

CHAPTER 1203
LANDLORDS AND TENANTS
S.F. 2372

AN ACT relating to termination of rental agreements, the definition of notice, and notice provisions for actions to recover property.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 562A.8, subsections 1 and 3, Code 1995, are amended by striking the subsections.

Sec. 2. Section 562A.8, subsection 2, Code 1995, is amended to read as follows:

2. A person "notifies" or "gives" a notice or notification to another by taking steps reasonably calculated to inform the other in ordinary course whether or not the other actually comes to know of it. A person "receives" a notice or notification when it comes to that person's attention or in the case of the landlord, it is delivered ~~at in hand or mailed by certified mail, or restricted certified mail~~ to the place of business of the landlord through which the rental agreement was made or at a place held out by the landlord as the place for receipt of the communication or delivered to any individual who is designated as an agent of the landlord or, when in the case of the tenant, it is delivered in hand to the tenant or mailed by ~~registered or certified mail or restricted certified mail~~ to such person at the place held out by such person as the place for receipt of the communication, or in the absence of such designation, to such person's last known place of residence.

Sec. 3. Section 562A.29A, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Notwithstanding sections 631.4 and 648.5, the written notice of termination required by section 562A.27, subsection 1 or 2, a notice of termination and notice to quit under section 562A.27A, a notice to quit as required by section 648.3, or a petition for forcible entry and detainer pursuant to chapter 648, may be served upon the tenant in any of the following ways:

Sec. 4. Section 562B.9, subsections 1 and 3, Code 1995, are amended by striking the subsections.

Sec. 5. Section 562B.9, subsection 2, Code 1995, is amended to read as follows:

2. A person "notifies" or "gives" a notice or notification to another by taking steps reasonably calculated to inform the other in ordinary course whether or not the other actually comes to know of it. A person "receives" a notice or notification when it comes to that person's attention, or in the case of the landlord, it is delivered in hand or mailed by ~~registered certified mail or restricted certified mail~~ to the place of business of the landlord through which the rental agreement was made or at any place held out by the landlord as the place for receipt of the communication or delivered to any individual who is designated as an agent by section 562B.14 or, in the case of the tenant, it is delivered in hand to the tenant or mailed by ~~registered mail return receipt requested certified mail or restricted certified mail~~ to the tenant at the place held out by the tenant as the place for receipt of the communication or, in the absence of such designation, to the tenant's last known place of residence other than the landlord's mobile home or space.

Sec. 6. Section 562B.27A, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Notwithstanding sections 631.4 and 648.5, the written notice of termination required by section 562B.25, subsection 1 or 2, a notice of termination and notice to quit under section 562B.25A, a notice to quit as required by section 648.3, or a petition for forcible entry and detainer pursuant to chapter 648, may be served upon the tenant in any of the following ways:

Sec. 7. Section 631.4, subsection 2, paragraph c, Code Supplement 1995, is amended to read as follows:

c. If personal service cannot be made upon each defendant, as provided in rule of civil procedure 56.1, the plaintiff may elect to post, after at least ~~three~~ two attempts to perfect service upon each defendant, one or more copies of the original notice upon the real property being detained by each defendant at least ~~five~~ three days prior to the date set for hearing. The attempts to perfect personal service may be made on the same day. In ~~such instances~~ addition to posting, the plaintiff shall also mail, by certified mail ~~and first class mail~~, to each defendant, at the place held out by each defendant as the place for receipt of such communications or, in the absence of such designation, at each defendant's last known place of residence, a copy of the original notice at least ~~five~~ three days prior to the date set for hearing. Under this paragraph, service shall be deemed complete upon each defendant by the filing with the clerk of the district court of one or more affidavits indicating that a copy of the original notice was both posted and mailed to each defendant as provided in this paragraph, whether or not the defendant signs a receipt for the notice.

Approved May 30, 1996

CHAPTER 1204

HOUSING DEVELOPMENT AND RELATED MATTERS

S.F. 2464

AN ACT relating to housing development, including tax increment financing, providing for the assessment of certain property for tax purposes, and providing effective and applicability dates.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

Section 1. Section 358C.1, subsection 2, paragraphs c and d, Code Supplement 1995, are amended to read as follows:

c. "Cost" of a public improvement includes the cost of engineering, preliminary reports, property valuations, estimates, plans, specifications, notices, legal services, acquisition of land, consequential damages, easements, rights-of-way, construction, repair, supervision, inspection, testing, notices and publication, interest during construction and for not more than ~~six~~ twelve months thereafter, and printing and sale of bonds.

d. "District" means a real estate improvement district as created in this chapter, ~~in a county designated as a pilot county under section 358C.2.~~ A real estate improvement district shall not be created after June 30, 2000.

Sec. 2. Section 358C.3, subsection 6, Code Supplement 1995, is amended to read as follows:

6. The petition shall propose the names of three or more trustees who shall be owners of real estate in the proposed district or the designees of owners of property in the proposed district, to serve as a board of trustees until their successors are elected and qualified if the district is organized. The board of trustees shall only carry out those purposes which are authorized in this chapter and listed in the petition. Each person proposed as a trustee shall disclose whether the person has any financial interest in any business which is or may be a developer or contractor for public improvements within the proposed real estate improvement district and the extent of the person's land ownership in the district, if any.