



ILA Legislative Report

Editor's Note: Joe Kelly's article, The ILA Legislative Report, has been deferred and will return again next month. Due to the volume of issues that the Iowa Legislature has addressed this past session, Joe has been preparing for a live informative discussion with the members at the upcoming ILA Spring Seminar.



Joe Kelly
ILA Lobbyist

Besides his description of the session, he will be entertaining your questions about current and future issues that concern landlords at the state, county and municipal levels. As always, we look forward to Joe's informative insight, enlightening talk and humorous wit at the ILA Spring Seminar.

The Perfect Tenant

Do you know who the perfect tenant is or is not? Is it someone who is quiet, pays their rent in cash and does not cause any problems at the property? That seems to be the perfect tenant. Or does it sound like a possible terrorist? One who pays in cash may not have the necessary documents to open a bank account. They might not have a regular job or might not be the person who is actually renting the property. The perfect tenant doesn't complain or request repair services for long periods of time. No matter what condition the property is in, eventually something will go need repairing. The tenant may appear to be perfect but they are actually only wanting to appear perfect. To avoid what may appear to be a perfect tenant, your lease should require semi-annual or quarterly inspections and require enough documentation so you will know to whom you are renting. This may include driver licenses with pictures (make a copy for your records) and passports or visa documentation.

(from Mr. Landlord)

Check YOUR Calendars!!!

We are very excited. All the planning is done, and we are ready for the Spring Seminar. We have a very informative evening planned for you. So, please take out your calendars and make plans to attend the ILA Spring Seminar on Tuesday May 14th, 2002 at the Downtown Holiday Inn at 1050 6th Avenue, Des Moines. Sign-in from 6:00 to 6:30 with Speakers commencing at 6:30. Evening activities will last until approximately 9:00. The main topic of the evening: Vacancies – How to Prevent Them.



DIALOGUE WITH DIRECTORS



As we reported last month, we have several outstanding individuals who will talk to us on various aspects of property management. Clifford McClure from Carlson, McClure and Associates, Inc., will be giving his insights and perspectives. And, John B Leavengood of Leavengood & Associates will lend his knowledge and experience to the topic as well. (See brief Bio's of our speakers on page 2) We encourage you to take notes and ask lots of questions.

Also scheduled to speak is Joe Kelly, our ILA Lobbyist to the Statehouse. Joe will be reporting to you on how the session went, and what work is ahead for us in the future.

This is one seminar you won't want to miss. The speakers will be available for your questions during the breaks. Be sure to give Connie a call at 515-255-0675 to pre-register. We want all our members to take this opportunity to get good advice.

Need to Rent ???
advertise your rental at:
www.vacancy4rent.net

This Month's May 2002 NewsBrief

- Dialogue With Directors
- ILA Legislative Report
- The Perfect Tenant
- Breakfast Meetings Return
- Implied Warranty of Habitability
- Protect Yourself !
- Spring Seminar Speakers

- Directors: • Dennis McDonald • Dave Sollenbarger
- WebSite: www.iowalandlord.org
 - Email: ilaservices@iowalandlord.org

Implied Warranty of Habitability

(by Bruce R. Fox from Landlord Tenant Law Bulletin)

Most landlords understand and expect their obligations to residential tenants will be spelled out in the rental agreement. Tenants expect landlords will provide a suitable living area with heat, hot water, unbroken windows, and other amenities that become part of the rented space. Typically, tenants do not spend a lot of time reading the lease to look for these provisions. The law has stepped in and provided tenants with certain rights, with or without a rental agreement or lease, that require landlords to repair and maintain the property. These obligations are called "implied warranties of habitability".

Generally implied warranties require a landlord to provide a residence that is fit for human occupancy, free of conditions that may be dangerous. The landlord will have to make all necessary repairs within a reasonable time, an expense not usually considered when the rent is set. Landlords cannot pass these costs on directly to the tenant through rent increases. Most states, except Alabama, Colorado, and South Carolina have implied warranty laws. These laws prevent landlords from renting residential units 'as is' even if the tenant has inspected the premise prior to renting the unit.

Implied warranties have the unfortunate effect of extending the terms of the lease by requiring landlords to make repairs within a 'reasonable time'. Of course, 'reasonable time' means different things to different people. This is where the landlord can get caught when confronted with an implied warranty complaint. It is difficult for landlords to guess correctly when repairs have to be made.

Implied warranty claims typically occur when the tenant is seeking a return of a security deposit or the landlord is suing a former tenant for damages or back rent. If the tenant is successful, the landlord will be responsible for paying the rental value difference between the rental value of the unfixed unit and the unit's value if it had been fixed, plus the tenant's out of pocket expenses.

The tenant usually must give notice of defects to the landlord within a reasonable period of time after the defect occurred. Landlords are not responsible for defects unless they are aware they exist.



Breakfast Meetings Return !

As announced in last months newsletter, we are looking forward to the return of the ILA Breakfast Meetings. The dates for the meetings are; Wednesday, June 12, Wednesday, July 10, Wednesday, August 14 and Wednesday, September 11th. Breakfast Meetings start at 7:30AM in the morning. Breakfast meetings will generally be limited to the first 20 registrants. Be sure to give Connie a call at 515-255-0675 to register or for more information.

We do encourage you to attend. We hope to have a breakfast meeting each month during the Summer.

We look forward to seeing you!

HUD'S "One Strike" Policy

On March 26, the US Supreme Court unanimously upheld the US Department of Housing and Urban Development's one strike rule. The rule allows public housing authorities to evict tenants if any member of his or her household, or a guest, is caught using illegal drugs or is involved in drug-related criminal activity on or near the premises, even if the resident was unaware of the activity. The suit was brought by four California residents who were evicted under the rule.

The four signed leases noting that the public housing authority had discretion to evict them if they violated the rule. The Court's opinion reversed the decision of the US Court of Appeals for the Ninth Circuit and reaffirms the right of private property owners who serve federally assisted residents (including voucher holders) to use leases with zero tolerance policy provisions. (HUD v. Rucker, No 00-1770)



Register for ILA's
**Spring
Seminar**

*For More Information,
Call 515-255-0675
and ask for Connie.*

Protect Yourself!

Some Notes From The Web Guys! . . .

In the past couple of weeks of this newsletter, we have seen an incredible increase in the frequency of virus infections. Almost every I.T. person we speak with has noticed it. Unless your computer system (connecting to the internet or not) is protected, your system is susceptible to attack from many forms.

The latest virus we are seeing a lot of is one known as W32.Klez.gen@mm. This is a mass-mailing "worm" that will send itself to all email addresses in the Microsoft Outlook Address Book of the computer it infects. Additionally, this worm may include a virus that will destroy all files on the 13th of March and September. (While we're past March 13th, if it's not dealt with it can getcha when September 13th rolls around.)

There are thousands of various viruses out there, some more or less caustic than the Klez virus. Most viruses are received through email as attachments. Some viruses are contained within the email itself. Some viruses can be received by viewing a web page. Yet others can be spread by putting a floppy disk in one computer and giving the disk to another, in turn infecting that computer. Some viruses can also be passed to every computer connected to a small or large network. Bottom line - if you expect to have your computer infected and plan for it, you can avoid many problems.

Things you can do to avoid virus and other problems:

- **Back Up Often!** Make copies of your important accounting and all other important files to floppy disk, zip disk, tape backup, writable CD's or any other way media that you can remove and store away from your computer. It's also a good idea to store this information in a different location in case your building burns or other peril should occur.
- **Get Current Virus Protection!** There are many products that can protect your system from viruses - many are good, but all are worthless unless you keep them current. Popular virus programs that do a good job at keeping viruses at bay (to name but ONLY a few) are: Symantec Norton Antivirus 2002, McAfee VirusScan, Trend Micro PC-cillin 2002. All of these products will do the job, but you need to carefully follow all the instructions to keep your product current and "virus signature lists" up to date for the most current known viruses on the loose. We recommend going online and updating this software about once a week or more frequently if you are on the internet.

The BEST way to assist yourself to "*make sure the job gets done*" on the above suggestions is to mark your

Spring Seminar Speakers

Clifford T. McClure

Clifford is an insightful and informative individual who truly understands the worth of properties and the value of property management. As a Principal in the firm CARLSON, McCLURE & ASSOCIATES, Inc., he routinely is called upon for his professional assessment concerning Real Estate Appraisal. He has appraised residential, commercial, industrial, agricultural, public and special use properties, and partial takings. He has also been involved with other analysis assignments that include market / feasibility studies and consultant work.

Mr. McClure has served on the Board of Directors for the Iowa Chapter of the Appraisal Institute and has served as Secretary/Treasure, Vice President, and President for the Des Moines Chapter for the Society of Real Estate Appraisers.

John B. Leavengood

John is a knowledgeable individual with approximately 40 years of involvement and experience in the property management profession. Currently doing business as LEAVENGOOD & ASSOCIATES, he provides property management and consulting services. John's insights stems from years of experience managing apartment communities, condominium associations, cooperatives, warehousing, office buildings, shopping centers, mobile home parks, and medical office spaces.

He has taught property management related courses in Iowa, Nebraska, North Carolina, and Illinois through several educational institutions and professional associations.

calendar to *make sure* these things are taken care of on a scheduled and regular basis. While it only takes a few minutes to do the above chores, it can take hours, days, and in some cases (literally) weeks to recover from the effects of a virus infection or even equipment failure in your computer.

Resources for virus software:

- Your Local Computer Store or Office Supply Store – these stores will have for sale CURRENT copies of the aforementioned software. Even *after* you install the software you NEED to go online and download the most recent virus definitions. (They are usually updated weekly or even more frequently by the manufacturers and are newer than what's on the shelf when you buy your copy!) - *service@theiowa.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 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!)

Need to Rent ???
advertise your rental at:
www.vacancy4rent.net