

RESPONSIBILITIES OF LANDLORDS

Protect Yourself and Your Housing

Read, Understand and Comply with provisions of laws and court decisions regarding rental properties.
Choose Good Tenants by establishing an applicant screening process.

DO NOT USE PROTECTED CHARACTERISTICS AS A BASIS FOR DENIAL

Document, Document, Document. Develop good rental rules, leases, forms, etc.

Use and Keep Paper Work to prove your actions.

- Have each tenant sign a copy of written Rules and Regulations.
- Each applicant should fill out an application form.
- Check references on all adult applicants in the same manner.
- Decide whether to insist on period term lease or 30 day notice method.
- Give the tenant a written copy of Conditions for Return of Rental Deposit listing charges.
- Use a Move-In/Move Out checklist to avoid arguments about the condition of the unit. Both landlord and tenant should sign the completed Move-In inspection form.

Maintain Your Rental Properties in a Healthful and Safe Manner.

- Make reasonable repairs, maintenance, upgrades to attract good tenants.
- Join a Landlord's Association for innovative ideas, education, advocacy, networking.

Be Consistent in Dealing with Tenants

- Give persons with disabilities accommodation and allow property modification.
- Offer incentives to encourage tenants to comply with Rules of Residency.

Make a Reasonable Profit Margin. Rental Property is a BUSINESS; Protect Your Cash Flow!

Protect Your Reputation.

Courtesy, Cooperation, Communication, Compliance:

- Be fair and reasonable with applicants and tenants in all transactions.
- You might be technically correct but were you reasonable?

Cooperate With the Tenant Within Reason; Use Balance and Compassion.

- Avoid confrontations, adversarial relationships if possible. Respect the point of view of others.
- Do what you say you will do and do it when you say you will do it.
- Word of mouth reports of difficult or unfair landlords get around.
- Landlords want tenants to say, "Yes, I would rent from Mr. Jones again."

Be Prepared; Know the Laws That Apply to Rental Property Ownership. Ignorance of the Law is No Excuse.

- Have a copy of the Iowa Landlord Tenant Law and read it.
- Know local, state and federal Fair Housing Laws.
- Know City Codes regarding building, noise, occupancy, health and safety.
- Know special housing program rules and regulations (Section 8).

Landlords are not social workers, law enforcement officers, or parents, but they often take those roles.

TIPS FOR LANDLORDS FOR ACCEPTING AND REVIEWING APPLICATIONS

1. You may ask an applicant about convictions, but not about arrests or charges. Asking about arrests or charges may have a disparate impact on protected persons.
2. There is no foolproof method to avoid tenants who engage in criminal activities. The best method seems to be for the Landlord to do a reference check with the law enforcement agency which has jurisdiction over the applicant's previous addresses. This only guarantees the applicant has not been convicted in this area. Different law enforcement agencies have different policies/regulations regarding requests for police reports. **YOU MUST DO A CRIMINAL CHECK ON ALL APPLICANTS IF YOU DO IT ON ONE. ALL APPLICANTS MUST BE TREATED EQUALLY.**
3. Providing applicants notice that recent felony and aggravated misdemeanor convictions are not acceptable criteria for tenancy might deter such offenders from pursuing the application.
4. If the landlord gives the applicant opportunity to explain past problems before the landlord learns about them during a reference check, the landlord is better prepared to make decisions regarding tenancy.
5. None of us is perfect and sometimes we are victims of circumstances beyond our control. Please consider the date of the applicant's problems. The Fair Housing laws regarding alcoholism and drug addiction do not protect "recent" or current activity/involvement. A landlord may want to consider "What is recent?" or "When should this debt to society be considered adequately paid?")
6. Establish written conditions regarding circumstances when poor credit history will disqualify an applicant. Criteria for requiring a co-signer should also be an established, written policy.
7. Landlord/Tenant laws in Iowa were developed originally to protect tenants from unscrupulous landlords. Legal Aid and Legal Services are agencies created to assist low income residents with legal problems. The Fair Housing laws and court interpretations of these laws provide room to maneuver legally and morally for both tenants and landlords. The landlord, as well as the tenant, benefit from the specifics of these laws which govern rental issues.

WHEN A SECTION 8 LANDLORD SHOULD CONTACT THE HOUSING OFFICE

1. If any utilities for which the tenant is responsible have been disconnected or discontinued.
2. If there are additional persons living in the unit that are not listed on the lease, or if persons including children, leave the household.
3. If a move-out notice is received.
4. If a tenant moves out without giving notice.
5. If the tenant is not paying their share of the rent.

REMEMBER: If you serve a notice (3 Day Failure to Pay Rent or Non-compliance with the lease) you must provide a copy to the Housing Office.

Recommended RENTAL PROCEDURES and SUGGESTED DIALOGUE for Landlords

Advertise: Applications are being accepted for the rental of a _____
(examples: small 2 bedroom apartment or large 4 bedroom house)

Include these facts so the applicant will know whether the vacancy is appropriate for them:
Amount of rent; Deposit; Address or General Location of the Unit; Other pertinent information.

As you receive inquiries explain, "If you are interested in this property, I want you to read the RULES OF TENANCY for this unit. If you agree to follow these rules and are still interested, you will then complete the APPLICATION TO RENT."

Be prepared to describe the size of the bedrooms, size and arrangement of the total unit, the condition of the unit, amenities, distance to schools, public transportation, shopping, churches.

SUGGESTED DIALOGUE: (You must be consistent!)

"When I have received your completed application I will show you the property. If you are still interested, I will check your personal/housing references, your credit/employment records. I will check for records of evictions, non-payment of rents, property damages or disturbances, and possible criminal activity.

I check references for all applicants thoroughly. I do not rent to anyone whose references I can't contact. I rent to the first applicant who meets my tenant selection criteria."

When you have chosen the best applicant for your unit, contact them to offer them the unit. Schedule the move-in appointment, listing what the applicant must do prior to the signing of the Rental Agreement, such as providing proof that the utilities are in the applicant's name, etc. You should also state the amounts of rent due and deposit due.

At the move-in appointment time you should:

1. Collect the rent and deposit
2. Go through the unit and complete the Move-In check list
3. Sign the Rental Agreement/Lease and the Damage Deposit Agreement
4. Complete any pet/service animal agreement
5. Review maintenance procedures, other pertinent information

DO NOT: Attempt to qualify applicants over the phone.
Say anything that might be evaluated as discouraging the applicant

NEVER SAY: "Too many children, must speak English, not enough income, too small for your family, impossible to install ramp, absolutely no animals for any reason."

DO: Describe the property available, not the people/conditions you accept.
Keep all applications/reference checks/leases/notes for at least 3 years.
Keep a log of all phone inquiries/requests for repairs/complaints/etc.
Be consistent: use the same rent structures, deposits, procedures for all applicants/tenants.
Make reasonable accommodations for applicants/tenants with disabilities.
Allow applicants/tenants with disabilities to **make reasonable modifications** to the rental unit.

DEFINITION OF FAIR HOUSING-All people have the right to equal opportunity to live peacefully and pleasantly in the house and neighborhood of their choice in a price range they can afford.

Equal housing opportunity is **NOT EQUAL ACCESS** housing.
Equal housing opportunity is **EQUAL OPPORTUNITY TO BE CONSIDERED.**