



**ILA Legislative Report**

Even though the legislature isn't in session, legislative leaders are giving indications of what might be accomplished in the 2006 session. Recently, Senate co-leader, Stewart Iverson, wrote about his impressions of the National Governors Association, holding its meeting in Des Moines for the first time. When Senator Iverson returned home from attending the meeting, he got into a conversation about the meeting with a neighbor in Dows, Iowa. The neighbor commented that if the state could attract 32 Governors to come to Iowa, why couldn't Iowa attract 32 high caliber businesses to relocate to Iowa?



**Joe Kelly**  
*ILA Lobbyist*

As Senator Iverson reflected on this comment, he said that the primary difficulty to attracting businesses to Iowa is the state's high tax system, particularly the property tax system. As Senator Iverson pointed out, the residential property tax rate in Iowa is high, 16th highest in the country, even though property owners are paying on only 48% of the home's appraised value. For commercial taxpayers, the situation is even worse. Iowa ranks 3rd highest. For those of you who have rental properties larger than two units, you already know what the high commercial rates are doing. You either have to raise rents, or if the market won't allow that, you are earning less on your investment.

The other good news on the property tax front is that the other Senate co-leader, Senator Mike Gronstal, has made comments about repairing Iowa's property tax system. Gronstal, at the end of a recent Iowa Press show, stated that Iowa's property tax system might be easier to repair than the state income tax system. The show ended before Senator Gronstal had a chance to explain his statement. We have some measure of hope in that the issue of property tax reform isn't going away, as it has in past decades when legislators approached the issue, held a study, filed the report, and forgot about it for another ten years. Furthermore, we're awaiting a

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While the dog days of summer roll on, your Association committees are making plans for more educational programs these coming months and into next year.

**DIALOGUE WITH DIRECTORS**



By now you should have registered for the Informational Maintenance Forum to be presented by Christopher Grimsley, CAM, CAMT and an accredited NAA Educator who is Director of Construction and Maintenance Operations for AIMCO in Kansas City. He will provide effective efficiency tips and practical solutions on keeping your sanity in insane situations; how to give service right the first time and everytime; and amazing customer service skills and tools. Check last month's Newsbrief insert for more details or contact Tina Busch at: [tinap@epm-usa.com](mailto:tinap@epm-usa.com) or 515-273-9419.

We are also busy planning for the Fall Seminar to be held in November. Topics will be crime prevention and terrorism.

Next January and February your association will offer the first accredited class through the NAA. The CAM or Certified Apartment Manager course will be held in those months one day a week for 7 - 8 weeks. This course will cover: management for residential issues, human resource management, marketing, property maintenance for managers, legal responsibilities, risk management, fair housing, financial management, community analysis and adding value with technology. The classes will be held at the Regency Homes North Conference Center at 6600 Westown Parkway in West Des Moines.

More detailed information will be made available in future Newsbriefs.

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**[www.vacancy4rent.com](http://www.vacancy4rent.com)**

***This Month's August 2005 NewsBrief .....***

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- Ask An Attorney
- Rent-Wage Gap

Directors: • Dennis McDonald • Dave Sollenbarger

• WebSite: [www.iowalandlord.org](http://www.iowalandlord.org)

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## Ask an Attorney: Legal Q & A



by **Mark V. Hanson**, Attorney at Law,  
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**Q:** When a tenant is incarcerated, whether in jail or other, how is the best way to serve them papers, either to evict or otherwise?

**A:** There are several options.

Iowa Rule of Civil Procedure 1.305 provides personal service may be made as follows: (4) Any person confined in a county care facility or in any state hospital for the mentally ill, or any patient in the State University of Iowa hospital or its psychopathic ward, or any patient or inmate of any institution in the control of a director of a division of the department of human services or department of corrections or of the United States, may be served by the official in charge of such institution or that official's assistant. Proof of such service may be made by the certificate of such official, if the institution is in Iowa, or that official's affidavit if it is out of Iowa.

Under this method you would have the process server serve the official in charge, who would deliver the process papers to the defendant. This would be the method most likely used if the defendant is in a state prison.

A variation of this would be to have the process server go to the county jail, and call out the prisoner, and serve the papers.

Polk County variation. Only the Polk County Sheriff can serve at the jail. They will not allow prisoner call out by a private process server or delivery to the Chief Jailer. If you use a private process server, he/she will deliver the papers to the Polk County Sheriff for service.

If the defendant is married, Iowa Rule of Civil Procedure 1.305 (1) provides you are able to serve his/her papers by substitute service at the individual's dwelling house or usual place of abode on any person residing therein who is at least 18 years old, or the individual's spouse at a place other than the usual place of abode if probable cause exists to believe that that spouse lives at the individual's dwelling house or usual place of abode. The defendant's dwelling house or usual place of abode is not changed by imprisonment. So, even though the defendant is in the county jail or state prison, he/she is considered domiciled or residing at their address prior to being

incarcerated. The Iowa Supreme Court case holding this Bull v. Kistner, 135 N.W.2d 545, (Ia 1965) dealt with a married prisoner where the wife and family remain in the home occupied with him at the time he was imprisoned. The usual place of abode of a married man is prima facie the home where his wife and family reside. Service on the official in charge of the prison is permissive not a requirement.

### **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."*

## The Welcome Mat

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

### **Members:**

Brian Jerome of Marion, Iowa  
Eric & Jennifer Nicholson of Bondurant

### **Associate Members:**

Cort/Instant Furniture in Urbandale  
Keith Page - Page-Hawkeye Legal Services 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 Members prefer to do business  
with  
Associate Members**

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## Sex Offender Registry

Following the decision of the 8th Circuit Court of Appeals, the Iowa Supreme Court has ruled that the Iowa law, stating that persons on the Iowa sex offender registry can't live within 2000 feet of a school or child care facility, is constitutional. However, enforcement of the law will not resume until the U.S. Supreme Court makes a decision whether to hear the case. If the U.S. Supreme Court decides against hearing the case, then 8th Circuit Court Judge Pratt would lift his stay against enforcement. If the court decides to hear the case, then enforcement would likely be delayed until the U.S. Supreme Court decision.

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## Directors...

*Continued from Page 1...*

Also, by now you should have received the first ILA Occupancy Survey. This survey is a statistical analysis of vacancy rates and average rents. The purpose of the survey is to provide accurate information to apartment managers and owners for use in their operations. It will be done 3 - 4 times per year to track trends in these areas.

As you can see, we have been busy. If you have any ideas on how your Association can provide you with better service, let one of the executive committee members know or e-mail us at: [ilaservices@iowalandlord.org](mailto:ilaservices@iowalandlord.org).

Enjoy the rest of the summer.

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## Wage-Rent Gap Widens for Poor

The gap between a minimum-wage salary and housing costs is widening throughout the country. The National Low Income Housing Coalition said in its annual Out of Reach report that the average American worker must earn at least \$13.87 an hour and work a 40 hour work week to afford a two-bedroom apartment. The federal minimum wage has not increased since 1997.

HUD considers housing affordable when it costs 30 percent or less of gross income. Nationally, almost a third of Americans pay more, according to a recent report from Harvard University's Joint Center for Housing Studies. That means some renters are forced to make choices between rent, health care, food, or day care.

While short-term assistance, such as emergency rent help for families, would solve the immediate crisis, many states recommend long-term fixes such as a legislative increase in funding to Housing Trust Funds. Some advocates recommend that laws should be changed to prevent landlords from charging rental application fees. (Salt Lake Tribune)

## ILA Legislative Report

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district court decision in Polk County which should give the matter even more impetus later this year.

The other topic which hit the news lately is eminent domain. That's the concept of allowing local governments to seize a citizen's private property so that the larger, public good can be served. It's happened for years anytime a new road needed to be built. The person whose property is taken is given just compensation for the property. Cities have often used eminent domain to clean up urban blight. The new U.S. Supreme Court ruling, on a 5-4 vote, took eminent domain to a new level. The high court allowed a city in Connecticut to take personal property from citizens, tearing down their houses, so that a developer could build offices, a riverfront hotel and a health club. Citizens' private property was taken away so that a developer could make money and so that the local governments could have higher tax revenues. Even though the private citizens were compensated for their losses, the amount of money given may not have been fair, and the citizens had a right to stay in their home if the alternate use was not truly for the public good.

Speaker of the Iowa House, Christopher Rants, has announced that the Iowa House in 2006 will pass legislation that more narrowly defines the uses of eminent domain in Iowa, holding the use to truly public uses, such as schools, roads, post offices, etc. This legislation will not necessarily be easy to pass all the way to the Governor's desk. Lobbyists for local governments will point out that abuses haven't occurred in Iowa and that home rule and local control should not be diminished in Iowa. They will further point out that if abuses do occur, then the local voters will take revenge at the polls.

Finally, if the legislature doesn't act, then you can expect this issue to show up during the legislative campaigns in the fall of 2006.



**ILA Members prefer to do business  
with  
Associate Members**

**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!)

