



May 2007

IOWA LANDLORD ASSOCIATION NEWSLETTER

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To be announced

Some committee positions are still available. Contact Connie at (515) 255-0675.



From the Desk of Your Directors

A great big THANK YOU to all who attended the Spring Educational Seminar. Approximately 100 attendees enjoyed the informative presentations by Mark Hanson, attorney, on legal procedures; Steve Burgett on debt collections; Joe Kelly, lobbyist, on his legislative update; and Dave Sollenbarger, ILA President, on the ILA update. THANK YOU to our vendor members for their support and expertise. They contributed additional interest to the seminar with their display booths of

products, services and gifts. Watch for the "seminar photo shoot" in June's newsletter.

Also in June's newsletter you will find information on the start of the ILA's "summer breakfast meetings" at the Cub Club, featuring speakers of great interest.

E-Bulletins

The ILA's E-Bulletins are special emails that are designed to inform our members of timely news and events that effect the rental housing industry. If you are not receiving these or your email address has changed, please send an email to ilaservices@iowalandlord.org to request a change of address or to be added to the E-Bulletin mailing list.



WELCOME NEW MEMBERS

Nick Irlmeier, Buckingham Investments, Waukee, Iowa

Alan Richardson, ALOCOR Investments, LLC, Waukee, Iowa

Michael Hudson, KMH Enterprises, Afton, Iowa

NEW VENDOR MEMBERS

Jack Adam, Flooring Gallery, Urbandale, Iowa

Gordon Kratz, United Services of Des Moines, Grimes, Iowa

NEW VENDOR



At Flooring Gallery, we are committed to being the premier floor covering company in the Midwest by providing superior personalized service. With 10 locations across the state of Iowa, Flooring Gallery delivers exceptional customer service and satisfaction. Flooring Gallery also provides a professional carpet cleaning service. Please contact Jack Adam, our multi-family specialist, for your next flooring needs at: Office (515) 270-0087, cell (515) 360-8844 or jack.adam@flooringgallery.com.

ILA Legislative Report

Joe Kelly
ILA Lobbyist



There are four bills that landlords are watching during the final weeks of the legislative session. Property tax reform is a big issue for members who have properties larger than a duplex. Those properties are classified as commercial and get no rollback, resulting in taxes which are twice as high as single-family and duplex rentals. Even though a group of House members met weekly for many weeks in the first half of the session, not much has been heard in recent weeks on the issue of property tax reform. About the only issue left on the table at this point is a possible refund of \$25 million to commercial property taxpayers. The latest talk is to target the refund to smaller commercial entities so that the refund will be larger.

your rental property once with the municipal utility, instead of every time a tenancy changes, in order to protect yourself from a lien. Second, HF 783 expands the list of city services exempt from the lien, including sewer systems, storm water drainage systems, sewage treatment, solid waste collection and solid waste disposal. HF 783 has an amendment filed which would allow municipal utilities to charge a security deposit for the extra services listed in the bill, which is consistent with their ability to charge a security deposit for water charges. If the amendment is adopted, it means that HF 783 would have to return to the House for another vote. Landlords are not objecting to the amendment.

Finally, SF 445, which deals with security deposits, is a bill that landlords are fighting. SF 445, after being amended in the Senate, passed there on a 35-14 vote. SF 445 just barely emerged from the House Judiciary Committee on an 11-9 vote after the landlord amendment failed on a 10-10 vote. SF 445 would change the

Reclassifying apartments as residential or giving all commercial property taxpayers some significant relief doesn't seem to have much traction now.

An early battle we had with the Iowa Judicial Branch appears to be going our way. The Iowa House rejected the change of seven days to 14 days on the issue of scheduling an eviction hearing. Senator Rob Hogg (D-Cedar Rapids) had filed an amendment to keep seven days but allow for a longer scheduling time if the court agreed. Now it appears that the Iowa Judicial Branch doesn't want Senator Hogg's amendment and will no longer push for the 14 days this session.

HF 783 is the municipal utility lien bill. The bill has passed the House and has moved from the Senate Commerce Committee. HF 783 makes two changes affecting rental housing. First, if the bill becomes law, you would only have to register **(cont. lower left)**

legal standard required to possibly trigger punitive damages from "bad faith" retention of the security deposit to "wrongful" retention. SF 445 was proposed by the student government from the University of Iowa. The Iowa Attorney General has come out in favor of SF 445, and the AG's lobbyists are actively encouraging legislators to vote for the bill. Joining landlords in opposition to the change proposed by SF 445 is the Iowa Bar Association. SF 445 would also change the amount of punitive damages from up to \$200 to up to one and a half times the amount of the deposit.

UPDATE: SF 445 was not selected by House leaders as a bill to consider for the remainder of this session. It is still eligible for debate in 2008. HF 783 was selected by Senate leaders as a bill for debate in the Senate. We hope to get it passed this year.



ASK AN ATTORNEY Legal Q & A

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

hanson@whitfieldlaw.com

Question: I'm dealing with a situation where something of significant value was left in the apartment after a resident died. The son is out of state and advised us a friend would pick it up. We advised the son in writing that it still remains. There has been no further contact.

Response: I am taking the view the tenant's lease is terminated via whatever method was appropriate, and we are not questioning whether presence of personal property creates an issue whether the tenant has vacated, abandoned or continues the lease. I am going to take the view that we are not questioning the termination of tenancy. But there remains some personal property, of some obvious value, and what do you do with it?

One consideration is you might do a forcible entry and detainer just to have legal authority to set personal property on the curb. Then you don't worry about it any further.

If you assume the duty of taking care of the personal property for the family, you assume the responsibility to protect it and turn it over to the family. In this example, that is what has been done. But what to do when they don't come and get it?

An alternate method is to send the family a notice by certified mail that you are going to dispose of the property within a certain time (such as 30 days) if no family comes to claim the property.

With this, you are risking the family will come back at you and make claim you caused them to suffer damages. A safer way to handle it (other than the FED) is to follow the procedure in the Iowa Code—Lost Property Chapter 556F. Basic simplification of the requirements: You need to file an affidavit of the property found with the sheriff or police, publish notice in the paper for three weeks and post notice on the courthouse or city hall or police station plus one other public place, and prove publishing and posting. In the case of the known family, I would send them a copy of the affidavit by certified mail. If the property is not claimed within 12 months, title will vest in the finder, you. If the family comes to claim, you are entitled to be reimbursed for costs and charges. If you choose to not follow this method, and you retain the property or sell it, you are at risk for the owner of the property coming and making a claim against you for double the value of the property and other fines and damages.

So which method do you follow? You need to assess the value of the property and the risk that the family or owner will return and claim the property and make a claim against you if you did not follow 556F. Or, assess the hassle of doing a FED to set the property on the curb. If you told the owner or family you would take care of the property for them until they pick it up, and then they don't pick it up, I would recommend following 556F if there is any value to the property.



NEW VENDOR



United Services of Des Moines is Central Iowa's leading disaster restoration contractor. In business for more than 30 years, we specialize in rebuilding your facilities after damage due to fire, flood, wind and any other misfortune. United Services also provides 24-hour, on-call service for you in your time of need. In addition to the restoration business, we are a full-service remodeler, here to help you renovate and improve existing facilities. For information, feel free to contact Gordon Kratz at (515) 986-4442 or GordonK@Restore4u.com. www.Restore4u.com

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May 2007

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3 Vendor Meeting—ABC Supply Co. Conference Room 4 p.m.

13 Mother's Day

28 Memorial Day—ILA Offices Closed

June 2007

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14 Flag Day

17 Father's Day



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