be able to help.

After you have had an initial round of conversations with tenants, review the surveys you collected.

- What have you learned?
- What were the common issues?
- Did people feel strongly enough about problems to want to organize?
- Is there a core group of tenants who are willing to meet to work on the problems?

After you compare the results, hold a meeting or start knocking on doors again. This time, give people the results of what you learned.

4. Bring Tenants Together

If, after talking with and surveying tenants, you find that people have identified common problems and there is a core group that wants to do something about them, the next step is to bring together as many tenants as possible by calling a meeting. When you call this first meeting, here are some things to keep in mind:

- A first meeting should be as informal as possible. Part of the goal of this meeting should be that people get to meet each other.
- Being informal does not mean that a meeting should go on aimlessly with no focus. Someone should run the meeting. If the meeting is too unfocused or goes on too long, people may get tired and leave.
- Whoever is running the meeting should encourage people to speak about the problems they have with the building or the landlord.
- As tenants speak and listen to one another, the chair can help people realize that they face similar problems, and that by working together the group may be able to solve these problems.
- Expect that people may be afraid at first to speak out or get involved. People may be worried that by taking any action they might be evicted or harassed by the landlord.
- Give people information about how the law protects tenants against retaliation and that under the law tenants are allowed to organize.
- For practical tips about running a meeting, see the section in this chapter called **How to Run a Good Meeting**.

5. Put Together a Plan

When you bring tenants together, whether you are a group of two or 20, if you want to do something about a problem, you need to clearly define the problem and then identify what you want to change. What are the group's goals?

- Get repairs made?
- Prevent a steep rent increase and keep rents affordable?
- Improve security in the building?
- Improve maintenance and management?
- Protect tenants from being evicted?
- Change the ownership of the property?³

It is important to be as specific as possible about what you want. If tenants are not clear about the goals, organizing will be difficult and frustrating. If a group identifies several goals, you may need to pick one that you are going to work on first. You can also identify goals by whether they are long-term, short-term, or immediate, and this can help a group prioritize what work needs to be done first.

Once you have figured out what your goals are, you will need to think about potential solutions and develop a plan of action.

Developing a Plan

Effective tenant organizing requires thinking strategically about how to solve a problem. It takes time and information to develop an initial plan of action or strategy. Strategies or campaigns (we use these words to mean the same thing) also evolve, change, and are refined over time.

For example, your goal may be to keep rents affordable and get repairs made. Your strategy may be to try to negotiate new lease agreements and a repair schedule with the landlord. If the landlord refuses to negotiate, you may have to develop a campaign using other tactics in order to achieve your goal. Or the group may decide

that the strategy should be to try and interest a local nonprofit housing organization in taking over the property in order to keep it affordable.

There is no one strategy that fits all situations. A strategy will depend on many different factors, including the existing relationships between the landlord and the tenants—which are as varied as the people themselves. If the relationships are bad, how does the strategy address this? If the relationships are worth saving, how does a strategy accomplish this?

When a group maps out a strategy, it is helpful to ask a series of questions to sort through what leverage or power a group has, and what points of pressure may be applied to bring about the group's desired goals.

What follows are some questions to help your group look at different options in order to shape a strategy—along with some sample answers. Bring these questions to your meeting and figure out which ones make sense for the group to answer. Write the group's answers on sheets of paper posted up on the wall so people can see them. When you write them up on the wall, people will begin to see connections and you will begin to sort through the information in order to develop a strategy.

Questions to Ask

- **What is the problem?**
Repairs not getting made.
- **What is causing the problem?**
Landlord refuses to make repairs.
Landlord cannot manage property.
Landlord is financially in trouble.
Landlord cannot afford to pay high mortgage and make repairs.
- **Who has a direct interest in solving the problem?**
All tenants.
Some tenants.
- **What is the solution?**
Landlord makes the following repairs:
(*List repairs*)

- **Are there any "legal handles" (violations of law) that will give a group leverage?**
 Serious violations of the state Sanitary Code.
 Illegal retaliation by the landlord.
 Landlord has interfered with utilities.
- **Who has the power to help bring about the solution?**
 Landlord—can agree to a repair schedule.
 Housing inspector—can issue a repair order.
 Court—can order a landlord to make repairs.
- **Who are potential supports that can help you?**
 Neighbors.
 Community advocates.
 Local elected officials.
 Lenders.
 Nonprofit housing developers.
 Faith-based organizations.

After a group decides on a strategy, then what needs to be mapped out are the specific tactics that the group will use to carry out a plan. The tactics a group uses will also depend on many factors.

Some specific ideas for developing strategies and tactics related to bad conditions, rent increases, and landlord harassment are in the next section of this chapter.

In addition to materials that tenant organizing groups have developed based on their local experiences, two very good resources on developing strategy that are available online are:

Roots to Power, by Lee Staples (2004).

Organizing for Social Change, by Kim Bobo, Jackie Kendall, and Steve Max (2001).

1. Possible Tactics

Tactics are the steps you can take to accomplish your goals. They are the moves made to gain more leverage, more bargaining power, more public support. The tactics a group uses and when specific tactics are employed will also depend on many factors.

Different tactics will have different effects in terms of escalating pressure. Some tactics change the struggle—from being tenant vs. landlord to community vs. landlord.

New information may surface that offers tenants unexpected opportunities and new ideas for tactics. Likewise, unexpected opposition may also rear up in response to organizing. It is important for a group to constantly evaluate its tactics and retool according to the situation.

When deciding what tactics to use, brainstorm about all the possibilities. Then evaluate the pros and cons of each. For example:

- Do tenants feel comfortable with the tactic?
- What are the possible gains?
- What are the possible risks of a particular tactic?
- Do you have the people, time, and resources to carry out the tactic?
- Will the tactic build the group's power?
- Will the tactic be perceived positively by the community and the media?

There are many different types of tactics tenant groups have used to achieve their goals. Different tactics can also be woven together to achieve the desired goal. Below is a list of possible tactics to consider at different stages of a struggle.

As a general rule, the tactical goal that every group should have is to try to negotiate a solution directly with the landlord. By negotiating your own solution, you may have more control over what the terms of an

agreement are—as opposed to having a judge control the decision. For example, tenants in Massachusetts are achieving substantial victories by negotiating *collective bargaining agreements* (agreements for all the named tenants) directly with landlords that establish fair rent increases for a set period of years (see **Form 24: Sample Collective Bargaining Agreement**).

Half the battle, however, is getting a landlord to the table to negotiate. Many landlords will refuse to negotiate with your group, insisting that they will deal only with each tenant individually.⁴ To succeed in your struggle, you will have to stay unified and resist such efforts to divide and conquer—or, in labor terms, to "union bust." If your landlord refuses to negotiate directly with your group, you may have to use other tactics that put pressure on the landlord to negotiate. These other tactics will, if successful, bring your landlord to the negotiating table willing to work through a fair agreement.

a. Letter Writing

One of the most important first steps in negotiating with a landlord is letting your landlord know—in writing—what the group's concerns or demands are. Letter writing is fundamental to any negotiation between a tenant group and a landlord. Letters provide a "paper trail" or documentation of the dialogue between both parties as it unfolds and can by themselves lead to a negotiated solution.

Figuring out what to include in a letter is what takes time. Putting a group's demands in writing, however, forces tenants to be clear about what they are trying to convince a landlord to do.

A group can also use letters to a landlord to establish more accountability between the tenants and the landlord by sending them to other people. This is done by putting "cc:" followed by the names of the other people at the bottom of your letter. The "cc" (which stands for the now old-fashioned "carbon copy") tells the landlord that a copy of the letter has been sent to the people who are listed after the "cc."

For example, you may want to "cc" your lawyer (if you have one), local elected officials for your area, the Board of Health (or Inspectional Services Department), religious institutions, or other community and political leaders. When you do this, the landlord will know that the people who have been "cc'ed" know what is happening and are watching. To whom the letter is "cc'ed" is a strategic decision that needs to be thought through by the group.

See a **Sample Letter from a Tenant Group to a Landlord** [Form 29]. For other sample letters that tenant groups have written landlords, go to www.masstenants.net/organizing/letters/letters.htm.

b. Petitions

A petition is a statement that people sign because they support that statement. Petitions are a great way for tenants to build support on an issue. They are a way to communicate with the landlord that a lot of people are concerned about an issue. You can take a petition door-to-door and get it signed. You can use a petition as a way to let elected officials and the media know that a lot of tenants are concerned about an issue and are making a demand for change.

Never give away an original petition. Although you can always show an original petition to the landlord or the press, if you want them to have a copy, make them a photocopy. A **Sample Petition** is included at **Form 26**.

c. Board of Health Inspections

Inspections of more than one apartment by a local Board of Health (or Inspectional Services Department) may put enough pressure on a landlord to make repairs. **Chapter 8: Getting Repairs Made** tells you more about how to get an inspector. When you contact the Board of Health, be sure to let them know how many apartments need to be inspected before they come out to the property. Also, a tenant should be with the inspector from the beginning of the visit to the end. If several apartments are being inspected, it is valuable for several tenants to be

with the inspector as the inspector goes from apartment to apartment. After the inspections, you must make sure you get from the inspector copies of all reports.

Tenants may have to put pressure on a local Board of Health to do inspections. For example, tenants in Lynn, with the help of legal services, requested a *hearing* before the Commissioners of the Board of Health to report that inspectors were not giving the tenants timely inspections and failed, once they did, to report obvious violations. As a result of the organizing, the Commissioners demanded that the inspectors improve their services and meet state requirements for timely and complete inspections.

d. Rallies, Pickets, and Demonstrations

Rallies, pickets, and demonstrations are very effective tactics to put public pressure on your landlord if she fails to negotiate or fails to negotiate in good faith. The success of a rally or demonstration depends on how well it is organized. What is needed are people, signs, and coverage by the media.

Care should be taken to choose an appropriate location, preferably one that is highly visible to the public and relevant to the issue, such as your apartment building or your landlord's home. If you decide to picket, you should choose several people to act as leaders to discuss with the police the manner and location of your picketing.

Generally, you have a right to picket on public land as long as you do not physically block access to the place you are picketing. Your picket line must keep moving in a circle; otherwise you may be accused of "obstructing access." Your picket line should be vocal and spirited. Be prepared with chants. (For example: "Two, four, six, eight. Don't evict, negotiate!")

Tenant spokespeople should also be prepared to speak with the press about the group's demands. Bring leaflets to give to the media and people passing by that will tell them why you are

picketing.⁵ Some tenant groups have also used civil disobedience as a form of protest. For example, to protest rent increases, tenants and their supporters held a sit-in at an owner's office, resulting in 14 people being arrested and subsequently that landlord did agree to sit down with the tenant group and negotiate. For more tips on how to plan and conduct a demonstration, see the section of this chapter called **Organizing Actions**.

e. Window Signs and Banners

Signs and banners proclaiming tenants' goals hanging from a building and taped on the insides of people's windows can be an effective way to make a public declaration that tenants are pressing the landlord for improvements or fighting displacement. (For example: "Anti-Displacement Zone: We Will Not Be Moved!") Make sure the letters on the signs are large and readable. Banners and signs can stay up for awhile and they provide a good opportunity for the media to take pictures.⁶

f. Media

Landlords who refuse to maintain their properties, who seek steep and unreasonable rent increases, or who try to displace responsible tenants for higher profits are vulnerable to bad press. So are city officials and code departments that refuse to do inspections or to cite landlords for serious violations.

The media can be a powerful tool. Through press conferences, media events, opinion pieces, and letter-writing campaigns, tenants can put increased public pressure on the landlord. For more about how to do media work, see the section in this chapter called **Accessing the Media**.

g. Resolutions

Tenants have used resolutions passed by a local town or city governing board as a way to develop support for their campaign. For example, some tenants have brought resolutions that urge the landlord to negotiate fair rents.

Resolutions are a way to put increased public pressure on a landlord who refuses to negotiate. They are often covered by the local press. They can also build support among local officials. See the **Sample Resolution (Form 25)**.

h. Rent Strike

A rent strike occurs when the majority or all of the tenants in a building withhold their rent or refuse to pay a proposed rent increase. Solidarity in refusing to pay a proposed rent increase (while still paying the rent) is a necessary part of a struggle against a landlord's effort to increase your rent. Withholding rent is a tactic that can be used to pressure a landlord to make repairs.

Before undertaking a rent strike, tenants should clearly understand that, although a rent strike is perfectly legal, it may lead a landlord to attempt to evict tenants. It is essential to get legal advice before embarking on a rent strike. For more about how to withhold your rent, see **Chapter 8: Getting Repairs Made**. For more about proposed rent increases and the options available to tenants, see **Chapter 5: Rents**.

i. Community Reinvestment Act Complaints

Tenants have used the Community Reinvestment Act (CRA) as a way to get the attention of local lenders who may hold mortgages on properties where landlords refuse to make repairs or who are displacing tenants with steep rent increases. CRA is both a federal and state law that requires banks and savings institutions to take affirmative steps to help meet the credit needs of the entire community they are chartered to serve, including low- and moderate-income areas.⁷

For example, a number of years ago, one tenant group in Lynn, with the help of legal services, sent a CRA complaint letter to the landlord's lender concerning the owner's plan to displace dozens of low-income and minority tenants because of rent increases of 60-70%. The tactic, in conjunction with media and other advocacy, led to pressure that resulted in a negotiated

agreement between the landlord and the tenants that lowered the rent increase, set a repair schedule, and drew up a one-year lease, which facilitated accessing local rental assistance funds for the tenants.

j. Court Action

Legal action may be one tactic among many that may be available to address a particular problem. Before you decide to go to court, you should carefully evaluate the following:

- What you want,
- Whether you have a good case,
- Whether there are other ways to resolve your problem, and
- Whether you need and can get an attorney.

If your landlord violates the law, there are a number of ways that a court may be able to help you. These are called *remedies*. For more about different types of remedies that a court can provide, see **Chapter 15: Using the Court System**.

While courts can be helpful, it is always important to keep a perspective on the legal process. Any court action that leads you back to the negotiating table, where you have a better chance of controlling the outcome, can be considered a victory. If you do go to court, try to pack the courtroom with lots of tenants. Some tenant groups have everyone wear stickers expressing their support. Judges may act differently if they see a number of tenants who are interested in the outcome of the case.

2. Bad Conditions

Landlords who neglect maintenance and repairs may do so as a strategic business decision. If they spend less of your rent on repairs, they make more money. Other landlords may neglect maintenance because they are not capable of managing the property or they are low-income and cannot afford to pay for a major repair as well as the mortgage. In either case, if your

group has notified your landlord about bad conditions and the landlord refuses to make adequate repairs, there are a number of ways to begin to organize tenants around a solution. Here are ideas about what steps to take to organize to get repairs made.

- Distribute information or a flier to all tenants about what conditions violate the state Sanitary Code and what their rights are.
- The **Housing Code Checklist** (see **Booklet 2**) is a good place to start. Tell tenants to make a list of all of the problems in their apartment and common areas of the building, such as entrances, hallways, and basements.
- Compile this information and write a group letter to the landlord asking that repairs be made.
- There are some government programs that make grants and loans to help eligible owners make repairs at a lower cost. Money for lead paint removal is one example (see **Chapter 9: Lead Poisoning**). Such programs may also restrict the amount of rents for a period of time after the loan or grant, so they can help tenants achieve the goals of repairs and affordability.
- If the landlord does not respond to your letter about the bad conditions, you can call the local Board of Health (or Inspectional Services Department) to inspect tenants' apartments. Inspections of more than one apartment by the Board of Health may put enough pressure on your landlord to make repairs. **Chapter 8: Getting Repairs Made** tells you more about how to get an inspector.
- As an alternative to the Board of Health (or Inspectional Services Department), you can hire a private inspector to inspect tenants' apartments. Although such inspections are not free, they are often more comprehensive and can usually be scheduled at times more convenient to tenants.
- When an inspector, public or private, comes to the property, one or more people should be with the inspector from the beginning of the visit to the end. Someone needs to be sure that all the apartments that requested inspections are in fact inspected. Immediately after the inspection, you should receive copies of the inspector's reports for all of the apartments.
- Call a meeting with tenants to develop a list of common problems based on the inspector's reports.
- Write a second letter to your landlord demanding that she make repairs and propose a specific schedule to make them. Get as many tenants as possible to attach their inspection reports and sign the letter to the landlord.
- If, after receiving **written notice**, the landlord fails to make repairs within a reasonable time, you have the right to use tactics such as rent withholding and repair and deduct—although those tactics should be used sparingly and only after getting legal advice from an attorney familiar with housing law. See **Chapter 8: Getting Repairs Made**.
- A group may also want to ask a court for an *injunction* ordering the landlord to make repairs or for an order appointing a temporary *receiver* to manage repairs (see **Chapter 11: Receiverships**). Both tactics significantly increase the pressure on the landlord and the negotiating leverage of the tenant group.
- You should periodically hold meetings to discuss the tactics used and other tactics the group may want to consider. Evaluate the pros and cons and get legal advice about each. You may, for example, consider other tactics that make the struggle and your demands more public, such as holding an "action" or contacting the media.

3. Unfair Rent Increases and Displacement

Landlords, especially those who have recently bought rental buildings, sometimes try to impose large rent increases on tenants. In some cases, this is done in an effort to drive low- and moderate-income tenants out so they can rent to higher-income tenants. In other cases, landlords simply fail to renew leases or bring eviction cases so that they can convert rental units to condominiums. These tactics are part of landlords' roles in the process known as *gentrification*. In these situations, tenants have successfully organized and negotiated agreements to remain in their homes and establish a schedule of fair rents over a period of years. See **Form 24** for a **Sample Collective Bargaining Agreement**.

Organizing a tenant group to negotiate with a landlord may, in fact, be the best and only way to protect tenants against unfair rent increases or gentrification-driven mass evictions. A group of tenants, as opposed to one individual, may be able to force a landlord to weigh the benefits of steep rent increases or condominium conversions against the costs of bad publicity, tenant resentment, evicting lots of tenants who are unified, or a potential lawsuit. There are a number of steps that you can take to begin to organize tenants to defeat or lower a rent increase.

- Tenants who are successfully organizing against high rent increases or gentrification-driven mass evictions have found that it is important to challenge certain real estate assumptions that are widespread in our culture. These tenant associations put forward alternative principles in their letters and fliers, including that:
 - There must be a balance between the drive for profit and the human need for housing.
 - The market rent is not necessarily the fair rent.
 - Landlords' buildings are more valuable because of work tenants have done to
- improve the neighborhood, reduce crime, and make schools better. Or, properties are more valuable because of public investments such as public transportation stops and new parks. Because of these improvements, tenants should not be displaced.
- When you receive a *no-fault eviction* notice or a notice of a rent increase, try to figure out whether other tenants also received similar notices. If you want to conduct a quick survey, you can adapt the survey (**Form 16: Tenant Survey**).
- When you survey people to find out about the rent increase or eviction notices, give them information about how a landlord can legally raise the rent or convert to condominiums and what your rights are, including your right to organize. See **Chapter 5: Rents** and **Chapter 20: Condominium Control** for more information.
- Call a meeting of tenants to figure out how to respond. Invite an attorney or an organizer to the meeting. For example, in response to a notice of a proposed rent increase, one option is not to agree to the increase, as a group. If you do not pay the increase and you pay the old rent, your landlord will have to go through all of the steps of a *summary process* action in order to try to evict you. This tactic gives your group time to plan other tactics and also puts pressure on the landlord to negotiate because of the cost of evicting all of the tenants and the risk that the landlord will lose the eviction cases because of tenant *defenses* and *counterclaims*. However, there are risks to tenants in using this strategy—that is, you could be evicted at the end of the process—and thus you should discuss the strategy with an attorney before deploying it. For more see **Chapter 13: Evictions**.
- You may also want to investigate the landlord's business practices and try to estimate her expenses and profit margin. If the owner can cover expenses, grant tenants' requests to refrain from large rent increases,

and still make a profit, that's very important to know. How much are the landlord's property taxes? Has she paid them? How much is the mortgage payment? Who is the lender that holds the landlord's mortgage? Has the landlord defaulted on the mortgage? During negotiations you can present what you estimate are the owner's expenses; if she says you are wrong, ask what the correct figures are. Knowing this type of information may also help you develop other strategies and allies.

- If the landlord has raised people's rents or is evicting in *retaliation* for tenants' organizing, reporting violations of the Sanitary Code, or taking other legal action, this is illegal and you may want to take the landlord to court. If a judge finds that a landlord has retaliated against you, the landlord should not be able to evict you and tenants may be entitled to money *damages*. See **Chapter 13: Evictions** and **Chapter 14: Taking Your Landlord to Court** and get legal advice.
- If your landlord has not made repairs, you can use that fact to gain leverage in your struggle against unfair rent increases or mass evictions. You should have your building inspected by the Board of Health or Inspectional Services Department or by a private inspector. Once you have an inspection report that documents bad conditions, you can put even more pressure on the landlord by communicating your intent to pursue enforcement of the state Sanitary Code through a public agency or a lawsuit. This is often enough to get a landlord to the negotiating table and, once there, to get her to agree to a reasonable deal.
- If you are facing rent increases and there are serious conditions of disrepair in your home, you may need to make your struggle more public. You can picket your landlord's home and publicize what is happening. Stress the unfairness of the rent increase given the conditions in which you are living and the hardship that a rent increase will have on tenants living in the building. For

example, if there are tenants who have lower incomes, who are working, or who are single parents, a \$100 increase may cause them to become homeless. Invite reporters into apartments with bad conditions. Have tenants facing hardships talk about how the rent increase will hurt them and how the landlord has refused to negotiate fair rent increases. Some landlords fear bad publicity, embarrassment, and negative public exposure.

- Evictions by their nature are individual procedures; each tenant against whom a case is brought should read **Chapter 13: Evictions** to learn how to defend herself in court. However, a well-organized tenant group can turn evictions into a political battle as well, using the tactics described in this chapter: media campaigns, letter writing, resolutions, demonstrations, actions, etc. One particularly dramatic and effective type of action is **eviction blockades**, where members of the tenant organization and other supporters physically prevent the landlord's constable from evicting a tenant after a judge has already ordered her out. This tactic has been successful in many instances in getting landlords to back off evictions. However, because there is a chance that people participating in a blockade may be arrested, **you should consult with a lawyer** experienced in civil disobedience prior to planning one.

4. Harassment

You may find that the main problem you and other tenants are having is harassment by your landlord or people who work for your landlord. There are many kinds of harassment and intimidation, including illegal evictions, utility shut-offs, and illegal entry into apartments without permission. Here are some steps to take to deal with harassment.

- You need to document whatever is being done. Keep records of eviction threats, verbal abuse, or any other threats. Specific

stories of what happens and when it happens are important.

- Tenants' fears and isolation from one another allow a landlord or employee to continue the harassment. If things are going to change, people need to come together and recognize that they are not alone. Some tenants may be willing to meet and share what has happened to them.
- You should educate yourselves about your rights. Knowing your rights is your best defense. You then need to discuss how you can break the cycle of harassment and what tactics to use. One specific tactic may be to get a court to order the landlord to stop the illegal behavior. This type of *order* is called a *temporary restraining order*. See **Chapter 14: Taking Your Landlord to Court**.
- Your landlord may try to pick apart your group or go after one tenant. Tenants should work to protect and support those whom a landlord is targeting. You may also warn other tenants about how the landlord is harassing people so they won't be caught unaware if the landlord comes after them. They will also know who to turn to for support.

5. Foreclosure

If the building in which you live has been *foreclosed*, you may encounter simultaneously with your new landlord a number of the problems discussed above. In many cases, the bank or other entity that has taken over the property after foreclosure will fail to make repairs or maintain it properly. They may also fail to take responsibility for utilities, leading to shutoffs. Brokers or others working for the bank may also harass you in an effort to get you to leave your home. Evictions of all occupants are also routinely undertaken by banks and other lenders after foreclosures.

In these circumstances, you should take all of the appropriate steps laid out in the sections above on **Bad Conditions, Unfair Rent Increases and Displacement**, and **Harassment**. You

should also read **Chapter 21: Foreclosures**, which gives you specific tips on additional steps to take in dealing with banks and other foreclosing lenders. Perhaps even more so than in struggles with non-lender landlords, the key for tenants to overcome problems in foreclosed buildings is to come together and jointly resist strong pressures from often very powerful institutions. In numerous cases where tenants in foreclosed buildings have joined forces, they have been successful in getting lenders to make necessary repairs, restore utility service, and stop harassment and evictions.

6. Negotiating a Solution with the Landlord

When you negotiate a solution to a problem with your landlord, it is very important to prepare for this meeting or what may be a series of meetings. Here are some things to keep in mind:

Prepare your demands.

Call a meeting for all tenants to discuss what demands the group wants to make. Try to organize these demands. One way to do that is to divide demands into three categories: long-term demands, short-term demands, and immediate demands. Or, the group can list demands in order of importance or priority.

Choose a strong team.

A group can have as many negotiators as it wants. It should be very clear, before the meeting who will take the lead and who will raise specific demands. Those who are negotiators on behalf of the group should have the confidence of the group and the time and energy for what may be a long process. It must also be clear that you are negotiating as a group. If anyone other than the negotiating team receives a call from the landlord, they should politely refer the landlord to members of the negotiating team.

Wait until all negotiators are present.

Resist any attempts by the landlord or her representative to begin negotiations without all tenant representatives present.

Don't let the other side outnumber you.

Before sitting down with the owner and her representatives, have a joint understanding of who is allowed to come to the negotiating session. The tenant team may outnumber the owner and her assistants. That's fine, but the owner's team should not outnumber the tenants.

Know the facts thoroughly.

If you don't know the facts, your landlord may back you into a corner and force you to compromise. Tenants should be prepared to talk about different problems.

Hold negotiations at a location where you feel comfortable.

Try to hold the meetings in a place where tenants feel comfortable. At the very least, negotiate at a neutral place, such as a local church or meeting hall.

It may help to use mediators.

Sometimes it is helpful to have a neutral third-party or *mediator* who is familiar with housing issues help tenants and the landlord work through their concerns in order to shape an agreement that is satisfactory to all parties. For example, in Boston, the City's Rental Housing Resource Center has acted in a mediating capacity for negotiations between tenant associations and landlords. See the **Directory** for a list of other mediation services.

Make sure that the owner will be present.

If the landlord is not coming to the negotiating session, make sure her representative has the authority to negotiate on her behalf.

Keep negotiations focused on the group.

Tenants should not voice their own personal complaints to the landlord. The

negotiating committee should represent the interests of the entire group.

Ask questions and gather information.

Take advantage of the negotiating session to find out as much about the landlord's situation and finances as possible. New information may surface that informs the negotiations. For instance, if the owner says she cannot afford tenants' requests, ask why. What is the budget for the building?

Never appear to be divided or disagree.

If at any time your negotiating becomes confused or communications break down between members of your team, don't hesitate to call for a recess and meet outside to discuss your strategy. In fact, before going into negotiations, the negotiating team should recognize that you may need to do this and that it's OK.

Refer to any planned demonstrations, lawsuits or media coverage.

If you know what your tenant group will do if the landlord refuses to cooperate, you can refer to these tactics specifically or generally. If you do, make sure that you are prepared to carry these actions out. This is a judgment call and you need to think through the pros and cons of anything you say. But remember—most landlords fear bad press, legal action, and demonstrations.

Claim no authority to compromise.

Remind the landlord that the group will agree only to a collective settlement that is just, fair, and agreeable to all tenants involved. Make sure everything you agree to is approved by the group. If you are unable to come to an agreement, negotiators should go back to the group and discuss what position the group wants to take or how to make trade-offs.

Put your agreement in writing.

If you reach an agreement, volunteer to put the agreement in writing so that you can make sure all of the tenants' demands are included. Having the assistance of a lawyer

is very helpful at this stage. It is always better to draft the agreement yourself—or have your lawyer do it—than to let the landlord or her lawyer do the drafting. If the landlord puts the agreement in writing, read it very carefully, show it to a lawyer, and insist on any necessary changes before signing it.

Stick together and stay organized.

This is how you got to the bargaining table in the first place and it's the only way to make sure the landlord sticks to her agreement.

Organizing Actions

"Actions" are events or moments that make a struggle between a landlord and a group of tenants more public. Actions include picket lines, marches, rallies, demonstrations, and protests of all kinds. Actions are generally done to publicly and symbolically express the feelings of a group about a situation and to generate support that helps get your landlord to the negotiating table or improves your bargaining leverage.

Tenant associations often find it useful to start with local or neighborhood-based actions. For instance, many associations start with rallies at their building site before taking actions outside the neighborhood.

Although actions take time and energy to pull together, they can put public pressure on your landlord in a way that brings her to the negotiating table. Actions can also be some of the most exciting events to organize and be part of. What follows are some suggestions for how to develop an action.

- Decide whether or not to have an action and, if so, what type of action to have.
- Figure out whether people have the time to coordinate the action. If people do not volunteer to coordinate an action, don't have an action.
- Define whom you want to target. Your target should be the person who is causing

the hardship and has the power to make things better. Tenant groups often target their landlord, the management company or manager, or a government agency that is not performing properly, such as a Board of Health.

- Clearly and concisely outline your complaints and a set of demands on a leaflet so you are prepared to present this information to the target, the media, or people passing by. Tenants have put together very creative one-pagers with color photos and quotes that quickly (and visually) tell the story of what is happening.
- Pick a date and time for the action that will yield the greatest participation.
- Pick a location for the action that sends the right message to the right people. For example, a good location for an action may be the landlord's home, the landlord's office, a management company's office, a government building, or a busy intersection. You'll also need a place that has enough room for your group to assemble and can be seen by the general public. If the people you are organizing can't get there by foot, you must arrange transportation.
- Reach out to get tenants, members of the community, and public figures to come to the action. Make a flier that describes the reason for the action and the place, date, and time of the action. Put a contact person and a phone number on the flier so people can call someone for more information. Then, about two weeks before the action, distribute the flier in your building or neighborhood and to other people who you want to alert, such as the media or community groups. One or two days before the action, remind people in person or over the phone about the action.
- Make signs and banners for the action. The signs and banners should have simple messages written with bold, easy-to-read letters. People should be able to read the messages at a glance. The press also likes to

take pictures of people with signs because signs tell a story.

- If you want to make noise, you'll need some chants or slogans. These should be short and snappy. Take a children's rhyme, simple song, or sports cheer. Change the words to fit your needs. (For example: "Hey, hey, ho, ho, landlord greed has got to go!") Have fun. A little humor or irony can go a long way in getting attention and keeping your group energized.
- If people plan to speak out at the action, help them prepare. For example, if several tenants plan to describe how bad conditions have been and how these conditions have affected their lives, this can be a very compelling presentation and worth the time it takes to help the speaker feel comfortable speaking out.
- At the action, a group of people should be in charge of guiding the group through the action. This may mean showing people where to stand or march, leading chants, keeping people moving, or being prepared to deal with the police or a private security guard. Unless you are clearly posing a threat to property or public safety, the police shouldn't bother you at all. There is absolutely no legitimate basis for arrest if a group of people are protesting in a way that does not disturb the peace. (Police must warn people to clear away and give them the option to avoid arrest before they can arrest anyone.)
- Be prepared to be approached by your targets. They might want to come out and speak to the group (if they're brave). But this is your event. Agree to meet with them only in a group. And, never agree to anything without bringing it to the vote of every participating tenant. Simply listen and report back.
- Finally, be sure to conclude your action in a very clear way. It's not a good idea to let people just dribble away. A shrinking group does not look or feel good. A leader can make a final statement, sum up the

importance of the event, and thank everybody for their support.

Building a Tenant Group

1. Developing Leadership

Tenants who are leaders take on the extra responsibility of being a leader. Leaders often take on the responsibility of managing the group, chairing meetings, speaking out on behalf of a group, turning people out to actions, and running negotiations. Leaders help a group define and keep a clear vision of what it wants.

To some, leadership comes naturally. But for all it is a constant process of refining one's ability to lead and to be democratic. This takes time and an openness to learning.

A good leader is one who invites people to participate at every turn and is constantly building the group. She recognizes people for their efforts and contributions, however large or small. Leaders see the importance of teaching others to become leaders. Leaders share their leadership and are not threatened by others becoming leaders.

Leaders need to be careful, however, not to make decisions for the group. Leaders need to be accountable to the group. Leaders also have to be careful not to always put themselves in the center of every event or action, but need to spread the work, the responsibility, and the credit for success.

One way to guard against a leader who is too dominant is to develop collective leadership, to rotate responsibilities (such as chairing meetings or speaking out at media events), and to develop working groups and committees. Asking people to do door-knocking is also a way to develop leadership. Ultimately, it is collective leadership that makes a group strong.

Note: Many leadership development and training programs are available. Contact a local tenant or advocacy group to find out what resources may exist in your area.

2. Keeping Tenants Informed

An essential task of building a tenant group is keeping tenants informed. This requires constant reaching out to people. Tenants need to understand what's going on, what action a group is taking, and what the outcomes of these actions are. If only a small group of tenants knows what's going on, others will feel excluded and disrespected. Here are some ways to reach out to people and communicate.

Regular Meetings

Regular meetings are an important way to share information, make decisions, develop strategies, plan events, and evaluate work. Meetings can give a group a sense of power, build relationships, and develop mutual trust. Don't meet more often than is necessary, but be consistent and regular with your meeting schedule.

Point People

Well-organized tenant groups have "point people" who are responsible for distributing information to and from tenants.

Depending on the size and design of your building, you could have building, block, or floor captains who are responsible for keeping tenants informed. Tenants also can divide up responsibility. For example, if there are 25 tenants in a building, a tenant group could have five tenants, each of whom is responsible for keeping five other tenants informed. This kind of clarity creates a very tight and well-coordinated tenant group.

Knocking on Doors

Going door-to-door is probably one of the best ways to give tenants information. It is a good way to survey tenants about what they want. Door-knocking also helps recruit new

people to join your organizing efforts because it is a chance to communicate one-on-one.

Fliers, Updates and Newsletters

Fliers, updates, and newsletters are very useful ways to get different types of information out to people. A flier is a good way to announce a meeting or publicize a demonstration. An update or newsletter can provide tenants with more detailed information about decisions and progress that the tenant group has made, proposed plans, and meeting dates. It can be several pages or just one page. The more regular it is, the better, because it establishes your credibility and your public presence in your building or neighborhood. Remember to have materials translated if tenants speak different languages.

Phone Trees

Phone trees are important ways to reach tenants quickly about a meeting or public hearing. When you hold meetings, use a sign-in sheet and get people's phone numbers so you can develop a phone tree where each person is responsible for calling a number of other people.

Social Events

Do not underestimate the value of social events in building a strong tenant group. In between struggles, it is important to have a good time. Neighborhood picnics, block parties, children's events, and voter registration drives are all events that bring people together.

A good resource about basic principles of organizing is:

**Basics of Organizing:
You Can't Build a Machine Without
Nuts and Bolts** by Shel Trapp.
It is available online at: [www.tenant.net/
Organize/orgbas.html](http://www.tenant.net/Organize/orgbas.html).

3. Evaluating What You Are Doing

As part of any good organizing effort, the group should take time to evaluate its work. The purpose of evaluation is to take stock of what people have learned, to improve how the group does its work, and ultimately to be able to think and act more strategically.

How long a group spends on evaluation varies depending on the situation. Some groups build evaluation and reflection into all of their meetings either as part of a specific discussion or at the end of a meeting. For example, at the end of a meeting, the chair can ask the group to spend five minutes evaluating the meeting by asking the simple questions: What worked well in running the meeting? What could be improved?

Groups also set aside special time to "retreat" in order to reflect on the work more deeply. A retreat can be as long or as short as a group determines—for instance, a half-day or a full day. Its purpose is to create a concentrated period of time and the space that allows for everyone in the group to more carefully think about the direction of the group.

What is important during any evaluation process is that everyone feels comfortable offering suggestions and that no one is personally attacked or made to feel bad. Here are some different types of questions to ask when evaluating your efforts:

- What strategies are working? What are not? Why?
- Who is not participating? Why? What is preventing them from participating?
- Do people feel informed about what's happening?
- Are there ways to improve how information is distributed and meetings are run?
- Is the decision-making process working? Are decisions made in a democratic way?
- Is there good follow-up to the meetings?

4. Getting New People Involved

Few people instantly decide to get involved in a group. In some cases, people may be wary or afraid of groups. They may be reluctant to give up their spare time. They may be afraid that the landlord will retaliate and evict them if they are part of a tenant group.

It takes time and patience to bring new people into a tenant group. Most people need to be asked directly to join the group. For people to work successfully with one another, everyone needs to value one another's contribution—however large or small it may be. Some people may have more time to do certain things than other people do. Certain people may take more responsibility than others. A person who takes a back seat at meetings may play a critical role in getting an article in the local paper. Everyone's contribution must be valued.

A great resource about how to build a group is:

How to Recruit People to Your Organization by Michael J. Brown. It is available at: www.iww.org/organize/branch/recruit/index.shtml.

5. Dealing with Internal Conflicts

Disagreements among tenants fighting for the same goal sometimes happen. Learning how to disagree with one another is, in fact, part of the process of evolving into a strong tenant group. It is when disagreements take on a more personal tone or become an attack or outright conflict that a group can be weakened. The question is: Is the group able to deal with internal conflicts?

One way to deal with conflict at meetings is to establish some "ground rules." Most meetings have some kind of operating rules. Some groups use *Robert's Rules of Order* to run their meetings, while others have rules they've adopted over time. Common ground rules are:

- One person speaks at a time.
- People must listen to what other people are saying without interruption.
- People are not allowed to attack other people's ideas.

In some situations, when there is conflict it may be better to deal with it outside of the meeting process. For example, if there is a problem about how someone in the group is acting, it may be best to discuss this with that person privately, or have someone who is close to that person discuss the issue with her.

6. Not Overdoing It

In order to establish credibility, it is important not to take on more than you can handle. Do not expect to immediately win all of your demands. Organizing people takes time. There is a lot to learn. A group should move carefully so it does not lose people. If you rush a decision, a group may not be ready to really carry it out. If you sense that someone is not comfortable with a decision, talk to that person one-on-one to find out more about what he is thinking.

7. Keeping Communications Open

Working together as a group can produce friction among the participants. There are a million ways that communication can go wrong among people.

Active leaders, who feel that they are doing almost all of the work and that other tenants should get more involved, may not be reaching out to others. While a leader might feel unsupported and alone, others might feel that they are being deprived of opportunities to help. Or they may feel intimidated by stronger personalities. Frank, honest communication is the best way to prevent problems. Good communication, as time-consuming and challenging as it is, is what ultimately keeps people together. For example, to minimize confusion over who will do what and what each

person's role is, make sure that people's responsibilities are clear, even by putting those in writing.

8. Being Inclusive

Differences in race, sex, class, and ability have divided people in tenant organizations, just as these differences have divided people elsewhere. Any kind of resentment or prejudice in working with others must be confronted early in order to maintain a trusting, cohesive organization. Take time out to communicate with people when differences and misunderstandings come up. Successful groups treat everyone fairly and with respect. Tenant groups that are most successful in creating unity out of diversity also address other issues, such as special concerns of immigrants.

9. Watching Out for Landlord Tactics

Once you start organizing, it is important to prepare for how the landlord may act. Here are some of the tactics that landlords often try to use against tenants.

a. The Good Guy Victim Routine

The landlord may try to play on your sympathies by arguing that she is a good guy and that the actions of the group are hurting her personally or financially. Don't fall for the routine. Be persistent and tough. No matter how much the landlord might be harmed by your actions, it is her actions that were harming you and that brought you to the point of organizing against her. Moreover, most landlords have more resources than the tenants and thus are in a better position to withstand whatever financial effects the group's actions have on them.

b. Divide and Conquer

Landlords will try to divide tenants not only by telling individuals present how good they are, but by accusing other tenants who are not there of being the "real problem." If there are people of different ethnic groups, classes, or backgrounds,

expect the landlord to play on these differences. A landlord will consider it a victory if she gets tenants to fight among themselves. One way landlords sometimes do this is by using language differences to divide. This makes translation of materials and meetings all the more important.

c. The Expert Routine

The landlord may try to confuse matters by talking about statistics, numbers, and figures to prove that she knows the real situation at the building and the tenants do not. Whatever the landlord says is just her side of the story and her "spin"; the tenants' version is no less valid. A landlord may also claim that she is not making enough money because of the economy or taxes. Remember, your rent is paying off the landlord's mortgage and other operating expenses. If it is not, it is probably going into the landlord's pocket.

d. Intimidation and Retaliation

Tenants generally think that what the landlord says goes. Tenants sometimes fear that if they rock the boat, the landlord will retaliate against them and has the power to do this. Some tenants even fear their landlord may use physical violence. Landlords sometimes play on tenants' fear, abuse tenants verbally, and try to intimidate them in the hope that tenants will submit to bad conditions or other mistreatment. A landlord may try to evict one tenant in order to make an example of that tenant. The landlord may also try to intimidate you by refusing to provide services. The most effective way to deal with landlord harassment is to treat each instance as a problem that the entire group should address. If one person is facing an eviction, others should rally to support her.

e. Blaming the Organizer or the Lawyer

If an organizer or attorney is helping you, the landlord may label them "outside agitators" and blame them for causing trouble. Don't fall for this routine either. The organizers and lawyers you've chosen are on your side. As long as

tenants are in the driver's seat and making the decisions, there is no truth in the landlord's accusations.

10. Connecting to a Larger Movement

Tenant groups that connect to city or neighborhood tenant organizing groups gain the advantage of being linked to a larger movement. There are many examples of tenant associations supporting each other in rallies and campaigns. Successful tenant associations often stimulate nearby buildings to organize, as well. For example, City Life/Vida Urbana in Boston has been holding monthly meetings of tenant leaders from around the city since 2001. These meetings connect tenant leaders, help them avoid the feeling of isolation, help generate ideas and strategies, and link tenant associations to important policy issues.

Having a Structure

Often, it is a small number of tenants who come together that lays the foundation for a tenant group. In some organizations, this core group may be called the "steering committee" because it is beginning to steer the group's direction. Never underestimate what a small group of people can do.

As tenants come together, you need to decide, given the issue and the number of tenants involved, how formal or informal a group will be. The structure of a tenants group is something that evolves over time.

1. What Is a Tenant Association

A tenant association is a group of tenants who have agreed to work together. A tenant association does not have to file any official papers or become incorporated. Tenants can simply decide to call themselves a tenant association.

There is no one way to structure a tenant association. Where a structure is more formal, a tenant association can create by-laws and elect officers. By-laws set out how decisions are made, who makes them, what the purpose of the association is, how it will elect a governing board, and other issues.

What is critical, no matter how informal or formal the tenant association, is to:

- Be clear about how a group makes decisions. Is there a core group or "executive committee" that makes decisions? Is it all tenants? Is it by consensus or majority vote? What happens if there is a tie vote?
- Develop a system to keep all tenants informed about what is happening.
- Keep records or minutes of what decisions are being made and what issues are being discussed.
- Make sure that one person is always responsible for keeping all the minutes and correspondence and paperwork that the group generates.

Note: Consensus decision-making stresses collective development of a decision. It does not mean that everyone always agrees. But the decision must be acceptable enough that all will agree to support it. A good resource about how to build consensus is:

Building United Judgment: A Handbook for Consensus Decision Making, published by the Center for Conflict Resolution, 1981, available for purchase online at: store.ic.org/catalog/product_info.php?cPath=34_43&products_id=56.

2. Setting Up Committees

Committees are teams of people who share responsibility for tasks. Most tenant groups, no matter how big, usually have a core group of people who are the "worker bees," the people

who do things together and accept the major responsibility of keeping the group functioning.

Groups form committees to focus special attention on a particular task or problem. It is a way to divide up work without spreading people too thin. It is also a way to get people involved. Common committees include:

Negotiating Committee:

Tenants who are responsible for negotiating with the landlord.

Outreach Committee:

Reaches out to new tenants.

Education Committee:

Can teach tenants about what their rights are.

Fundraising Committee:

Raises money to pay the costs of photocopying, mailing, and other expenses.

3. Working with a Lawyer

Having a lawyer who works for your group can be a major asset. The legal system can be very confusing and technical. A good lawyer will take the time to clarify what the legal language means in plain and simple terms, answer and research your questions, and offer advice and recommendations for your group to consider.

It's very common, however, for people to accept a lawyer as their leader. A lawyer is not a tenant leader, but a professional who serves a group. Your group is the client. Final decisions belong to you. A good lawyer will respect your decision-making role.

Effective tenant organizations use the legal system strategically as one way to make change. But many times there is more than one way to accomplish the goal, and it is when legal strategies are woven into other strategies that pressure can be brought to bear to create a solution. For example, in some cases, meeting with a public official may lead to a quicker and more long-term solution than a court case, which

may take more time to work its way to completion.

If you rely on legal action and lawsuits alone, you may also find that your group will begin to weaken. Legal action, when used alone, can lead to a very passive attitude among residents. People can't really participate in a lawsuit other than simply following the news, signing papers, and perhaps testifying. The strength of organizing is the strength of your people and their participation in organizing actions. People can participate in letter-writing campaigns, in public meetings with government officials and landlords, and in press conferences and protest actions.

Tenant organizations that have former successful partnerships with attorneys sometimes refer to their respective roles as that of the "sword" and the "shield." The tenant organization makes all the key moves to effect change, and the attorney takes the legal steps necessary to protect the organization and its members and thus permit them to do their work.

Building Support

When tenants organize and work together, they level the playing field against a more powerful opponent, the landlord. To reduce that power disparity even further—and to accumulate more power than your landlord—you need even broader support than that provided by your tenant association and its members. Many of the tactics described in this chapter are used to help you get that important outside support.

1. Accessing the Media

Media—newspapers, television, radio, and the internet—can be very powerful tools for tenants. Most landlords are not interested in getting bad publicity. Tenants who are trying to save and improve their homes, protect elderly people in their buildings, and build the spirit of the neighborhood can use the media as a way to make the case for change.

Before you contact the press, you should think through a media strategy because you want good press, not press that puts the tenants in a negative light. Positive media attention is a way for tenants to publicly state their demands and proposed solution and thus continue to put pressure on a landlord.

Contacting the press is a step that should be agreed to by your group. You should discuss the pros and cons of publicizing what is happening. If the group agrees to contact the media but no one is willing to talk to reporters, don't make the contact.

If you decide to contact the press, you will need to develop your message because you are helping reporters shape the story. Whoever speaks to the press on behalf of the group should clarify with the group what is important to say before speaking to a reporter. One way to do this is to caucus with key leaders about what the message should be.⁸ Some questions to ask to clarify the message are:

Media Caucus Checklist: Questions to Ask in Preparing for the Media

- What is the problem?
- How does the problem hurt tenants?
- What facts illustrate the problem?
- Who is responsible for the problem?
- What solutions are tenants proposing?
- What is the main message?
- What facts support this message?
- What visuals support the message?
- What spokespeople would best communicate this message?
- What are good, short soundbites?
- What are the hard questions that the media might ask tenants?

It is important when speaking to the press not only to be prepared, but also to speak from the heart. Those who plan to speak to the press should also practice telling their story and responding to questions. Role-playing is a good way to practice.

Getting media coverage is also about building relationships with reporters. Before contacting a reporter by phone, send her a one- or two-page press release. Send the press release to a reporter whom you want to do the story. You may have to research this to find out who might cover your story. If you don't know a particular reporter, send your release to the news department and follow up with a phone call. Your press release should include important facts, quotes by tenants, a description of your group, and a name and phone number of a person the reporter can contact. To get a reporter's attention, you will also need to have a good "hook" or lead sentence in your press release. For example: "The Board of Health has cited _____ (landlord's name) with over 50 violations of the state Sanitary Code." See **Form 30** for a **Sample Press Release**.

Because reporters are very busy and are often working on deadlines, the more prepared you are the more receptive they may be. If you have documents such as inspection reports, show these to the reporter.

Letters to the editor are a good way to get an organization's message into a local paper. The advantage of a letter is that the whole group can sign it so it does not seem like one person is speaking for the group.

Tenant associations have also achieved success by linking their building's issues with larger policy issues that are in the news. For example, some groups have linked their story about opposing rent increases to the need to support broader rent regulation policies and affordable housing needs.

Some good resources about how to do media work are:

SPIN Works! A Media Guidebook for the Rest of Us, by Robert Bray; available for purchase online, along with a media toolkit about developing strategic media plans, at: www.spinproject.org/catalog.

2. Community Support

Depending on your situation, at some point, you may want to contact community groups and community leaders to help support your position. People who live in the building may have a connection with a local group such as a club, a church, a labor union, or a community development corporation. You can ask a community group for letters of support, help with an event, meeting space, or the use of a computer. If you have collected letters of support, you can use them in a press release. This will make your situation more newsworthy, too. Community leaders can also come to rallies and speak out in support of tenants. You won't get support, however, unless you ask for it.

3. Political Support

Tenant groups who are fighting to improve their buildings and save their properties have developed important support from local, state, and national politicians. Whenever you ask for a politician's support, it is always important to think through this strategy. For example, it is not always a good idea to get politicians involved right at the outset. A politician may not do what she says she will do. She might turn against the group and support the landlord. She may have her own agenda. She may try to act as a mediator between you and the landlord without your wanting her to do this.

On the other hand, a politician may actively support your cause. She may speak out at a rally because she wants to be seen as a leader on the issue of affordable housing and get the exposure. Seeing that the people in your building are voters, she may write a letter to your landlord supporting your demands. She may send a letter to a government agency supporting your request for funding.

To get the support or attention of elected officials, leaders should make sure that all the tenants in the group are registered to vote, if they are eligible to do so. Getting the support of neighbors who are registered voters also makes sense. Registering to vote is easy. Contact your city or town hall and ask for voter registration forms and procedures.

How to Run a Good Meeting

The purpose of having meetings is to share information with one another about what's going on, to discuss ways to deal with these issues, and to make decisions about how to solve problems. While meetings serve an important function in keeping a group together, never lose sight of the fact that the purpose of an organization is to improve tenants' lives, not to have meetings.

How the meetings are run and how people feel about them will have a significant impact on how people feel about the group. Most of us learn on the job how to facilitate a meeting. What follows are some tips for running a good meeting.

- **Select a good time and place to meet.**
Finding a good place and time to meet is not always easy. For example, if there are a lot of working people, you may need to meet in the evening or on the weekend. Your need for space depends on the size of the group and what's available. Someone's apartment, a common area in your building or development, a nearby church or school, a community center or social club, the restaurant across the street, or a legal services office may all be options. But keep in mind, although the church down the street may appear to be the best place to have the meeting, if you can get the space only at night, some people, especially seniors, may not feel comfortable venturing outside alone.
- **Prepare a flier to announce the meeting.**
Make a simple flier to announce the date, time, and place of the meeting and what the meeting is about. The flier should also have the name and phone number of someone to contact in case people have questions. A week before the date of the meeting, slip this flier under everyone's door. It is also helpful to remind people about the meeting by distributing another flier the night before. People are busy and may forget about the meeting. A reminder will increase the number of people who come to the meeting.
- **Translate information.**
If there are people in the building who speak languages other than English, have the flier translated and make sure there is someone at the meeting who can translate what is being said. Although you may hear things like, "our building has too many immigrants and they don't understand their rights and won't organize," many victories in Massachusetts have come in buildings that are largely immigrant and multi-lingual.
- **Bring materials to the meeting.**
Bring large sheets of paper, dark colored markers, and tape so you have the ability to write things on paper posted up on the wall so everyone can see. If you have handouts about tenants' rights or other information, make sure you have enough copies.
- **Write out an agenda.**
Everyone at the meeting should have a clear idea of the purpose of the meeting and the items to be discussed. Hand out copies of the agenda or write it on a large piece of paper on the wall so everyone can see. Sometimes it helps to assign a specific amount of time to each agenda item to keep the meeting moving. When people understand the purpose and direction of the meeting, things can move more efficiently. See **Form 31** for a **Sample Meeting Agenda**.
- **Have a sign-in sheet.**
At every meeting, have a sheet of paper where people can sign in so you know who attended the meeting. On the sign-in sheet have columns for people to write their

name, day and evening phone numbers, address, and e-mail address if they have one.

- **Have someone chair the meeting.**

A meeting will flounder unless someone takes responsibility for keeping a group focused. Some groups appoint a chairperson. Others have people volunteer or rotate the chair at each meeting. A good chair allows everyone to speak, makes sure only one person speaks at a time, keeps people on the subject, does not let one person dominate the meeting, prods people to think creatively, keeps the focus positive, and gives people hope that together they can solve problems. A good chair also makes sure that people do not talk about their own problems or attack one another personally.

- **Quickly review the agenda.**

The first thing a chair should do is quickly review the agenda and announce how long the meeting will run so people are clear about what is going to be covered. The chair should also ask whether there are other items that people would like to put on the agenda. If there are many items to cover, a group may have to prioritize the order in which to discuss them.

- **Ask someone to take notes or minutes of the meeting.**

The chair should ask for a volunteer to take minutes or notes of the meeting. Try to rotate this job. It is important to have a record of decisions and discussions to reflect on and also to give to tenants who were unable to attend the meeting.

- **Do introductions.**

The chair should ask people to briefly introduce themselves by stating their name and apartment number. Part of the goal of any meeting is always to get people more familiar with each other and to allow new people to be welcomed into the group.

- **Briefly explain background at the beginning of each agenda item.**

When the chair gets to each agenda item, it is very helpful, especially for newcomers, if someone briefly summarizes what last happened that relates to this agenda item to bring everyone up to speed.

- **Brainstorm to get ideas.**

Brainstorming is a good way to quickly get everyone's thoughts and ideas on a particular topic. When a group of people brainstorm, everyone speaks briefly and without any debate or discussion while someone writes all of these ideas on a blackboard or piece of paper on the wall. The goal is to quickly generate as many ideas as possible. Brainstorming allows for a more productive discussion because people can see that there may be different options worth considering. Before your group brainstorms, someone should explain how brainstorming is supposed to work; then the group chair should try to be vigilant in holding off on any discussion until all the ideas are out.

- **Establish a place to put ideas.**

During a meeting or brainstorming session, ideas come up that may not relate to the issue, but that are good. The chair can keep the group focused and prevent getting sidetracked by introducing the idea of a "parking lot" or an "idea bin" where ideas can be parked or stored until a later time when the group can focus on them. The key to making such a concept work is actually coming back to the ideas and not forgetting about them, so people don't feel that the chair is putting them in a trash bin.

- **Keep the focus on common problems.**

Try not to get caught up in a discussion about one tenant's problem. If one tenant begins to monopolize the meeting, ask if others have had a similar problem. If not, the chair can offer to discuss the individual concern with the tenant after the meeting.

- **Make decisions when decisions are needed.**

At some point, discussion needs to stop and the group needs to make a decision. The most common form of decision-making is that someone makes a proposal and people vote on it, with the majority winning. Another way to make a decision is by consensus. In this process, debate continues until all members have reached agreement. This process usually takes longer and works best in small groups.

- **Divide up tasks.**

If the group decides to do something, make sure to divide up tasks. People should be encouraged to take responsibilities, but should never be forced into doing something they do not feel comfortable doing. Ask for volunteers. Make sure that people sign up for a task before the meeting is over. This is an opportunity for people to get involved.

- **Respect people's time.**

Try to start and end meetings on time. People love a chairperson who can do this. The person who is running the meeting should be there early. If the meeting takes too long to get started or begins to run longer than the time allowed, people will get

anxious. Stop the meeting and ask people whether they can stay longer or want to continue the discussion at a next meeting. Then schedule another time to meet.

- **Be clear with the landlord.**

Your landlord may hear about a tenant meeting and quietly appear. You should not allow a landlord to attend a tenant meeting, especially if it is your first meeting, because a landlord by her very presence will prevent people from feeling that they can speak freely. If the meeting is in a tenant's apartment, you should ask the landlord to leave. A landlord does not have an absolute right to enter a tenant's apartment. Tell the landlord that you will be in contact with her to set up a time to discuss people's concerns, and escort her out of the room.

A great resource about democratic decision-making processes used by cooperatives and membership organizations that goes beyond the formality of *Robert's Rules of Order* is:

Welty's Book of Procedures for Meetings, Boards, Committees, and Officers, by Joel David Welty. Copies are available either by going online or by asking at your local bookstore.

Endnotes

1. G.L. c. 186, §18, and G.L. 239, §2A.
2. For more about the Community Development Block Grant process, go to the Center for Community Change website at: www.cccfiles.org/shared/publications/downloads/CDBG.pdf.
3. Some tenant groups have found ways to transfer the ownership of their property to more responsible owners, local nonprofit housing developers, or even themselves. For example, tenants have worked with local community development corporations to purchase properties at a good price and convert them to affordable housing. An owner-occupant who is having trouble managing her property may welcome having a local group manage the property or turn it into affordable condominiums that the condo group manages.
4. An effort by tenant advocacy groups to get the Boston City Council to enact an ordinance that would have required certain landlords to engage in collective bargaining with duly former tenant associations was defeated in the summer of 2007 by a vote of 8 to 5. No such law exists anywhere in Massachusetts—although a landlord's refusal to collectively bargain might be seen as an unfair business practice and thus a violation of the state's consumer protection statute. See G.L. c. 93A.
5. You can distribute leaflets on public property, such as sidewalks and in the landlord's neighborhood. The First Amendment protection extends to the peaceful distribution of literature on public streets and peaceful picketing. For example, you can picket any office as long as you stay on the public sidewalk, aren't obstructing access or acting violently, and aren't pursuing an illegal objective. In *Organization for a Better Austin v. Keefe*, 402 U.S. 415 (1971), the Supreme Court removed an injunction against a citizens' group that was distributing leaflets against a realtor who made his living from blockbusting (the illegal practice of inducing homeowners to sell their properties by making representations regarding the entry or prospective entry of persons of a particular race or national origin into the neighborhood) in towns other than where he lived. (*Keefe* at 420.) They left the leaflets at the doors of his neighbors and gave them to people coming out of his church and at shopping centers. (*Keefe* at 417.) The court said that this activity was legal. (*Keefe* at 419-20.) However, you may not distribute leaflets on private property without the owner's or tenants' permission. See G.L. c. 266, §120.
6. There is no legal basis for a landlord to demand that you take down a sign hanging on the inside of your window—although he may try.
7. The Federal Community Reinvestment Act is 12 U.S.C. 2901 and regulations 12 C.F.R. parts 25, 228, 345, and 563e. For more about federal CRA history, regulations, and how to access CRA lending information, see the Federal Financial Institutions Examination Council website at www.ffiec.gov/cra/default.htm. The state Community Reinvestment Act is G.L. c. 167, §14. Regulations for the Massachusetts CRA can be found at 209 C.M.R. §46.00.
8. The idea of a media caucus has been developed jointly by the Rhode Island Coalition Against Domestic Violence and the Media Research Action Project at Boston College. The checklist in this book has been adapted from their materials.

