

Comparison of ILA Concerns with Iowa Title's November Proposal

CONCERNS	ADDRESSED (OR NOT) IN THE NEW LANGUAGE DRAFT
Members are not ready to do business on Internet	“A subcontractor shall submit a preliminary notice to the authority or post a preliminary notice to the state construction registry internet website.” Is this enough? How will we know what that means to the authority? Or am I over analyzing this?
General Contractors will not follow the law; retailers will need to do it for them.	No change
Administration cost and filing fee.	Not covered
Surplus funds, in Petersen's memo, would go to low housing fund.	Not specifically addressed in language
Protection of the data	Not addressed
Property identification in preliminary notice: Will they always know the name of the owner? How will they know the state construction registry number? <i>(only if the Notice of Commencement is filed and if it is not, sub needs to do it)</i> Will they always know the general or owner-builder's name? What 'other information' will be required by the authority?	“The preliminary notice shall contain all of the following information:” <ul style="list-style-type: none"> • Name of owner • State construction registry number • Name, address and telephone number of subcontractor • Name and address of the person who contracted with claimant • Name of the general contractor or owner-builder • Address of the property or a description of the location • Other information required by the authority pursuant to rule.
Subs filing the Notice of Commencement. Will they know name of property owner? How will they know when work commenced if they are a sub? What 'other information will be required?	“A notice of commencement of work shall include all of the following information: <ul style="list-style-type: none"> • Name and address of the property owner • Name and address of the general or owner-builder • Address of the property if the property can be reasonably identified by an address or the name and general description of the location of the property • Legal description • Date work commenced • Any other information prescribed by the authority pursuant to rule.



<p>Language of the Owner Notice. Do we like it?</p>	<p>“Persons or companies furnishing labor or materials for the improvement of real property may enforce a lien upon the improved property if they are not paid for their contributions, even if the parties have no direct contractual relationship with the owner. The state construction registry provides a listing of all persons or companies furnishing labor or materials who may file a lien upon the improved property. If the person or company has posted its notice to the state construction registry, you may be required to pay the person or company even if you have paid the general contractor the full amount due. Therefore, check the state construction registry internet website for information about the property including persons or companies furnishing labor or materials before paying your general contractor. In addition, when making payment to your general contractor, it is important to obtain lien waivers from your general contractor and from persons or companies furnishing labor or materials to your property. The information in the state construction registry is posted on the internet website of the Iowa finance authority.”</p>
<p>We asked that a duty on the lender to check that anyone on the registry has been paid be added to the statute</p>	<p>Nothing.</p>
<p>We asked that a sunset clause be added</p>	<p>Nothing.</p>

