



**ILA Legislative Report**

The Legislature is finalizing the session on the hill. At the time of this writing, the following issues were still on the table.

**S- 3134** is the amendment offered by landlords to SF 402. The amendment was adopted by the Senate, and SF 402, which is also printed below, was passed by the Senate. There is a similar bill in the House, HF 534. This bill has passed the House Local Government Committee and has been sent to the House Ways & Means Committee. It is expected that the House will accept the Senate version of the bill, which contains our amendment.

Our amendment gives you the chance to be notified before a late fee is assessed and notified again before a lien is filed.

**HF 847**, the only apparent chance for property tax relief for commercial taxpayers, passed the House this afternoon by a vote of 65-34. Rep. Kraig Paulsen, (R-Cedar Rapids), did an excellent job as floor manager of the bill. The bill now goes to the Senate where its fate is uncertain, given the 25-25 split in the Senate.

We should now move our attention to the Senate, asking Senators to take this bill up in the last couple of weeks of the session.

The best two sections of the bill deal with implementing a statewide appeals board so that your property tax appeals can be heard by someone other than the local governments. And the most important part of the bill is adding commercial property taxpayers to the rollback system. This move should have the effect of slowly giving you some relief. The Department of Revenue predicts that, in ten years, you would have a 22% rollback.

**HF 737**, the bill dealing with regulation of mortgage bankers and brokers, has passed the Senate and is on its way to the Governor. The bill does not affect persons



**Joe Kelly**  
*ILA Lobbyist*

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The time is almost up for signing up to attend the ILA Spring Educational Seminar. However,

**DIALOGUE WITH DIRECTORS**



you may still sign up at the door on the day of the seminar but it will cost you more at the door. Remember, it is on May 5th Thursday afternoon at the Holiday Inn Downtown starting at 12 noon.



We have three members of the Association planning to attend the NAA Education Conference and Exposition in Orlando Florida this June. Delegates will be: Tina Busch

with Executive Property Management, Melissa Johnson with Olde English Village and Pam Jones with Furniture Options.

Here is another reminder to check out the National Apartment Association's website at [www.naahq.org](http://www.naahq.org). The website is updated weekly. The member code will be on your address label of the Units Magazine you receive each month. If you have't received your magazine as of yet contact the NAA at 1-703-518-6141 or contact Connie at 515-255-0675.

Your ILA executive committee is starting to plan some of the educational courses available through the NAA. One of the first will be the CAM (Certified Apartment Manager). If you are interested in taking this class let either Tina Busch, the Chair of the Education Committee know by e-mailing her at: [tinap@epm-usa.com](mailto:tinap@epm-usa.com) or by calling her at 515-222-9981; or Mary Spain, who is coordinating this class by e-mailing her at: [mSpain@apartmentfinder.com](mailto:mSpain@apartmentfinder.com) or calling her at 515-362-6303. We need to know how many are interested; there is a lot of preparation work to putting on these classes.

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

<b>This Month's May 2005 NewsBrief .....</b>		
<ul style="list-style-type: none"> <li>• Dialogue With Directors</li> <li>• ILA Legislative Report</li> <li>• Renting To Aliens</li> </ul>	<ul style="list-style-type: none"> <li>• The Welcome Mat</li> <li>• Ask An Attorney</li> </ul>	<p style="text-align: center;">Directors: • Dennis McDonald • Dave Sollenbarger</p> <ul style="list-style-type: none"> <li>• WebSite: <a href="http://www.iowalandlord.org">www.iowalandlord.org</a></li> <li>• Email: <a href="mailto:ilaservices@iowalandlord.org">ilaservices@iowalandlord.org</a></li> </ul>

## Ask an Attorney: Legal Q & A



by **Mark V. Hanson**, Attorney at Law,  
Whitfield & Eddy, P.L.C.  
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This is my second writing this month (the first being the tax assessment protest information) as well as preparing for the May 5<sup>th</sup> seminar. So, I am keeping this column short.

From time to time the subject has come up about 'companion animals'. What does Iowa law say about companion animals and what apartment owners have to accept when they have a no pet policy

**Response:** Iowa Code Chapter 216C provides for rights for blind and other disabled persons. 216C.11 provides

Service dogs and assistive animals.

1. For purposes of this section "service dog" means a dog specially trained at a recognized training facility to assist a person with a disability, whether described as a service dog, a support dog, an independence dog, or otherwise. "Assistive animal" means a simian or other animal specially trained or in the process of being trained under the auspices of a recognized training facility to assist a person with a disability.

2. A person with a disability or person training an assistive animal has the right to be accompanied by a service dog or an assistive animal, under control, in any of the places listed in sections 216C.3 and 216C.4 without being required to make additional payment for the service dog or assistive animal. A landlord shall waive lease restrictions on the keeping of animals for the service dog or assistive animal of a person with a disability. The person is liable for damage done to any premises or facility by a service dog or assistive animal.

3. A person who knowingly denies or interferes with the right of a person under this section is, upon conviction, guilty of a simple misdemeanor.

More and more people are seeking service animal status for their pets, sometimes of questionable need. However, if they establish that need, you must accommodate. It is clear that if your tenant has a disability, you will be required to accept the service animal. Does that mean the animal can run loose, make messes, disturb other tenants? No. However any rules and regulations would need to be fairly applied and enforced, and accommodating and be reasonably needed and intended to protect the landlords valid rights.

For instance you can have a service animal policy which spells out rights and responsibilities of the tenant which

has such an animal. You cannot charge more for rent, but you may be able to require the tenant have liability insurance to cover the responsibilities. You can request the tenant provide a statement from their health care provider verifying the necessity of the service animal. You can restrict size, number and personality of the service animal. You could require neutering and declawing. You can have regulation on noise and waste disposal and odor issues. You can have regulation regarding if the animal is threatening or bites another tenant. You can have the tenant indemnify you against all liability relating to the animal. You can have regulation for care of the animal in the event of the tenants absence from the unit for reasons such as medical emergency.

I have House Rules for Service Animals and Service Animal Registration which are too lengthy to duplicate in this column. If you desire a copy, please contact the Association.

### **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."*

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## The Welcome Mat

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

### **Members:**

Tim & Tammy Bartlett of Des Moines

### **Associate Members:**

Apartment Personnel & Temporary of Irving, Texas

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

Our Membership and Associate Member Committees are working to increase our ranks. When they contact you, please give them your thanks for the work they are doing.

## Renting to aliens: What to watch out for.

By Michael Wilson, an attorney from Kentucky, Landlord's Bottom Line Bulletin, Jan 2004.

The number of immigrants in America continues to grow each year. In certain parts of the country, many tenants may be present illegally. According to the 2000 census, there are an estimated nine million illegal aliens currently living the United States. Other experts place the figure as high as 11 million. Renting to aliens can pose special legal problems for landlords. However, treating aliens differently from US citizens can constitute discrimination in violation of fair housing laws. Here are a few things to keep in mind when renting to aliens.

Some aliens are authorized to be in the US, either temporarily or permanently. A non-resident alien is a person who has been admitted to the US for a temporary stay that will end when the purpose is completed. The visa of a non-resident alien will begin with a letter. A resident alien is someone authorized to live and work in the US indefinitely. Such persons have been granted resident status by the US Immigration and Naturalization Service or have been issued an alien registration card, also known as a green card.

However, renting to illegal aliens (also known as undocumented aliens) constitutes harboring, a federal crime. The penalty for felony harboring is a fine and imprisonment up to five years, and landlords who rent to illegal aliens can be charged. A Supreme Court case also has held that one who furnishes lodging to an alien who entered the country lawfully, but overstayed his or her visa, would be guilty of harboring if the person knew the alien had illegally remained in the country.

On the other hand, illegal aliens are not without legal rights. Fair housing laws apply to all persons, including illegal aliens. Illegal aliens have other rights as well. A recent New York case held that being an illegal alien did not disqualify the tenant from rent regulatory protection.

Furthermore, an issue in states with large immigrant populations is whether government agencies that interact with aliens must investigate their immigration status. Advocates for illegal aliens argue such requirement discourage aliens from obtaining needed services, calling on the police, or using the court system.

Despite the fact that their presence in the US is illegal, some state agencies may turn a blind eye toward the immigration status of illegal aliens. In the context of these contradictory messages about illegal aliens, landlords approached by prospective tenants who may be illegal aliens need to be aware of the law.

A landlord does not want to be charged with harboring an illegal alien. On the other hand, fair housing laws prohibit discrimination based upon national origin, regardless of intent. This means the tenant screening process needs to be the same for each tenant. If you only require Spanish-speaking tenants to show they have a driver's license or other photo ID, you may be discriminating. Although an illegal alien has no right to remain in the US under immigration laws, an illegal alien may still be protected under fair housing laws.

There are conflicting opinions regarding what documentation you should require. Some say every tenant applicant should be required to provide a Social Security number. On the other hand, some fair housing advocates argue that requiring prospective tenants to provide Social Security numbers could be unintentionally discriminatory, because legal aliens may not have them. Legal aliens can get a driver's license in any state, but due to recent changes in state laws, illegal aliens can now get driver's licenses in Utah, North Carolina, Virginia and Tennessee.

Immigration is a hot topic politically. State and local laws regarding the rights of undocumented aliens are constantly being proposed. Landlords need to keep abreast of future changes in state and local laws, as well as federal law.

Make sure your screening requirements are the same for all prospective tenants, not just ones you suspect may not be legal residents. Treating all tenants the same should help protect you from a discrimination claim. Keep in mind both fair housing laws that forbid discrimination based upon natural origin and federal laws that make harboring aliens a crime. Landlords need to comply with both.

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## ILA Legislative Report

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making contract sales of properties.

HF 847 & HF 848, the property tax bills, are on the short list for debate in the House, but aren't likely to be done today.

We will attempt to bring you updated in the next NewsBrief on the Legislative issues that affect you.



### Register for ILA's Spring Seminar

Thursday, May 5th, 2005

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

**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!)

