

Senate Amendment 3251

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1 1 Amend Senate File 359, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by striking lines 3 through 11, and
1 4 inserting the following:
1 5 <1. As used in this section, "lease" or "rental
1 6 agreement" means any lease or rental agreement
1 7 covering premises occupied for dwelling, professional,
1 8 business, agricultural, or similar purposes if both of
1 9 the following conditions are met:
1 10 a. The lease or rental agreement was executed by
1 11 or on behalf of a service member who, after the
1 12 execution of the lease or rental agreement, entered
1 13 military service.
1 14 b. The service member or the service member's
1 15 dependents occupy the premises for the purposes set
1 16 forth in this subsection.
1 17 2. a. A service member may terminate a lease or
1 18 rental agreement by providing written notice to the
1 19 lessor or the lessor's agent at any time following the
1 20 date of the beginning of the service member's period
1 21 of military service. The notice may be delivered by
1 22 placing it in an envelope properly stamped and
1 23 addressed to the lessor or the lessor's agent and
1 24 depositing the notice in the United States mail.
1 25 b. Termination of a month-to-month lease or rental
1 26 agreement shall not be effective until thirty days
1 27 after the first day on which the next rental payment
1 28 is due and payable after the date when notice is
1 29 delivered or mailed. As to all other leases or rental
1 30 agreements, termination shall be effective on the last
1 31 day of the month following the month in which notice
1 32 is delivered or mailed. Any unpaid rent for the
1 33 period preceding the termination in such cases shall
1 34 be computed on a pro rata basis and any rent paid in
1 35 advance after termination shall be refunded by the
1 36 lessor or the lessor's agent.
1 37 c. Upon application by the lessor and prior to the
1 38 termination period provided in the notice, a court may
1 39 modify or restrict any relief granted in this
1 40 subsection as the interests of justice and equity
1 41 require.
1 42 3. A person who knowingly seizes, holds, or
1 43 detains the personal effects, clothing, furniture, or
1 44 other property of any person who has lawfully
1 45 terminated a lease or rental agreement covered under
1 46 this section or who interferes in any manner with the
1 47 removal of property from the premises for the purposes
1 48 of subjecting the property to a claim for rent
1 49 accruing subsequent to the date of termination of the
1 50 lease or rental agreement commits a simple
2 1 misdemeanor.>
2 2 #2. Page 1, by inserting before line 12, the
2 3 following:
2 4 _____. Section 562A.27, Code 2003, is amended
2 5 by adding the following new subsection:
2 6 NEW SUBSECTION. 5. Notwithstanding any other
2 7 provisions of this chapter, a municipal housing agency
2 8 established pursuant to chapter 403A may issue a
2 9 thirty-day notice of lease termination for a violation
2 10 of a rental agreement by the tenant when the violation
2 11 is a violation of a federal regulation governing the
2 12 tenant's eligibility for or continued participation in
2 13 a public housing program. The municipal housing
2 14 agency shall not be required to provide the tenant
2 15 with a right or opportunity to remedy the violation or
2 16 to give any notice that the tenant has such a right or
2 17 opportunity when the notice cites the federal
2 18 regulation as authority.
2 19 Sec. _____. NEW SECTION. 648.1A NONPROFIT
2 20 TRANSITIONAL HOUSING EXEMPTED.
2 21 This chapter shall not apply to occupancy in
2 22 housing owned by a nonprofit organization whose
2 23 purpose is to provide transitional housing for persons
2 24 released from drug or alcohol treatment facilities or

2 25 to provide housing for homeless persons. Absent an
2 26 applicable provision in a lease, contract, or other
2 27 agreement, a person who unlawfully remains on the
2 28 premises of such housing may be subject to criminal
2 29 trespass penalties pursuant to section 716.8.>
2 30 #3. Page 2, line 10, by inserting after the word
2 31 the following: <and protecting the home
2 32 from damage>.
2 33 #4. Page 2, line 34, by inserting after the word
2 34 the following: <the plaintiff may sell or
2 35 dispose of the home in accordance with the provisions
2 36 of section 555B.9 without an order for disposal, or
2 37 chapter 555C, and may do so free and clear of all
2 38 liens, claims, or encumbrances of third parties except
2 39 any tax lien, at which time>.
2 40 #5. Page 3, by striking lines 1 through 6 and
2 41 inserting the following:
2 42 The home, its contents, and any other property
2 43 of the defendant remaining on the premises shall
2 44 become the property of the plaintiff free and clear of
2 45 all rights of the defendant to the property and of all
2 46 liens, claims, or encumbrances of third parties, and
2 47 any tax levied pursuant to chapter 435 may be abated
2 48 by the board of supervisors. The proceeds from the
2 49 sale shall first be applied to any judgments against
2 50 the defendant obtained by the plaintiff, any unpaid
3 1 rent or additional costs incurred by plaintiff, and
3 2 reasonable attorney fees. Any remaining proceeds
3 3 shall next be applied to any tax lien with the
3 4 remainder to be held in accordance with section
3 5 555B.9, subsection 3, paragraph "c".>
3 6 #6. Page 3, line 10, by striking the word
3 7 and inserting the following: <The If plaintiff elects
3 8 to retain the home pursuant to section 555B.9, the>.
3 9 #7. Title page, line 2, by inserting after the
3 10 word the following: 3 11 penalty>.
3 12 #8. By renumbering, relettering, or redesignating
3 13 and correcting internal references as necessary.
3 14 SF 359.H
3 15 rh/es/25