



IOWA LANDLORD ASSOCIATION NEWSLETTER

www.iowalandlord.org

September 2009

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From the Desk of Your Directors

It is not too early to start looking forward to the ILA Fall Educational Seminar and Trade Show. Mark your calendars for this wonderful all day event happening on Nov. 19.

This spring a new Iowa ordinance was announced concerning smoke detectors in rental property. The new ordinance required the use of "dual sensor detectors." These detectors alert tenants to fire (heat) as well as smoke. The starting date for this requirement has been pushed back to October or November, and we will provide you with more detail as it becomes available. Your association will be purchasing a quantity of these from our Vendor Partner P.D.Q. and making them available to members at below retail

price.



LUNCH AND LEARN

The September Lunch and Learn will be held at Mama Lacona's, 2743 86th Street in Urbandale on Sept. 17. Lunch starts at 11:30 a.m. and lasts until 1 p.m. The cost of the lunch buffet is \$15 per person. Our speaker will be ILA's newest vendor partner, Linda Mathews from Iowa Process Service. Linda will talk about the procedures of process service after you have filed your FED at Small Claims Court. She will have an information sheet available on the "timeline" you have for getting tenants served and answer questions you may have. Call Connie at (515) 255-0675 or email us at: ilaservices@iowalandlord.org for your reservations by Sept. 10.

WELCOME NEW MEMBERS

Rezac Rentals - Diane Rezac - Des Moines

Professional Housing Providers, LLC - Steve and Leslie Schmalzried - DeSoto

JC Homes, LLC - Susan Grimes - Des Moines



September Holiday - The ILA offices will be closed on Monday, Sept. 7, in honor of the Labor Day holiday.

Meet a Vendor



Goodhue Nolte Insurance Agency

We are apartment insurance experts. We have owned, managed and insured our own apartments for over 30 years. We love landlords! We are a third-generation independent insurance agency representing many top-rated companies. We shop for you! We offer competitive rates and superior protection.

Don't let a lawsuit take away your investments because of inadequate protection!

Call NOW for a FREE No-Obligation Proposal.

Phone (515) 989-3200 and ask for Paul Nolte or email me at paul@goodhuenolte.com.

We also offer worker's compensation, business, auto and commercial umbrella policies.

We insure single-family dwellings to multi-building complexes.

July Breakfast Meeting

We would like to thank Tom Person (aka Milo Powell, PI) with OS 29 Investigations for speaking to our group at the July breakfast meeting. Tom gave us a look into the world of a private investigator—how they go about skip-tracing a former tenant for debts owed, tips on debtor examination to determine assets and asset search to locate hidden assets for judgment collection.

Our final summer breakfast meeting was held on Aug. 20. Look for highlights of this meeting in the October newsletter.

Thanks to all of the ILA members who attended the meetings this summer as well as the ILA board members who helped set up our speakers for the summer breakfast.



ILA members enjoy a great breakfast buffet at Sec Taylor Stadium while listening to Tom Person relate to us some of his most memorable and "sticky situations" as a P.I.

THANK YOU!

Should You Rent It Furnished?

There is extra money to be made in renting furnished dwellings, but it requires extra effort and investment, and sometimes it brings extra grief. Actually it adds yet another "business," furniture rental, to the one you're already in, so it should be thought of as a sideline which has certain advantages and disadvantages all its own.

Consider the advantages and disadvantages:

Advantages

- More income
- Lower vacancy factor
- Increased depreciation available for tax purposes
- Less redecoration required when people move
- Less wear and tear on property caused by tenants' careless moving of their own heavy furniture and appliances.

Disadvantages

- Greater investment required
- More tenant turnover
- Muscles needed for moving furniture about
- More repairs and maintenance
- Increased risk of damage
- Greater theft potential
- Storage area required for surplus furniture
- Added record keeping and bookkeeping
- Purchasing time needed
- Obsolescence (furniture goes out of style)



Happy Labor Day



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 the 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 the risk of safety to 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 landlords must enter only at reasonable times. The landlord is prohibited from abusing this right, or from harassing the tenant. Landlords must give twenty-four hours' written notice, except in case of emergency or if it is impracticable to do so. Section 562A.29 provides during an absence of tenant in excess of fourteen days, 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, landlord can serve tenant a Notice to Cure.

I would throw in a statement that during the cure period, if emergency entry is required, and tenants 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.

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 to 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 days runs, I would serve tenant a Cure if tenant has not changed the locks back.

After the Notice to 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 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 month, 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."



Rental Tip

If you are holding an open house for groups of potential renters for a unit, it is advisable to have information about the unit as well as special features of the entire complex. Utility costs are a good start. List some of the features of the building like automatic lighting, good parking, security doors, dead bolt locks, regular bug spraying, etc.

If your units need upgrading, always start with the kitchen and bathrooms. These two areas are the most noticeable. For kitchens try color coordination with appliances and make sure the flooring is clean and secure. Good light in the kitchen is essential and ample cupboard space a plus. If possible, put in a dishwasher.

For bathrooms, again use coordinate colors and good flooring. Do not use carpet. Have plenty of cabinet space, large sink, shower (enclosed, not a curtain) and tub and storage for towels, etc. Put up more than one towel rack.

September 2009

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7 Labor Day - ILA Offices Closed	8	9	10	11 	12
13 <i>Grandparents Day</i> 1st Sunday after Labor Day	14	15	16	17 Lunch & Learn - 11:30 a.m. - 1 p.m. Mama Lacona's - 2743 86th St., Urbandale	18	19
20	21	22 Autumn (Sept. 22-Dec. 21)	23	24	25	26
27	28	29	30	 <p>"For summer there, bear in mind, is a loitering gossip, that only begins to talk of leaving when September rises to go." - George Washington Cable</p>		



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