

**562B.23 Failure to deliver possession.**

1. If the landlord fails to deliver physical possession of the mobile home space to the tenant as provided in section 562B.15, rent abates until possession is delivered and the tenant may do either of the following:

*a.* Upon written notice to the landlord, terminate the rental agreement and at that time the landlord shall return all deposits.

*b.* Demand performance of the rental agreement by the landlord and, if the tenant elects, maintain an action for possession of the mobile home space against the landlord and recover the damages sustained by the tenant plus reasonable attorney's fees and court costs.

2. If the landlord delivers physical possession to the tenant but fails to comply with section 562B.16 at the time of delivery, rent shall not abate. The tenant may also proceed with the remedies provided for in section 562B.22.

[C79, 81, § 562B.23]

2001 Acts, ch 153, §16; 2002 Acts, ch 1050, §60, 65