



IOWA LANDLORD ASSOCIATION NEWSLETTER

February 2007

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From the Desk of the AE

Your Iowa Landlord Association has operated as a "for profit" corporation in the past. So as to comply with the National Apartment Association's bylaws for affiliates, we need to switch to a "not for profit" status. As far as your memberships being affected, very little change is anticipated. Your renewal during this calendar year will be with the IOWA APARTMENT ASSOCIATION rather than with the IOWA LANDLORD ASSOCIATION and your renewal dues should be made payable to the IAA and

mailed to the same address as in the past (P.O. Box 13246, Des Moines, IA 50310).

Prospective tenant screening will still be done through the ILA as in the past and payments for that service will still be made payable to the Iowa Landlord Association.

The IAA will hold its annual meeting in the near future to elect new officers and directors.

Hope to see you for Landlord Day at the Capitol on Wednesday, Feb. 21, from 10 a.m. to 3 p.m. We will meet at the Lucas Building on the sixth floor in the Cafeteria Meeting room. After lunch, we will be going over to the Capitol to give you a chance to talk to your legislator.



New Member

Bob Cazavilan, Bless This House, Inc.,
Ankeny, Iowa

People on the Move

Connie Cory is the new Property
Manager at West Glen Town Center

Paula Wehmas is the new manager at
South Glen Apartments

New Vendor Members

ABC Supply Co.—David Reese,
Des Moines, Iowa
www.abcsupply.com

ALL, Inc.—Jim Rutzick, St. Paul, Minnesota
www.allinc.com

NEW VENDOR



"ALL INC. was founded in 1947 by Sherman Rutzick and is now managed by his two sons, Mark and Jim. The company, headquartered in St. Paul, has specialized in providing various services to the multifamily industry for over 50 years. We operate a laundry vending route, which extends from Wisconsin to western Wyoming and Montana. Providing the industry's best equipment, immediate service and the highest commissions, the company has longstanding business relationships with the largest and smallest apartment owners and managers. The company will provide coin-operated equipment, which features built-in electronic auditing or vandal proof debit-card systems. In addition, we sell Frigidaire, Whirlpool and GE replacement appliances and air conditioners at the lowest prices in the Mid-West." Contact Jim at (800) 829-2127.

ILA Legislative Report

Joe Kelly
ILA Lobbyist



The 82nd General Assembly has begun its work. Just prior to the beginning of the session, Governor Chet Culver's Commercial Property Tax Commission held its second meeting in Des Moines on Jan. 4. Seventeen different entities gave testimony to the nine member commission. Most of the presenters were from either local governments or associations representing local governments. Of course, local governments get most of their funding from property taxes.

Commercial legislative property owners were well represented by Jim Conlin, Conlin Properties, Des Moines; Barbara Hames, Hames Communities, Cedar Rapids; and Rosetta E. Parker, CPM, Premier Real Estate Management,

When this report was written, very few legislative bills had been introduced. However, we've learned that Representative Pam Jochum (D- Dubuque) has requested a bill dealing with the manufactured housing landlord tenant law, chapter 562B. The title of the bill request suggests that apartment owners and other landlords working under 562A would not be affected by the bill. But, sometimes the scope of a bill expands after it's introduced. An amendment could easily bring chapter 562A under the provisions of the original bill. Our assumption is that the Jochum bill will not be one that landlords will like.

Finally, we've learned that the Judicial Branch will again include in one of its bills a provision that was deleted from a bill last year. This provision will deal with chapter 648, the forcible entry or detention law, better known as the eviction law. Today's law requires the small claims court to schedule an eviction hearing within seven days of the original filing of the case. Last year, the Judicial Branch, at the

owners of Signature Place Apartments in West Des Moines. All three gave excellent presentations. Perhaps the most remarkable numbers came from Rosetta Parker, who told the commission that Signature Place, with 261 units, paid \$516,248 in real estate taxes in 2005. That's \$1,978 per unit in property taxes.

The commission has one more meeting before delivering its final report and recommendations to Governor Culver. It is worthy to note that Bob Mulqueen, who is staffing the Commission, has recently been hired as Governor Culver's chief policy advisor. One can see this development in two ways. First, Mulqueen will have heard every presenter and been privy to all discussions on the commercial property tax issue.

Second, Mulqueen spent 16 years as a lobbyist for the Iowa State Association of Counties.

request of magistrates, wanted to expand the time to 14 days, which the law was in 1995. We're hearing that the Judicial Branch will go for 10 days this year.

If you want the law to remain at seven days, be prepared to discuss this matter with your legislator. Also, for the commercial property tax law to change, you'll have to dedicate yourself to communicating with your legislator numerous times between now and late April, when the session is expected to adjourn.





ASK AN ATTORNEY Legal Q & A

by Mark V. Hanson
Attorney at Law,
Whitfield & Eddy, P.L.C.

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Question: In some states, it is a violation of state law to discriminate based on the prospective tenant's source of income, i.e., Section 8 voucher program. What does Iowa law say about this type of discrimination?

Answer: The landlord has the ability to establish reasonable admissions criteria. However the landlord cannot discriminate on renting to an individual on any criteria based on a protected class. Protected class is race, color, creed, religion, national origin, ancestry, sex, disability and familial status. You will notice that source of income is not a protected class. You have the ability to inquire about current and past income, current and past employer, bank account or lender, credit references, utility company references, credit history, current and past rental information and legal action. These can all be indices of their ability and willingness to timely pay rent. Another concern is that all applicants be treated equally and consistently. You cannot use permissible criteria in a manner which is not permissible, or in a manner that hides discrimination based on a protected class. For example, if you use source of income as a determination for renting to a prospective tenant of one race, you would need to use the same criteria for all prospective tenants regardless of race. If you ask certain questions about sources of income to a prospective tenant of one gender, you need to ask the same questions of all prospective tenants regardless of gender. And so forth.

Question: Other than common courtesy, is there any law that requires a landlord to do a walk-through inspection with the tenant present for determining the condition of the premises for the refund of the security deposit?

Answer: Iowa Landlord Tenant Law does not have any requirements regarding a landlord accompanying the tenant in a move-in or move-out inspection.

It would certainly be prudent to accompany the tenant for both inspections. That way if there is some matter that needs attention, it can be identified and remedied promptly. It protects both the landlord and the tenant for both to be aware not only of the condition of the property, but also that the other party is also aware of the condition at a particular point in time. And deficiencies should be written down and both parties initial or sign.

Sometimes that is not possible. Have any of you had a tenant move out in the middle of the night? If the tenant is not available to do a move-out inspection with the landlord, the landlord should document any deficiencies. Ways to do this include taking pictures and having another person with you when you first enter the rental property. If you plan to keep some of the deposit or sue the tenant for damages, you will want as much evidence as possible to prove your basis for keeping the deposit or for suing for damages.

"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."



NEW VENDOR



ABC Supply is the nation's largest distributor of exterior building supplies.

We have over 300 locations throughout the United States. Iowa locations are Des Moines, Cedar Rapids, Waterloo, Davenport and Dubuque. Other nearby stores include Moline, Kansas City, Omaha, Lincoln and Minneapolis.

We carry numerous products including steep and low slope roofing; and new construction and replacement windows. Siding types include fiber cement, vinyl, steel, and aluminum, and accessories; plus a full line of gutter supplies.

We appreciate the opportunity to become a part of, and look forward to working with the members of the ILA. Contact Dave Reese at 979-9754.

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- 13** Executive Committee Meeting
9 a.m. to Noon
Mary Spain's Office
- 14** Valentine's Day
- 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.

March 2007						
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- 13** Executive Committee Meeting
11 a.m.
- 15** Vendor Council Meeting 4 p.m.
Coaches Corner
- 17** St. Patrick's Day



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