



ILA Legislative Report

Supreme Court Changes Rule For Apartments

In some respects, the Iowa Supreme Court is like a state agency with regard to rule making, but in other respects, they have much more power. A state agency must wait for the legislature to enact a law, then the agency will write rules to fill in the details on how a law will be enforced and managed. The agency will often have a public hearing so that citizens can have input on how the rule is drafted. Most often, it's associations and attorneys who find out that a rule is being proposed. Associations can even petition for rulemaking if the association members don't like the way a rule is drafted.

The Iowa Supreme Court also lives by laws that the legislature enacts. What's different is that the rules of civil procedure and the rules of criminal procedure are changed from time to time, but the general public rarely hears about it. These rules are the court's internal procedural rules, but the rules obviously impact the public using the court system. The legislature has given the courts broad powers to write these rules, but it's usually only attorneys who hear about proposed changes. The Judicial Branch has committees of judges who write their rules. The court system doesn't have public hearings about its rules like a state agency would. The Judicial Branch is a separate branch of government.

However, sometimes outside groups can bring about a change in the court rules without having to go to the legislature for a statutory change. Landlord lobbyist, Joe Kelly, working in conjunction with the Iowa Sheriffs and Deputies Association, asked the courts to make a change in the rules of personal service. The new rule will take



Joe Kelly
ILA Lobbyist

Continued on Page 2 ...

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This is a very busy time of year for us. We are still working with Ben Bishop concerning the proposed Des Moines rental inspection program and fees. The Iowa Legislature is back in session. We are actively promoting the ILA P.A.C. and working on the associated activities with it. We have been planning the Spring Educational Seminar.

DIALOGUE WITH DIRECTORS



Truly, 2003 will be a very busy year for The Iowa Landlord Association and its members. In upcoming ILA Newsbriefs, you will be reading information about the projects and activities that are in the works for the membership. Additionally, we will be presenting more information that you can use to increase your bottom line.

We wish to remind our longtime members as well as our new members that we have a host of online resources for you to use. Our online tenant screening is available 24 hours a day for your convenience in the member's area. Need a form, it is right there for you to download and use. Want to look up something in our past newsletters; they are available for you long after you have discarded your printed version. And our vacancy search engine is accessible for landlords to advertise properties for tenant to search. It is easy to use, and very simple for renters to find your offering. All at www.iowalandlord.org.

2002 saw us use e-mail to a greater degree to inform our membership of important and pertinent information. For us, getting the word out in a rapid fashion was vital. E-mail allowed us to get the message to you much faster with more detail than we could otherwise do. We want to make sure that you are reading the "e-bulletins" we send out. We only use that form of communication when we feel it is important enough for you to know things without delay. If you have not been getting e-bulletins, or you have changed e-mail providers, we would like to have your e-mail address so we can update our files and get you the information that other members are getting. Give Connie a call at 515-255-0675, and let her know.

This Month's February 2003 NewsBrief

- Dialogue With Directors
- ILA Legislative Report
- Lead
- Social Security Numbers
- Fair Housing Act
- War on Terrorism
- Advertise with ILA

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Legislative Report – Continued from Page 1 ...

effect on February 1, 2003. Before we inform you of the new rule, let's look at the problem.

Apartment owners and law enforcement personnel had been complaining that, if the person to be served at an apartment was not around, then the server could not serve anyone over 18 years old who happened to be residing there, but wasn't named on the lease. Family members could be served, but not live-ins. However, if the same situation occurred at a rental house, the service could be completed to anyone over 18. The discrimination against apartments didn't make any sense, but that was the way the old rule was written.

Beginning February 1st, apartment owners gain parity with home rentals. Servers will be able to serve anyone residing in the apartment over the age of 18. Kept in the new rule is a provision from the old rule: service can be made on the apartment manager. That's a little awkward since the apartment manager can be the reason why the resident is being served in the first place. But that's the way the rule reads. So, in that respect, apartment owners now have a service advantage.

New Guidelines concerning the Fair Housing Act after 9/11.

HUD has issued a new Fair Housing Act guidance concerning resident screening, property rules and eviction of problem tenants after 9/11. The document notes that asking applicants to provide documentation of their citizenship or immigration status during the screening process would not violate the Fair Housing Act. It also states that while landlords must be responsive to complaints from tenants, they should be careful to take action against tenants only on the basis of legitimate property management concerns. For further information see HUD's website at: www.hud.gov/offices/fheo/library/sept11.cfm

The War Against Terrorism

The USA PATRIOT Act, signed into law October, 2001, provides landlords with valuable new protections against litigation when they share non-public tenant and tenant applicant data with law enforcement under appropriate authorization (i.e., a magistrate's order). The Act does not specifically pre-empt tenant privacy protections in state laws. The Act also does not specifically protect housing providers who share non-public data with law enforcement officials who lack the appropriate authorization.

Security and Your Social Security Number

With increasing incidents of identity theft, more attention should be placed on the use of the social security number. Many people do not realize the importance of Social Security numbers and what can happen when their number gets into the hands of the wrong person. There are guidelines to help decide who should be given your social security number.

Your Social Security number is your personal property. Giving your number out is voluntary. Before giving your number out, you should ask: why your number is needed; if giving your number is mandatory or voluntary; how your number will be used; what happens if your refuse; and what law requires you to give out your number.

One place you will need to use your Social Security number is when doing business with the Social Security Administration. Your employer is another place where your Social Security number is absolutely necessary. The Social Security Privacy Act says that no federal, state or local government may deny you any right, benefit or privilege under the law because you refuse to give out your number. There are exceptions: when disclosure of your number is required by Federal law, when disclosure of your number is required under a law or regulation in effect before September 1, 1975, which was the date of implementation of the Privacy Act. The Privacy Act requires any federal, state or local government agency requesting your number to tell you if the disclosure is mandatory or voluntary, what law or other authority requires your number, and how your number will be used. You can still refuse to give out your number to these governments, but they can refuse to give you the service you are requesting.

Businesses and other organizations think they can ask for your number. There is no law that prevents businesses from asking for or using your number. When a business or organization asks for your number, you can refuse to give it, but you may not get the service you requested. If a business or organization tells you they need your number for record keeping, you may ask if they have another way to identify you in their records, and refuse to give out your number. Many businesses and organizations can accommodate this request.

Helpful hints: Do not carry your Social Security card with you. Do not have it imprinted on your personal checks.

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Lead Prevention

Rita Gergely, Chief of the Iowa Dept. of Public Health's Bureau of Lead Poisoning Prevention passed on some good information to us. We pass it on to you;

I am writing to give you a "heads up" about some legislative language that you will see regarding the lead program. Below, I have shown the draft language. As you know, the final language may not be quite the same. The changes in section 1, 2, and 3 of 135.105A are simply changes to correct terminology used in the initial legislation. The change in section 4 clarifies that our department has the authority to enforce work practice standards for certified professionals and for approved training programs. Regarding Section 5, when the legislation was originally passed, the authority to write rules and collect fees was included in the language of the bill, but NOT in the language that was actually added to the Iowa Code. Now, every time we make changes to the rules or the issue of fees comes up, someone from the Code office or another part of state government wants to know where we get our authority for these things. We always have to refer back to the footnotes of the Iowa Acts in the year that the original legislation was passed. To avoid this in the future, we have added this language as an actual Iowa code section.

These changes should not have any impact on any of you or your organizations. They will not require us to change anything that is in our regulations. They will not require any additional people to be certified, etc. The purpose of this language is simply to correct terminology and clarify our authority. As you know, it is very necessary for us to have the appropriate authority, or EPA will end up running the program in Iowa rather than our department.

Draft language:

135.105A Lead inspector and lead abater training and certification established—civil penalty.

1. The department shall establish a program for the training and certification of lead inspectors and lead abaters. The department shall maintain a listing, available to the public and to city and county health departments, of training programs that have been approved by the department and of lead inspectors and lead abaters who have successfully completed the training program and have been certified by the department. A person may be certified as both a lead inspector and a lead abater. However, a person who is certified as both a lead inspector and a lead abater shall not provide both inspection and abatement

services at the same site unless a written consent or waiver, following full disclosure by the person, is obtained from the owner or manager of the site.

2. The department shall also establish a program for the training of painting, demolition, and remodeling contractors and those who provide mitigation control services conduct interim controls of lead-based paint hazards. The training shall be completed on a voluntary basis.

3. A person who owns real property which includes a residential dwelling and who performs lead inspection or lead abatement of the residential dwelling is not required to obtain certification to perform these measures, unless the residential dwelling is occupied by a person other than the owner or a member of the owner's immediate family while the measures are being performed. However, the department shall encourage property owners who are not required to be certified to complete the training course to ensure the use of appropriate and safe mitigation inspection and abatement procedures.

4. Except as otherwise provided in this section, a person shall not perform lead abatement or lead inspections unless the person has completed a training program approved by the department and has obtained certification. All lead abatement and lead inspections shall be performed in accordance with work practice standards established by the department. A person shall not conduct a training program for lead inspectors or lead abaters unless the training program has been approved by the departments. A training program for lead inspectors or lead abaters shall follow the standards established by the department. A person who violates this section is subject to a civil penalty not to exceed five thousand dollars for each offense.

5. The department shall adopt rules regarding minimum requirements for training programs, certification, work practice standards, suspension, and revocation requirements and shall implement the training and certification program established in this section. The department shall seek federal funding and shall establish fees in amounts sufficient to defray the costs of the training and certification program.

If you have any questions or concerns about this, please let me know.

Rita Gergely, Chief
Bureau of Lead Poisoning Prevention
Iowa Department of Public Health
515-242-6340

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!)

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 advertise your rental at:
[**www.vacancy4rent.com**](http://www.vacancy4rent.com)