



ILA Legislative Report

Editor's Note: Joe Kelly's article, *The ILA Legislative Report* has been deferred and will return again next month. As this Legislature session winds down, Joe has been very busy on the Hill. 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.

Play Ball!

Do we have an evening planned for you! We are going to the Cubbies Ball Game on the evening of June 5th and would like to take you along.

If you remember how great it was to go to the ballgame, then do we have a evening planned for you. As an ILA member, we want you to enjoy the sights and sounds of a Triple-A baseball game under the stars. We are reserving tickets so you can attend one if the Iowa Cubs Home Games.



Call Connie at 515-255-0675 for your Iowa Cubs tickets or e-mail us at ilaservices@iowalandlord.org, or see us at the May 22, 2003 Spring Educational Seminar. (Limited Seating so call early) So oil up your old glove, grab your baseball cap, and practice singing "Take Me Out To The Ball Game".

We are very excited about upcoming events. We have been working on the Spring Seminar, and have confirmed some very timely and informative speakers for the May 22nd event. These professionals will be discussing important topics concerning our business and beneficial information for landlords. You will not want to miss this one.

DIALOGUE WITH DIRECTORS



If you have not made your reservations yet, you should call Connie at 515-255-0675 and do so at your earliest convenience.

Elsewhere in this Newsbrief, we spotlight the superb speakers we have convened to talk about issues that are important to you. Again this year, our Spring Seminar will



be held at the Downtown Holiday Inn, at I-235 between 6th and 7th Streets. Sign-in is from 6:00 to 6:25, with our program starting at 6:30. The cost for the Spring Seminar is \$10.00 per person for members who Pre-register,

and \$15.00 at the door. Non-members who pre-register, the cost is \$15.00, and \$25.00 at the door. Refreshments will be provided.

Besides our informative speakers, we will be commenting on the latest developments with the ILA PAC and other timely issues. With the Mayor's seat up for grabs, and several people vying for Council seats, we see this as an opportunity to have our voice heard.

And just for the fun of it, we will be going to an evening Iowa Cubs Baseball game on June 5th. You can get your tickets by contacting Connie. *We have a limited number of tickets, so be sure to call early to reserve your seat at the game.*

We are again holding our Monthly Summer Breakfast Club Meetings starting June 17th. Details about those meetings can be found elsewhere in this edition of Newsbrief. We are already planning our Fall Seminar for later this year. Additionally we looking for more events for you to socialize, mingle, and enjoy! Any ideas? Give Us a Call. See you all at the Spring Seminar later this month!

This Month's May 2003 NewsBrief

- Dialogue With Directors
- ILA Legislative Report
- The Welcome Mat
- PLAY BALL
- Spring Seminar
- When to Retain Deposits
- Breakfast Meetings!
- Advertise with ILA

Directors: • Dennis McDonald • Dave Sollenbarger

• WebSite: www.iowalandlord.org

• Email: ilaservices@iowalandlord.org

The Welcome Mat

The Iowa Landlord Association is pleased to announce the latest members to join ILA.

Members:

Burnett Realty

Nancy Noll

We encourage our members to use the knowledge and expertise of our Associate Members to help solve landlording issues and problems.

Ten Rules Landlords Should Never Break

- 1- Always get cash (or equivalent) for the first month's rent and security deposit.
- 2- Never accept a partial security deposit and allow a tenant to move in the apartment.
- 3- Be sure to review the entire rental agreement with all the adults who are moving in.
- 4- Never discriminate. Treat every potential renter equally and fairly. Do not bend policies because a prospective tenant belongs to a minority group.
- 5- Do not make changes to the rental agreement/lease to accommodate the tenant.
- 6- Have a late payment policy and keep it. When you make an exception, the exception will become the rule.
- 7- Always service tenants who are late in paying with notices as soon as they are late.
- 8- Keep good records of all income and expenses.
- 9- Give receipts for cash collected and;
- 10- Keep duplicates for those receipts.

Responding To An Accident

Whenever an accident on your property results in an injury, see that the injured party receives proper medical attention right away. Immediately after that, contact your insurance agent and complete an accident report. As time goes by, the witnesses and the injured party tend to forget what actually happened, and you can be sure that their muddled memories are not going to favor their landlord or landlady as they struggle to reconstruct the accident.

(excerpt from *LANDLORDING*, by Leigh Robinson)

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

Spring Seminar Speakers

We are very fortunate this year to have speakers that are informative and timely with their message. Jim Kurtenbach and Kent Kramer will be talking about Tax Issues and Landlords. Our keynote speaker will be Cynthia Ferrell from HUD, speaking on fair housing laws and renting to both legal and illegal aliens. Brad Janssen from A.Q. Pest Control will give an informative talk on Emerging pest Control issues. And finally, our web-masters have a presentation that just may impact how you do business in the future. Of course we will have an update on Legislative activities this session from Joe Kelly, and comments from your Directors.

JIM KURTENBACH

REPRESENTATIVE, 80TH GENERAL ASSEMBLY....

Jim is an accounting professor at Iowa State University. Born and raised in Waterloo. Resides in Nevada. Earned A.S. in industrial administration from Iowa State University. M.S. from University of Tulsa and PhD from University of Missouri-Columbia. Past chairman Republicans of Story County and Ames Chamber of Commerce Government Affairs. Treasurer of Story County Habitat for Humanity. Serving first term in House.

KENT KRAMER

REPRESENTATIVE, 80TH GENERAL ASSEMBLY

Kent is a senior financial planner for Foster Group in West Des Moines. Born in Newton and raised in Iowa City and Urbandale. Resides in Johnston. Received B.B.A. in finance from the University of Iowa. Member of Greater Des Moines Leadership Institute Board of Governors, Downtown A.M. Rotary, Financial Planning Association. Serving first term in House.

CYNTHIA FERRELL

U. S. Department of HUD

Cynthia Ferrell a Fair Housing specialist with HUD who will talk about updated fair housing laws and renting to aliens-both legal and illegal!!

BRAD JANSSEN

A. Q. Allstate Pest Control

Speaking on "Emerging Pest Control Issues"



**Register for ILA's
Spring
Seminar**

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

WHEN TO RETAIN DEPOSITS

A common dispute between the landlord and tenant is the return or retention of tenant deposits to protect the landlord against damages, unpaid rent or other unpaid charges for which the tenant is liable, including cleaning charges. With knowledge of your states rules or don't adequately document the basis for deducting cleaning expenses, these charges can be easily disputed.

Provisions in the lease concerning whether cleaning expenses are deductible from security deposits and the procedure for retaining or refunding them are limited by what is permitted under state laws and local jurisdictions.

Are deductions for the cost of ordinary cleaning permitted? In some jurisdictions, landlords may not deduct the cost of cleaning from a security deposit. Cleaning is treated as part of the landlord's cost of doing business. Some states permit deductions for cleaning for damage or excess filth beyond normal wear and tear.

What are the landlord's obligations regarding return of deposits? There may be a set time within which the landlord must return the deposit or provide a list of damage expenses that may be deducted from it. The law may require that the damages be specifically described. For example, it may not be enough to say "\$50 cleaning" without detailing what portions of the property required cleaning. In some states, if the tenant objects to the deductions, the landlord is obligated to sue in order to retain the deposit.

There may be penalties for the wrongful withholding of security deposits. This may be double or triple damages and attorney's fees if landlords retain the security deposit without a good faith basis for doing so.

When deductions for cleaning are disputed, a landlord does not want the case to turn on whether the court takes the word of the landlord or the tenant. It is better to document the before move in and the after move out. To start, goes through the unit with the tenant room by room and have the tenant sign something documenting existing conditions. A similar walk-through with the tenant upon termination of the lease is also recommended.

Documenting filth or damage through photographs or a third part, such as a cleaning company, is helpful. Similarly, if the tenant hired a cleaning company and has a paid receipt, a court will look skeptically at a landlord's deductions for cleaning. An accounting of deductions for cleaning should be specific about services performed where needed.

Breakfast Meetings !

Due to demand, ILA will begin our Monthly Summer Breakfast Club Meetings again for 2003. The first Breakfast Club Meeting will be Tuesday, June 17th. July's meeting will be on the 15th, and then we will meet on August 19th. We finish off our meetings on September 16th. As a reminder, **all** of the meetings are on the third Tuesday of the Month. Breakfasts begin at 7:30 am at the Sec Taylor Sky Box, and the cost is \$10.00 per person. We are sure you will enjoy our breakfast speakers, their topics, and information you will leave with.



Call Connie at 515-255-0675 to reserve your space or e-mail us at ilaservices@iowalandlord.org. We look forward to seeing you at our next activity!

When To Retain Deposits Continued...

Document not only the damage, but also the cost of cleaning. The court is more likely to uphold cost estimates consistent with rates commonly charged or actual charges by cleaning companies that performed the work.

To the extent cleaning deductions are permitted by law, the landlord can establish the parties' expectations through language in the lease. For example, does cleaning automatically include shampooing the rug, cleaning the oven, and washing windows when the lease is terminated or only if those items are excessively filthy? Does ordinary wear and tear include picture holes in the wall or cigarette burns in the carpet? The lease need not list every reason cleaning might be required, but addressing common situations can reduce potential disputes. Some landlords set forth in the lease charges that may be incurred for specific types of cleaning.

Other issues arise when the lease calls for several different deposits. For example, suppose a lease requires security deposit of \$700 and a \$50 cleaning deposit. If the apartment requires extensive cleaning when the tenant leaves, is the landlord limited to the \$50 cleaning deposit or can the security deposit also be used to pay for cleaning?

Know what you state law says about security deposits and be upfront with the tenant on what is exactly expected when it comes to cleaning up termination of the lease. Put it in the lease.

By Michael Wilson, Attorney
Lexington, Kentucky

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.com**](http://www.vacancy4rent.com)