



ILA Legislative Report

January 9th is not that far away. That's the date the 2006 legislative session begins. During the interim legislators have been meeting with constituents, with associations and interest groups, and doing public things like attending parades. And, oh yes, legislators have been raising money for the 2006 November elections.



Joe Kelly
ILA Lobbyist

Some legislators have been involved with issue related studies sanctioned by legislative leaders. Some of these studies are of interest to landlords. There are studies being done on the sex offender registry law passed in 2005. There is little chance that the law will be weakened. There is a strong probability that the law could be strengthened in the sense that persons on the sex offender list will not be allowed to loiter near schools, day care centers, and playgrounds. The Iowa County Attorneys' Association will also have some suggestions on amendments to clarify the law so that prosecutors can more effectively present their cases in courts. Landlords have no specific duties to report sex offenders living in their houses or apartments. The county sheriffs have the responsibility of tracking where these people live. And finding those places gets even tougher as local governments pass even more restrictive laws than the state. Not all sex offenders are equally dangerous.

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*From all of us at the
Iowa Landlord
Association,
we wish all of you
the very best Holidays!*

Sign up for the class **Spanish 101 for Managers and Owners** being held the 13th of December (Tuesday). This will take place at the Training Center in the Des Moines Register's location off Army Post Road on Gannett Avenue. There will be an A.M. class from 10:30 AM to Noon and a P.M. class from 1:30 PM to 3:00 PM. Each class will be limited to 30 people. There will probably be a nominal fee for this class. The instructor will be a professor from Drake University. To sign up for either class, contact Tina Busch at 515-273-9419 or Mary Spain at 515-327-0606.

DIALOGUE WITH DIRECTORS



The **NAA CAM** (Certified Apartment Manager) class begins on January 17, 2006 (Tuesday) and runs each following Tuesday through the 7th of March. There is still time to sign up for this class. Also, running concurrently will be the **CAS** (Certified Apartment Supplier) class. This class runs for four weeks: February 7, 14 and 21st and the last class is an elective from one of the other classes being offered from January 17 through March 7th. Each CAS class costs \$75.00 or a total of \$300.00.

Copies of the first **Occupancy Survey** are still available. Call Connie at 515-255-0675 for a copy. There is a \$12.00 charge for members/\$24.00 for non-members.

More events are being planned for 2006 including a golf outing during the summer. Also starting in 2006, we want ILA-NAA members to report news that is of interest to all members of the Association, sort of a places and faces section. Let Connie know of any happenings of interest to all.

As 2005 draws to an end, it is noteworthy to mention some of our accomplishments these past few years. Of major importance was winning the battle with the City of Des Moines over inspection fees. Not only did members receive over \$210,000 in refunds, but this case has had a ripple effect over other cities in Iowa.

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This Month's December 2005 NewsBrief

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- Ask An Attorney

Directors: • Dennis McDonald • Dave Sollenbarger

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Ask an Attorney: Legal Q & A



by **Mark V. Hanson**, Attorney at Law, Whitfield & Eddy, P.L.C.
hanson@whitfieldlaw.com

Q: May the owner or property manager make a copy of the tenant's drivers license for their file for identification. Because identity theft is so prevalent, are there any legal ramifications?

A: This is fairly short response to make up for the length of last month's article. Use of driver's license for identification is common place. The state recognizes its use as identification in several instances. The Iowa Code It provides for non-operators identification cards within the driver's license issue statutes. The Iowa Code recognizes driver's licenses are used for proof of age when purchasing alcohol and cigarettes. In those contexts, it provides for confiscation of illegal use of the license or identification to purchase alcohol or tobacco. The Iowa Code provides for hotels ability to require proof of identity by producing a valid driver's license - Iowa Code Section 137C.25E. "Each individual renting or leasing a room, accommodations, or facilities of the hotel shall register, and may be required by the owner or operator of the hotel to show proof of identity by producing a valid driver's license, or other identification satisfactory to the owner or operator. The identification shall have a photograph of the individual and include the name and residence of the individual. If the individual is a minor, the owner or operator may also require a parent or guardian of the minor to register."

Notaries Public require proof of identification if they do not know the individual personally and are authorized to require identification documents, and routinely use driver's license for that proof.

You need to provide a driver's license or other identification when purchasing certain over the counter medications now.

So, landlord's requirement that a prospective tenant produce proof of identification in the form of a valid driver's license is not prohibited and not uncommon.

The tenant having or not having a valid driver's license is evidence of a number of factors that may be on your screening criteria. I do not have a problem with landlords requiring it.

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."

California Apartment Association Joins National Apartment Association

Alexandria, VA -The National Apartment Association (NAA) today announced more than 19,000 members of the California Apartment Association (CAA) will join NAA on Jan. 1, 2006, giving NAA a record membership total of 51,000, representing a record 6.4 million units.



The agreement to join was made as a result of a unanimous vote held Oct. 21 by CAA at its annual meeting in Monterey, Calif. California is home to more apartment units than any other state in the country.

"From a national perspective, this is a win-win situation for all members everywhere," said NAA President Tom Day, CAPS, of Dallas-based Hepfner, Smith, Airhart & Day. "This will give us a truly unified, national voice in Congress. It also creates a link for all NAA state and local associations with California's 19 local associations. As for the NAA Education Institute, it opens a whole new venue for talent."

Douglas S. Culkin, CAE, NAA Executive Vice President, said the decision is the best one possible for CAA and NAA members.

"NAA's education programs, member services, resources, the annual education conference, exposition, UNITS magazine and state, local and federal advocacy programs are perfectly suited for California apartment owners and management staff," Culkin said. "We are pleased to welcome such a valuable group into our national organization."

CAA approached NAA in May 2004 with the thought of re-affiliating. Four subsequent in-person meetings were held between NAA's California Re-affiliation Task Force and CAA leadership.

Thomas K. Bannon, CEO, CAA, Sacramento, Calif., said the affiliation of CAA with NAA is an exciting and defining moment for the rental housing and apartment industry in California and throughout the country.

"Bringing together two associations, both of whom are committed to enhancing and improving the industry, is a long time coming," Bannon said. "We are proud to say we are now a member of the National Apartment Association."

ILA Legislative Report

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Nonetheless, landlords have to face the potential of civil lawsuits if they allow a dangerous person to remain as a tenant, and the person commits a sexual offense against a minor, if landlord knew, or should have known the person was dangerous.

There is a legislative study being conducted which is reviewing judicial resources and how those resources are best used to benefit lowans. Landlords are concerned that there be enough magistrates available to hear in a timely manner eviction cases. There were about seventeen magistrates added during last year's session. However, the chief judge of a judicial district has the power to trade in several magistrates in order to secure an additional associate district judge, who can handle cases that magistrates can't.

As for landlord legislation, we'll continue to work with other interested groups to try to get HF 847 passed in the Senate. This bill, with bipartisan support, passed the House last year. HF 847 would put all commercial taxpayers into the rollback system. The Department of Revenue projects that, if passed into law, HF 847 would give commercial taxpayers about a 25% discount over a ten year period. Therefore, landlords should be encouraging their state Senators to support HF 847. It won't be an easy sell. All the local government groups are against HF 847. It's not the landlords' position that local governments don't have enough money to conduct their business. However, we want as much efficiency of operation as possible. Finally, it's the legislature's job to repair the gross imbalance of the property tax system, while at the same time, seeing that local governments have adequate funding.

The Welcome Mat

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

Members:

Philip Leino -Dallas Center Apts. of Des Moines, Iowa
Brian Bremer of Urbandale, Iowa
Nick Irlmeier - Buckingham Investments, LLC of Waukee, Iowa

Associate Members:

John Irving, Baker Electric, Inc. of Des Moines, Iowa
Richard Ross, Allstate Gutter, Inc. of Waukee, Iowa

We encourage our members to use the knowledge and expertise of our Associate Members to help solve landlording issues and problems.

Dialogue With Directors

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Also noteworthy was the battle concerning property liens from the Des Moines Water Works via the use of the "Landlord Letter". This fight is not over however thanks to Dave Carlson a member of the water works board and ILA member.

Also of note are the classes through the NAA being offered next year; a first in Iowa. These are just a few of the accomplishments achieved over the past few years. Without your Association, none of this would have been possible.

A lot of time and effort goes into running an association of this size (representing over 22,000 units), mostly by volunteers. The Association can always use more volunteers, either for a committee or an event. The more volunteers the Association has the more it can accomplish in 2006 and beyond.

There is still room to join one of our committees, especially Fund Raising (Rosie Culver at 515-251-4100) or the Education Committee (Tina Busch at 515-273-9419).

Lastly, have a safe and Happy Holiday Season!

From N.A.A.

Plan to Attend...



**2006 National Apartment Association
Education Conference & Exposition
Colorado Convention Center
June 15-17, 2006 - Denver, Colorado**

Need to Rent ???
advertise your rental at:
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 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!)

