



### ILA Legislative Report

**Editors's Note:** Joe Kelly is currently watching the state political campaigns. He knows that the upcoming election is important to our state and the results of individual district races are important to landlords. Joe reminds everyone to vote in November. Joe is already working on his November Legislative Report article.



**Joe Kelly**  
ILA Lobbyist

### Pressure-Treated Wood Phase Out

Because of the possible health concerns, the wood industry will phase out production of lumber preserved with chromated copper arsenate. The move is expected to have a significant impact on the apartment industry because an estimated 80% of decks and 90% of children's play sets are constructed with the CCA treated wood.

### Not In My Back Yard

Good design is one of the most effective ways to combat community opposition to apartment properties. That is one of the many recommendations resulting from a Joint Forum on Housing Density sponsored by the Urban Land Institute and the American Institute of Architects and others. "Like it or not more and more Americans will be living in apartments in the decades ahead". Good design is the best way to make high-density livable and likable.

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

Thanks to those who attended the September breakfast meeting.

### DIALOGUE WITH DIRECTORS



Joe Kelly, ILA lobbyist was the speaker. Discussion was on what to plan for the 2003 legislative session. Some topics were: tougher penalties for tenants who damage rental property, lower property tax rates for residential rental property (currently residential rental property is taxed as commercial and not residential). It was decided that the penalties should be raised to a criminal misdemeanor instead of a civil matter when a tenant destroys rental property after receiving a notice; whether it is a three day notice to cure and quit, or a seven day notice for noncompliance or a 30 notice for non-renewal of a rental agreement. We welcome any comments on the recommended topics to push for the upcoming session.

The ILA criminal checks through the DCI is 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 Registry. We will be adding that web site to the ILA web site in the near future.

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.

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

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- Advertise with ILA

Directors: • Dennis McDonald • Dave Sollenbarger

• WebSite: [www.iowalandlord.org](http://www.iowalandlord.org)

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## **Fair Housing Focus: Battered Victims = Fair Housing Battle Victors: Domestic Violence as a Fair Housing Issue**

(By Nadeen Green, Senior Counsel FOR RENT Magazine)

For multi-housing professionals, it should be easier to list the seven federally protected fair housing classes: race, color, religion, national origin, sex, familial status and handicap/disability than to name the Seven Dwarfs. No matter where your property may be located, your community policies, rules and regulations must be such that they do not directly or indirectly discriminate against anyone because of his or her standing in the federal protected classes.

While no state or local laws may take away from the federal protections, state and local laws may add to the list of those who are entitled to fair housing protection. It is not unusual to find protection afforded to people concerning their marital status, student status, military status, source of income, sexual orientation, ancestry or age. One protection that is seen only rarely is that of specific fair housing protection for victims of domestic violence.

A recent case dealing with domestic violence has established a precedent with nationwide ramifications for the apartment industry. This case should be the impetus for landlords to examine their current policies and procedures and to update them as need be. Landlords must take into consideration that whether their state or local laws protect victims of domestic violence, people who have been abused now have certain protections under federal fair housing law. The reason for that is while being a victim of domestic violence does not necessarily afford someone protected status, that someone will most likely be a woman.

The overwhelming majority of victims of domestic violence are women; and women are more likely than men to be victims of domestic violence. Thus, landlord and tenant policies that deal with domestic violence at apartment communities will statistically impact far more women than men; and sex is a federally protected fair housing class and therefore, fair housing law is violated when the harsh results of domestic violence policies impact women more than men.

This concept was successfully developed in an Oregon lawsuit brought by the United States of America against the corporate owner, property management company, its general partners and certain employees of an apartment complex.

A resident was evicted because of the landlord's zero tolerance for domestic violence. Her then husband physically assaulted her and she went to the hospital. She obtained a restraining order against him, he was subsequently arrested and convicted, and the resident has not had any contact with her now former husband since the attack. Although there had never been any complaints from other residents about the couple, the landlord invoked its zero tolerance for domestic violence. The parties have settled the lawsuit and the landlord will no longer evict or discriminate against victims of domestic violence.

While this is an Oregon case, it is important to note that the precedent and the settlement agreement will be used as needed to end discriminatory evictions of domestic violence in housing throughout the country.

The challenge to landlords will be to balance the civil rights of Domestic violence victims with the rights of other residents to quiet enjoyment of the community.

Landlords should review any policies that exist as to domestic violence. It is strongly recommended that any zero tolerance policies be done away with and ones that provide consequences of eviction or non-renewal be reviewed. Even if the landlord does not have specific policies relating to domestic violence, policies relating to noise, disturbances and the like should be reviewed.

The landlord's policies should always include the rationale as to the why of the policy. One of the challenges of the apartment industry is that it is always changing. It is the smart landlord who will always review their policies, procedures, training and communications with prospective tenants and residents.

(The case referred to is The United States District Court for the District of Oregon, Civil No. 01-857-PA ((USA and Tiffanie Alvera, vs. the C.B.M. Group, Inc., et al.)) Iowa law protects those tenants who seek a protective order or restraining order under the IOWA CODE SECTION 562A.27A.3.

The information contained in this article is not to be considered legal advice. It is strongly recommended that you consult with your legal counsel as to any fair housing questions.

## Pointers To Ponder



### Rental Applications - - -

Your rental application should be simple to read, simple to follow, brief, and yet thorough. You don't need applicants' entire life histories to help you decide whether to rent to them. You might satisfy your idle curiosity by reading those life histories, but they likely wouldn't be any more useful to you in determining whether you ought to rent to somebody than would the information contained in a simple one-page application.

The application you use should have sections with information on the applicant's current and previous tenancies, current and previous jobs, fellow occupants, pets, financial status, vehicles, and driver's license. If this information is complete, you will have plenty to consider and check in the next step.

(excerpt from *LANDLORDING*, by Leigh Robinson)

## Breakfast Meetings !

Our last summer breakfast meeting was September 11<sup>th</sup>. We would like to thank all of our members who attended any of the meetings at the Cubs Club this past season. We are pleased with the attendance, the speaker pool, and the dialog with our members.



We try to find speakers and subjects that are of interest to landlords for our Summer Breakfasts and our Seminars. From our surveys you have indicated that we are doing a pretty good job. We appreciate that. But we would like you to do us a favor... We would like to hear from you!!! We would like to hear your suggestions about topics and personalities you would like to have at our activities. Anything from financial advice to gardening and lawn care tips, and from legal matters to garbage pick-up.

Call Connie at 515-255-0675 with your ideas or e-mail us at [ilaservices@iowalandlord.org](mailto:ilaservices@iowalandlord.org). We look forward to hearing your ideas and seeing you at our next activity!

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## Affordable Housing

A recent paper by two professors argues that in most parts of the country, housing affordability problems are the result of too little income rather than housing that is too expensive. In the parts of the country where housing is expensive, the authors contend the problem lies mainly with zoning and other land use controls. They argue that housing is expensive only if the price of existing housing is significantly higher than the cost to produce new housing. Where housing prices exceed new construction costs, their research suggests that the cause of the high costs is high-cost regulation, especially zoning. Building a small number of subsidized units in these areas will not have much effect.

### Directors... – *Continued from Page 1 ...*

Iowa law does not require a waiver from the person being checked, in this case the prospective tenant. ILA member may also use this service to check on potential employees. Without a waiver, any arrest over 19 months old, without a disposition, cannot be given to non-low enforcement agencies. Deferred judgments where the 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 checks 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 Department, to the DCI, where they will perform another more complete search. The results of this search (rap sheet) will be faxed to the ILA, who will then fax it to the member landlord.

This normally takes 1-2 days for this process. Those who have used the service so far are finding that a one day turn around on possible hits is common. If there is no match, the search is complete.

The DCI database records include: arrests and convictions dating 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 database records are for Iowa only.

If there any questions call Connie at 515-255-0675 or e-mail the ILA at [ilaservices@iowalandlord.org](mailto:ilaservices@iowalandlord.org).

**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!)

**Need to Rent ???**  
 advertise your rental at:  
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