

3-6-97 State Hour

FILED MAR 6 1997

SENATE FILE 331
BY LUNDBY

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to mobile home park regulations, restrictions,
2 and landlord and tenant relations.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 331

1 Section 1. Section 562B.7, Code 1997, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 2A. "Denial of entry" means refusal by a
4 landlord to rent a mobile home space to a prospective tenant.

5 NEW SUBSECTION. 3A. "Just cause" means an act which is
6 right or fair, lawful, proper, correct, or true based upon
7 circumstances existing at the time the action is taken or in
8 the very recent past preceding the action. "Just cause"
9 includes the failure of a tenant to meet the obligations
10 specified in section 562B.18, or adhere to the rules and
11 regulations prescribed in section 562B.19, subsections 1 and
12 2. With regard to a denial of entry, failure of a prospective
13 tenant to meet the above-referenced obligations, rules, and
14 regulations in a previous tenancy shall constitute just cause.

15 Sec. 2. Section 562B.10, subsection 4, Code 1997, is
16 amended to read as follows:

17 4. a. Rental agreements shall be for a term of one year
18 unless otherwise specified in the rental agreement. Rental
19 agreements shall be canceled by at least sixty days' written
20 notice given by either party except as otherwise prescribed in
21 sections 562B.25 and 562B.25A. A landlord shall not cancel a
22 rental agreement solely for the purpose of making the tenant's
23 mobile home space available for another mobile home.

24 b. A sixty-day written notice to cancel a rental
25 agreement, a written notice of termination pursuant to section
26 562B.25 or 562B.25A, or a denial of entry to a mobile home
27 park initiated by a landlord shall only be for just cause. A
28 written notice of cancellation, termination, or denial of
29 entry shall contain a statement of just cause for the decision
30 to cancel, terminate, or deny.

31 Sec. 3. Section 562B.14, subsection 7, Code 1997, is
32 amended to read as follows:

33 7. Each tenant shall be notified, in writing, of any rent
34 increase at least sixty days before the effective date. Such
35 effective date shall not be sooner than the expiration date of

1 the original rental agreement or any renewal or extension
2 thereof. Rent increases from one year to the next shall not
3 exceed the percentage increase in the consumer price index.

4 Sec. 4. Section 562B.16, subsection 2, Code 1997, is
5 amended by adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. All requests for upgrades to the
7 mobile home made by a landlord costing in excess of one
8 hundred dollars must be made in writing. A tenant shall have
9 at least sixty days to comply with the request or to negotiate
10 a longer time period for compliance.

11 Sec. 5. Section 562B.21, Code 1997, is amended by adding
12 the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. A landlord shall not charge a
14 tenant for having a houseguest if the houseguest remains on
15 the premises for ninety consecutive days or less. A
16 houseguest remaining on the premises for longer than ninety
17 consecutive days shall be required to register as a permanent
18 tenant.

19 Sec. 6. Section 562B.22, subsection 2, Code 1997, is
20 amended to read as follows:

21 2. Except as otherwise provided in this chapter, the
22 tenant may recover damages, and obtain injunctive relief for
23 any noncompliance by the landlord with the rental agreement or
24 with section 562B.16. If a breach is remedied pursuant to
25 subsection 1, paragraph "a", the tenant may recover damages
26 and at least two months of rent without terminating the rental
27 agreement. In addition, the landlord shall not increase the
28 rent for a period of one year from the date of correction of a
29 noncompliance.

30 Sec. 7. Section 562B.24, Code 1997, is amended by adding
31 the following new unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. In addition to any other remedy
33 provided for in this section, if a landlord executes a sixty-
34 day written notice to cancel a rental agreement, a written
35 notice of termination pursuant to section 562B.25 or 562B.25A,

1 or a denial of entry to a mobile home park and either fails to
2 supply or fails to substantiate a written notice of just
3 cause, the landlord shall reimburse the tenant for at least
4 one-half of the moving expenses incurred by the tenant as a
5 result of the notice to cancel, terminate, or deny, or, at the
6 option of the landlord, with the tenant's consent, the
7 landlord may purchase the mobile home in cash for its fair
8 market value on the date of cancellation, termination, or
9 denial.

10 Sec. 8. Section 562B.25A, Code 1997, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 4. Termination of a rental agreement for
13 an alleged illegal act other than an act described in
14 subsection 2 may not occur unless a tenant has been convicted
15 of the crime in a court of law.

16 EXPLANATION

17 This bill makes several changes to provisions relating to
18 mobile home park regulation, landlord responsibilities, and
19 remedies available to mobile home park landlords and tenants.
20 The bill provides that just cause for the eviction of a
21 tenant, refusal to renew a rental agreement, or the denial of
22 entry to a tenant must be provided in writing. Just cause is
23 defined in the bill as an act which is right or fair, lawful,
24 proper, correct, or true based upon circumstances existing at
25 the time the action is taken, or in the very recent past
26 preceding the action, and includes the failure of a tenant to
27 meet tenant obligations specified in Code section 562B.18
28 relating to maintenance of mobile home space, or to adhere to
29 the landlord rules and regulations prescribed in Code section
30 562B.19, subsections 1 and 2. In the event that just cause is
31 either not supplied or not substantiated by a landlord, an
32 additional remedy beyond that specified in Code section
33 562B.24 is provided in the form of reimbursement to the tenant
34 of at least one-half of their moving expenses or, at the
35 option of the landlord with the consent of the tenant, the

1 landlord may purchase the mobile home for its fair market
2 value on the date of the cancellation or termination of the
3 tenancy, or denial of entry as a tenant. The bill also
4 provides that termination of a rental agreement for an alleged
5 illegal act by the tenant, other than acts described in Code
6 section 562B.25A creating a clear and present danger, shall
7 not be permitted unless the tenant is convicted of the crime
8 alleged. The bill provides that a landlord in noncompliance
9 with a rental agreement shall not be permitted to increase the
10 rent for the park for a period of one year from the date of
11 correction of the noncompliance, and that rent increases may
12 not exceed the percentage increase in the consumer price
13 index. The bill additionally provides that a landlord shall
14 not be permitted to charge a tenant for having a houseguest
15 until that guest has remained on the premises for 90
16 consecutive days, after which the houseguest shall be required
17 to register as a permanent tenant.

18 The bill provides that all requests for upgrades made by
19 the landlord at a cost in excess of \$100 must be submitted in
20 writing to the tenant, and the tenant shall either have 60
21 days to comply or may negotiate with the landlord for a
22 compliance period of another length. The bill also provides
23 that if a landlord is in noncompliance with a rental
24 agreement, and the noncompliance may be remedied, the tenant
25 shall have the option of collecting damages and at least two
26 months' rent without terminating the rental agreement.

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