



## Iowa Landlord News Brief - March 2002

### ILA Legislative Report

The second session of the seventy ninth General Assembly is in full swing. Legislators face two large problems: making budget decisions as revenues fall and attempting to find some way to encourage more business development in Iowa.

Legislators are making it very clear that there will not be as many non-monetary bills passed this year. The session has been cut by two weeks, and the budget work will not begin until the first of March. The delay in the budget activity is so that legislators can obtain the very latest revenue estimates before preparing the 2003 budget. The result of this delay is that most bills landlords have an interest in will be decided early in the session. The exception to this statement is the bill to change the taxation of residential rental property from commercial to residential. This bill, which is being filed in early February, will be eligible all session because it will be a Ways and Means bill.

Landlords will be working on HF 518 that would raise the limits of small claims court from \$4000 to \$5000. The bill passed the House last year. Landlords are working with the Iowa Retail Federation on revising the bad check section of the code. The bill is HSB 516. It adds language which assures that landlords can employ the use of electronically accessing a tenant's checking account for money owed. There are federal requirements to use this system, primarily notifying the tenant that such means may be used. It's also not out of the question that bad check fees may be raised.

HSB 548 is a bill which is a top priority of the League of Cities. It deals with contract sales of real estate. The bill was written by the Iowa Bar Association in consultation with the Attorney General's office. Landlords have been sending comments in on HSB 548, and we will be seeking some clarifications, especially assuring that property can be sold on a "as is" basis without fear of subsequent lawsuits.

It's still early in the session, and there may be several additional bills introduced that landlords many have an interest in.



**Joe Kelly**  
ILA Lobbyist

With the warm weather lately, we have been thinking quite a lot about Spring. With Spring comes the ILA Spring Seminar. We are still working on our dates, location, and speakers, but with this good weather we will finalize the arrangements. We anticipate having more details next month. We have had requests to resume the Monthly Breakfast Meetings as well. We will be advising you in the future about dates and locations of those meetings.

### DIALOGUE WITH DIRECTORS



We heard YOU!!! At the Seminar last Fall, there were several questions concerning advertising rentals on the web. People asked questions about affordability of web advertising with regard to other forms and the practicality of advertising on the ILA site. Whether we like it or not, our future tenants will likely choose the ease of Internet searches over more traditional forms of advertising to find rentals. Actually, one of the comments troubled us. It concerned the viability of tenants remembering to think of landlords when looking for vacancies. In thinking it though, the observations maybe correct as it relates to IOWALANDLORD.ORG. So with the web-masters help, we researched and found a better alternative. The goal was to find an easy to remember name that identified our goal. The web-masters have registered VACANCY4RENT.NET.

ILA has obtained exclusive geographical privilege of advertising vacancies for the rental property in the State of Iowa on VACANCY4RENT.NET. As the web-masters develop the site, our exposure will be enhanced by the inclusion of other rentals from other regions. However, ILA's focus remains the membership and serving our Iowa landlords.

For all our current and past rental property advertisers, there will be no difference to the method and manner of placing ads on-line. ILA will continue to maintain the Property Search page on its site as well. For the time being, ILA's Property Search page is the default

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### This Month's March 2002 NewsBrief .....

- Dialogue With Directors
- ILA Legislative Report
- ILA's participation in new web advertising opportunities
- Lead Based Paint Rules
- Advertising for the Perfect Tenant
- Plan for ILA Spring Seminar

- Breakfast Meetings are returning
- Something to say, write for ILA!

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 • Email: [ilaservices@iowalandlord.org](mailto:ilaservices@iowalandlord.org)

## Questions and Answers On ...

### Lead Based Paint Rules - A synopsis

- 1 As of December 6, 1996, new rules took affect concerning lead based paint.
- 2 Housing that is affected are all dwellings built before 1978, which is the year the use of lead-based paint was banned nationwide.
- 3 What housing is not affected? zero-bedroom units like studios and lofts. Leases lasting less than 100 days, such as vacation homes, housing for the elderly or handicapped unless there is children living there, rental housing that has been inspected by a certified inspector and found to be free of lead-based paint.
- 4 How are common areas affected? You must disclose whatever you know about the presence of lead in common areas.
- 5 If a property contains lead paint, is it unsafe? Not if it is properly maintained and managed. If it is allowed to deteriorate, crack and peel, it can be a threat to the health of occupants, especially childrent under six.
- 6 What if I'm selling 'target housing'? First, disclose any known lead paint or paint hazards in the housing and any reports you have about it. Give buyers a copy of the EPA pamphlet "Protect Your Family from Lead in Your Home", include warning language in the sales agreement and other signed statements verifying that you met all requirements, keep the signed acknowledgment for three years and give the buyers a ten-day opportunity to test for lead (at their expense).
- 7 What if I am renting 'target housing'? Disclose any known lead paint or paint hazards in the housing and any reports you have about it. Give renters a copy of the EPA pamphlet "Protect Your Family from Lead in Your Home". Include warning language in the rental agreement or lease and other signed statements verifying that you met all requirements. And keep signed acknowledgment for three years.
- 8 Am I required to give the EPA pamphlet "Protect Your Family from Lead in Your Home" to existing tenants? The EPA says no, only to tenants when they renew their leases. However, other legal sources warn that may not be enough. Ask yourself this, when does a month-to-month tenant renew their tenancy? Everytime he or she pays the rent, because the agreement only goes month to month. To be on the safe side, go to all your existing tenants and go through the procedures for new ones.
- 9 Do I have to check the house for lead before I sell? Not according to federal rules. Check your state law. You do have to allow the buyer a ten day period to have the property tested for lead-based paint and hazards before the agreement is final.
- 10 Do I have to remove any lead-based paint they discover during an inspection? No. The buyer could make that a contingency for the sale, though. That is more likely to happen in cities where the real estate marekt isn't very good. In good markets the seller would just accept an offer that didn't ask for lead-paint removal.
- 11 What if I know there is lead-baesd paint in the property? You have to disclose that information to the buyer or renter.
- 12 What if I know for a fact there is no lead-based paint in my property? You cna disclose that also. However, you must have certification from a state certified inspector. If your state does not have a certification program, you may use a certified inspector from another state.
- 13 If I buy a property, do I have to conduct and pay for an inspection? No, you just have the opportunity to do so. You could improve your chances of having an offer to buy accepted by waiving your right to the inspection as well.
- 14 Can renters have the property tested for lead? You can allow them to have the property tested at their own expense, but they have no ten-day right to inspection before renting.
- 15 Where can I find a qualified inspector to conduct the inspection? Call the state health department or local housing departments.
- 16 Does this rule increase my liability for future lead poisoning on my property? The EPA claims that disclosure may actuall reduce your liability. Their reasoning is that occupants can prevent exposure from the beginning. Don't be too quick to take their work for it, though. Your best defense is adding language to the rental agreement, that you should have your lawyer draft, removing from you all liability for lead poisoning.
- 17 What if I don't comply with the regulations? It can get real ugly. Failure to disclose and provide the pamphlet could mean triple damages. Plus you could face additional civil and criminal penalties.
- 18 Where can I get a lead disclosure form? [http://www.epa.gov/opptintr/lead/lesr\\_eng.pdf](http://www.epa.gov/opptintr/lead/lesr_eng.pdf)

For more information use the internet at:  
[http://www.epa.gov/docs/lead\\_pm](http://www.epa.gov/docs/lead_pm) or toll free 1-800-424-LEAD or fax request at 1-202-659-1192 (HUD)

**Need to Rent ???**  
*advertise your rental at:*  
**[www.iowalandlord.org](http://www.iowalandlord.org)**

## Advertising For The Perfect Tenant

You are hoping that your rental advertising will attract the attention of prospective tenants who are looking for a place to rent and that you find good tenants as a result of your advertising. Unfortunately, people who are looking for a place to rent aren't the only ones likely to be attracted to your advertising. People who want to determine whether you are practicing any kind of illegal discrimination in your advertising or in your selection process are likely to be attracted also. These people have no intention of renting from you. They do have every intention of making you suffer dearly if they can prove that you are practicing illegal discrimination in 'thought, word or deed'. They may work for some fair housing agency, or they may work for themselves and earn their living by bringing discrimination claims against landlords. In either case, they are looking for signs that you are discriminating against children or American Indians or the handicapped or any other protected group.

They are also looking for signs that you favor protected groups over others.

If they conclude that you are discriminating illegally, they will file a claim against you with HUD or with some other government agency and demand that you pay them some money to settle it. If you refuse to pay and they refuse to drop their claim, they will get all the free investigative and legal assistance they need to help them prove their case. You will have to hire assistants and pay for it out of your own pocket, and if the claimants can prove that you were discriminating, you will have to pay the claim and the penalties out of your pocket as well. Your insurance company won't help you at all unless you have purchased a special policy to protect yourself from such claims.

Because your advertising is the first indicator of your rental policies and because it is the first thing to attract the 'discrimination police' or 'discrimination opportunist', be very careful what you say when you advertise and be very careful how you say it.

A statement in your advertising like this, "adult non-smoker preferred" would be advertising for trouble. The word "adult" can be taken as evidence that you are discriminating against children. The word "nonsmoker" is all right to use in advertising because smokers are not in a protected category.

Stating that your rental property is "close to the Jewish Synagogue" would be advertising for trouble regardless of whether you meant to help people determine the property's location with the synagogue reference. Some people would say your advertising shows that you prefer Jews over Catholics or Moslems.

Be careful in your advertising, and do not suppose that

you will be able to fend off any discrimination-in-advertising claim brought against you because you made some innocent mistake and didn't know any better. Government agencies charged with the responsibility of enforcing fair housing laws presume that you know what you are doing and that what you are doing is by design. As far as they're concerned, that is a given. They are deadly serious in their efforts to root out illegal discrimination in housing, and they will not absolve you of any wrongdoing merely because you say that you were confused or uninformed or careless and that you would never think of discriminating illegally and that you will never do it again. If your advertising signaled some kind of illegal discrimination on your part and you were accused of discriminating illegally, you will have to pay the consequences.

You can avoid trouble in your advertising by concentrating on the property itself. Describe it and its amenities when you advertise. Make no reference whatsoever to the type of tenant you are looking for. You are looking for good tenants who are clean, who have a good track record as tenants, and who pay their rent on time. That is all. Make no mention of your preference for tenants of a certain age. Make no mention of the property's restrictions for the handicapped which might be construed as an ill-concealed effort to discriminate against people who have that handicap. Make no mention of its closeness to a certain landmark which might be construed as your preference toward tenants with a special interest in that landmark.

Play your advertising straight, and you'll stay out of trouble. *(by Leigh Robinson, 'Landlording' 9th edition)*

***Dialogue With Directors – Continued from Page 1 ...***  
home page on the VACANCY4RENT.NET site until regional and national pages are built. Now is an excellent time to place your rental ads with ILA.

The "New" web-site is easy to find, and very easy to remember - [www.vacancy4rent.net](http://www.vacancy4rent.net)

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The Association has many knowledgeable members who from time to time provide us with very insightful perspectives on issues that pertain to property management and landlords. We encourage those of you who have an interest in sharing information with the membership through our newsletter, to write an article for future newsletter issues. Please contact either Dave or Dennis at the ILA Office (515-255-0675) for details.

**Need to Rent ???**  
*advertise your rental at:*  
**[www.vacancy4rent.net](http://www.vacancy4rent.net)**

**Would you like to list your property on the Iowa Landlord Association Apartment Rental Search but you're not on the Internet?**



**Iowa Landlord Association  
Apartment Search Service  
Listing Form**

*Make copies of this form, fill out the form and FAX to: 515-255-0675*

You can mail or fax in your listing directly to our office if this would be easier for you.

To list your property, please fill out this form and send a picture of your property to our office.

Have you a rental property you wish to sell? Advertise it on the web site! Call us for details.

Interested in banner ads on our website?

**ILA Rental Property Search Listing Rates**

- Listing Prices = Members - \$50/mo., Non-Members - \$100/mo.
- Pictures/Logo inclusion = \$10/submission
- Picture/Logo image preparation (if needed) = \$35/hr.
- Photography Services = \$50 trip fee; \$35/hr after 1 hour; Materials at cost; Service available in the Des Moines metro and Polk County surrounding areas; Services are on a scheduled basis; Contact [information@iowalandlord.org](mailto:information@iowalandlord.org) for arrangements.

Your Company: \_\_\_\_\_  
 Your Name: \_\_\_\_\_  
 Your Company Address \_\_\_\_\_  
 Your Phone number for contact \_\_\_\_\_  
 Property Address: \_\_\_\_\_  
 Property City, Zip: \_\_\_\_\_

**Monthly Rent Price:** \$ \_\_\_\_\_ / Month  
**Number of Bedrooms:**  Studio/Efficiency  1  2  3  4+

**Type of Housing:**  Condos, Townhomes, or Duplexes  
 Unfurnished Apartments  Furnished Apartments  
 Single Family Dwelling  Short Term Rentals  Senior Community

**Utility Arrangements:**  None Supplied  Some Paid  All Paid

**Accommodations and General Amenities** – Please check the items associated with this property:

Air Conditioning: .....	<input type="checkbox"/>	Dishwasher: .....	<input type="checkbox"/>	Wheelchair Accessible: ..	<input type="checkbox"/>
Microwave: .....	<input type="checkbox"/>	Stove: .....	<input type="checkbox"/>	Trash Compactor: .....	<input type="checkbox"/>
Balcony / Patio: .....	<input type="checkbox"/>	Refrigerator: .....	<input type="checkbox"/>	Garbage Disposal: .....	<input type="checkbox"/>
Dining Room: .....	<input type="checkbox"/>	Fireplace: .....	<input type="checkbox"/>	Pet Friendly: .....	<input type="checkbox"/>
Computer High				Laundry Type:	
Speed Broadband				<input type="checkbox"/> Washer / Dryer	
Internet Accessibility: ..	<input type="checkbox"/>	Cable Ready: ...	<input type="checkbox"/>	<input type="checkbox"/> Washer / Dryer Connections	
		Garage:	<input type="checkbox"/>	<input type="checkbox"/> Laundry Facility	

**Community Accommodations and Amenities**

Club House: .....	<input type="checkbox"/>	Storage Facilities:	<input type="checkbox"/>	Gated Access: .....	<input type="checkbox"/>
Public Transportation: ..	<input type="checkbox"/>	Tennis Courts: ....	<input type="checkbox"/>	Playground: .....	<input type="checkbox"/>
Fitness Center: .....	<input type="checkbox"/>	Swimming Pool: .	<input type="checkbox"/>	Whirlpool / Spa: .....	<input type="checkbox"/>

**Run Dates of Your Listing**

Date Begin: \_\_\_\_\_ Date End: \_\_\_\_\_

Your Email Address:  
 \_\_\_\_\_

*Additional Information About This Rental:*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*\*\*\* Don't Have A F.A.X. - - Just copy and mail your form to us. \*\*\**

**(HINT!** For the cost of an ILA membership - Non-members can purchase their membership, save money and experience ALL the benefits of ILA membership!)

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*advertise your rental at:*  
**[www.iowalandlord.org](http://www.iowalandlord.org)**