



ILA Legislative Report

As many of you know, the legislature has a system of deadlines, affectionately known as "the funnel," which helps in closing down the session. The first deadline was Friday 5th, when non-money bills had to be out of their first committee. Ways & Means and Appropriation bills are not subject to the funnel.



Joe Kelly
ILA Lobbyist

The bills that survived the first funnel now have to win a full floor vote and then pass out of a committee on the opposite side of the legislature by March 26th: two more successful votes within three weeks.

Here are the bills we're following which survived the first funnel.

HF 2309 allowing cities to charge penalties to landlords who don't pay their inspection fees, allows for interest to be charged and for a lien against the property

HF 2526 allows the Iowa Department of Health to write regulations concerning lead abatement. The program is voluntary. Requires the Department to work with landlord groups and with the Iowa Association of Realtors

SF 2199 This bill, which was known as HF 2502 in the House, has passed both chambers of the legislature without a single negative vote. The bill, which will require landlords to change the notices used in clear and present danger cases when domestic abuse is involved, will go into effect on July 1 of this year. The change in the notice requires landlords to advise domestic abuse victims of exemptions in the clear and present danger law available to them if they take specific actions to keep the abuser off the property. A sample form, in

Continued on Page 3 ...



**Register for ILA's
Spring
Seminar**
 Saturday, May 8th, 2004

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

With this April Newsbrief, we have lots of information to pass on. We are just one month away from our Spring Educational Seminar.

**DIALOGUE
WITH
DIRECTORS**



Mark your calendars for Saturday, May 8th. We anticipate an exceptional seminar that promises to eclipse our very successful 2003 Fall Ed. Seminar. Tom Good from the Iowa Civil Rights Commission, and Debbie Haukenberry from the Apartment Association of Kansas City are scheduled to speak. We have lots of interesting topics for you and your employees. Be sure to get your registration in early, or give Connie a call at 515-255-0675 to R.S.V.P.

After studying the benefits of affiliating with the **National Apartment Association** for many months, the decision has been made to move forward. With increased national exposure, expanded political clout, increased venter support and expanded educational opportunities with certifications, to mention only a few, we are pleased to announce that starting on April 1st of this year we will begin phasing in membership renewals to reflect not only the ever expanding benefits of the Iowa Landlord Association, but in addition will include all of the added benefits of the National Apartment Association.

We at the Iowa Landlord Association view this affiliation with National as a very positive large step forward. Further detailed information will be mailed to you prior to your annual membership renewal date. We thank you for your past support of your Association and look forward to your being part of an expanded, fuller Iowa Landlord Association.

On the Des Moines City Inspection Fee front, your Iowa Landlord Association continues to challenge the city.

The City of Des Moines drastically increased rental housing inspection fees a year ago in spite of strong protest from your Association. At the time of the increase, the City promised to review the increase and adjust it if it did not accurately reflect the City's costs in

Continued on Page 3 ...

This Month's April 2004 NewsBrief

- Dialogue With Directors
- ILA Legislative Report
- The Welcome Mat
- Ask An Attorney

- Advertise with ILA

Directors: • Dennis McDonald • Dave Sollenbarger

• WebSite: www.iowalandlord.org

• Email: ilaservices@iowalandlord.org

Ask an Attorney: Legal Q & A



by **Mark V. Hanson**, Attorney at Law,
Whitfield & Eddy, P.L.C.
hanson@whitfielddlaw.com

Q: When an action for money judgement is filed at the courthouse, can you bring action against the co-signer (who has money) and not the tenant (who does not have money)? Do both need to be served by personal serve or can the tenant be served by certified mail only?

A: This is in effect a follow up of January's question concerning service in the case of actions for money judgment.

Who to name in the action: You can certainly bring action against the co-signer who has the money. There is no reason not to also name the tenant. In fact you want all parties named. You do not want to go to the court with less than all potential liable individuals named. You do not want to open the door for the co-signer to make any argument to the judge that for some reason he is liable only in the event the tenant does not pay and the landlord has exhausted all efforts against the tenant, and you not have the tenant a party to the action. You want a "joint and severable" judgment against both. That means you can pursue either to satisfy the judgment.

How do you serve the Original Notice for a Money Judgment action with a co-signer? You treat each defendant the same. Being a co-signer does not change how a petition for money judgment may be served. I.C. 631.4.1 controls: Either the co-signer or the tenant may be served as follows:

1. Personal service. Done by the sheriff or process server. Defendant has 20 days to answer.
2. Certified mail, restricted delivery, return receipt, by having the clerk of court mail copy of original notice/petition and an answer form. Defendant has 20 days to answer.
3. If no longer a resident of Iowa, but subject to Iowa jurisdiction, there are other methods as approved by court order or service on the secretary of state, but these are not generally residential rental situations. Defendant has 60 days to answer.
4. You may not serve court action papers (original notice/petition) for a money judgment action on the defendant by posting on the property.

Lease co-signer provision. When you have someone co-sign with the tenant, you want your lease provision to state that the co-signer is jointly liable for the rent without notice, that you are not required to first exhaust

all remedies against the tenant, and that any required notices for lease violation, for non-payment of rent, or termination of lease for any cause need only to be served on the tenant.

Q: Do you have to rent to anyone that possesses fire arms either hand guns or hunting guns?

A: There is no provision in any applicable law including the Iowa Landlord Tenant Law requiring a landlord allow firearms in their rental units.

You would want to have the prohibition in the lease or in the rules. You would want to enforce the prohibition uniformly. Non-uniform enforcement would open you to claim of discrimination.

Editors Note: If you have legal questions you would like covered in this article, please forward them to: dennis@iowalandlord.org. Opinions and advice contained should be individually considered, and if you have specific questions concerning your operation or legal responsibility you should seek qualified legal assistance of an attorney of your choice.

"The determination of the need for legal services and the choice of a lawyer are extremely important decisions and should not be based solely upon advertisements or self-proclaimed expertise. This disclosure is required by the rule of the Supreme Court of Iowa."

The Welcome Mat

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

Members:

Phil Laudenklos from Clive, Iowa
Cecilia Connett from Des Moines
Tom Brown from West Des Moines
Diversified Management Associates, Ltd. of Johnston

Associate Members:

We encourage our members to use the knowledge and expertise of our Associate Member(s) to help solve landlording issues and problems.



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Legislative Report... – Continued from Page 1 ...

compliance with the new law, will be provided to members before July 1.

SF 2106 This bill would increase the jurisdictional amount of small claims court from \$5000 to \$8000.

SF 2263 This bill would decrease the current restriction of sex offenders living near a school or child care from 2000 feet to 1000 feet. A judge has ruled the current law unconstitutional.

SF 2266 This bill would require landlords who have property located on Superfund sites to inform new residents, after July 1, 2004 about the fact that the property is located on such a site.

The other bill likely to pass into law is **HF 2526**. HF 2526 won't affect landlords in a negative way since the provisions of the bill are voluntary. It also has a section requiring the Iowa Department of Health to write rules which would protect landlords from liability in certain instances where the landlord has previously remediated the property from the lead hazard.

The most significant issue before landlords is to get a law passed which would result in rental properties being reclassified from commercial to residential. It is becoming more likely that this event will not happen this year. Leaders in the House and the Senate have indicated to me that it won't be done this year. In the meantime, the Property Tax Implementation Committee continues to meet and had its fifth meeting on March 11th. The major news from the meeting is that the committee reached a consensus to advise the legislature that the square footage taxation system, which the legislature adopted last year in HF 692, should be dropped. As you may know, the legislature adopted the system with the understanding that the new law had to be voted on again in 2005 to become effective. The effect of this decision by the committee is that the counties who were doing the separate set of books to see if the system would work can now cease their research. The other result is that we know we'll have some other kind of property tax system, if any new system is adopted at all.

The committee also discussed the possibility of recommending to the legislature that a new statewide appeals process of property taxes be enacted. This would be a step wherein disgruntled taxpayers could appeal to someone other than the officials who already gave you a potentially incorrect assessment. Many states around the country, including states in the midwest, have such a system. If the new statewide appeals board didn't rule in your favor, taxpayers could still elect to follow a judicial remedy.

The committee, at its next meeting on March 29th, will review the current system of appeals available to taxpayers and will also review all the different tax levies which are on the books.

There was also talk that a bill dealing with the property tax system will be introduced this year. Since the meeting, the bill, HSB 718, has surfaced. The central theme of the proposal is comparable to a bill that was debated, but not passed, a few years ago. It would give cities and counties a more

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

performing those inspections. After several requests by us to furnish accounting numbers, we only received information on income. No information was received reflecting the City's costs.

It is our belief (backed by intensive study) that we are paying greatly inflated inspection fees prompted by the City's ailing budget and need for money. In response to our pursuits, a committee of your Directors and fellow members was formed to attempt to correct this situation.

We have recently met with the City. They suggested that an unbiased third party (a consulting firm) be hired at City expense to study income and expense related to inspection fees. The results of that study would be presented to the City manager, resulting in a recommendation to the City Council to correct the fee structure if warranted.

It is felt that this is a positive first step by the City to try to work with us to resolve this situation. We look forward to keeping you informed.

We proudly announce that The Iowa Landlord Association Breakfasts at the Cubs Club in Des Moines are scheduled to resume for the summer. The breakfasts feature a speaker as well as good camaraderie with fellow members and lively discussions about land lording. Breakfast starts at 7:30 A.M., last for about an hour and costs \$10.

They will be held on Tuesdays June 15th, July 20th, Aug. 17th and Sept. 21st. Reservations are limited by space available, so call Connie no less than the Friday before the meeting to reserve a place (255-0675).

predictable stream of income. It would get rid of the levy limits in the current law, and, in exchange, would put a total cap on spending for local governments. It would allow a certain inflationary growth. HSB 718 would also enlarge the role of the property tax implementation committee and make it an overall tax implementation committee. Property taxes would still be a major focus of the committee, but the duties of the committee would be more encompassing.

There is no guarantee that this bill will be passed this year. In a final note, it's was interesting to hear deputy Polk County assessor, Dale Hyman, who is a committee member, state that apartments should be classified as residential. The big question is how a new system can be developed so that the reclassification can take place.

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

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)