

Landlords Of Linn County

Newsletter

OCTOBER 2010

SPECIAL POINTS OF INTEREST:

- Upcoming Meetings
- Lawsuit updates
- Evening "Networking Meetings"
- New member packages explaining membership benefits and training

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Upcoming Monthly Meetings

OCTOBER 15-16

No meeting held in Cedar Rapids this month, Be sure to attend the state convention!

Landlords Iowa State Convention in Dubuque, Ia,

See inside newsletter for more details

NOVEMBER 11

The topic for this meeting will be the eviction process and recent changes to the process.

As the date approaches watch for an invite to register for this event.

Social Hour at 6pm
Dinner/program at 7pm

DECEMBER 9

Our annual Christmas party will be held at Biaggi's Italian Restaurant. 6pm social hour 7pm dinner.

More details coming soon



C.R. landlords face registration deadline

CEDAR RAPIDS - The city is reminding landlords they have until Oct. 31 to register rental units with the city or face a penalty of \$1,000 for each month they fail to register.

GOVERNMENT NOTES

The one-time license fee is \$50.

The city is particularly concerned that small landlords - those perhaps renting a part of their home to one person - do not know about the new landlord licensing and rental housing registration program recently implemented by the City Council.

The program is aimed at giving the city enforcement

powers to clean up problem properties. But the requirement applies to all landlords.

License applications are available at the Code Enforcement Division's office in the Public Works building, 1201 Sixth St. SW.

Applicants must submit a list of all rental unit

C.R. landlords face registration deadline....

housing to be associated with the license.

In addition, all rental housing must be

All rental units transferred or purchased after July 19 must be registered within 30 days of the transaction. There

Free Lease Addendum/Agreement with tenants.

The addendum is available on the City's website (www.Cedar-Rapids.org) and at the Code Enforcement Division's office.

The new program is expected to be implemented by October. For more information, visit the Housing Inspections section of the City's website.

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registered annually.

The registration fees range from \$30 for single family dwellings or duplexes to \$25 for multifamily dwellings plus \$8 for individual apartments or units.

is a \$1,000 penalty for each month of a delinquent license or rental unit registrations after Oct. 31.

Landlords also are required to use a Crime

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Evening Monthly “Networking Meetings”

Thanks to everyone who has attended our evening meetings in 2010. Our attendance and feedback has been great!

This is probably one of the biggest changes for our organization but for good reason. We looked around the state of Iowa and talked to other landlord organizations and the most successful monthly meetings were in the evenings. We've had a number members ask for evening meetings because they work during the day.

We also feel rushed at our noon

meetings as people need to get back to work or their properties.

The new schedule is:

6pm drinks/social hour


7pm dinner

7:15-8pm presentation

There will be a short Vendor Spotlight at each monthly meeting

Again we want to create more of a monthly social gathering so our members can get to know each other more, ask questions and discuss landlord topics.

Of course some will prefer Noon meetings but we need to commit to this change and not switch back/forth and confuse the group!



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LinnForRent.com and yard signs

All landlords members who have paid their membership are eligible to purchase LinnForRent.com yard signs!



There are large yard signs as well as 1/2 size directional signs.

Signs are available at the monthly meetings. Large signs are \$10 each and small directional signs are \$8 each.

Both signs have space for you to put your phone number and it gives the tenants a website to view your

listing online.

If you haven't reviewed our online site yet go to <http://LinnAreaRentals.com>



For Rent yard signs will drive tenants to our website to learn more about the property for rent.

New Member Packages

Any LOLC member can purchase a New Member Package for \$25.

The packages include:

One/two 24"x36" coroplast "For Rent" sign and post

Two 8" x 36" coroplast "For Rent" directional signs and

posts

Tri-fold brochures explaining our organization

Crime fee/drug free stickers for your properties

(Additional signs can be purchased)

Attend the next meeting to purchase a new member package.

We support Crime-Free Housing and cooperate with K-9 Dog Training and Drug Enforcement



Member of Landlords of Linn County
<http://LinnAreaRentals.com>

Chapter 29 Lawsuit Update

You can track our suit on Iowa Courts Online: www.iowacourts.state.ia.us. Under trial search, just enter Landlords and this case is the only case involving Landlords of Linn County (LLC). The case number is EQCV069920.

As many of you know, our suit was filed in Iowa District Court on 7/29/10. After that date, the city had 21 days to file a response denying or agreeing to the statements contained in each individual paragraph in our initial petition. The petition included the information about LLC and that LLC as an organization is filing a suit against Chapter 29, based on the conviction that the ordinance creates questions.

The 4 main key points filed on include:

Home Rule: The landlord-tenant relationship is a civil one. Under Home Rule, the city cannot alter legal rights and responsibilities between landlords and tenants by means of the mandatory lease terms/addendums/agreements.

Void for Vagueness: Chapter 29 is too vague. Who are affiliates? What are "reasonable" & "notable" efforts? When does a landlord have to evict?

Violation of Due Process: It is stated that it violates the 5th and 14th Amendments the US Constitution and Article I, Sections 9 & 18 of the Iowa Constitution.

Chapter 29 contradicts Iowa Code 562A.27A: It is "irreparable" if a violation happens under the crime free addendum/agreement meaning there is nothing the tenant can do to remedy the situation. Under 562A.27A, there is a remedial action plan for the tenants to take to keep their apartment if the crime is committed by a guest.

As expected, the city DENIED almost all of the filed statements. Moreover, the City, waited until the last minute to file their denial. Then on 8/12/10 (with the City's denial) a notice was filed to move the case to Federal District Court instead of remaining in State District Court. In Response, LLC filed a resistance to remand, providing had 21 days for the City to re-respond.

The City's notice to move to Federal Court further states that the case should be moved because of the issues with the 5th & 14th Amendments to the Constitution of the United States. Again, the City's brief was filed at the last minute – on 9/26/10. In addition, the city contends that the "law of governing civil relationships" falls within the exception of the ordinance passed because "incident to an exercise of an independent city power". The city, sites that the Code Enforcement Department and the Police Department are with confidence the independent city power.

The LLC attorney had already written our brief knowing with confidence that the city would forward in an attempt to move the case to Federal Court. Our brief states that in the case of challenging the "Home Rule" ordinance, the state court has to hear a case first. Several examples of cases being heard at the lowest level initially stated in the brief. Also, our brief goes on to state that "Home Rule" power does not include the power to enact private or civil law governing civil relationships. Our question to the court in this instance is: What does the legislative limitation mean in this situation?

Furthermore, the City's argument makes Chapter 29 & the Crime Free Addendum/Agreement less restrictive than the state landlord-tenant statute (562A) therefore, which is contrary to the State Code. The City Ordinance attempts to eliminate the cure provisions, thereby making eviction easier (less strict). Under the Code of Iowa, cities may not establish standards lower than the legislative standards. Our brief goes onto cite that the ordinance further contradicts the state code.

In closing, there are still many issues that are left unresolved. The LLC attorney filed our counter brief on 9/28/10 (within a very timely fashion), I might add. Unfortunately, for us, we must now await to find out if the Federal Court is going to remand (kick back) the original petition to the state courts. There is no set timeline for such action but hopefully we will have an answer within the next 3-4 weeks. Personally, I feel the City's action to go to Federal Court is another stall tactic to bide time and to see how long we will hold out. At this time, the Board has no intention in settling with the City on these items as it is not in the best interest of our organization representing the LLC members. The city is looking for an answer from either court before anything is negotiated or changed in any way, so that is the route I am supporting with our organization. Please feel free to contact me with any questions.

Regards,
Stephanie Feuss
President
Landlords of Linn County

Iowa Landlords State Convention



Landlords of Iowa 22nd Annual Convention

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and
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Why should you attend the Landlords State Convention?

This is your opportunity to shine!!! You can display, promote, and showcase your company's products and services.

You have the opportunity to meet over 150 landlords or managers from throughout Iowa and the Tri-State area. You will have ample time to display and converse with each and every one of them.

You can advertise in our convention Attendee Agenda Packet which will be a resource for the entire year for our attendees.

Your participation will be promoted in the August (prior to convention) and November newsletter (post convention).

You will be listed on our association Websites an exhibitor/vendor at the 2010 convention.

Following the convention, you will receive an electronic list of all attendees.

The exhibit areas will be open Friday, October 15, from 8 AM to 7:30 PM. The exhibit area will be located as close as possible. Your registration fee includes the Friday lunch (one comp ticket), breaks, and evening reception. You will also have a chance as a vendor to address the attendees as a group on Friday afternoon.

John Freeman, CPA

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DALA & LLIA 2010, 22nd Annual Convention

Dubuque, Best Western Midway, Hwy 20

Thursday, October 14, 2010

5:00-7:00 PM Landlords of Iowa Board Meeting - Meeting Room - Ballroom (Break sponsored by Moto Heating & Cooling, Dubuque)

Friday, October 15, 2010

7 AM Registration, Breakfast Buffet, Visit Vendor Booths
(Breakfast Buffet opens at 6 AM and is free for hotel guests)

9 AM Welcome - LLIA President, Keith Smith; Dubuque Mayor Roy Buol; Chamber President, Molly Grover

9:15 AM Steve Eastvedt - Dubuque Police Dept. - Gangs, Crime

10:00 AM Break, Visit Vendors (Break is sponsored by Steamatic, Dubuque, and Manders Concrete, Dubuque)

10:45 AM Dave Hauptert - Dubuque Police Dept. - Drugs,

11:00 AM Jennifer Clemens, Attorney - Applications, Leases, Landlording Issues

12:00 PM Buffet Lunch, Visit Vendors

12:55 PM Door Prize Drawings

1:00 PM Magistrate Dan McClean, Dyersville, Evictions, Landlord Liability

2:30 PM Break Out Sessions

A. Apartment Finders - Social Networking

B. Serv Pro - Lead Base Paint & your responsibility

3:00 PM Break, Visit Vendors (Break sponsored by Miller Electric, Dubuque and American Trust, Dubuque)

3:15 PM Break Out Sessions

A. Margie White, - Landlord Professionalism

B. Serv Pro - Asbestos, mold & mildew, radon - How it Affects You!

3:45 PM Lt. Scott Baxter, Dubuque Police Dept. - Landlord's personal safety in today's business world

4:15 PM Alliant Energy - Energy & You, Bonnie Donnelly, Product Manager Multi-Family Energy Efficiency Programs

5:15 PM Joe Kelly, Lobbyist - Current Legislation

5:45 PM Door Prize Drawings

6:00 PM Buffet Dinner, Awards, Ballroom (Dinner sponsored by Telegraph Herald, Dubuque)

Saturday, Oct. 16, 2010

7:30 AM - 8 AM President's Breakfast, Meeting Room TBA
Hotel Guests check out

8:00 AM Registration, Visit Vendors

8:15 AM Announcements, Keith Smith, President LLIA

8:30 AM Tom Lundstedt, CCIM - A Landlord's Guide to Building Wealth with Real Estate includes investment issues, benefits
Valuing investment property, passive loss, selling and tax issues

10:30 AM Break, Visit Vendors, Hotel Check out (Break sponsored by Busch Satellite and Tri State Concrete, Dubuque)

10:45 AM Tom Lundstedt, CCIM - continued

12:45 - 1:45 PM Buffet Lunch, Door Prizes

1:45 PM Carpetland - Flooring for Today's Lifestyle

2:30 PM Theater Room - Iowa Conservation, Speaker TBD

3:15 PM Door Prizes, Closing, Evaluations

Watch for Upcoming Hearings!

"Members – Please watch for the upcoming public hearings on the changing of the ordi-

nance for Chapter 29. Your feed back is very important as the new changes effect landlords."

Credit/Criminal Background Checks

Our lobbyist Joe Kelly recently surveyed landlords across the state of Iowa and asked which services they use for credit– criminal and background checks.

Below are the results:

<http://www.iowalandlord.org/public/home.asp>

<http://dataquikusa.com/>

<https://www.csccredit.com/www/cscs.nsf>

<http://www.tenantverification.com/>

<http://tenantdata.com/>

<http://screeningreports.com/>

<http://www.lexisnexis.com/risk/solutions/resident-screening.aspx>

<http://aaascreening.com/>

<http://www.nextstep-online.net/>

<http://www.inquirehire.com>

<http://www.intelius.com/>

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City's New Landlord Licensing Program in Effect

FOR IMMEDIATE RELEASE

CEDAR RAPIDS, IA – August 23, 2010 – The City of Cedar Rapids Code Enforcement Division has begun implementing the new landlord licensing and rental housing registration program as part of the new Chapter 29 of the Municipal Code. This program includes new requirements for landlord licenses, rental housing registration and tenant agreements.

Landlord Licenses

Landlords, property owners and rental property operators are now required

to be licensed in order to rent residential properties in Cedar Rapids. This license is only required one time per landlord/owner/operator. The license fee is \$50.00. License applications are available at the Code Enforcement Division's office in the Public Works building at 1201 6th Street SW.

In addition, applicants must submit a list of all rental unit housing to be associated with the license. There is a \$1,000 penalty for each month of



2010 Executive Committee Members

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treasurer@landlordsoflinncounty.org

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Joe Kelly
joe@iamha.org

Continued....City's New Landlord Licensing Program in Effect

a delinquent license or rental unit registrations after October 31, 2010.

Rental Housing Registration

All rental housing must be registered annually. The registration fees range from \$30.00 for single family dwellings or duplexes to \$25.00 for multi-family dwellings plus \$8.00 for individual apartments or units. All rental units transferred or purchased after July 19, 2010 must be registered within 30 days of the transaction. There is a \$1,000 penalty for each month of a delinquent license or rental unit registrations after October 31, 2010.

Tenant Agreements

All landlords must use a Crime Free Lease Addendum/Agreement with tenants. This

addendum must be incorporated into all new and renewal leases and made available for review during the compliance inspection by City inspectors. The addendum is available on the City's Web site at www.Cedar-Rapids.org and at the Code Enforcement Division's office in the Public Works building at 1201 6th Street SW.

All aspects of the new program are expected to be implemented by October 2010. For more information about this program, please visit the Housing Inspections section of the City's Web site at <http://www.cedar-rapids.org/government/departments/code-enforcement/housing-inspections/Pages/default.aspx>.

Follow the law during our law suit with Cedar Rapids

Here's a note from our attorney:

Compliance with chapter 29 by any individual landlord will not jeopardize the lawsuit. No one should fail to comply based on a fear that it will hurt the suit.

If a landlord fails to comply, the city may seek enforcement. That enforcement will be void if we win the lawsuit. I continue to think that we will win the lawsuit, but it is not a sure thing. So the choices for any landlord are (a) comply while the lawsuit is pending or (b) gamble that we will win the lawsuit and refuse to comply.

With regard to ongoing month-to-month arrangements: Section 29.16 is a confusing mess. It first speaks of "rental agreements" "commencing" after the effective date of the statute. An ongoing month-to-month rental wouldn't be included in that. It doesn't re-"commence" every month. The third sentence of the same paragraph talks about needing the crime free lease addendum applying for "renewal of leases". A month to month verbal arrangement does renew every month, but in my opinion, a month to month verbal

agreement is not a "lease". On the other hand whoever wrote this thing seemed to think the terms "lease" and "rental agreement" are synonymous. The city could argue that the "intent" for the provision to apply to existing month-to-month arrangements is apparent.

The bottom line is that the interpretation of code enforcement with regard to month to month arrangements is plausible. It's not the only possible interpretation but it is plausible.

Bill

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To Smoke or Not to Smoke?

Recently, I was asked a question regarding tenant's rights to smoke/not to smoke in the unit and/or on the property and in the common areas. The information obtained for the article below is from the US Department of Housing & Urban Development (HUD) and the Cedar Rapids Civil Rights Office (CRCRC).

According to HUD, any landlord may designate the apartment building, floor, wing, etc as non-smoking. It is up to the landlord if the occupants who already are in possession of units in that area to be "grandfathered" in to a smoking policy. Common areas and grounds may be prohibited

here in the near future with the upcoming law changes for smoking in public places. This would not be a restriction placed by the landlord but rather the state of Iowa.

From a Fair Housing standpoint, smokers are not a protected class. In order for a tenant to file a fair housing complaint, the tenant would have to prove that not smoking in their unit imposed a "desperate impact" (specific exception) on a specific group by having such an exclusion. Also, the landlord will have to be careful to not steer a specific group to a specific building based on race when it is truly based on smoking.

On the application, landlords can

NOT ask "do you smoke". A landlord may declare on their application or other information sheet, as a statement, that the building is non-smoking but not in question form on an application. This information is in a recent report distributed from the Department of Housing and Urban Development (HUD). H-2010-21 (Sept. 21, 2010).

Good luck with your decision. I am always here to answer questions.

Stephanie Feuss
President
Landlords of Linn County

City's Section 8 Housing Offers Path to Homeownership

Generally associated with providing rent assistance, the City of Cedar Rapids' Section 8 Housing Choice Voucher Program also offers eligible families the opportunity to become homeowners. So far in 2009 there have been three (3) families that have transitioned from being a renter to a homeowner. This transition was made possible in part by the City's Section 8 Housing Program. As with all families who become homeowners for the first time, the stories of these three families vary. One of these families was kind enough to share their story:

Diane, a participant in the City's rent assistance program since 1998, had been thinking in recent years of

buying her own home. While renting had filled a need, she wanted to establish a permanent residence. By having such a residence, her family could have greater security and stability. The idea of homeownership also appealed to Diane in terms of having a place she could continue to live in during her retirement years.

In the last two years Diane, with assistance from the Family Self-Sufficiency staff, worked towards her goal of homeownership. Since Diane had maintained a good credit score over the years, her primary focus was to complete the required homeownership classes and continue to save money for the home purchase. On September 1, 2009,

the realization of Diane's goal became a reality. Diane and her family now reside in a home they can call their own, thanks in part to the Section 8 Housing Choice Voucher Homeownership Program.

If you have any questions about this program, please call the Cedar Rapids Housing Services Office at 286-5872.



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We want your ideas and feedback!

Our primary goal is to offer more benefits and tools to both our landlord and vendor members.

By harnessing current technologies we now offer a website for tenants to look for current properties "For Rent", and contact the owners.

Our website has become the place to find a unit for rent! Landlord members pay nothing for this service, only their annual membership!

Vendors have new opportunities to advertise not only to our landlords but to tenants visiting our website!

We are counting on you, our members to get the word out about our new website. We will by distributing attractive yard signs and directional signs to bring more tenants to your properties. Combine that



Do have an idea where to host a monthly meeting?

Do you want to host a monthly meeting?

with newspaper advertising and our website will be connected to social network sites like Facebook and Twitter!

As always we are open to any other ideas or feedback you might have.

Send your comments/ideas to:
Membership@LandLordsOfLinnCounty.com