



January 2007

IOWA LANDLORD ASSOCIATION NEWSLETTER

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From the Desk of the AE

Thanks to all who helped out by making 2006 a great success. Remember, it is your association. Get involved.

You can be a part of the several committees. You can help plan events. You can be active in suggesting legislative change affecting rental property taxation and much more.

Support your association and help yourself by using its many services, such as court record and criminal history screening of your prospective tenants.

Use the services and products of our many vendor members. Refer to the ILA web-site (www.iowalandlord.org) for more useful information, such as upcoming events, forms library, newsletter archives and many more useful areas of interest.

CAM CLASS

2007 Certified Apartment Manager (CAM) Class, dates to be determined, late February or early March. We are trying to determine what type of interest there is. Cost \$500 for members, \$650 for non-members.

Contact Mary Spain at 515.327.0606. Watch for more details to follow!



New Vendor Member

Cathy Smith, President
Apartment Personnel & Temporary
Irving, Texas

People on the Move

Jennifer Hutchins is the new manager of
Forest Glen & Kingswoods Apts.

Richelle Ortiz is the new manager at
Douglas Woods Apts.



Meet a Vendor



The Apartment Finder Rental Publication connects Apartment Renters with Apartment Communities. Full color ads are developed at no charge. Your contract with the Apartment Finder includes a FREE online listing at apartmentfinder.com with the potential to enhance the listing for a fee.

The Apartment Finder Publication provides the best prospect focused distribution which primarily relies on the strategy of displaying the books where renters shop, eat and play, daily, in a high quality format.

They are happy to provide leadership and support to the apartment industry in addition to superior flexible customer service.

Contact Mary Spain at 515.327.0606.

ILA Legislative Report

Joe Kelly
ILA Lobbyist



What did the recent election mean for landlords? As we mentioned last month, it was an historic election: the first time in 42 years that the Democrats hold the Governor's position, the House, and the Senate at the same time. As one would expect, Democratic constituency groups are coming forth with ideas and proposals. The budget is always a major concern. The good news for landlords is that the topic of property tax reform has not abated. Governor-Elect Chet Culver heard a great deal about property taxes while he was campaigning. He promised to appoint a distinguished task force to give him recommendations. He has done so. Culver wants proposals from this task force sometime in

You will need to be ready when we call on you to contact your local legislator on bills which would be detrimental to your business.

Remember, there are Democrats and there are Republicans in the legislature. However, these officials are not monolithic in their thinking. There are few issues where the party requests obedience to a particular position on a bill.

In other words, make no assumptions about how a legislator may vote on a particular bill just because a legislator is a member of a particular political party.



January.

Also, Senate Majority Leader, Mike Gronstal (D-Council Bluffs), for the second consecutive year, has publicly stated that, even if a total tax reform can't be enacted this year, the legislature could and should take a first step by changing the classification of apartments, manufactured housing communities, and assisted living homes from commercial to residential. This change, of course, would lower your taxes and keep rents from rising so fast. Members of the association should continue to work with your local legislators to remind them that action is needed on this issue.

The other effect of this election is that groups who don't like what has happened to the landlord tenant law over the past 15 years will be coming to the legislature asking for these provisions to be changed.

Training Seminar

The Neighborhood Based Service Delivery Team hosted a landlord training seminar on Saturday, Dec. 9, at the Des Moines Police Academy with over 100 owners, landlords and managers present. Dave Sollenbarger, ILA President and Corporate Director, was one of the featured speakers. Dave's topics were: screening of prospective tenants and "What is the Iowa Landlord Association and how can it help you with your rental property?" Dennis McDonald, Associate Executive, and Mark Hanson, ILA's "Ask an Attorney," were also present to field questions. Other speakers included a member of the Des Moines Fire Department, a senior planner with the City of Des Moines, a neighborhood Inspection Division Inspector, a leasing administrator from Des Moines Public Housing and Larry Rogers with the Des Moines Police Department. Thanks for a great seminar!



ASK AN ATTORNEY Legal Q & A

by Mark V. Hanson
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Question: At the recent City of Des Moines Landlord Seminar the presenters talked about screening and background checks. Some of the agencies or companies providing background checks charge a fee. Can I charge this fee to the prospective tenant?

Response:

There is no mention in the Iowa Landlord Tenant Law—Iowa Code Chapter 562A regarding screening prospective tenants, charging them for fees you incur for background checks or application fees. I believe if you are renting to low income tenants under one of the government programs, those programs have a prohibition on charging the prospective tenant an application fee or background check fee. However, for market rent situation, because there is no prohibition of such a charge to the tenant, it would be allowed.

That being said, there would be some guidelines you might consider.

a. The amount should be reasonable and related to the cost incurred to process an application and make the background checks. I heard the amount of \$45 mentioned as being a common amount.

b. Make sure you identify to the applying prospective tenant what the charge is for and what it covers. Make sure they are informed it is a charge to cover the expense of your processing their application and obtaining necessary background checks.

c. A continuation of “b.” Make sure they know it is non-refundable and not part of a security deposit.

d. You should on your application forms/papers have the applying tenant give permission for you to contact authorities and other individuals for the purpose of doing a background/criminal/credit/etc., check. You could include in this portion, a statement of the application fee and the information I mentioned in a., b. and c.

e. In your screening make sure you are treating all applicants the same. If you charge the application fee from one applicant make sure you charge it for all.

f. Contact the Iowa Landlord Association for background checks on your applicants. It may be the best money you spent.

“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.”

INFORMATION OR ANNOUNCEMENTS

If anyone has information or an announcement that they would like to see in our monthly Newsletter please email Connie at: ilaservices@iowalandlord.org or call 515-255-0675. This information can be *People on the Move* (new personnel, promotions or educational accomplishments), *Help Wanted* (looking for a Leasing Agent, Manager, Assistant Manager or Maintenance staff?), or any other information that is important to your association and industry. You can also email or call in your questions for Mark Hanson, to be featured in his “Ask an Attorney” section of the Newsletter. Please get this information to Connie no later than the 10th of each month.



Capitol Hill

Meet Your Legislator

Landlord Day at the Capitol will be held on Wednesday, Feb. 21, from 10 a.m. to 3 p.m. It will be held at the Lucas Building on the sixth floor in the Cafeteria Meeting room, same as last year. After lunch, we will be going over to the Capitol to give everyone a chance to talk to their legislator.

You should be thinking about what you want to learn and what you want to accomplish.

For further information, contact Pat Knueven, Legislative Co-Chair, at PatKnueven@aol.com or phone him at 515.278.2821.

We would like a strong show of support for this important event.



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January 2007						
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- 1 New Year's Day—ILA Offices Closed
- 9 Executive Committee Meeting
11:30 a.m. OEV office
- 15 Martin Luther King Jr. Day
- 18 Vendor Council Meeting 4 p.m.
Coaches Corner

February 2007						
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11:30 a.m. OEV office
- 15 Vendor Council Meeting 4 p.m.
Coaches Corner
- 19 Presidents' Day
- 21 Landlord Day at the Capitol
10 a.m. to 3 p.m.



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