

House File 638

H-8297

1 Amend the Senate amendment, H-1317, to House File 638, as
2 passed by the House, as follows:

3 1. By striking page 1, line 4, through page 2, line 18, and
4 inserting:

5 <<DIVISION ____

6 GROUNDS FOR TERMINATION OF TENANCY

7 Sec. ____ . Section 562B.10, Code 2020, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 4A. *a.* A landlord may only terminate a
10 tenancy if the tenant engages in any of the following or for
11 any of the following reasons:

12 (1) A material noncompliance with the rental agreement.

13 (2) A material violation of the manufactured home community
14 or mobile home park rules or regulations.

15 (3) Any other violation of this chapter for which
16 termination is a remedy.

17 (4) A legitimate and material business reason the impact of
18 which is not specific to one tenant.

19 (5) A change in the use of the land if change in the use
20 of the land is included in the rental agreement as grounds for
21 termination or nonrenewal.

22 *b.* A landlord may, upon providing ninety-day prior written
23 notice, elect to not renew a tenancy for any reason not
24 otherwise prohibited by law.

25 *c.* If the landlord presents evidence of written notice to a
26 tenant on at least three occasions, each notice dated not less
27 than ten days apart, of a condition identified in paragraph
28 "a", subparagraph (1), (2), or (3), such evidence creates a
29 presumption of the existence of the condition unless and until
30 evidence is introduced which would support a finding of the
31 condition's nonexistence.

32 Sec. ____ . EFFECTIVE DATE. This division of this Act, being
33 deemed of immediate importance, takes effect upon enactment.

34 Sec. ____ . APPLICABILITY. This division of this Act applies
35 to landlord decisions to not renew tenancies on or after the

1 effective date of this division of this Act.

2 DIVISION ____

3 RETALIATION

4 Sec. ____ . Section 562B.32, subsection 1, paragraph d, Code
5 2020, is amended to read as follows:

6 d. For exercising any of the rights and remedies pursuant
7 to this chapter or chapter 216.

8 Sec. ____ . Section 562B.32, subsection 2, Code 2020, is
9 amended to read as follows:

10 2. If the landlord acts in violation of subsection 1
11 of this section, the tenant is entitled to the remedies
12 provided in section 562B.24 and has a defense in an action for
13 possession. In an action by or against the tenant, evidence
14 of a complaint within ~~six months~~ one year prior to the alleged
15 act of retaliation creates a presumption that the landlord's
16 conduct was in retaliation. The presumption does not arise
17 if the tenant made the complaint after notice of termination
18 of the rental agreement. For the purpose of this subsection,
19 "presumption" means that the trier of fact must find the
20 existence of the fact presumed unless and until evidence is
21 introduced which would support a finding of its nonexistence.

22 Sec. ____ . EFFECTIVE DATE. This division of this Act, being
23 deemed of immediate importance, takes effect upon enactment.

24 DIVISION ____

25 RENT INCREASES

26 Sec. ____ . Section 562B.14, subsection 7, Code 2020, is
27 amended to read as follows:

28 7. Each tenant shall be notified, in writing, of any rent
29 increase at least ~~sixty~~ one hundred twenty days before the
30 effective date. Such effective date shall not be sooner than
31 the expiration date of the original rental agreement or any
32 renewal or extension thereof.

33 Sec. ____ . EFFECTIVE DATE. This division of this Act, being
34 deemed of immediate importance, takes effect upon enactment.

35 Sec. ____ . APPLICABILITY. This division of this Act applies

1 to rent increases under chapter 562B occurring on or after the
2 effective date of this division of this Act.

3 DIVISION ____
4 LANDLORD REMEDIES AND PROCEDURES

5 Sec. ____ . Section 555B.3, Code 2020, is amended to read as
6 follows:

7 **555B.3 Action for abandonment — jurisdiction.**

8 A real property owner not requesting notification by the
9 sheriff as provided in [section 555B.2](#) may bring an action
10 alleging abandonment in the court within the county where the
11 real property is located ~~provided that there is no lien on~~
12 ~~the mobile home or personal property other than a tax lien~~
13 ~~pursuant to [chapter 435](#)~~. The action shall be tried as an
14 equitable action. Unless commenced as a small claim, the
15 petition shall be presented to a district judge. Upon receipt
16 of the petition, either the court or the clerk of the district
17 court shall set a date for a hearing not later than fourteen
18 days from the date of the receipt of the petition, except when
19 there is a lien on the mobile home or personal property, other
20 than a tax lien, the court or the clerk of the district court
21 shall set a date for a hearing no sooner than twenty-five days
22 from the date of the receipt of the petition so as to allow for
23 service on the lienholder.

24 Sec. ____ . Section 555B.4, Code 2020, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 4. If a lien, other than a tax lien, exists
27 on the mobile home or personal property at the time an action
28 for abandonment is initiated, personal service pursuant to rule
29 of civil procedure 1.305 shall be made upon the lienholder
30 no less than twenty days before the hearing. The notice to
31 the lienholder shall describe the mobile home and shall state
32 the docket, case number, date, time at which the hearing is
33 scheduled, and the lienholder's right to assert a claim to
34 the mobile home at the hearing. The notice shall also state
35 that failure to assert a claim to the mobile home within the

1 judicial proceedings is deemed a waiver of all right, title,
2 claim, and interest in the mobile home and is deemed consent to
3 the sale or disposal of the mobile home. If personal service
4 upon the lienholder cannot be completed in time to give the
5 lienholder the minimum notice required by this section, the
6 court may set a new hearing date.

7 Sec. _____. Section 555B.8, subsections 2 and 3, Code 2020,
8 are amended to read as follows:

9 2. If Except as otherwise ordered by the court, if the
10 mobile home owner or other claimant asserts a claim to the
11 property, the judgment shall be satisfied before the mobile
12 home owner or other claimant may take possession of the mobile
13 home or personal property.

14 3. If no claim is asserted to the mobile home or personal
15 property or if the judgment is not satisfied at the time of
16 entry, an order shall be entered allowing the real property
17 owner to sell or otherwise dispose of the mobile home and
18 personal property pursuant to [section 555B.9](#). If Except as
19 otherwise ordered by the court, if a claimant satisfies the
20 judgment at the time of entry, the court shall enter an order
21 permitting and directing the claimant to remove the mobile home
22 or personal property from its location within a reasonable time
23 to be fixed by the court. The court shall also determine the
24 amount of further rent or storage charges to be paid by the
25 claimant to the real property owner at the time of removal.

26 Sec. _____. Section 555B.9, subsections 1, 2, 3, and 4, Code
27 2020, are amended to read as follows:

28 1. Pursuant to an order for disposal under section 555B.8,
29 subsection 3, the real property owner shall dispose of the
30 mobile home and personal property by public or private sale in
31 a commercially reasonable manner. If the personal property,
32 lienholder, owner, or other claimant has asserted a claim
33 to the mobile home or personal property within the judicial
34 proceedings, that person shall be notified of the sale by
35 restricted certified mail not less than five days before the

1 sale. The notice is deemed given upon the mailing. The real
2 property owner may buy at any public sale, and if the mobile
3 home or personal property is of a type customarily sold in
4 a recognized market or is the subject of widely distributed
5 standard price quotations, the real property owner may buy at a
6 private sale.

7 2. A sale pursuant to [subsection 1](#) transfers to the
8 purchaser for value, all of the mobile home owner's rights
9 in the mobile home and personal property, and discharges the
10 real property owner's interest in the mobile home and personal
11 property, ~~and~~ any tax lien, and any other lien. The purchaser
12 takes free of all rights and interests even though the real
13 property owner fails to comply with the requirements of this
14 chapter or of any judicial proceedings, if the purchaser acts
15 in good faith.

16 3. The proceeds of the sale of mobile home and personal
17 property shall be distributed as follows:

18 a. First, to satisfy the real property owner's judgment
19 obtained under [section 555B.8](#).

20 b. Second, to satisfy any tax lien for which a claim was
21 asserted pursuant to [section 555B.4, subsection 3](#).

22 0c. Third, to satisfy any other lien for which a claim was
23 asserted pursuant to section 555B.4, subsection 4.

24 c. Any surplus remaining after the proceeds are distributed
25 shall be held by the real property owner for six months. If
26 the mobile home owner fails to claim the surplus in that time,
27 the surplus may be retained by the real property owner. If
28 a deficiency remains after distribution of the proceeds, the
29 mobile home owner is liable for the amount of the deficiency.

30 4. Notwithstanding [subsections 1 through 3](#), the real
31 property owner may propose to retain the mobile home and
32 personal property in satisfaction of the judgment obtained
33 pursuant to [section 555B.8](#). Written notice of the proposal
34 shall be sent to the mobile home owner, lienholder, or other
35 claimant, if that person has asserted a claim to the mobile

1 home or personal property in the judicial proceedings. If
2 the real property owner receives objection in writing from
3 the mobile home owner, lienholder, or other claimant within
4 twenty-one days after the notice was sent, the real property
5 owner shall dispose of the mobile home and personal property
6 pursuant to subsection 1. If no written objection is received
7 by the real property owner within twenty-one days after the
8 notice was sent, the mobile home and personal property may be
9 retained. Retention of the mobile home and personal property
10 discharges the judgment of the real property owner, and any tax
11 lien, and any other lien.

12 Sec. _____. Section 562A.9, subsection 4, Code 2020, is
13 amended to read as follows:

14 4. For rental agreements in which the rent does not exceed
15 seven hundred dollars per month, a rental agreement shall not
16 provide for a late fee that exceeds twelve dollars per day or a
17 total amount of sixty dollars per month. For rental agreements
18 in which the rent is greater than seven hundred dollars per
19 month but less than one thousand four hundred dollars per
20 month, a rental agreement shall not provide for a late fee that
21 exceeds twenty dollars per day or a total amount of one hundred
22 dollars per month. For rental agreements in which the rent is
23 at least one thousand four hundred dollars per month, a rental
24 agreement shall not provide for a late fee that exceeds two
25 percent of the rent per day or a total amount of ten percent of
26 the rent per month.

27 Sec. _____. Section 562B.10, subsections 4 and 7, Code 2020,
28 are amended to read as follows:

29 4. For rental agreements in which the rent does not exceed
30 seven hundred dollars per month, a rental agreement shall not
31 provide for a late fee that exceeds twelve dollars per day or a
32 total amount of sixty dollars per month. For rental agreements
33 in which the rent is greater than seven hundred dollars per
34 month but less than one thousand four hundred dollars per
35 month, a rental agreement shall not provide for a late fee that

1 exceeds twenty dollars per day or a total amount of one hundred
2 dollars per month. For rental agreements in which the rent is
3 at least one thousand four hundred dollars per month, a rental
4 agreement shall not provide for a late fee that exceeds two
5 percent of the rent per day or a total amount of ten percent of
6 the rent per month.

7 7. a. If a tenant who was sole owner of a mobile home dies
8 during the term of a rental agreement then that person's heirs
9 or legal representative or the landlord shall have the right
10 to cancel the tenant's lease by giving sixty days' written
11 notice to the person's heirs or legal representative or to
12 the landlord, whichever is appropriate, and the heirs or the
13 legal representative shall have the same rights, privileges and
14 liabilities of the original tenant.

15 b. (1) If a tenant who was sole owner of a mobile home dies
16 during the term of a rental agreement resulting in the mobile
17 home being abandoned as provided in section 562B.27, subsection
18 1, and the landlord cannot, despite due diligence, locate such
19 tenant's heirs or legal representatives, then the landlord may
20 bring an action for abandonment as provided in section 555B.3,
21 naming as defendants the estate of the tenant and any and all
22 unknown heirs of the tenant and, upon the landlord's filing
23 of an affidavit that personal service cannot be had on any
24 heir, legal representative, or estate of the tenant, the court
25 shall permit original notice of such action to be served by
26 publication pursuant to subparagraph (2) of this paragraph.

27 (2) Publication of the original notice shall be made
28 once each week for three consecutive weeks in a newspaper of
29 general circulation published in the county where the petition
30 is filed, as provided in rules of civil procedure 1.313 and
31 1.314. Service is complete after the third consecutive weekly
32 publication.

33 (3) In the event any tax lien or other lien exists on
34 the mobile home, the landlord may proceed with an action for
35 abandonment as provided in section 555B.3, except that:

1 landlord's noncompliance which shall be reimbursed on a pro
2 rata basis.

3 2. If the tenant proceeds under this section, the tenant may
4 not proceed under section 562B.22 as to that breach.

5 3. The rights under this section do not arise until the
6 tenant has given notice to the landlord or if the condition was
7 caused by the deliberate or negligent act or omission of the
8 tenant, a member of the tenant's family, or other person on the
9 premises with the consent of the tenant.

10 Sec. _____. EFFECTIVE DATE. This division of this Act, being
11 deemed of immediate importance, takes effect upon enactment.

12 Sec. _____. APPLICABILITY. This division of this Act applies
13 to actions under section 562B.23A filed on or after the
14 effective date of this division of this Act.

15 DIVISION ____

16 HOME EQUIPMENT MODIFICATIONS — PROHIBITED RENTAL AGREEMENT
17 PROVISIONS

18 Sec. _____. Section 562B.11, subsection 1, Code 2020, is
19 amended by adding the following new paragraph:

20 NEW PARAGRAPH. e. Agrees to modify the mobile home,
21 manufactured home, or modular home in a way that would
22 substantially impair the ability of the tenant to move the
23 home from the mobile home space, unless such modification is
24 required by federal law, including but not limited to the
25 model manufactured home installation standards, 24 C.F.R. pt.
26 3285, the manufactured home construction and safety standards,
27 24 C.F.R. pt. 3280, or the manufactured home procedural and
28 enforcement regulations, 24 C.F.R. pt. 3282, or by state or
29 local law, the manufacturer's installation instructions, any
30 requirement arising from the landlord's financing of the home
31 or of the mobile home park or manufactured home community in
32 which the home is located, or unless such modification is
33 otherwise necessary for the safe and proper installation of the
34 home.

35 DIVISION ____

1 LANDLORD SALES

2 Sec. _____. NEW SECTION. 562B.17A Sale of mobile home by
3 landlord.

4 1. Any sale of a mobile home located in a manufactured
5 home community or mobile home park by a landlord or landlord's
6 agent shall be by written agreement and the landlord shall
7 produce and assign the current certificate of title obtained
8 from the department of transportation. The agreement shall
9 state the basic terms of sale, including the total cost of
10 the mobile home, finance charges, annual percentage rate, and
11 the frequency and amount of each installment payment. Such
12 agreement shall comply with the finance charge rate limitation
13 in section 103A.58, subsection 1.

14 2. Any such sale that does not comply with this section
15 may be voided by the buyer and the buyer may recover damages
16 incurred, amounts paid as a rental deposit in excess of two
17 months' rent for the mobile home, and reasonable attorney fees.

18 3. A claim under subsection 2 may be combined with an action
19 under chapter 648.

20 Sec. _____. Section 648.19, subsection 1, Code 2020, is
21 amended to read as follows:

22 1. An action under **this chapter** shall not be filed in
23 connection with any other action, with the exception of a claim
24 for rent or recovery as provided in **section 555B.3, 562A.24,**
25 **562A.32, 562B.17A, 562B.22, 562B.25, or 562B.27,** nor shall it
26 be made the subject of counterclaim.

27 DIVISION ____

28 DISCLOSURE OF UTILITY CHARGES

29 Sec. _____. Section 562B.14, subsection 6, Code 2020, is
30 amended to read as follows:

31 6. a. The landlord or any person authorized to enter into
32 a rental agreement on the landlord's behalf shall provide a
33 written explanation of utility rates, charges and services to
34 the prospective tenant before the rental agreement is signed
35 unless the utility charges are paid by the tenant directly to

1 the utility company.

2 b. If a landlord obtains a utility service from a utility
3 provider and furnishes the utility to the tenant and the
4 landlord's charge to the tenant is based upon the utility
5 provider's charge or rate for the use of such utility to
6 consumers, an increase in the landlord's charge to a tenant
7 for the utility that corresponds to the same increase in the
8 utility provider's charge or rate to the landlord shall be
9 effective thirty days after the landlord provides written
10 notice of such increase to the tenant, unless the landlord does
11 not receive at least sixty days' prior notice of such increase
12 from the utility provider in which case no prior notice of the
13 increase from the landlord to the tenant is required for the
14 increase to be effective.

15 DIVISION ____

16 FURNISHING OF WATER AND UTILITY CHARGES

17 Sec. ____ . Section 423.3, subsection 103, Code 2020, is
18 amended to read as follows:

19 103. a. (1) The sales price from the sale or furnishing by
20 a water utility of a water service in the state to consumers or
21 users.

22 (2) Water service furnished by a mobile home park that does
23 not engage in the sale of water service. For purposes of this
24 subsection, a mobile home park does not engage in the sale of
25 water service if all of the following apply:

26 (a) The water service is not furnished to tenants for a
27 separately itemized price.

28 (b) The water service is not otherwise identifiable from
29 an invoice, bill, catalogue, price list, rate card, receipt,
30 agreement, or other similar document, including where the total
31 sales price increases when water service is included in the
32 sale to tenants.

33 (c) The water service is incidental to the rental of real
34 property.

35 b. For purposes of **this subsection**:

1 (1) "Mobile home park" means the same as defined in section
2 562B.7.

3 ~~(1)~~ (2) "Water service" means the delivery of water by
4 piped distribution system.

5 ~~(2)~~ (3) "Water utility" means a public utility as defined
6 in section 476.1 that furnishes water by piped distribution
7 system to the public for compensation.

8 Sec. _____. Section 423G.4, Code 2020, is amended by striking
9 the section and inserting in lieu thereof the following:

10 **423G.4 Exemptions.**

11 There is exempted from the tax imposed by this chapter the
12 following:

13 1. The sales price from transactions exempt from state
14 sales tax under section 423.3. However, the sales price from
15 transactions exempt from state sales tax under section 423.3,
16 subsection 103, shall not be exempt unless as provided in
17 subsection 2 or 3.

18 2. *a.* The sales price from the sale or furnishing of water
19 by a mobile home park through a piped distribution system
20 maintained by the mobile home park, to a consumer or user of
21 water who is a tenant, if all of the following apply:

22 (1) The water was obtained from a water utility.

23 (2) A tax was imposed by this chapter on the sales price
24 from the sale or furnishing of water by a water utility to the
25 mobile home park based upon readings of the master meter of the
26 mobile home park.

27 (3) The tenant is not charged for water by the mobile home
28 park in an amount that is more than the rate the tenant would be
29 charged for consuming or using water from the water utility,
30 plus an administrative fee under section 562B.16, subsection 3,
31 not to exceed five dollars per month.

32 *b.* As used in this section:

33 (1) "Master meter" means a single meter used in determining
34 the amount of water provided to a mobile home park.

35 (2) "Mobile home park" means the same as defined in section

1 562B.7 and also includes a *"manufactured home community"*, as
2 defined in section 562B.7.

3 (3) *"Piped distribution system"* includes a submetered
4 distribution system.

5 (4) *"Tenant"* means the same as defined in section 562B.7.

6 (5) *"Water utility"* means a public utility as defined in
7 section 476.1 that furnishes water by a piped distribution
8 system to the public for compensation.

9 3. Water service furnished by a mobile home park that does
10 not engage in the sale of water service. For purposes of this
11 subsection, a mobile home park does not engage in the sale of
12 water service if all of the following apply:

13 a. The water service is not furnished to tenants for a
14 separately itemized price.

15 b. The water service is not otherwise identifiable from
16 an invoice, bill, catalogue, price list, rate card, receipt,
17 agreement, or other similar document, including where the total
18 sales price increases when water service is included in the
19 sale to tenants.

20 c. The water service is incidental to the rental of real
21 property.

22 Sec. _____. Section 455B.171, subsection 26, Code 2020, is
23 amended to read as follows:

24 26. *"Public water supply system"* means, except as provided
25 in section 455B.200, a system for the provision to the public
26 of piped water for human consumption, if the system has at
27 least fifteen service connections or regularly serves at least
28 twenty-five individuals. The term includes any source of
29 water and any collection, treatment, storage, and distribution
30 facilities under control of the operator of the system and used
31 primarily in connection with the system, and any collection or
32 pretreatment storage facilities not under such control which
33 are used primarily in connection with the system.

34 Sec. _____. NEW SECTION. **455B.200 Mobile home parks.**

35 1. As used in this section:

1 *a.* "Mobile home park" means the same as defined in section
2 423G.4.

3 *b.* "Tenant" means the same as defined in section 562B.7.

4 *c.* "Water utility" means a public utility as defined in
5 section 476.1 that furnishes water by a piped distribution
6 system to the public for compensation.

7 2. For purposes of this part 1, a mobile home park shall
8 not be considered a public water supply system if the mobile
9 home park sells or furnishes water to a tenant and all of the
10 following apply:

11 *a.* The water was obtained from a water utility prior to
12 selling or furnishing the water to a tenant.

13 *b.* The tenant is not charged more than the rate the tenant
14 would be charged for consuming or using water from the water
15 utility, plus an administrative fee under section 562B.16,
16 subsection 3, not to exceed five dollars per month.

17 Sec. _____. Section 562B.14, subsection 6, Code 2020, is
18 amended to read as follows:

19 6. The landlord or any person authorized to enter into
20 a rental agreement on the landlord's behalf shall provide
21 a written explanation of utility rates, fees, charges, and
22 services, subject to section 562B.16, subsection 3, to the
23 prospective tenant before the rental agreement is signed unless
24 the utility charges are paid by the tenant directly to the
25 utility company.

26 Sec. _____. Section 562B.16, Code 2020, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 3. A landlord that is responsible for
29 payment of utilities being provided to the tenant shall not
30 charge to the tenant an amount in excess of the actual cost of
31 the utility and as specified in writing under section 562B.14,
32 subsection 6. However, in addition to the actual cost of the
33 utility, a landlord that is responsible for the payment of one
34 or more utilities being provided to the tenant may impose a
35 monthly utility administration fee to each tenant not to exceed

1 five dollars per month.

2 Sec. _____. Section 562B.25, Code 2020, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 2A. The failure of a tenant to pay utility
5 charges that exceed the actual cost of the utility provided
6 as required by section 562B.16, subsection 3, shall not be
7 considered noncompliance with the rental agreement.>

8 2. Page 2, by striking lines 20 through 22 and inserting <An
9 Act relating to property law by modifying provisions relating
10 to rental properties, manufactured home communities, mobile
11 home parks, and manufactured mobile home communities, modifying
12 provisions governing actions relating to such properties, and
13 including effective date and applicability provisions.>>

14 3. By renumbering as necessary.

LOHSE of Polk