



I o w a L a n d l o r d N e w s B r i e f - J a n u a r y 2 0 0 5

ILA Legislative Report

Editors Note: The Iowa Legislature will convene this month. Joe will be reporting in future editions of the NewsBrief on what appears to be a very full agenda.



Joe Kelly
ILA Lobbyist

- January 10th: First Day of Session
- January 11th: Governor Vilsack to deliver the Condition of the State Address
- January 12th: Chief Justice Lavorato to deliver the Condition of the Judiciary address
- February 18th: Last day legislators can request new bill drafts
- March 11th: For bills to remain eligible, they must have been passed out of a House or Senate Committee. (Exceptions are: spending and tax bills remain eligible throughout the session)
- Mid-March: Revenue Estimating Conference releases revenue number on which the Fiscal Year 2006 budget must be based.
- April 8th: For bills to remain eligible, they must have been adopted in their house of origin and passed out of committee in the opposite chamber
- April 29th: 110th calendar day of Session. Legislative expenses end on this day and this normally triggers final shutdown of the Session within a few days

For a complete timetable go to: www.legis.state.ia.us/Current/Timetable.html **Note to members:** any recommendations that our committee has agreed to push should be handled by Joe Kelly our lobbyist in determining how the bill should be introduced and by whom.

We hope all of you had a happy and safe holiday. We wish all of our members and friends a profitable and safe new year.

DIALOGUE WITH DIRECTORS



December was a busy month for your Association with the Fall Seminar on the 4th. We thank all who attended this worthwhile and valuable seminar. Be sure to look at the article and photos inside this edition of our newsletter for more details concerning or the Meth Educational Seminar. Coincidentally, while the seminar was going on, there was fire in an apartment complex right here in Des Moines as a result of Meth cook. We can no longer say "no Meth labs in apartments!" We must all be more vigilant to protect our property, our investments and our tenants. Now we are already preparing for the Spring Seminar.

We held the first NAA sponsored class on Fair Housing. The participation was outstanding and we look forward to presenting more NAA classes this year. You will be receiving a survey to see which of the NAA classes you are most interested in.

With the Legislature in session, there is still time to contact your legislator to voice your concerns about the high property taxes that apartment owners are subjected to.

To contact your state senator, call 515-281-3371. Your state representative can be contacted at 515-281-3221. To get information at the state capitol you may call the Legislative Information Office at 515-281-5129 or e-mail them at: LIOinfo@staff.legis.state.ia.us.

In March your Association will be holding a fund-raiser. There will be more about that in upcoming Newsbriefs.

We look forward to seeing you at the next ILA activity.

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

This Month's January 2005 NewsBrief

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| <ul style="list-style-type: none"> • Dialogue With Directors • ILA Legislative Report • The Welcome Mat • Ask An Attorney | <ul style="list-style-type: none"> • Fair Housing Laws and HIV • Committee Communique • Busting Meth in Iowa | <p>Directors: • Dennis McDonald • Dave Sollenbarger</p> <ul style="list-style-type: none"> • WebSite: www.iowalandlord.org • Email: ilaservices@iowalandlord.org |
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Ask an Attorney: Legal Q & A



by **Mark V. Hanson**, Attorney at Law,
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Editors Note: Mare Hanson will be returning next month with another "Ask an Attorney" articles which is promoted by your questions.

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."

Fair Housing Laws and HIV

The Fair Housing Act is a federal law prohibiting discrimination based on race, color, national origin, religion, sex, familial status or disability. Under this law, being HIV positive and having AIDS are considered disabilities. This means that a landlord cannot refuse to rent to an individual because they believe the person contracted HIV through sexual activity of which they disapprove, because they fear catching the disease, or because they are unwilling to accommodate the disabled individual's legitimate needs. This law is often misunderstood.

Some state and local housing laws add additional protections, which may include prohibiting discrimination based on marital status, sexual orientation, or age. The following rules apply throughout the country:

Do not ask prospective tenants if they have a disability or illness or to see their medical records. Even if a person is obviously disabled (i.e. in a wheelchair) do not inquire about the extent of the disability.

Do not treat an applicant differently because of a disability. For example, if there are two units available one on the ground floor and one on the third floor-you must show both units to an applicant in a wheelchair, however reasonable it seems for that person to consider only the ground floor.

Do not refuse to adjust rules, procedures, or services to give a disabled tenant an equal opportunity to use their unit or common spaces. Reasonable

accommodation requests from a disabled tenant may include a spacious parking space, close to his or her unit for a tenant in a wheelchair, or an exception to a no pets policy for a tenant who uses a seeing-eye dog.

Do not prevent tenants from making reasonable modifications to their units at their own expense. Disabled tenants have the right to modify their unit to the extent necessary to make their spaces safe and comfortable, as long as the modifications do not interfere with your ability to run your business. A landlord is entitled to ask for proof that a requested modification is necessary.

What to do: consider all potential renters equally. To screen applicants without creating the appearance of discrimination follow these simple policies:

Ask all potential tenants to fill out a written rental application and check their references. If you are challenged about a decision, you can show you have a documented, non-discriminatory reason for turning them down, such as a history of overdue rent, unpaid rent or damages or a criminal conviction.

Make sure all rules and policies are grounded in sound business practices. A rule that appears arbitrary or disproportionately affects a certain group of people, such as people with disabilities, may not hold up in court. Then, apply the rules equally to every applicant and tenant.

from: Landlord Tenant Law Bulletin, May 2004

Committee Communiqué

Now that the Holidays are over, our committees will once again start meeting and planning for 2005.

The success of our Association is enhanced by members participating in the various functions, including being active members of one or more association committees. Everything from Public Relations to Public Policy, Education and Membership to Social Activities all need your help. If you don't know where you can best serve, just ask us – we know where you can be of assistance. If you desire to help by being on one of the committees please contact Dennis McDonald, David Sollenbarger or Connie at 515-255-0675.

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

FAIR HOUSING - SCREENING RULES POST 9-11

There are several concerns a landlord may have in wanting to find out whether rental applicants are in the US legally. It may be hard for illegal aliens to pay rent consistently, since they are not allowed to work in the US. Additionally, illegal aliens could be deported at any time, breaking your lease and leaving you with an almost impossible challenge of finding them and collecting for unpaid rent. Thirdly, three years after 9-11, may landlords still have concerns that illegal aliens could be a terrorist threat. So, again, what is a landlord to do?

In response to the continual concern of future terrorist attacks, landlords and property managers throughout the country have been developing new security procedures to protect their buildings and residents. Many have educated their tenants on signs of possible terrorist activity and how to communicate security concerns to management or law enforcement. Landlords and property managers are working to keep their buildings safe, but at the same time they are responsible for making sure their efforts do not infringe on the fair housing rights of current or potential residents.

Since the attacks three years ago of September 11, persons who are, or are perceived to be, Muslim or of Middle Eastern or South Asian descent have reported increased discrimination and harassment in connection with their housing. To help address this concern, the following is a review of federal fair housing laws and answers to some questions regarding housing discrimination that have been raised in the last three years since the events of September 11, 2001.

The Fair Housing Act prohibits discrimination because of race, color, religion, sex, national origin, disability, and familial status in most housing related transactions. Further, the Act makes it unlawful to indicate any preference or limitation on these bases when advertising the sale or rental of a dwelling. The Act also prohibits harassment of anyone exercising a fair housing right and retaliation against an individual because she or he has assisted, or participated in any manner, in a fair housing investigation.

The Act does not prohibit discrimination based solely on a person's citizenship status. Accordingly, asking housing applicants to provide documentation of their citizenship or immigration status during the screening process would not violate the Fair Housing Act.

In fact, such measures have been in place for a number of years in screening applicants for federally-assisted housing.

HUD regulations define what kind of documents are considered acceptable evidence of citizenship or eligible immigration status and outline the process for collecting and verifying such documents.

The type of documents that can be requested: Birth certificate for an applicant who is US Citizen by birth. Naturalization Certificate for a US citizen by naturalization. Permanent Resident Card (also known as a green card) if the applicant is an immigrant, not a US citizen, but who has been given the right to live in the US. Passport from native country and/or Visa if the applicant is a non-immigrant who is in the country temporarily, i.e., tourist, student, business person. There should be information or a form attached to the passport or visa that states on what date the visa will expire.

Screening procedures must be uniformly applied to every applicant. A landlord which requires such documents as part of their screening process can reject an applicant if they can not produce the requested documents.

However, landlords who are considering implementing such measures must make sure they are carried out in a nondiscriminatory fashion.

A person who is applying for an apartment mentions in the interview that he left his native country to come study in the US. The landlord, concerned that the student's visa may expire during tenancy, asks the student for documentation to determine how long he is legally allowed to be in the US. If the landlord requests this information, regardless of the applicant's race or specific national origin, the landlord has not violated the Fair Housing Act. HUD Regulations at 24 CFR 5.506-5.512.

Article from the September 2004 issue of Mr. Landlord.

The Welcome Mat

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

Members:

Patrick Fox from West Des Moines

Associate Members:

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

Busting Meth In Iowa

ILA held its Fall Seminar on December 4, 2004, at the Downtown Holiday Inn - Downtown at Mercy Campus. This single topic seminar dealt with Drug & Crime Prevention in Rental Property. The attendees had a very informative and timely speaker core consisting of:; Becky Swift, Assistant Director Governor's Office of Drug Control Policy, Mark Hanson, and Nick Cooper, Attorneys with Whitfield & Eddy, P.L.C., Larry Rogers, Senior Police Officer Vice/Narcotics Neighborhood Office Des Moines Police Department, and Dan Voigt, Assistant Polk County Attorney Drug & Gang Unit

We thank our knowledgeable speakers and the many attendees who participated with the Fall Seminar.

We are already planning for our next seminar in the Spring. Mark your calendars for May 5th. Details will appear in future NewsBriefs.

