



ILA Legislative Report

Editors's Note: Joe Kelly's article, The ILA Legislative Report, has been deferred due to Joe's well deserved vacation with family. The article will reappear next month as usual. However, we are delighted to announce that Joe will be the featured speaker at the next ILA Summer Breakfast Meeting. What better way to end the Summer Breakfast Meetings than with our own Joe Kelly. He will talk about the Legislature, current events, and future proposals on the hill. Joe will be entertaining your questions and comments about current and future issues that concern landlords.



Joe Kelly
ILA Lobbyist

Work Done by Tenants

Tenants may assume what they do in their unit is their own business. But, tenants' actions can sometimes create hassles or even expose landlords to liability. Here are a few of the common examples and how they can affect landlords.

The tenant wants to paint the living room or bathroom. This could be a good thing; the landlord gets a repainted apartment or house without paying for the labor involved. However, it also could be bad. If you are going to let a tenant paint, make sure they are using a color that will not lower the rent-ability of the unit. Free labor can be appealing, but if the tenant botches the job, you are left with a mess. A sloppy job can leave paint on rugs, woodwork, windows and fixtures. And you will have to pay to get it cleaned up. Or, what if the tenant paints half of the living room and then loses interest? The landlord has to balance the value of the free labor against the potential problems. If you hire a professional painter, you should not have these problems.

There are three concerns that landlords have when allowing the tenant to make repairs or alterations. One: will the work violate building codes, zoning ordinances, or other laws?

Continued on Page 3 ...

Thanks to all those who attended the August 14th breakfast meeting. The speakers were:

DIALOGUE WITH DIRECTORS



Nancy Loghry from the State Information Technology Department, Steve Conlon, Deputy Director of the DCI and Angell Magnani who is in charge of the criminal history checks through the DCI. By the time you receive this Newsbrief, the ILA's criminal checks through the DCI will be up and running. After several months of preliminary work and planning with the Information Technology Department and the DCI, your ILA is now a "registered user" of the Single Contact Repository (SING) which is an internet application supported and hosted by the Information Technology Department of the State of Iowa. The Service has been modified to give access to registered users to the databases of the Department of Public Safety/ Division of Criminal Investigation. This does not include access to the Sexual Abuse Registries. When a search is done through the Criminal History database, we use the last name (including maiden name), first name, date of birth, gender, and social security number.

Iowa law does not require a waiver from the person being checked, in this case the prospective tenant. Without a waiver, any arrest over 18 months old, without a disposition, cannot be given to non-law enforcement agencies. Deferred judgments where DCI has received notice of successful completion of probation also cannot be given out to non-law enforcement agencies without a signed waiver. The DCI has informed us that you cannot assume a positive ID without fingerprints. The search is based on the name and exact date of birth. SING does check birth dates plus or minus 5 years. So, the results of an inquiry will come back one of two ways: either "no hit" or a "possible hit". If there is a possible hit based on the information provided, a fax will be sent from the IFT Dept. to the DCI, where they will perform another more complete search. The results of this search (rap

Continued on Page 3 ...

This Month's September 2002 NewsBrief

- Dialogue With Directors
- ILA Legislative Report
- Work Done by Tenants
- Breakfast Meetings

- Renting to Aliens
- Screening Criteria
- Ponters To Ponder
- Advertise with ILA

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

Renting To Aliens: What to watch out for

The number of immigrants in the United States continues to grow each year. In certain parts of the country, many tenants may be here illegally. According to the U.S. Census figures, there are an estimated 9 million illegal aliens currently living in the United States. Some experts place the figure closer to 11 million. Renting to aliens can pose special legal problems for landlords. But, treating aliens differently from U.S. citizens can constitute discrimination in violation of Fair Housing laws. There are some things to keep in mind. First harboring illegal aliens is a FELONY.

Some aliens are authorized to be in the United States, either temporarily or permanently. A non-resident alien is a person who has been admitted to the U.S. for a temporary stay that will end when the purpose of that stay has been completed. The visa of a non-resident alien will begin with a letter. A 'resident' alien is someone authorized to live and work in the U.S. indefinitely. Such persons have been granted resident alien status by the US Immigration and Naturalization Service or have been issued an alien registration card, also know as a green card.

Renting to illegal aliens (also know as undocumented aliens) consitutes harboring which is a federal crime. The penalty for felony harboring is a fine and imprisonment up to five years; and landlords who rent to illegal aliens can be charged. A Supreme Court case also has held that one who furnishes lodging to an alien who entered the country legally but overstayed his visa would be guilty of harboring if the person knew the alien had illegally remained in the country.

Illegal aliens do have rights. Fair Housing laws apply to all people, including illegal aliens. Illegal aliens have other rights as well. A recent New York case held that being an illegal alien did not disqualify the tenant from rent regulatory protection. Some state agencies may turn a blind eye toward the immigration status of illegal aliens. Because of these conflicting messages about illegal aliens, landlords approached by prospective tenants need to be aware of the law.

A landlord does not want to be charged with harboring an illegal alien. On the other hand, Fair Housing laws prohibit discrimination based upon national origin, regardless of intent. This means, the tenant screening process needs to be the SAME for each tenant. For example, if you only require Spanish speaking tenants to show they have a drivers license or other photo ID, you may be discriminating. Although an illegal alien has no right to remain in the US under immigration laws, al illegal alien may still be protected under Fair Housing laws.

There are conflicting opinions regarding what documentation you should require. Some say every tenant applicant should be required to provide a Social Security number. But legal aliens may not have them. (Landlord-Tenant Law Bulletin, July 2002)

Screening Criteria

Unfortunately, most landlords do not have their criteria for selecting tenants in writing. Using written criteria in selecting tenants and being consistent in doing so can prevent lawsuits when it comes to the fair housing laws. To have your criteria in writing means it must be in writing, in your file and dated. In case you need to change your criteria, write it down, date it, sign it and file it.

This list should include everything you rely on to determine who is an acceptable tenant and who is not. If you treat all potential tenants alike, you can go along way in avoiding that dreaded lawsuit. One of your criteria should be to ask the applicant for their last two addresses and dates of residency at those addresses. Accessing credit reports is another criterial to use, remembering that if you do it for one, you do it for all prospective tenants. Another criteria would be their previous history on court records dealing with evictions and money judgements, remembering again if you do it for one applicant you do it for all. Another criteria should be a photo ID, which includes their full name, date of birth, drivers license number/social security number and current address.

It is better to screen these applicants thoroughly before they move in to your rental unit than afterwards when it will cost you a lot money and time to get them out.

(from Mr. Landlord 2002)

Pointers To Ponder



Rental Agreements - - -

One apartment tenant sued his landlord because the landlord had moved the garbage dumpster from one part of the property to another, where the garbage truck could get to it more easily. The tenant sued claiming that the dumpster in its new location was obstructing his view and that he wouldn't have rented the apartment had he known that the dumpster might be moved. The judge looked at the rental agreement and let the landlord tell his side of the story, and then he ruled in favor of the tenant because the landlord had failed to include a paragraph in the rental agreement which specifically reserved him the right to place outside objects wherever convenient.

That landlord must have wished that he had paid more attention to his rental agreement.

(excerpt from LANDLORDING, by Leigh Robinson)

Work Done By Tenants – Continued from Page 1 ...

Second: whether a proposed improvement or alteration will damage the property. For example, recent court decisions and federal laws may give the tenant the right to have a satellite dish installed. The landlord may have the right to specify reasonable restrictions on the way the installation is done in order to minimize damage to the premises. A third concern is whether the tenant will create a condition that is hazardous to the unit, or to the tenant themselves, or others in the course of making the repairs or improvements. An amateur who makes repairs may unknowingly damage other systems. Someone drilling a hole in the wall to route a cable TV wire could drill into heating vents or electrical wires.

You can control the tenant's ability to make repairs or alterations on the premises by including restrictions in your rental agreement. It may be advisable to require prior notice and approval for painting an apartment or to require that a professional do the work. If the lease allows the tenant to do the work after permission is acquired, make sure the tenant knows what is expected of them and how the work is to be completed.

All rental agreements should forbid changes that violate laws or create hazardous conditions.

Breakfast Meetings !



The last date for the Summer breakfast meetings is Wednesday, September 11th. Our guest speaker for September will be our own Joe Kelly. You won't want to miss this Meeting! Breakfast Meetings start at 7:30AM in the morning at the Cubs Club at Sec Taylor Stadium.

Breakfast meetings are limited by space, so please register early. The cost is \$10.00 for the buffet. Call Connie at 515-255-0675 to register or send in your reservation money. We look forward to seeing you!

Directors... – Continued from Page 1 ...

sheet) will be faxed to the ILA, who will then fax it to the member landlord. This normally takes 1-2 days for this later process. If there is no match, the search is complete.

The DCI Database records include: arrests and convictions dated back to 1932. These include: serious misdemeanors and above, some simple misdemeanors, simple assault, domestic abuse and assault, drug charges as long as they were not a federal offense, theft, possession with intent to deliver controlled substances, serious traffic charges such as OWI. The DCI records are for Iowa only. The records do not include most simple misdemeanors, arrests where the DCI has not received a fingerprint card from the sheriff or police department, arrests where the DCI does not receive a disposition of the case within 4 years of an arrest, minor traffic charges and arrests with no conviction-where the case was dismissed or an acquittal.

To cover the cost of the charges from the Information Technology Department and the DCI and the ILA, each inquiry will be \$15.00. The advantage to our members of doing criminal checks through the Iowa Landlord Association is the instant response time in approximately 85% of the inquiries (no "hit" situations).

If there are any questions concerning this new ILA service, call the ILA office at 515-255-0675.

NEXT MONTH: *Announcement of the ILA Fall Seminar.*

Need to Rent ???
advertise your rental at:
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 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