



ILA Legislative Report

EDITORS Note: Check out future issues of NewsBrief for Joe’s insightful commentary concerning Legislative issues and the impact they will have in regards to you and your business.



Joe Kelly
ILA Lobbyist

Apartments OK For Property Values

(ILA 2003 Reprint)

Apartments pose no threat to the value of houses nearby, according to new research by the Harvard University Joint Center for Housing Studies.

Using U.S. Census data from 1970, 1990 and 2000, the researchers found that contrary to the perception that apartments lower property values, the average value of owner-occupied houses was highest in working communities with the most apartments. The study, which focused on the importance of working communities reports that more than half the U.S. population lives in such neighborhoods.

Among the reports other key findings:

Working communities with apartments comprising more than 30 percent of their housing units have sustained a 30 year increase in home values in each of the largest 42 metropolitan areas.

Working communities with apartment houses are stable places where poverty rates have barely changed in the past 30 years.

The Harvard Study is one of several recently to refute the claim that apartments lower property values.

An executive summary of the Harvard study is available from the Neighborhood Reinvestment Corporation, which commissioned the report at: www.nw.org/network/newsRoom/pressReleases/pdf/executiveSummary.pdf.

Your ILA executive committee is continuing to plan for the first NAA certified course which will be

DIALOGUE WITH DIRECTORS



CAM, Certified Apartment Manager. If you are interested in taking this class, contact Tina Busch, Chair of the Educaiton Committee; (e-mail: tinap@epm-usa.com or call 515-273-9419). Or contact Mary Spain (mSpain@apartmentfinder.com or call 515-362-6303). The NAA classes take a lot of preparation so contact them as soon as possible.

The Executive Committee is also planning to introduce an ILA Apartment Survey that will cover a six-month period based on number of units and location. The survey address price of rents and vacancy rates. It is curenly in the planning stages.

A Membership Directory is also in the planning stages and will be available later this year. It will contain names of members, managers, owners and vendor members.

We have published the contact information (see: Committee Communique) for the Members of our various committees as they now stand. You may want to save this for future reference. As we publish this information, we acknowledge how important of a contribution they provide to your association. Without their involvement in the committee process, we would not be able to do all the things that we do as an association.

If you wish to be a committee member we still have openings on public relations, legislative, fund raising, education or membership committes. If you have any suggestions for the Executive Committee contact Dennis at: mcdonald@raccoon.com and he will pass them on to the appropriate committee.

Enjoy the summer and be safe over the holidays.

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

This Month's July 2005 NewsBrief

<ul style="list-style-type: none"> • Dialogue With Directors • ILA Legislative Report • Committe Communique 	<ul style="list-style-type: none"> • The Welcome Mat • Ask An Attorney • Apartments OK 	<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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Q: This concerns a tenant moving out and the deposit. When does the 30 days start: when keys are returned or when keys are returned and a forward address is given to the owner?

A: Iowa Code Section 562A.12 provides 3. A landlord shall, within thirty days from the date of termination of the tenancy and receipt of the tenant's mailing address or delivery instructions, return the rental deposit to the tenant or furnish to the tenant a written statement showing the specific reason for withholding of the rental deposit or any portion thereof. If the rental deposit or any portion of the rental deposit is withheld for the restoration of the dwelling unit, the statement shall specify the nature of the damages. The landlord may withhold from the rental deposit only such amounts as are reasonably necessary for the following reasons:

- a. To remedy a tenant's default in the payment of rent or of other funds due to the landlord pursuant to the rental agreement.
- b. To restore the dwelling unit to its condition at the commencement of the tenancy, ordinary wear and tear excepted.
- c. To recover expenses incurred in acquiring possession of the premises from a tenant who does not act in good faith in failing to surrender and vacate the premises upon noncompliance with the rental agreement and notification of such noncompliance pursuant to this chapter.

In an action concerning the rental deposit, the burden of proving, by a preponderance of the evidence, the reason for withholding all or any portion of the rental deposit shall be on the landlord.

4. A landlord who fails to provide a written statement within thirty days of termination of the tenancy and receipt of the tenant's mailing address or delivery instructions shall forfeit all rights to withhold any portion of the rental deposit. If no mailing address or instructions are provided to the landlord within one year from the termination of the tenancy the rental deposit shall revert to the landlord and the tenant will be deemed to have forfeited all rights to the rental deposit.

I would send the notice no later than the earliest date when one of the above points in time occurs. So, when is the tenancy terminated? It is terminated on expiration of the 3 Day Notice to Pay Rent. It is

terminated on expiration of the 7 Day Notice to Cure Default. It is terminated on expiration of a specified date on a lease for a specified term e.g. a one year lease. Termination does not occur when the tenant turns in keys. Their turning in keys may be after the date specified in the lease, after the expiration of the 3 Day Notice to Pay Rent, after the expiration of the 7 Day Notice to Cure. Termination does not occur on the expiration of the 3 Day Notice to Quit because you previously terminated the lease. The basis of the 3 Day Notice to Quit is because the lease has already been terminated and they are still in possession. Termination does not occur on judgment for possession on a court action. You filed the action because you already terminated the lease and they failed to give up possession. Termination does not occur when the sheriff evicts, for the same reason.

If you have terminated the lease, and know where the tenant went even if they did not provide written information of mailing address or delivery instructions, I would send the deposit refund or notice of keeping part or all of the deposit to the tenant. I would in all cases send it certified mail restricted delivery. Keep the certified mail receipt for proof later. If it is returned to you as undeliverable, keep a copy of any post office markings. If you subsequently receive mail address or delivery instructions, then resend.

If you have no idea where the tenant went, then you can only wait until they give you notice of their address or delivery instructions. I would document their

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The Welcome Mat

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

Members:

Dave Olson of West Des Moines
Gary & Pat Nieuwsma of Urbandale

Associate Members:

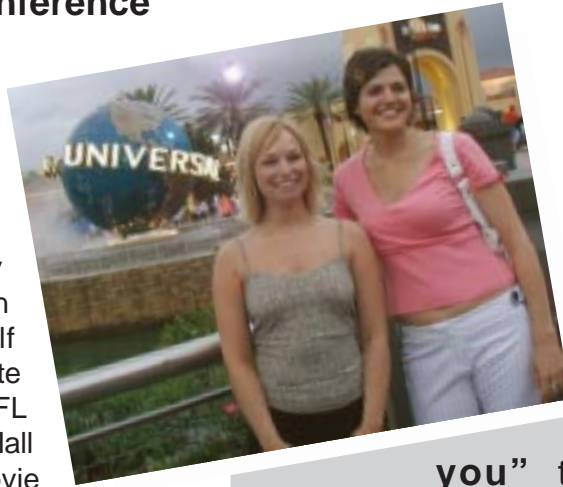
Gorman Roofing Services in Clive, Iowa
Joel Vroegh, Branch manager;
Sherwin-Williams in Des Moines

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.

ILA Sends Reps To Orlando Conference

On June 9 through the 11th, Melissa Johnson, Business Manager of Olde English Village and Tina Busch, Regional Property Manager with Executive Property Management attended the NAA Education Conference in Orlando, Florida. The 3 day event was very eventful with seminars on leasing, marketing, customer service, self confidence and employee relations. Key note speakers included Steve Young, former NFL quarterback and recent inductee into the NFL Hall of Fame, Frank Abagnale, from the Hit movie "Catch Me If You Can", and Liz Muray from the Lifetime TV movie "Homeless to Harvard".



*A Post Card
from Orlando*

The conference was a great networking tool for us to use to promote our Iowa Association. Over 450 Vendors filled the trade show floor in which we could talk to about ideas and products. Prizes were given away throughout the 3 day event. A \$25,000 cash prize was given away on Sunday.

The conference concluded on Saturday night with a closing dinner and live band "World Class Rockers": former members of Toto, Journey and the Eagles.

Over 2500 people from throughout the United States attended the 2005 NAAConference. Next year the conference will be June 15th - 17th in New Orleans. We hope to see you there!

A **BIG**
"thank
you" to **Dewitt
Painting and A+Lawn and
Landscape** for their
generous contribution which
allowed Tina Busch of EPM
and Melissa Johnson of Olde
English Village to attend the
NAA Education Conference
in Orlando Florida last month.
The next NAA Education
Conference will be held in
New Orleans in 2006.

Ask an Attorney: Legal Q & A

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file with the fact that upon their move out you did not have forwarding address from any source. Then if you subsequently receive that information, the 30 days would begin upon your receipt.

YOU RECEIVE on the date the tenant post marks it to you certified mail - NOT the day the mailman delivers it to you or you go and pick it up at the post office. Otherwise than by certified mail, you receive it when it comes to your attention - this could be verbal so make note in your file if and when you receive verbal information. You receive when hand delivered to you regardless of whether or not you sign a receipt.

If you are keeping the deposit, and the tenant challenges you on it, and you end up in court, you have the burden to prove you were justified in keeping the deposit. So, take pictures, have move out inspection, have tenant

sign off on notation of any damage. Have third party view the rental if there is damage, so they can testify on your behalf if necessary.

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."

Committee Communiqué

This month, we would like to introduce your fellow ILA members who serve on various committees which benefits our association. They provide valuable knowledge, experience, and energy to accomplish ILA tasks and goals. They devote their time to attend meetings, functions, and personal contacts, for which we are very grateful.

If you have questions or concerns about a specific topic, please direct your points to the individuals on the committee to which the topic pertains. As you do, you might want to thank them for their service to your association.

Legislative Committee:

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

* *Denotes Committee Chair*

NOTE: The Executive committee meets the second Thursday of every month unless otherwise noted.