

## JOIN US FOR OUR FEBRUARY 28TH, 2017 MEMBER LUNCHEON FEATURING:

### Mark Danielson & Pat Ford Leff Law Firm

Speakers for the February membership meeting will be Leff Law Firm attorneys Mark Danielson and Pat Ford. Danielson and Ford will discuss changes in the eviction process and what landlords need to know.

Danielson is a partner with the Leff Law Firm, specializing in Real Estate, Estate Planning, Probate, Trusts and Estates, Corporate Law, Commercial Transactions and Business Law. He joined the Leff Law Firm in 1992 and holds a B.S. from Iowa State University and a J.D. with Distinction from the University of Iowa College of Law.

Ford is also a partner with the Leff firm, specializing in Real Estate, Corporate and Business Law, Commercial Transactions, Municipal Law, Trusts and Estates, Criminal Defense and Estate Planning. He joined the Leff Law Firm in 2004 and holds a B.A. from the University of Iowa and a J.D. with Highest Distinction from the University of Iowa College of Law.

#### Suggestions for Speakers/Lunch Discussion Topics

Is there a topic you would like to learn more about, or do you have an idea for a speaker to invite to future GICAA meetings? If so, please contact any board member or send an email with your suggestions to: [apartmentassoc@gmail.com](mailto:apartmentassoc@gmail.com). Thank you!

#### Occupancy Bill

From Joe Kelly, Landlords of Iowa Lobbyist **SSB 1009**, the occupancy bill, will likely be on the agenda for the Senate Judiciary Committee on Monday, February 27. It appears that there are 11

votes for the bill. Six Republicans and all 5 Democrats have indicated that they will support SSB 1009. Thank you to all who have worked on this bill. It's not over yet, but it is the best news we've ever had in the Senate for this bill.

## 2016 - 2017 Board

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### Membership Meeting at Flannigan's in the IOWA RIVER POWER COMPANY

Our next General Membership meeting will be held Tuesday February 28th, at 11:30 am at Flannigan's in the Iowa River Power Company, 501 – 1<sup>st</sup> Ave, Coralville.

**Any interested member of the Association is welcome to attend starting at 12 noon. If you wish to have lunch, please arrive at 11:30. The buffet lunch will include:** Penne Alfredo with chicken, Salad, Fruit, drink & dessert.

Please RSVP by email ([apartmentassoc@gmail.com](mailto:apartmentassoc@gmail.com)) or phone to Mark Ruggeberg at (319)338-0435 with the number of individuals from your office or home who will be attending. **Cost is \$12.00 per person.** It is important to let us know if you will be attending and having lunch. If you do not RSVP and intend to have lunch, you may be asked to wait to serve yourself until we are sure that we can provide food for those who have RSVP'd.

The speaker will have the floor from noon to 1pm.

**LUNCH IS \$12.00 AT THE DOOR.**

## Fair Housing Training "Disability, Dogs, and Doors"

Fair Housing Training sessions will be held in Sioux City on April 7 and in Cedar Rapids on April 28, 2017. Come in the morning to hear about "Build It Right IOWA" and learn about the design and construction accessibility requirements for multifamily housing complexes. Then stay in the afternoon to hear about assistance animals and learn more about the duty of housing providers to provide reasonable accommodation for persons with disabilities. The training is free and open to the public. Register early so you can be one of the 60 participants who will be guaranteed a seat, snacks, and presentation materials!

For more information regarding this important training, please go to <https://icrc.iowa.gov/news/fair-housing-training-%20disability-dogs-and-doors>

You may register online at: <https://docs.google.com/forms/d/e/1FAIpQLSdz8abPXvd-DD-i27-S9cnUBRlgr6MA1n5loeGn8Esg3t2I7Q/viewform>

## The Future of Iowa City Rental Housing

According to a recent analysis done by Cook Appraisal in Iowa City, housing supply as well as vacancy rates are on the rise. By the end of 2018, Cook predicts an oversupply of 2,100 bedrooms in the Iowa City market. Cook also anticipates rents to flatten out once the vacancy rate reaches 6% in our area. Most of this is due to several larger residence hall and apartment building developments in Iowa City.



For more information and the full article on rental housing in the Iowa City area, see Casey Cook's article on The Beacon blog:

<http://icbeacon.com/supply-rental-housing-go-rents-likely-go/>

## Pre-Emption Bill Softens Aim on Civil Rights Ordinances

*Proposed Law Would Drop Landlord's Need to Consider  
Tenant's Income*

*From the Cedar Rapids Gazette, Mitchell Schmidt*

A bill in the Iowa Statehouse targeting local control on such topics as the minimum wage now takes a more focused stance on city and county civil rights ordinances.

An earlier draft of the bill would have taken away local governments' ability to adopt civil rights ordinances that go above and beyond the statewide standard. But an amendment filed this week narrows that section of the bill's scope to cover lease agreements between residential rental property owners and their tenants.

The amended bill essentially would eliminate any local measure that requires a landlord to consider a tenant's or potential tenant's source of income when leasing a property.

Housing voucher ordinances such as those in Iowa City and Marion – which ban landlords from discriminating against voucher holders – would be abolished under the bill.

The bill also still would eliminate local minimum wage higher than the state's \$7.25 rate as well as plastic bag ordinances.

Rep. John Landon, R-Ankeny, said the amendment focuses the bill on its original intention of unifying business requirements across the state. At least another amendment to further tighten up bill language is expected, he added.

"When we get a newly crafted or drawn up amendment, it will basically spell out that we are trying to clarify that a contract in the state of Iowa means the same thing across the state," Landon said. "In the pre-emption language, we are trying to get to that issue that a city or county cannot change the nuances of a contract to make it different."

Landon said the bill, which passed the House Local Government Committee earlier this month on a 12-to-9 party-line vote, could come before the full House in the next few weeks.

But Iowa City City Manager Geoff Fruin said the bill would make Iowa City's ordinance, which passed about a year ago, unenforceable.

"We strongly feel that we should be enhancing local home rule, not further restricting it," Fruin said. "Regardless of what component of the bill you're looking at, our position would be those decisions are better left to local governments who can more clearly reflect the values of their particular communities and who are more accountable to their residents."

Rep. Landon countered the bill is meant to create more uniform statewide rules for businesses.

"It's impossible to anticipate what every county or municipality

might want for their needs, but it changes how you do business in those communities and makes it difficult for a company that is multi-county and multi-state to do business. We're trying to make Iowa more business friendly and create more jobs," he said.

If signed into law, the bill would eliminate existing minimum wage ordinances in Johnson, Linn, Polk and Wapello counties.



## Eviction Process for Unauthorized Residents

*By Joe Kelly, Landlords of Iowa Lobbyist*

One of the more perplexing and frustrating situations for landlords is finding out that someone, not on the lease, has started living in one of your properties. The person never came to you to ask about filling out an application to become a tenant.

So long as you don't take money from the person, you can move quickly to get to court. If the person won't leave after you've discovered his/her free living arrangement, you need to give the person a notice to quit. The person has 3 days to leave. If the person hasn't left after 3 days, you file for an eviction hearing to have the person forcibly removed by the sheriff.

Some landlords expect the police or the sheriff to just throw people out, based on your word. I've heard stories from some landlords that the police sometimes will do this. However, I've heard from more landlords that the police won't just throw them out. When you think about it, as much as we'd love the police to just throw people out, that's not their job. It's up to the courts to make these kind of judgments. If the police are called, they will try to keep the peace in case you and the interloper get into too heated an argument.

What grounds do you use for your eviction action in this situation? Chapter 648 is the eviction code, and there are six grounds for having the right to use the eviction process. In the instance we're discussing here, it's the very first item. The person involved has taken over your property by means of "stealth." The person has secretly moved in to your property.

If you're fortunate, the serving of the 3 days' notice to quit might get them to move along. If that doesn't do the trick, perhaps the official notice of the court date might be compelling. If the person wants a few more days of free rent, the person will just stay there to wait for the sheriff to come to forcibly remove him or her.

It may not be as fast a process as you'd like, but it is the legal way to deal with this situation in Iowa.

### Calendar

Greater Iowa City Area Apartment Association meetings are held on the 4<sup>th</sup> Tuesday of each month at Iowa River Power Company.

**February 28th:** GICAA Lunch Meeting

**March 12-19:** University of Iowa & Iowa City Schools Spring Break

**March 28:** GICAA Lunch meeting

