



**ILA Legislative Report**

I've been out around the state making legislative reports, in Des Moines, Dubuque, and Muscatine, reporting to landlords about what has changed in the legislative efforts on property taxes. However, when I returned to my office and reviewed what Governor Vilsack has done, I have to change my report. Many of you may have heard that Governor Vilsack has vetoed the language setting up the new tax implementation committee that I reported to you about. He also vetoed the \$50,000 appropriation which was to be used to help fund the study. The Governor stated that the legislature wasn't serious about the issue in that only \$50,000 was earmarked and that such a comprehensive study couldn't be done in less than two years.



**Joe Kelly**  
*ILA Lobbyist*

Rep. Jim Kurtenback (R-Nevada) has responded that the study of all taxes will be going on during the interim, irrespective of the Governor's veto. Kurtenback believes that most of the 18 members of the old committee, (which is also legally off the books because Governor Vilsack did not veto the language in SF 2298 which dissolved the 2003 committee and the 2003 law), will continue to serve on the Kurtenback committee.

Rep. Kurtenback has told me that he will be introducing legislation in 2005 dealing with tax reform, including property tax reform. Rep. Kurtenback believes it's possible to get a 25% rollback in commercial taxes.

In the final analysis, perhaps the veto is a good thing. It appears that we might get faster action without any legal timeline in the statues. Had the Governor signed the language of SF 2298, we would have been looking at 2006 or 2007. Now it's a matter of getting legislation ready for 2005.

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**www.vacancy4rent.com**

We hope you had a good Memorial Day Weekend. After Memorial Day Weekend, those summertime activities are upon us. And it seems we all get a little busier. So it is with I.L.A.

**DIALOGUE WITH DIRECTORS**



On May 26<sup>th</sup>, we held a meeting of interested individuals who wanted to serve on I.L.A. committees. This meeting was to form a committee structure and start work on matters related to those committees. Committees formed are: Fund Raising, Membership, Legislative, Public Relations, Awards Banquet, Trade Show and Education. If anyone wants to be involved with any of these committees, contact Mary Spain at 515-362-6303. Elsewhere in this NewsBrief we report further on the I.L.A. Committees.

And as in years past, we are once again having our "Breakfast Meetings" at the Cubs Club. Starting on June 15<sup>th</sup>, we have speakers who you will want to hear. At that meeting, you will hear Jaki Samuelson, lead attorney for the ILA's case against the City of Des Moines' rental housing inspection rates, talk about the case. The City of Des Moines has faxed to the ILA a copy of the consultant's (Maximus) proposal to examine the cost of providing rental inspection services. If you would like to see this proposal be sure to come to the breakfast meeting on June 15<sup>th</sup> starting at 7:30AM

The following month, Bruce Bergman city attorney for the City of Des Moines, will talk about what the city is doing to answer the ILA's charges about the inspection rates on rental housing. That Breakfast meeting is scheduled for July 20<sup>th</sup>. Full schedules of Breakfast Meetings are printed elsewhere in this Newsbrief. The cost is \$9.00 per person. Be sure to give Connie a call at 515-255-0675 with your reservations or e-mail us at [ilaservices@iowalandlord.org](mailto:ilaservices@iowalandlord.org). We look forward to seeing you June 15<sup>th</sup>.

***This Month's June 2004 NewsBrief .....***

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

- ILA Committees Formed
- Breakfast Meetings

- Directors: • Dennis McDonald • Dave Sollenbarger
- WebSite: [www.iowalandlord.org](http://www.iowalandlord.org)
  - Email: [ilaservices@iowalandlord.org](mailto:ilaservices@iowalandlord.org)

## Ask an Attorney: Legal Q & A



by **Mark V. Hanson**, Attorney at Law,  
Whitfield & Eddy, P.L.C.  
[hanson@whitfieldlaw.com](mailto:hanson@whitfieldlaw.com)

Q. The question is about age of consent and who can sign a rental agreement. Is it 18 and are there any exceptions?

A. A young lady, with a new baby in her arms, fills out an application, and informs you she is 17, attending alternative high school, she is not married to the father of the baby and in fact he is not in the picture, and living at home is no longer an option. Lets say all your checking shows she would be a good tenant, everything is fine except for one thing, she is 17. What are you going to do?

Renting to a Minor.

The age of majority in Iowa is 18, but all minors attain their majority by marriage. Iowa Code Section 559.1. Okay, this is no help. She is 17 and unmarried.

A minor is bound not only by contracts for necessities, but also by the minor's other contracts, unless the minor disaffirms them within a reasonable time after attaining majority and restores to the other party all money received by the minor. Iowa Code Section 559.2.

This starts to help. You are faced with a couple considerations. Is the shelter of your rental unit a necessity. If it is not, what can she disaffirm?

Iowa does not have good case law on this topic. Looking at laws and from other states helps the discussion. The following comments come from 43 C.J.S. Infants. The extent to which such things are in fact necessary is a relative fact to be governed by the fortune and circumstances of the infant and her state and condition in life. Lodging is a necessary for the payment of which an infant may be bound. However, where the infant's parent has the ability and is willing to support the infant, lodging furnished to such infant by another without the parent's consent are not necessities for which the infant is liable. If there is a combination of emancipation with necessity, there is often an enlarged and extended necessity for the purpose of determining the liability of an infant on her contracts.

Iowa does not have a statute on emancipation, it is derived from case law. The fact alone that a child is outside the home expending his own money does not demonstrate emancipation. Where the emancipation of a minor is claimed, there may be shown the conduct of the parent in relation to the child in a manner inconsistent with the performance of his rights and obligations. Emancipation really comes from the parents disaffirming their parental rights and obligations as opposed to the child moving out and saying she is emancipated.

If it were found shelter in her case is not a necessity, what could she disaffirm and what is your exposure? If you rent month to month, you get rent up front, and a security deposit. If she tries to say she is a minor and disaffirms the rental agreement, the service of providing

the unit is already consumed, and she cannot return it. She would of course need to vacate. You would retain any rent already paid. I would advise you treat the security deposit the same as you would with any other tenant.

If you rent on a longer lease, after she turned 18 she could try to disaffirm within a reasonable time. She would of course need to vacate once she disaffirms. If you want to hold her to the lease and the unpaid rent, you might face a proof problem as to the necessity of her to provide her own shelter, and being bound by the longer lease. Your exposure is the rent for the unexpired term.

Damages. What if there are damages to the rental unit? Iowa Code Section 624.38 provides a minor is liable for their own acts as provided by common law or other statutes. But, the minor may be judgment proof - e.g. have no assets. Iowa Code Section 613.16 provides the custodial parents of an unemancipated minor are liable for damages to person or property caused by unlawful acts of such child. This is limited to a. Not more than two thousand dollars for any one act, and b. Not more than five thousand dollars, payable to the same claimant, for two or more acts. You would sue the custodial parents and the minor child. To go after the parents you need to claim the child is unemancipated. This may be a contrary claim to your claiming she was emancipated and could contract for her own shelter.

Resolution.

So what are you going to do with the young lady? If you want to rent to her even though she is under 17, you could take several steps.

1. You could get her custodial parents to sign the lease and be primarily responsible jointly and severally with her for rent and damages.

2. Get a statement signed by her custodial parents stating that they either are not willing or are not able to provide living accommodation for their daughter and her getting her own rental is a necessity, or stating she is emancipated and living on her own and responsible for her own shelter.

3. Have her sign a lease that runs no longer than to her 18th birthday, then have her sign a new one.

4. Stay on top of her rental payments and condition of the rental unit.

**Editors Note:** If you have legal questions you would like covered in this article, please forward them to: [dennis@iowalandlord.org](mailto: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."*

## Spring Ed. Seminar Evaluation

We are pleased to report the results of your evaluation of the Spring Educational Seminar. We had some great speakers who talked on very interesting topics. Our speakers talked on a broad range of items from personal development to governmental interpretation of Fair Housing Laws.

Paul Calkins presentation received a 56% Excellent and 31% Good rating. Tom Good's presentation received a 71% Excellent and 21% Good rating. Our lobbyist, Joe Kelly's presentation concerning the legislative actions at the Capitol received 53% Excellent and 33% Good rating. Dave Sollenbarger's presentation earned a 50% Excellent and 43% Good rating. Over all, you rated our Spring Seminar 71% Excellent and 21% Good.

100 percent thought they had their questions answered! 71% thought the facility was Excellent, with an additional 21% stating it was Good. And 100% of people responding to the evaluation liked their lunch!

We asked about your thoughts on future seminars. 63% thought we should have 2 seminars a year. 25% only wanted one, while 6% wanted three, and an additional 6% wanted four. 60% felt that Saturday was the best day to hold seminars, while Thursday and Friday both received 13%, and Tuesday and Wednesday each had 7%. As to time preference, 57% liked the weekend, 25% wanted morning, and 18% chose evening for the seminar.

We are already considering speakers and topics for the Fall Educational Seminar. We hope to see you and your staff there.

## Meet An Associate

My name is T.J. McCauley. I am your Qwest Real Estate Account Manager. I work with developers, builders, property managers, Resident Owners Associations (ROA's), Home Owner Associations (HOA's) and commercial building owners and decision makers. My goal is to provide you – and the communities you serve – with the telecommunications expertise to support the individual needs of your communities.

One benefit to our relationship is the ability to provide face-to-face community/customer support to assist you with any questions or concerns your residents may have regarding Qwest services. Another benefit may be the potential opportunity for your ROA/HOA properties to generate additional revenue in the very first month of your agreement by becoming a Qwest Preferred Provider.

I look forward to a successful relationship supporting you and your properties and appreciate the opportunity to share our ***Spirit of Service*** commitment.

515-286-4020 - 402-960-9584 (Wireless)  
thomas.mccauley@qwest.com

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### **JOB OPENING:** Sun Prairie Manager

Professional Property Management, Inc. currently has the Sun Prairie Manager position available at Sun Prairie/Vista Court Apartments in West Des Moines which is responsible for overseeing the day to day operations of our 1100 unit complex.

The Sun Prairie Manager is responsible for managing a staff of 5, overseeing Sun Prairie and leasing meetings, receiving and addressing customer complaints, processing Danyl requests, reviewing delinquent accounts, approving lease extensions and short term leases, approving F.E.D. accounts and money judgment procedures, reviewing advertising, reviewing occupancy, developing performance plans and writing and delivering reviews.

Qualified candidates will have a Bachelor's Degree plus five years experience in property management, the ability to work in a fast paced environment, be self-motivated, organized, have excellent verbal and written communication skills and will be proficient with Microsoft Word and Excel. Candidates will also have a valid driver's license and a reliable vehicle. Preference will be given to applicants with certifications of A.R.M. or C.P.M. Prior Rent Roll experience is preferred.

Please contact Julie Hubbard at 226-0000 extension 343 with any questions.

## Breakfast Meetings !

We are pleased to announce the beginning of the summer breakfast meetings at the Cubs Club.



Starting on June 15th: Our Speaker is Jaki Samuelson, lead attorney for ILA's case against the City of Des Moines' rental housing inspection rates

On July 20 we have Bruce Bergman, city attorney for the City of Des Moines. Will talk about what the city is doing to answer the ILA's charges about the inspection rates on rental housing.

August 17th, Dale Hyman, Chief Assistant Polk County Assessor is scheduled to speak. He will discuss the new assessments that recently came out and their effect on rental housing in Polk County.

We conclude the summer breakfast meetings on September 21st with Dick Stradley, who is with the Iowa Department of Revenue and Finance. Talk about how the state calculates the new assessment rates that are then passed down to the counties to implement.

We endeavor 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 reservations 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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## The Welcome Mat

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

### **Members:**

Rick and Dara Makohonuik of Waukee

### **Associate Members:**

Mary Spain - Apartment Finder

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

## New I.L.A. Committies Formed

Members of the Iowa Landlord Association met on May 26, 2004 to form new organizational committees.

The committees that are established are; Membership, Fund Raising, Government Affairs, Public Relations, Awards, Trade Show and Education. The following members have volunteered to participate in the committees:

### **Membership**

Dawn Black	515-251-4100
Gary Fox	515-233-1614
Sarah Hosier	515-557-9042
Melissa Johnson	515-223-1010
Sharon Wolfe	515-557-9046

### **Fund Raising**

Karen Hinds	515-267-0548
Pam Jones	515-251-4100
Wendy Landskron	515-225-1917
Cindy A. Radocaj	515-278-4066

### **Government Affairs**

Keith Denner	
Pat Kneven	515-278-2821
Sunny Liston	515-252 8950

### **Public Relations**

Melissa Johnson	515-223-1010
Jennifer Seil	515-988-9121
Mary Spain	515-362-6303

### **Awards**

Paula Giguere	515-252-8950
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### **Education**

Tina Busch	515-222-9981
Mary Spain	515-362-6303

We wish to thank the members who are furthering the goals of I.L.A. by their participation in the various committees.

We encourage any Regular or Associate member who wishes to serve on a (or more) committee to give Connie a call at 515-255-0675 or Mary Spain at 515-362-6303 to be placed on the Committee Roster. There will be an All Committee meeting on Tuesday, June 29th at the Pointe West Clubhouse. It starts at 9AM.

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