

House File 493 - Enrolled

House File 493

AN ACT

RELATING TO THE RIGHT OF RESIDENTS, OWNERS, TENANTS, AND
LANDLORDS TO SUMMON EMERGENCY ASSISTANCE AND PREEMPTING
RELATED LOCAL ORDINANCES, RULES, AND REGULATIONS.

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

Section 1. Section 331.304, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 11. A county shall not adopt or enforce any ordinance or regulation in violation of section 562A.27B or 562B.25B.

Sec. 2. Section 364.3, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 11. A city shall not adopt or enforce any ordinance or regulation in violation of section 562A.27B or 562B.25B.

Sec. 3. NEW SECTION. **562A.27B Right to summon emergency assistance — waiver of rights.**

1. a. A landlord shall not prohibit or limit a resident's or tenant's rights to summon law enforcement assistance or

other emergency assistance by or on behalf of a victim of abuse, a victim of a crime, or an individual in an emergency.

b. A landlord shall not impose monetary or other penalties on a resident or tenant who exercises the resident's or tenant's right to summon law enforcement assistance or other emergency assistance.

c. Penalties prohibited by this subsection include all of the following:

(1) The actual or threatened assessment of penalties, fines, or fees.

(2) The actual or threatened eviction, or causing the actual or threatened eviction, from the premises.

d. Any waiver of the provisions of this subsection is contrary to public policy and is void, unenforceable, and of no force or effect.

e. This subsection shall not be construed to prohibit a landlord from recovering from a resident or tenant an amount equal to the costs incurred to repair property damage if the damage is caused by law enforcement or other emergency personnel summoned by the resident or tenant.

f. This section does not prohibit a landlord from terminating, evicting, or refusing to renew a tenancy or rental agreement when such action is premised upon grounds other than the resident's or tenant's exercise of the right to summon law enforcement assistance or other emergency assistance by or on behalf of a victim of abuse, a victim of a crime, or an individual in an emergency.

2. *a.* An ordinance, rule, or regulation of a city, county, or other governmental entity shall not authorize imposition of a penalty against a resident, owner, tenant, or landlord because the resident, owner, tenant, or landlord was a victim of abuse or crime.

b. An ordinance, rule, or regulation of a city, county, or other governmental entity shall not authorize imposition of a penalty against a resident, owner, tenant, or landlord because the resident, owner, tenant, or landlord sought law enforcement assistance or other emergency assistance for a victim of abuse, a victim of a crime, or an individual in an emergency, if either of the following is established:

(1) The resident, owner, tenant, or landlord seeking assistance had a reasonable belief that the emergency assistance was necessary to prevent the perpetration or escalation of the abuse, crime, or emergency.

(2) In the event of abuse, crime, or other emergency, the emergency assistance was actually needed.

c. Penalties prohibited by this subsection include all of the following:

(1) The actual or threatened assessment of penalties, fines, or fees.

(2) The actual or threatened eviction, or causing the actual or threatened eviction, from the premises.

(3) The actual or threatened revocation, suspension, or nonrenewal of a rental certificate, license, or permit.

d. This subsection does not prohibit a city, county, or other governmental entity from enforcing any ordinance, rule, or regulation premised upon grounds other than a request for law enforcement assistance or other emergency assistance by a resident, owner, tenant, or landlord, or the fact that the resident, owner, tenant, or landlord was a victim of crime or abuse.

e. This subsection does not prohibit a city, county, or other governmental entity from collecting penalties, fines, or fees for services provided which are necessitated by the cleanup of hazardous materials, the cleanup of vandalism, or a response to a false alarm call, which are incurred by the provision of emergency medical services, or which reflect other costs incurred by the city, county, or other governmental entity unrelated to responding to a call for law enforcement assistance or other emergency assistance.

3. In addition to other remedies provided by law, if an owner or landlord violates the provisions of this section, a resident or tenant is entitled to recover from the owner or landlord any of the following:

a. A civil penalty in an amount equal to one month's rent.

b. Actual damages.

c. Reasonable attorney fees the tenant or resident incurs in seeking enforcement of this section.

d. Court costs.

e. Injunctive relief.

4. In addition to other remedies provided by law, if a city, county, or other governmental entity violates the provisions of this section, a resident, owner, tenant, or landlord is entitled to recover from the city, county, or other governmental entity any of the following:

a. An order requiring the city, county, or other governmental entity to cease and desist the unlawful practice.

b. Other equitable relief, including reinstatement of a rental certificate, license, or permit, as the court may deem appropriate.

c. Actual damages.

d. In a case brought by a resident or tenant, the reasonable attorney fees the resident or tenant incurs in seeking enforcement of this section.

e. Court costs.

5. For purposes of this section, "*resident*" means a member of a tenant's family and any other person occupying the dwelling unit with the consent of the tenant.

Sec. 4. NEW SECTION. 562B.25B Right to summon emergency assistance — waiver of rights.

1. *a.* A landlord shall not prohibit or limit a resident's or tenant's rights to summon law enforcement assistance or other emergency assistance by or on behalf of a victim of abuse, a victim of a crime, or an individual in an emergency.

b. A landlord shall not impose monetary or other penalties on a resident or tenant who exercises the resident's or tenant's right to summon law enforcement assistance or other emergency assistance.

c. Penalties prohibited by this subsection include all of the following:

(1) The actual or threatened assessment of penalties, fines, or fees.

(2) The actual or threatened eviction, or causing the actual or threatened eviction, from the premises.

d. Any waiver of the provisions of this subsection is contrary to public policy and is void, unenforceable, and of no force or effect.

e. This subsection shall not be construed to prohibit a

landlord from recovering from a resident or tenant an amount equal to the costs incurred to repair property damage if the damage is caused by law enforcement or other emergency personnel summoned by the resident or tenant.

f. This section does not prohibit a landlord from terminating, evicting, or refusing to renew a tenancy or rental agreement when such action is premised upon grounds other than the resident's or tenant's exercise of the right to summon law enforcement assistance or other emergency assistance by or on behalf of a victim of abuse, a victim of a crime, or an individual in an emergency.

2. *a.* An ordinance, rule, or regulation of a city, county, or other governmental entity shall not authorize imposition of a penalty against a resident, owner, tenant, or landlord because the resident, owner, tenant, or landlord was a victim of abuse or crime.

b. An ordinance, rule, or regulation of a city, county, or other governmental entity shall not authorize imposition of a penalty against a resident, owner, tenant, or landlord because the resident, owner, tenant, or landlord sought law enforcement assistance or other emergency assistance for a victim of abuse, a victim of a crime, or an individual in an emergency, if either of the following is established:

(1) The resident, owner, tenant, or landlord seeking assistance had a reasonable belief that the emergency assistance was necessary to prevent the perpetration or escalation of the abuse, crime, or emergency.

(2) In the event of abuse, crime, or other emergency, the emergency assistance was actually needed.

c. Penalties prohibited by this subsection include all of the following:

(1) The actual or threatened assessment of penalties, fines, or fees.

(2) The actual or threatened eviction, or causing the actual or threatened eviction, from the premises.

(3) The actual or threatened revocation, suspension, or nonrenewal of a rental certificate, license, or permit.

d. This subsection does not prohibit a city, county, or other governmental entity from enforcing any ordinance, rule,

or regulation premised upon grounds other than a request for law enforcement assistance or other emergency assistance by a resident, owner, tenant, or landlord, or the fact that the resident, owner, tenant, or landlord was a victim of crime or abuse.

e. This subsection does not prohibit a city, county, or other governmental entity from collecting penalties, fines, or fees for services provided which are necessitated by the cleanup of hazardous materials, the cleanup of vandalism, or a response to a false alarm call, which are incurred by the provision of emergency medical services, or which reflect other costs incurred by the city, county, or other governmental entity unrelated to responding to a call for law enforcement assistance or other emergency assistance.

3. In addition to other remedies provided by law, if an owner or landlord violates the provisions of this section, a resident or tenant is entitled to recover from the owner or landlord any of the following:

- a.* A civil penalty in an amount equal to one month's rent.
- b.* Actual damages.
- c.* Reasonable attorney fees the tenant or resident incurs in seeking enforcement of this section.
- d.* Court costs.
- e.* Injunctive relief.

4. In addition to other remedies provided by law, if a city, county, or other governmental entity violates the provisions of this section, a resident, owner, tenant, or landlord is entitled to recover from the city, county, or other governmental entity any of the following:

- a.* An order requiring the city, county, or other governmental entity to cease and desist the unlawful practice.
- b.* Other equitable relief, including reinstatement of a rental certificate, license, or permit, as the court may deem appropriate.

- c.* Actual damages.
- d.* In a case brought by a resident or tenant, the reasonable attorney fees the resident or tenant incurs in seeking enforcement of this section.
- e.* Court costs.

5. For purposes of this section, "*resident*" means a member of a tenant's family and any other person occupying the dwelling unit with the consent of the tenant.

LINDA UPMEYER
Speaker of the House

PAM JOCHUM
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 493, Eighty-sixth General Assembly.

CARMINE BOAL
Chief Clerk of the House

Approved _____, 2016

TERRY E. BRANSTAD
Governor