



IOWA LANDLORD ASSOCIATION NEWSLETTER
www.iowalandlord.org

January 2009

ILA LEADERSHIP AND CONTACT INFORMATION

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From the Desk of Your Directors

Our first event of the new year will be our general membership meeting at Okoboji Grill in Johnston on Jan. 15. We will begin at 5 p.m. with refreshments followed by a short meeting. We would like to thank all members who have attended these meetings in the past and encourage those who have not attended to join us. These membership meetings are held the 3rd Thursday of every month and offer valuable information about our industry. The vendors will meet at 4 p.m. prior to the general membership meeting.

Our annual Legislative Landlord Day at the Capitol will be held on Wednesday, Feb. 25. You should be thinking about what you want to learn

and what you want to accomplish. For further information, contact Pat Knueven, ILA President and Legislative Chair, at PatKnueven@aol.com or phone him at (515) 278-2821. We would like a strong showing of support for this important event.

You can be part of the several committees with the ILA. You can help plan events and even be active in suggesting legislative changes affecting residential rental property taxation and much more. Simply contact the committee chair shown on the left of this page or contact Connie at ilaservices@iowalandlord.org or call us at (515) 255-0675.



Welcome New Members

Dreamingtree, LLC - Amanda Christensen, Winterset, Iowa

Eric Kamp - Grimes, Iowa



Meet a Vendor



At Flooring Gallery, we are committed to being the premier floor-covering company in the Midwest by providing superior personalized services. 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: (515) 360-8844 or email Jack at: jack.adam@flooringgallery.com.



ASK AN ATTORNEY Legal Q & A

by Mark V. Hanson
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Q: When a tenant changes locks without informing the landlord (obviously not in compliance with their rental agreement), what is the best recourse for the landlord?

A: If a tenant changes locks, the landlord's right of entry is impaired, which, in an emergency, puts the landlord's property at risk, and possibly the possessions of other tenants, and potentially risks the safety of other tenants.

The landlord has the right under Iowa Code Section 562A.19 to access the unit to inspect the premises, make necessary repairs, decorations, alterations or improvements, supply services, or exhibit the dwelling unit. But the landlord must enter only at reasonable times. The landlord is prohibited from abusing

If the lease or rules do not prohibit tenant changing locks, I would add it to the rules, or if you do not have rules, you would want to adopt rules as provided by Section 562A.18. You would need to give reasonable notice of adoption of the rule prohibiting changing locks. I would consider 30 days reasonable notice. I would include the notice about breaking in during an emergency. After that 30-day run, I would serve tenant a Notice to Cure if tenant has not changed the locks back.

After the Notice of Cure runs, you would consider two options.

1. Change the locks back yourself and charge tenant for the cost. If you intend to consider following this option, I would include in the Cure Notice a statement to tenant that this is one of the options you will have available to you, and tenant will be responsible for the cost.

2. Consider termination of tenancy for failure to

this right or from harassing the tenant. The landlord must give 24-hours written notice, except in case of emergency or if it is impracticable to do so. Section 562A.29 provides that, during an absence of tenant in excess of 14 days, the landlord may enter the dwelling unit at times reasonably necessary. If the tenant abandons or surrenders the premises, the landlord has right of entry.

First, I would want a provision in the lease or rules prohibiting the tenants' changing of the locks. If the lease or rules contain this prohibition, the landlord can serve the tenant a Notice to Cure. I would throw in a statement that, during the cure period, if emergency entry is required, and tenant's changing of the locks prevents landlord's entry, landlord will be forced to break-in to gain entry to protect property or safety, and repair costs will be charged to tenant.

cure, and begin forcible entry and detainer. However, given the climate of associate judges in Polk County, I can foresee a judge not granting possession on this issue, considering it not sufficient to throw a tenant out. I would prefer the landlord initially change the locks back. Then if there is recurrence and you go through the proper notice steps, you are in a better and more favorable position if you go before an associate judge. If the recurrence is within six months, I would terminate tenancy under Section 562A.27.

"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."

ILA Legislative Report

Joe Kelly
ILA Lobbyist



2009 Legislature

The elections are over. We reported on it briefly in the last newsletter, but some of the results have changed because we didn't know how a couple of the races were going to be decided when we went to press. The House Republicans replaced Rep. Christopher Rants (R-Sioux City) as minority leader. Elected as minority leader was Rep. Kraig Paulsen (R-Hiawatha). Several members of Landlords of Linn County have established a good dialogue with Rep. Paulsen. On the Senate side, Republicans changed leaders as well. Senator Ron Wieck (R-Sioux City) was replaced by Senator Paul McKinley (R-Chariton) for the position of minority leader. The leadership changes for the Republicans occurred because the Democrats picked up two seats in the Iowa Senate and now have an edge of 32 to 18. In the House, Democrats gained three seats and will have a majority of 56 to 44.

The 2009 legislature will have 17 new House members and nine new Senate members. Two of the new Senators have moved over from the House: Pam Jochum (D-Dubuque) and Swati Dandekar (D-Cedar Rapids). Merlin Bartz (R-Grafton) was previously a Senator for ten years, took a six-year leave, and will be back in January. Therefore, in the Senate, there will be six completely new people.

Many of the legislative races were very closely contested. Nine races for the Iowa

House were decided by fewer than 400 votes, with four races decided by fewer than 100 votes. Renee Schulte (R-Cedar Rapids) unseated Rep. Art Staed by 13 votes. The closest race in the Senate featured President Pro Tem Jeff Danielson (D-Cedar Falls) holding on to his seat by only 22 votes out of 32,184 cast.

Obviously, the overwhelming issue in the 2009 session will be balancing the budget. It's a constitutional requirement that the legislature pass a balanced budget. It won't be easy in 2009, as projected revenues keep falling. The 2009 budget year, which is about half over, will have to be adjusted, meaning budget cuts early in the session. The 2010 budget, which has to be approved prior to July 1, 2009, will also be difficult to manage.

The consultants from George Washington University will be delivering their final report on property tax reform to the interim legislative committee on Jan. 7. The report will give an analysis of how other states handle property taxes and other funding for local governments. The report is also expected to recommend various alternative ways for Iowa local governments to raise money while, at the same time, lessening their dependence on property taxes. Local governments can't make these changes on their own. Even though local governments have home rule in Iowa, home rule doesn't include the authority to implement a new tax. All financial authority has to be granted by the state legislature.



TEN RULES

Ten Rules Landlords Should Never Break

- 1) Always get cash (or equivalent) for the first month's rent and security deposit.
- 2) Never accept a partial security deposit and allow a tenant to move into the apartment.
- 3) Be sure to review the entire rental agreement with all the adults who are moving in.
- 4) Never discriminate. Treat every potential renter equally and fairly. Do not bend policies because a prospective tenant belongs to a minority group.
- 5) Do not make changes to the rental agreement or lease to accommodate the tenant.
- 6) Have a late payment policy and keep it. When you make an exception, the exception will become the rule.
- 7) Always serve tenants who are late in paying with notices as soon as they are late.
- 8) Keep good records of all income and expenses.
- 9) Give receipts for cash collected.
- 10) Keep duplicates for those receipts.

January 2009

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 New Year's Day - ILA Offices Closed	2	3
4	5	6	7	8	9	10
11	12	13	14	15 Vendor Meeting - 4 p.m., Okoboji Grill - Johnston General Membership Meeting - 5 p.m., Okoboji Grill	16	17
18 Martin Luther King Jr. Day	19	20 <i>I have a dream...</i>	21	22	23	24 National Compliment Day
25	26	27	28	29	30	31



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