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FEB 18 1977

HOUSE FILE 224

new in 1977

BY COMMITTEE ON TRANSPORTATION
(Formerly Study Bill 131)

Passed House, Date 3-31-77 (p. 146) Passed Senate, Date _____
Vote: Ayes 77 Nays 18 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to mobile home tiedowns and providing a
2 penalty.

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

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1 Section 1. Section one hundred thirty-five D point one
2 (135D.1), Code 1977, is amended by adding the following new
3 subsections:

4 NEW SUBSECTION. "Ground support system" means any device
5 or combination of devices placed beneath a mobile home and
6 used to provide support.

7 NEW SUBSECTION. "Ground anchoring system" means any de-
8 vice or combination of devices used to securely anchor a
9 mobile home to the ground.

10 NEW SUBSECTION. "Tiedown system" means a ground support
11 system and a ground anchoring system used in concert to pro-
12 vide anchoring and support for a mobile home.

13 NEW SUBSECTION. "Permanent site" means any lot or parcel
14 of land on which a mobile home used as a dwelling or place
15 of business, is located for ninety consecutive days except
16 a construction site when the mobile home is used by a commer-
17 cial contractor as a construction office or storage room.

18 Sec. 2. Chapter one hundred thirty-five D (135D), Code
19 1977, is amended by adding the following new sections:

20 NEW SECTION. ADOPTION OF RULES. The commissioner, sub-
21 ject to the approval of the state building code advisory coun-
22 cil, shall adopt and may amend rules establishing minimum
23 standards for ground support and ground anchoring systems.
24 Standards for such systems shall be designed to minimize dam-
25 age incurred by mobile homes due to shifting and overturning
26 when subjected to winds of seventy mile per hour velocity.
27 Rules so promulgated shall contain a listing of approved tie-
28 down systems and shall stipulate the proper form for certi-
29 fication of approved system installation.

30 NEW SECTION. APPROVED TIEDOWN SYSTEM PROVIDED IN SALES
31 OF NEW OR USED MOBILE HOMES. Any person who sells a new or
32 used mobile home shall provide an approved tiedown system.
33 The cost of purchase of the system shall be included in the
34 purchase price of every new or used mobile home sold in this
35 state. The purchaser shall provide for installation of this

1 system within one hundred twenty days of locating the mobile
2 home on a permanent site.

3 NEW SECTION. INSTALLER COMPLIANCE AND CERTIFICATION.

4 Any person who installs a tiedown system shall comply with
5 the minimum standards for such systems, and shall provide
6 the owner of the mobile home on which installation is made
7 and the commissioner with a certification of approved sy-
8 stem installation. Such certification shall be in proper
9 form as established by the commissioner.

10 NEW SECTION. PENALTY. Any person found in violation of
11 any provision of this Act shall be guilty of a simple misde-
12 meanor. When a person is found in violation of this Act the
13 commissioner shall prescribe a period of time not to exceed
14 one hundred twenty days within which compliance must be
15 achieved and the commissioner shall so notify the person.

16 NEW SECTION. LISTING AND FORM OF CERTIFICATION OF AP-
17 PROVED SYSTEMS PROVIDED. The commissioner shall provide re-
18 questing persons a listing of approved tiedown systems and
19 shall provide instructions for the completion of proper certi-
20 fication of approved system installation.

21 Sec. 3. Chapter one hundred thirty-five D (135D), Code
22 1977, is amended by adding the following new section:

23 NEW SECTION. OWNER OF PERMANENT SITE MUST COMPLY. Any
24 person who owns a lot or parcel of land used as a permanent
25 site shall provide for the installation of an approved tie-
26 down system. Nothing in this Act shall be construed to
27 prohibit the owner of a permanent site from charging the owner
28 of a mobile home for expenses incurred in relocating a tiedown
29 system when necessary to accommodate various sized mobile
30 homes.

31 Sec. 4. This Act, except section three (3), is effec-
32 tive January 1, 1978.

33 Sec. 5. Section three (3) of this Act is effective January
34 1, 1980.

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EXPLANATION

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This bill provides that all mobile homes located on a permanent site must be equipped with an approved mobile home tiedown system, and provides a penalty for violation.

LSB 482H
rn/rh/8A

1 Amend House File 224 by striking everything after
2 the enacting clause and inserting in lieu thereof
3 the following:

4 "Section 1. Section one hundred three A point
5 three (103A.3), subsection twelve (12), Code 1977,
6 is amended to read as follows:

7 12. "Factory-built structure" means any structure
8 which is, wholly or in substantial part, made,
9 fabricated, formed, or assembled in manufacturing
10 facilities for installation or assembly and
11 installation, on a building site. "Factory-built
12 structure" includes the term "mobile home" as defined
13 in section one hundred thirty-five D point one (135D.1)
14 of the Code.

15 Sec. 2. Section one hundred three A point three
16 (103A.3), Code 1977, is amended by adding the following
17 new subsections:

18 NEW SUBSECTION. "Ground support system" means
19 any device or combination of devices placed beneath
20 a mobile home and used to provide support.

21 NEW SUBSECTION. "Ground anchoring system" means
22 any device or combination of devices used to securely
23 anchor a mobile home to the ground.

24 NEW SUBSECTION. "Tiedown system" means a ground
25 support system and a ground anchoring system used
26 in concert to provide anchoring and support for a
27 mobile home.

28 NEW SUBSECTION. "Permanent site" means any lot
29 or parcel of land on which a mobile home used as a
30 dwelling or place of business, is located for ninety
31 consecutive days except a construction site when the
32 mobile home is used by a commercial contractor as
33 a construction office or storage room.

34 Sec. 3. Chapter one hundred three A (103A), Code
35 1977, is amended by adding the following new sections:

36 NEW SECTION. APPROVED TIEDOWN SYSTEM PROVIDED
37 IN SALES OF NEW OR USED MOBILE HOMES. Any person
38 who sells a new or used mobile home shall provide
39 an approved tiedown system. The cost of purchase
40 of the system shall be included in the purchase price
41 of every new or used mobile home sold in this state.
42 The purchaser shall provide for installation of this
43 system within one hundred twenty days of locating
44 the mobile home on a permanent site.

45 NEW SECTION. INSTALLER COMPLIANCE AND
46 CERTIFICATION. Any person who installs a tiedown
47 system shall comply with the minimum standards for
48 such systems, and shall provide the owner of the
49 mobile home on which installation is made and the
50 commissioner with a certification of approved system

1 installation. Such certification shall be in proper
2 form as established by the commissioner.

3 NEW SECTION. COMPLIANCE. When a person is found
4 in violation of this Act the commissioner shall
5 prescribe a period of time not to exceed one hundred
6 twenty days within which compliance must be achieved
7 and the commissioner shall so notify the person.

8 NEW SECTION. LISTING AND FORM OF CERTIFICATION
9 OF APPROVED SYSTEMS PROVIDED. The commissioner shall
10 provide upon request a list of approved tiedown systems
11 and instructions for the completion of proper
12 certification of approved system installation.

13 Sec. 4. This Act, except section three (3), is
14 effective January 1, 1978.

H-3437 FILED - *Adopted* BY KRAUSE of Kossuth
MARCH 29, 1977 *3/31 (p. 1146)* LAGESCHULTE of Bremer
MILLER of Buchanan
CLARK of Cerro Gordo
DAVITT of Warren
GILLOON of Dubuque

HOUSE FILE 224

H-3313

1 Amend House File 224 as follows:
2 1. Page 1, by inserting before line one (1)
3 the following section:
4 "Section 1. Section one hundred three A
5 point three (103A.3), subsection twelve (12),
6 Code 1977, is amended to read as follows:
7 12. "Factory-built structure" means any
8 structure which is, wholly or in substantial
9 part, made, fabricated, formed, or assembled in
10 manufacturing facilities for installation or
11 assembly and installation, on a building site.
12 "Factory-built structure" includes the term "mobile
13 home" as defined in section one hundred thirty-
14 five D point one (135D.1) of the Code."

H-3313 FILED - *Repealed* BY KRAUSE of Kossuth
MARCH 17, 1977 *order with* LAGESCHULTE of Bremer
adoption of MONROE of Des Moines
3437 3/31 (1146)

HOUSE FILE 224

H-3312

1 Amend amendment H-3123 to House File 224 as follows:
2 By inserting after line 19 the following:
3 "6. Page 2, by inserting after line 30 the
4 following:
5 Sec. ____ . Section one hundred three A point ten
6 (103A.10), Code 1977, is repealed."

H-3312 FILED - *Repealed* BY MONROE of Des Moines
MARCH 17, 1977 *order with* *3123*
adoption of
HOUSE FILE 224

H-3310

1 Amend amendment H-3301 to House File 224 as
2 follows:
3 1. Page 18, by striking lines 11 and 12.

H-3310 FILED - *Repealed* BY HARGRAVE of Johnson
MARCH 17, 1977 *order with*
adoption of 3437 3/31 (1146)

H-3301

1 Amend House File 224 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. NEW SECTION. SHORT TITLE. Sections
5 one (1) through thirty-nine (39) of this Act shall
6 be known and may be cited as the mobile home parks
7 residential landlord and tenant act. References to
8 this Act in sections one (1) through thirty-nine (39)
9 of this Act refer only to sections one (1) through
10 thirty-nine (39) of this Act.

11 Sec. 2. NEW SECTION. PURPOSES. Underlying
12 purposes and policies of this chapter are:

13 1. To simplify, clarify and establish the law
14 governing the rental of mobile home spaces and rights
15 and obligations of landlord and tenant.

16 2. To encourage landlord and tenant to maintain
17 and improve the quality of mobile home housing.

18 Sec. 3. NEW SECTION. SUPPLEMENTARY PRINCIPLES
19 OF LAW APPLICABLE. Unless displaced by the provisions
20 of this Act, the principles of law and equity,
21 including the law relating to capacity to contract,
22 mutuality of obligations, principal and agent, real
23 property, public health, safety and fire prevention,
24 estoppel, fraud, misrepresentation, duress, coercion,
25 mistake, bankruptcy or other validating or invalidating
26 cause supplement its provisions.

27 Sec. 4. NEW SECTION. ADMINISTRATION OF REMEDIES;
28 ENFORCEMENT.

29 1. The remedies provided by this Act shall be
30 so administered that the aggrieved party may recover
31 appropriate damages. The aggrieved party has a duty
32 to mitigate damages.

33 2. Any right or obligation declared by this Act
34 is enforceable by action unless the provision declaring
35 it specifies a different and limited effect.

36 Sec. 5. NEW SECTION. SETTLEMENT OF DISPUTED CLAIM
37 OR RIGHT. A claim or right arising under this Act
38 or on a rental agreement, if disputed in good faith,
39 may be settled by agreement.

40 Sec. 6. NEW SECTION. TERRITORIAL APPLICATION.
41 This Act applies to, regulates and determines rights,
42 obligations and remedies under a rental agreement,
43 wherever made, for a mobile home space located within
44 this state.

45 Sec. 7. NEW SECTION. EXCLUSIONS FROM APPLICATION
46 OF CHAPTER. The provisions of this Act shall not
47 be applicable to an occupancy in or operation of
48 public housing as authorized, provided or conducted
49 pursuant to chapter four hundred three A (403A) of
50 the Code, or pursuant to any federal law or regulation

1 with which it might conflict.

2 Sec. 8. NEW SECTION. JURISDICTION AND SERVICE
3 OF PROCESS.

4 1. The appropriate court of this state may exercise
5 jurisdiction over any landlord with respect to any
6 conduct in this state governed by this Act or with
7 respect to any claim arising from a transaction subject
8 to this Act. In addition to any other method provided
9 by rule or by statute, personal jurisdiction over
10 a landlord may be acquired in a civil action or
11 proceeding instituted in the appropriate court by
12 the service of process in the manner provided by this
13 section.

14 2. If a landlord is not a resident of this state
15 or is a corporation not authorized to do business
16 in this state and engages in any conduct in this state
17 governed by this Act, or engages in a transaction
18 subject to this Act, the landlord shall designate
19 an agent upon whom service of process may be made
20 in this state. The agent shall be a resident of this
21 state or a corporation authorized to do business in
22 this state. The designation shall be in writing and
23 filed with the secretary of state. If no designation
24 is made and filed or if process cannot be served in
25 this state upon the designated agent, process may
26 be served upon the secretary of state, but the
27 plaintiff or petitioner shall forthwith mail a copy
28 of this process and pleading by certified mail, return
29 receipt requested, to the defendant or respondent
30 at this last reasonably ascertained address. If there
31 is no last reasonably ascertainable address and if
32 the defendant or respondent has not complied with
33 section seventeen (17), subsections one (1) and two
34 (2) of this Act, then service upon the secretary of
35 state shall be sufficient service of process without
36 the mailing of copies to the defendant or respondent.
37 Service of process shall be deemed complete and the
38 time shall begin to run for the purposes of this
39 section at the time of service upon the secretary
40 of state. The defendant shall appear and answer
41 within thirty days after completion thereof in the
42 manner and under the same penalty as if defendant
43 had been personally served with the summons. An
44 affidavit of compliance with this section shall be
45 filed with the clerk of the court on or before the
46 return day of the process, if any, or within any
47 further time the court allows. Where applicable,
48 the affidavit shall contain a statement that defendant
49 or respondent has not complied with section seventeen
50 (17), subsections one (1) and two (2) of this Act,

1 or that affiant could not ascertain compliance by
2 inquiry directed to the secretary of state.

3 Sec. 9. NEW SECTION. GENERAL DEFINITIONS. Subject
4 to additional definitions contained in subsequent
5 sections of this Act which apply to specific sections
6 thereof, and unless the context otherwise requires,
7 in this chapter:

8 1. "Action" includes recoupment, counterclaim,
9 setoff, suit in equity and any other proceeding in
10 which rights are determined, including an action for
11 possession.

12 2. "Building and housing codes" include any law,
13 ordinance or governmental regulation concerning fitness
14 for habitation, or the construction, maintenance,
15 operation, occupancy, use or appearance of any
16 premises, dwelling unit or mobile home space.

17 3. "Dwelling unit" excludes real property used
18 to accommodate a mobile home.

19 4. "Good faith" means honesty in fact in the
20 conduct or transaction concerned.

21 5. "Landlord" means the owner, lessor, sublessor
22 or operator, or any combination thereof, of a mobile
23 home park and it also means a manager of the premises
24 who fails to disclose as required by section seventeen
25 (17) of this Act.

26 6. "Mobile home" means a dwelling unit built on
27 a chassis and containing complete electrical, plumbing
28 and sanitary facilities, and designated to be installed
29 on a temporary or a permanent foundation for permanent
30 living quarters.

31 7. "Mobile home space" means a parcel of land
32 for rent which has been designed to accommodate a
33 mobile home and provide the required sewer and utility
34 connections.

35 8. "Organization" includes a corporation,
36 government, governmental subdivision or agency,
37 business trust, estate, trust, partnership or
38 association, two or more persons having a joint or
39 common interest and any other legal or commercial
40 entity which is a landlord, owner, manager or
41 constructive agent pursuant to section seventeen (17)
42 of this Act.

43 9. "Owner" means one or more persons, jointly
44 or severally, in whom is vested all or part of the
45 legal title to property or all or part of the
46 beneficial ownership and a right to present use and
47 enjoyment of the premises. The term includes a
48 mortgagee in possession.

49 10. "Person" means an individual or organization.

50 11. "Premises" means mobile home park and existing

1 facilities and appurtenances therein, including
2 furniture and utilities where applicable, and grounds,
3 areas and existing facilities held out for the use
4 of tenants generally or whose use is promised to the
5 tenant.

6 12. "Rent" means payments to be made to the
7 landlord in full consideration for the rented premises.

8 13. "Rental agreement" means agreements, written
9 or those implied by law, and valid rules and
10 regulations adopted under section twenty-two (22)
11 of this Act embodying the terms and conditions
12 concerning the use and occupancy of a mobile home
13 space or a mobile home and a mobile home space.

14 14. "Security" means money or property given to
15 assure payment or performance under a rental agreement.

16 15. "Tenant" means a person entitled under a
17 rental agreement to occupy a mobile home space to
18 the exclusion of others.

19 Sec. 10. NEW SECTION. OBLIGATION OF GOOD FAITH.
20 Every duty under this chapter and every act which
21 must be performed as a condition precedent to the
22 exercise of a right or remedy under this chapter
23 imposes an obligation of good faith in its performance
24 or enforcement.

25 Sec. 11. NEW SECTION. UNCONSCIONABILITY.

26 1. If the court, as a matter of law, finds that:

27 a. A rental agreement or any provision thereof
28 was unconscionable when made, the court may refuse
29 to enforce the agreement, enforce the remainder of
30 the agreement without the unconscionable provision,
31 or limit the application of any unconscionable
32 provision to avoid an unconscionable result.

33 b. A settlement in which a party waives or agrees
34 to forego a claim or right under this chapter or under
35 a rental agreement was unconscionable at the time
36 it was made, the court may refuse to enforce the
37 settlement, enforce the remainder of the settlement
38 without the unconscionable provision, or limit the
39 application of any unconscionable provision to avoid
40 any unconscionable result.

41 2. If unconscionability is put into issue by
42 a party or by the court upon its own motion the parties
43 shall be afforded a reasonable opportunity to present
44 evidence as to the setting, purpose and effect of
45 the rental agreement or settlement to aid the court
46 in making the determination.

47 Sec. 12. NEW SECTION. NOTICE.

48 1. A person has notice of a fact if that person
49 has actual knowledge of it, has received a notice
50 or notification of it or, from all the facts and

1 circumstances known to that person at the time in
2 question, has reason to know that it exists. A person
3 "knows" or "has knowledge" of a fact if that person
4 has actual knowledge of it.

5 2. A person "notifies" or "gives" a notice or
6 notification to another by taking steps reasonably
7 calculated to inform the other in ordinary course
8 whether or not the other actually comes to know of
9 it. A person "receives" a notice or notification
10 when it comes to that person's attention, or in the
11 case of the landlord, it is delivered in hand or
12 mailed by certified mail, return receipt requested,
13 to the place of business of the landlord through which
14 the rental agreement was made or at any place held
15 out by the landlord as the place for receipt of the
16 communication or delivered to any individual who is
17 designated as an agent by section seventeen (17) of
18 this Act or, in the case of the tenant, it is delivered
19 in hand to the tenant or mailed by certified mail
20 with restricted delivery to the tenant at the place
21 held out by the tenant as the place for receipt of
22 the communication or, in the absence of such
23 designation, to the tenant's last known place of
24 residence other than the landlord's mobile home or
25 space, if known.

26 3. "Notice" knowledge or a notice or notification
27 received by an organization is effective for a
28 particular transaction from the time it is brought
29 to the attention of the individual conducting the
30 transaction and in any event from the time it would
31 have been brought to that person's attention if the
32 organization had exercised reasonable diligence, but
33 such knowledge shall be subject to proof.

34 Sec. 13. NEW SECTION. TERMS AND CONDITIONS OF
35 RENTAL AGREEMENT.

36 1. The landlord and tenant may include in a rental
37 agreement terms and conditions not prohibited by this
38 chapter or other rule of law including rent, term
39 of the agreement and other provisions governing the
40 rights and obligations of the parties.

41 2. The tenant shall pay as rent the amount stated
42 in the rental agreement. In the absence of a rental
43 agreement, the tenant shall pay as rent the fair
44 rental value for the use and occupancy of the mobile
45 home space.

46 3. Rent shall be payable without demand or notice
47 at the time and place agreed upon by the parties.
48 Periodic rent is payable at the beginning of any term
49 of one month or less, and thereafter, unless otherwise
50 agreed, in equal monthly installments at the beginning

1 of each month. Unless otherwise agreed, rent shall
2 be uniformly apportionable from day to day.

3 4. In addition to any other rental provisions,
4 the landlord shall be entitled to an automatic rental
5 increase to compensate for actual unforeseen costs
6 including taxes and rate increases for utilities,
7 which shall be substantiated by the landlord.

8 5. Unless otherwise agreed, rental agreements
9 shall be for a term of one year and shall be
10 automatically renewed on a yearly basis unless
11 otherwise specified in the original written or oral
12 rental agreement or any renewal thereof or may be
13 canceled by at least thirty days written notice given
14 before the expiration of any such lease by either
15 party.

16 6. At the request of either the landlord or the
17 tenant, a rental agreement for a term up to one year
18 shall be executed.

19 7. Should a tenant die, a surviving joint tenant
20 shall continue as tenant with all rights and privileges
21 and all liabilities the same as if that person were
22 the original tenant.

23 8. Should a tenant who was sole owner of a mobile
24 home die during the term of rental agreement then
25 that person's heirs or legal representative shall
26 have the right to cancel tenant's lease by giving
27 sixty days written notice to the landlord with the
28 same rights, privileges and liabilities of the original
29 tenant.

30 9. Unless otherwise provided by the rental
31 agreement, any improvements made by the tenant such
32 as plants, vines, edgings, gravel, stone or other
33 additions made for the benefit of the tenancy shall
34 be removable, except that the landlord may keep the
35 same by paying tenant for the actual cost thereof.

36 Sec. 14. NEW SECTION. PROHIBITED PROVISIONS IN
37 RENTAL AGREEMENTS.

38 1. A rental agreement shall not provide that the
39 tenant does any of the following:

40 a. Agrees to waive or to forego rights or remedies
41 under this chapter.

42 b. Agrees to pay the landlord's attorney's fees,
43 except an agreement in writing may provide that
44 attorney's fees may be awarded to the prevailing party
45 in the event of court action.

46 c. Agrees to the exculpation or limitation of
47 any liability of the landlord arising under law or
48 to indemnify the landlord for that liability or the
49 costs connected therewith.

50 2. A provision prohibited by subsection one (1)

1 of this section included in a rental agreement is
2 unenforceable. If a landlord deliberately uses a
3 rental agreement containing provisions known to be
4 prohibited, the tenant may recover actual damages
5 sustained.

6 Sec. 15. NEW SECTION. SEPARATION OF RENTS AND
7 OBLIGATIONS TO MAINTAIN PROPERTY FORBIDDEN. A rental
8 agreement, assignment, conveyance, trust deed or
9 security instrument may not permit the receipt of
10 rent, unless the landlord has agreed to comply with
11 section nineteen (19), subsection one (1) of this
12 Act.

13 DIVISION II--LANDLORD OBLIGATIONS.

14 Sec. 16. NEW SECTION. SECURITY DEPOSITS.

15 1. A landlord shall not demand or receive as
16 security, however denominated and including but not
17 limited to prepaid rent, an amount or value in excess
18 of one and one-half month's rent.

19 2. Cleaning and landscaping deposits shall be
20 refundable unless otherwise stated in the rental
21 agreement.

22 3. Upon termination of the tenancy, property or
23 money held by the landlord as prepaid rent, security
24 or cleaning and landscaping deposits may be applied
25 to the payment of accrued rent and the amount of
26 damages which the landlord has suffered by reason
27 of the tenant's noncompliance with section twenty-
28 one (21) of this Act if it is itemized by the landlord
29 in a written notice delivered to the tenant together
30 with the amount due within fourteen days of termination
31 of the tenancy and delivery of possession by the
32 tenant.

33 4. If the landlord fails to comply with subsections
34 two (2) and three (3) of this section the tenant may
35 recover the property and money due him together with
36 damages in an amount equal to twice the amount
37 wrongfully withheld.

38 5. This section does not preclude the landlord
39 or tenant from recovering other damages to which he
40 or she may be entitled under this chapter.

41 6. The holder of the landlord's interest in the
42 premises at the time of the termination of the tenancy
43 is bound by this section.

44 Sec. 17. NEW SECTION. DISCLOSURE AND TENDER OF
45 WRITTEN RENTAL AGREEMENT.

46 1. The landlord or any person authorized to enter
47 into a rental agreement on his or her behalf shall
48 disclose to the tenant in writing before entering
49 into the rental agreement the name and address of
50 each of the following:

1 a. The person authorized to manage the premises.
 2 b. The owner of the premises or a person authorized
 3 to act for and on behalf of the owner for the purpose
 4 of service of process and for the purpose of receiving
 5 and receipting for notices and demands.

6 2. The information required to be furnished by
 7 this section shall be kept current and refurnished
 8 to tenant upon tenant's request. When there is a
 9 new owner or operator this section extends to and
 10 is enforceable against any successor landlord, owner
 11 or manager.

12 3. A person who fails to comply with subsections
 13 one (1) and two (2) becomes an agent of each person
 14 who is a landlord for the following purposes:

15 a. Service of process and receiving and receipting
 16 for notices and demands.

17 b. Performing the obligations of the landlord
 18 under this chapter and under the rental agreement
 19 and expending or making available for the purpose
 20 all rent collected from the premises.

21 4. If there is a written rental agreement, the
 22 landlord must tender and deliver a signed copy of
 23 the rental agreement to the tenant and the tenant
 24 must sign and deliver to the landlord one fully
 25 executed copy of such rental agreement within ten
 26 days after the agreement is executed. Such rental
 27 agreement shall have all blank spaces completed.
 28 Noncompliance with this subsection shall be deemed
 29 a material noncompliance by the landlord or the tenant,
 30 as the case may be, of the rental agreement.

31 5. The landlord or any person authorized to enter
 32 into a rental agreement on the landlord's behalf shall
 33 fully explain utility rates to the prospective tenant
 34 before the rental agreement is signed unless paid
 35 by the tenant directly to the utility company.

36 6. Each tenant shall be notified, in writing,
 37 of any rent increase at least sixty days before the
 38 effective date. Such effective date shall not be
 39 sooner than the expiration date of the original rental
 40 agreement or any renewal or extension thereof.

41 Sec. 18. NEW SECTION. LANDLORD TO DELIVER
 42 POSSESSION OF MOBILE HOME SPACE.

43 At the commencement of the term the landlord shall
 44 deliver possession of the premises to the tenant in
 45 compliance with the rental agreement and section
 46 nineteen (19) of this Act. The landlord may bring
 47 an action for possession against any person wrongfully
 48 in possession and may recover the damages provided
 49 in section thirty-seven (37) of this Act.

50 Sec. 19. NEW SECTION. LANDLORD TO MAINTAIN FIT

PREMISES.

1 1. The landlord shall:

2 a. Comply with the requirements of all applicable
3 city, county and state codes materially affecting
4 health and safety.

5 b. Make all repairs and do whatever is necessary
6 to put and keep the premises in a fit and habitable
7 condition.

8 c. Keep all common areas of the premises in a
9 clean and safe condition.

10 d. Maintain in good and safe working order and
11 condition all swimming pool, shower, bathhouse,
12 electrical, plumbing and sanitary facilities, including
13 recreational hall or meeting facilities supplied or
14 required to be supplied by the landlord.

15 e. Provide and maintain appropriate receptacles
16 and conveniences for removal of garbage, rubbish,
17 and other waste incidental to the occupancy of the
18 mobile home space and arrange for their removal.

19 f. Furnish outlets for electric, water and sewer
20 services.

21 2. A mobile home park landlord shall not impose
22 any conditions of rental or occupancy which restrict
23 the mobile home owner in the choice of a seller of
24 fuel, furnishings, goods, services or mobile homes
25 connected with the rental or occupancy of a mobile
26 home space unless such condition is necessary to
27 protect the health, safety, aesthetic value or welfare
28 of mobile home residents in the park. However, the
29 landlord may impose reasonable conditions relating
30 to central fuel and gas meter systems in the park.
31 If any such conditions are imposed which result in
32 charges for such goods or services, the charges shall
33 not exceed the actual cost incurred in providing the
34 tenant with such goods or services.

35 Sec. 20. NEW SECTION. LIMITATION OF LIABILITY.

36 1. Unless otherwise agreed, a landlord who conveys
37 premises that include a mobile home space subject
38 to a rental agreement in a good faith sale to a bona
39 fide purchaser is relieved of liability under the
40 rental agreement and this chapter as to events
41 occurring subsequent to written notice to the tenant
42 of the conveyance. The landlord remains liable to
43 the tenant for any right of possession, property and
44 money to which the tenant is entitled under section
45 sixteen (16) of this Act.

46 2. Unless otherwise agreed, a manager of premises
47 that include a mobile home space is relieved of
48 liability under the rental agreement and this chapter
49 as to events occurring after written notice to the
50

1 tenant of the termination of his management, except
 2 such notice shall not terminate any agreement or legal
 3 liability.

4 DIVISION III--TENANT OBLIGATIONS

5 Sec. 21. NEW SECTION. TENANT TO MAINTAIN MOBILE
 6 HOME SPACE--NOTICE OF VACATING. A tenant of a mobile
 7 home space shall exercise diligence to maintain that
 8 part of the premises which the tenant has leased in
 9 as good condition as when the tenant took possession
 10 and shall:

11 a. Comply with all obligations primarily imposed
 12 upon tenants by applicable provisions of city, county
 13 and state codes materially affecting health and safety.

14 b. Keep that part of the premises that the tenant
 15 occupies and uses as clean and safe as the condition
 16 of the premises permit.

17 c. Dispose from the tenant's mobile home space
 18 all rubbish, garbage and other waste in a clean and
 19 safe manner as prescribed by park rules.

20 d. Not deliberately or negligently destroy, deface,
 21 damage, impair or remove any part of the premises
 22 or knowingly permit any person to do so.

23 e. Conduct himself or herself and require other
 24 persons on the premises with his or her consent to
 25 conduct themselves in a manner that will not disturb
 26 the tenant's neighbors' peaceful enjoyment of the
 27 premises.

28 f. Be obligated to inform the landlord or manager
 29 of the mobile home park within ten days prior to
 30 vacating premises. If notice is not given ten days
 31 prior to moving from the mobile home space, the tenant
 32 then is responsible for the following month's rent.

33 Sec. 22. NEW SECTION. RULES AND REGULATIONS.

34 1. A landlord shall adopt written rules or
 35 regulations, however described, concerning the tenant's
 36 use and occupancy of the premises. Such rules or
 37 regulations are enforceable against the tenant only
 38 if:

39 a. Their purpose is to promote the convenience,
 40 safety or welfare of the tenants in the premises,
 41 preserve the landlord's property from abusive use
 42 or make a fair distribution of services and facilities
 43 held out for the tenants generally.

44 b. They are reasonably related to the purpose
 45 for which adopted.

46 c. They apply to all tenants in the premises in
 47 a fair manner.

48 d. They are sufficiently explicit in prohibition,
 49 direction or limitation of the tenant's conduct to
 50 fairly inform that person of what must or must not

1 be done to comply.

2 e. They are not for the purpose of evading the
3 obligations of the landlord.

4 f. The prospective tenant has a copy of them
5 before the rental agreement is entered into, and the
6 prospective tenant is provided a copy of the current
7 rules and regulations at the time the rental agreement
8 is completed.

9 2. If any mobile home park owner adds, changes,
10 deletes, or amends any rule, a copy of all such
11 additions, changes, deletions or amendments shall
12 be furnished to all mobile home tenants thirty days
13 before they become effective. Any rule or condition
14 of occupancy which is unfair and deceptive or which
15 does not conform to the requirements of this chapter
16 shall be unenforceable. A rule or regulation adopted
17 after the tenant enters into the rental agreement
18 is enforceable against the tenant only if it does
19 not work a substantial modification of that person's
20 rental agreement.

21 3. No person who owns or operates a mobile home
22 park shall:

23 a. Deny rental unless the park resident or
24 prospective resident cannot conform to park rules
25 and regulations.

26 b. Require any person as a precondition to renting,
27 leasing or otherwise occupying a space for a mobile
28 home in a mobile home park to pay an entrance or exit
29 fee of any kind unless for services actually rendered
30 or pursuant to a written agreement.

31 c. Deny any resident of a mobile home park the
32 right to sell that person's home at a price of his
33 or her own choosing, but may reserve the right to
34 approve the purchaser of such mobile home as a tenant
35 but such permission may not be unreasonably withheld,
36 provided however, that the landlord may, in the event
37 of a sale to a third party, in order to upgrade the
38 quality of the mobile home park, require that any
39 mobile home ten feet or less wide and more than ten
40 years old, or any mobile home in a rundown condition
41 or in disrepair be removed from the park within sixty
42 days.

43 d. Exact a commission or fee with respect to the
44 price realized by the tenant selling the tenant's
45 mobile home, unless the park owner or operator has
46 acted as agent for the mobile home owner pursuant
47 to a written agreement.

48 e. Require tenant to furnish permanent improvements
49 which cannot be removed without damage thereto or
50 to the mobile home space by tenant at expiration of

the rental agreement.

f. Prohibit meetings between tenants in the mobile home park relating to mobile home living and affairs in the park community or recreational hall if such meetings are held at reasonable hours and when the facility is not otherwise in use.

Sec. 23. NEW SECTION. ACCESS.

1. The landlord has no right of access to a mobile home owned by a tenant.

2. The landlord and tenant may mutually agree, in writing, to give the landlord access.

Sec. 24. NEW SECTION. TENANT TO OCCUPY AS A DWELLING UNIT--AUTHORITY TO SUBLET. Unless otherwise agreed, the tenant shall occupy the tenant's mobile home only as a dwelling unit and may sublet, upon written agreement with the park management.

DIVISION IV--REMEDIES

Sec. 25. NEW SECTION. NONCOMPLIANCE BY THE LANDLORD.

1. Except as provided in this chapter, if there is a material noncompliance by the landlord with the rental agreement, the tenant may deliver a written notice to the landlord specifying the acts and omissions constituting the breach and that the rental agreement will terminate upon a date not less than thirty days after receipt of the notice if the breach is not remedied in fourteen days. If there is a noncompliance by the landlord with section nineteen (19) of this Act materially affecting health and safety, the tenant may deliver a written notice to the landlord specifying the acts and omissions constituting the breach and that the rental agreement will terminate upon a date not less than twenty days after receipt of the notice if the breach is not remedied in ten days. The rental agreement shall terminate and the mobile home space shall be vacated as provided in the notice subject to the following:

a. If the breach is remediable by repairs or the payment of damages or otherwise and the landlord adequately remedies the breach prior to the date specified in the notice, the rental agreement will not terminate.

b. The tenant may not terminate for a condition caused by the deliberate or negligent act or omission of the tenant, a member of the tenant's family or other person on the premises with the tenant's consent.

2. Except as provided in this chapter, the tenant may recover damages, and obtain injunctive relief for any noncompliance by the landlord with the rental agreement or with section nineteen (19) of this Act.

1 3. The remedy provided in subsection two (2) of
2 this section is in addition to any right of the tenant
3 arising under subsection one (1) of this section.

4 4. If the rental agreement is terminated, the
5 landlord shall return all deposits.

6 Sec. 26. NEW SECTION. FAILURE TO DELIVER
7 POSSESSION.

8 1. If the landlord fails to deliver physical
9 possession of the mobile home space to the tenant
10 as provided in section eighteen (18) of this Act,
11 rent abates until possession is delivered and the
12 tenant may do either of the following:

13 a. Upon at least five days' written notice to
14 the landlord, terminate the rental agreement and upon
15 termination the landlord shall return all deposits.

16 b. Demand performance of the rental agreement
17 by the landlord and, if the tenant elects, maintain
18 an action for possession of the mobile home space
19 against the landlord or any person wrongfully in
20 possession and recover the damages sustained by him.

21 2. If the landlord fails to deliver constructive
22 possession to the tenant because of noncompliance
23 with section nineteen (19) of this Act, rent shall
24 not abate. The tenant may proceed with the remedies
25 provided for in section twenty-five (25) of this Act.

26 3. If a person's failure to deliver possession
27 is willful and not in good faith, an aggrieved person
28 may recover from that person the actual damages
29 sustained by him, plus any attorney's fees and court
30 costs.

31 Sec. 27. NEW SECTION. SELF-HELP FOR MINOR DEFECTS.

32 1. If the landlord fails to comply with section
33 nineteen (19) of this Act, the tenant may recover
34 damages for the breach under section twenty-five (25),
35 subsection two (2) of this Act, or may notify the
36 landlord of the tenant's intention to correct the
37 condition at the landlord's expense. After being
38 notified by the tenant in writing, if the landlord
39 fails to comply within twenty days or as promptly
40 thereafter as conditions require in case of emergency,
41 the tenant may cause the work to be done by a licensed
42 contractor and, after submitting to the landlord an
43 itemized statement and a waiver of lien, deduct from
44 the rent the actual and reasonable cost of the work.

45 2. A tenant may not repair at the landlord's
46 expense if the condition was caused by the deliberate
47 or negligent act or omission of the tenant, a member
48 of the tenant's family or other person on the premises
49 with the tenant's consent.

50 Sec. 28. NEW SECTION. WRONGFUL FAILURE TO SUPPLY

1 ESSENTIAL SERVICES.

2 1. If contrary to the rental agreement or section
3 nineteen (19) of this Act, the landlord deliberately
4 or negligently fails to supply essential services,
5 the tenant may give reasonable notice to the landlord
6 specifying the breach under tenant's remedies.

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

13 Sec. 29. NEW SECTION. TENANT'S REMEDIES FOR
14 LANDLORD'S UNLAWFUL OUSTER, EXCLUSION OR DIMINUTION
15 OF SERVICES. If the landlord unlawfully removes or
16 excludes the tenant from the premises or willfully
17 diminishes services to the tenant by interrupting
18 or causing the interruption of electric, gas, water
19 or other essential service to the tenant, the tenant
20 may recover possession or terminate the rental
21 agreement and, in either case, recover an amount equal
22 to two months' periodic rent and twice the actual
23 damages sustained by the tenant. If the rental
24 agreement is terminated, the landlord shall return
25 all deposits.

26 Sec. 30. NEW SECTION. NONCOMPLIANCE WITH RENTAL
27 AGREEMENT BY TENANT--FAILURE TO PAY RENT.

28 1. Except as provided in this chapter, if there
29 is a material noncompliance by the tenant with the
30 rental agreement, the landlord may deliver a written
31 notice to the tenant specifying the acts and omissions
32 constituting the breach and that the rental agreement
33 will terminate upon a date not less than thirty days
34 after receipt of the notice if the breach is not
35 remedied in fourteen days. If there is a noncompliance
36 by the tenant with section twenty-one (21) of this
37 Act materially affecting health and safety, the
38 landlord may deliver a written notice to the tenant
39 specifying the acts and omissions constituting the
40 breach and that the rental agreement will terminate
41 upon a date not less than twenty days after receipt
42 of the notice if the breach is not remedied in ten
43 days. However, if the breach is remediable by repair
44 or the payment of damages or otherwise, and the tenant
45 adequately remedies the breach prior to the date
46 specified in the notice, the rental agreement will
47 not terminate.

48 2. If rent is unpaid when due and the tenant fails
49 to pay rent within seven days after written notice
50 by the landlord of nonpayment and of the landlord's

1 intention to terminate the rental agreement if the
2 rent is not paid within that period of time, the
3 landlord may terminate the rental agreement. Prior
4 to judgment in an action brought by the landlord under
5 this subsection, the tenant may have the rental
6 agreement reinstated by tendering the past due but
7 unpaid periodic rent, reasonable attorney's fees
8 incurred by the landlord and court costs, if any.

9 3. Except as otherwise provided in this chapter,
10 the landlord may recover damages, obtain injunctive
11 relief or recover possession of the premises pursuant
12 to an action in forcible detainer for any noncompliance
13 by the tenant with the rental agreement or with section
14 twenty-one (21) of this Act.

15 4. The remedy provided in subsection three (3)
16 of this section is in addition to any right of the
17 landlord arising under subsection one (1) of this
18 section.

19 Sec. 31. NEW SECTION. FAILURE TO MAINTAIN BY
20 TENANT. If there is noncompliance by the tenant with
21 section twenty-one (21) of this Act materially
22 affecting health and safety that can be remedied by
23 repair, replacement of a damaged item or cleaning
24 and the tenant fails to comply as promptly as condi-
25 tions require in case of emergency or within ten days
26 after written notice by the landlord specifying the
27 breach and requesting that the tenant remedy it within
28 that period of time, the landlord may enter the mobile
29 home space, and cause the work to be done in a
30 workmanlike manner and submit an itemized bill for
31 the actual and reasonable cost or the fair and reason-
32 able value thereof additional as rent on the next
33 date when periodic rent is due, or if the rental
34 agreement was terminated, for immediate payment.

35 Sec. 32. NEW SECTION. REMEDIES FOR ABANDONMENT-
36 -REQUIRED REGISTRATION.

37 1. If the tenant abandons the mobile home unit
38 on a mobile home space, it is incumbent upon the
39 landlord to locate the legal owner or lienholder of
40 the mobile home unit within ten days and communicate
41 to that person his or her liability for any costs
42 encumbered for the mobile home space for such mobile
43 home unit, including rent and utilities due and owing.
44 However, the landlord shall be entitled to a maximum
45 of sixty days' rent due prior to notice to lienholder.
46 Any and all costs shall then become the responsibility
47 of the legal owner or lienholder of the mobile home.
48 The mobile home unit may not be removed from the
49 mobile home space without a signed written agreement
50 from the mobile home park landlord, owner or manager

1 showing clearance for removal, showing all moneys
2 due and owing paid in full, or an agreement reached
3 with the legal owner and the landlord.

4 2. A required standardized registration form shall
5 be filled out by each mobile home space renter, upon
6 mobile home space rental, showing mobile home make,
7 year, serial number and license number if any be
8 legally required, and also showing if the mobile home
9 is paid for, if there is a lien on the mobile home,
10 and if so the lienholder, and who is the legal owner
11 of the mobile home unit. The registration cards or
12 forms shall be kept on file with the park management
13 as long as the mobile home is on the mobile home space
14 within the park. Notice shall be given to park
15 management within ten days of any new lien, changes
16 of existing lien or settlement of lien.

17 Sec. 33. NEW SECTION. WAIVER OF LANDLORD'S RIGHT
18 TO TERMINATE. Acceptance of rent, or any portion
19 thereof, with knowledge of a default by tenant or
20 acceptance of performance by the tenant that varied
21 from the terms of the rental agreement or rules
22 subsequently adopted by the landlord constitutes a
23 waiver of the landlord's right to terminate the rental
24 agreement for that breach, unless otherwise agreed
25 after the breach has occurred.

26 Sec. 34. NEW SECTION. LANDLORD LIENS. A lien
27 or security interest on behalf of the landlord in
28 the tenant's personal property is not enforceable
29 unless perfected before the effective date of this
30 chapter.

31 Sec. 35. NEW SECTION. REMEDY AFTER TERMINATION.
32 If the rental agreement is terminated, the landlord
33 may have a claim for possession and for rent and a
34 separate claim for actual damages for breach of the
35 rental agreement.

36 Sec. 36. NEW SECTION. RECOVERY OF POSSESSION
37 LIMITED. A landlord may not recover or take possession
38 of the mobile home space by action or otherwise,
39 including willful diminution of services to the tenant
40 by interrupting or causing the interruption of
41 electric, gas, water or other essential service to
42 the tenant, except in case of abandonment, surrender
43 or as permitted in this Act.

44 Sec. 37. NEW SECTION. PERIODIC TENANCY--HOLDOVER
45 REMEDIES.

46 1. The landlord may terminate a tenancy only as
47 provided in this chapter.

48 2. If the tenant remains in possession without
49 the landlord's consent after expiration of the term
50 of the rental agreement or its termination, the

1 landlord may bring an action for possession and if
2 the tenant's holdover is willful and not in good faith
3 the landlord in addition may recover an amount equal
4 to not more than two months' periodic rent and twice
5 the actual damages sustained by the landlord.

6 Sec. 38. NEW SECTION. LANDLORD AND TENANT REMEDIES
7 FOR ABUSE OF ACCESS.

8 1. If the tenant refuses to allow lawful access,
9 the landlord may terminate the rental agreement and
10 may recover actual damages.

11 2. If the landlord makes an unlawful entry or
12 a lawful entry in an unreasonable manner or makes
13 repeated demands for entry otherwise lawful but which
14 have the effect of unreasonably harassing the tenant,
15 the tenant may obtain injunctive relief to prevent
16 the recurrence of the conduct or terminate the rental
17 agreement. In either case, the tenant may recover
18 actual damages not less than an amount equal to one
19 month's rent plus attorney's fees, plus any unused
20 prepaid rent.

21 Sec. 39. NEW SECTION. RETALIATORY CONDUCT
22 PROHIBITED.

23 1. Except as provided in this section, a landlord
24 may not retaliate by increasing rent or decreasing
25 services or by bringing or threatening to bring an
26 action for possession after any of the following:

27 a. The tenant has complained to a governmental
28 agency charged with responsibility for enforcement
29 of a building or housing code of a violation applicable
30 to the premises materially affecting health and safety.

31 b. The tenant has complained to the landlord of
32 a violation under section nineteen (19) of this Act.

33 c. The tenant has organized or become a member
34 of a tenant's union or similar organization.

35 2. If the landlord acts in violation of subsection
36 one (1) of this section, the tenant is entitled to
37 the remedies provided in section twenty-nine (29)
38 of this Act and has a defense in an action for
39 possession. In an action by or against the tenant,
40 evidence of a complaint within six months prior to
41 the alleged act of retaliation creates a presumption
42 that the landlord's conduct was in retaliation. The
43 presumption does not arise if the tenant made the
44 complaint after notice of termination of the rental
45 agreement. For the purpose of this subsection,
46 "presumption" means that the trier of fact must find
47 the existence of the fact presumed unless and until
48 evidence is introduced which would support a finding
49 of its nonexistence.

50 3. Notwithstanding subsections one (1) and two

- 1 (2) of this section, a landlord may bring an action
2 for possession if either of the following occurs:
3 a. The violation of the applicable building or
4 housing code was caused primarily by lack of reasonable
5 care by the tenant or other person in the household
6 or upon the premises with the tenant's consent.
7 b. The tenant is in default in rent. The
8 maintenance of the action does not release the landlord
9 from liability under section twenty-five (25),
10 subsection two (2) of this Act.
11 Sec. 40. Section one hundred thirty-five D point
12 one".
13 2. Renumber the sections and correct internal
14 references to conform with this amendment.
15 3. Amend the title, line 1, by striking the words
16 "home tiedowns" and inserting in lieu thereof the
17 word "homes".

HOUSE FILE 224

H-3296

- 1 Amend House File 224 as follows:
- 2 1. Page 1, by striking lines 24, 25 and 26.

H-3296 FILED *Printed out by order with adoption of 3/2/77 (1146)* BY BROCKETT of Marshall
MARCH 16, 1977
HOUSE FILE 224

H-3284

- 1 Amend House File 224 as follows:
- 2 1. Page 2, by striking from lines 17 and 18
- 3 the words "requesting persons a listing" and
- 4 inserting in lieu thereof the words "upon request
- 5 a list".
- 6 2. Page 2, line 19 by striking the words
- 7 "shall provide".

H-3284 FILED *Printed out by order with adoption of 3/4/77 (1146)* BY JUNKER OF Woodbury
MARCH 16, 1977

H-3161

- 1 Amend House File 224 as follows:
- 2 1. Page 2, by striking lines 21 through 30.

H-3161 FILED *Printed out by order with adoption of 3/3/77 (1146)* BY MILLER of Buchanan
MARCH 7, 1977

H-3124

- 1 Amend House File 224 as follows:
- 2 1. Page 1, by adding after line 17 the fol-
- 3 lowing sentence "However, any lot or parcel of land
- 4 on which a mobile home is situated so as to be more
- 5 than one hundred fifty feet from any real property
- 6 owned by a person other than the occupant of that
- 7 mobile home shall not be considered a permanent
- 8 site."

H-3124 FILED *Printed out by order with adoption of 3/3/77 (1146)* BY SCHROEDER of Pottawattamie
MARCH 2, 1977

H-3123

- 1 Amend House File 224 as follows:
- 2 1. Page 1, by striking lines 1 through 3, and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section one hundred three A point
- 5 three (103A.3), Code 1977, is amended by adding the
- 6 following new subsections:"
- 7 2. Page 1, by striking line 18 and inserting in
- 8 lieu thereof the following:
- 9 "Sec. 2. Chapter one hundred three A (103A),
- 10 Code".
- 11 3. Page 1, by striking lines 20 through 22.
- 12 4. Page 2, by striking lines 10 through 12, and
- 13 inserting in lieu thereof the following:
- 14 "NEW SECTION. COMPLIANCE. When a person is found
- 15 in violation of this Act the".
- 16 5. Page 2, by striking line 21 and inserting in
- 17 lieu thereof the following:
- 18 "Sec. 3. Chapter one hundred three A (103A),
- 19 Code".

H-3123 FILED *Withdrawn* BY LAGESCHULTE of Bremer
MARCH 2, 1977 *3/31 (p. 1141)* HARVEY of Scott
DAVITT of Warren
CLARK of Carroll

Am. Trans. 4/7, Amended for 344 and Do Pass 4/21 (p. 1153)

HOUSE FILE 224

Transportation
Tieden, Chairperson
Aircraft
Robinson

HOUSE FILE 224

BY COMMITTEE ON TRANSPORTATION

(As Amended and Passed by the House)

Passed House, Date 4-27-77 (p. 1644) Passed Senate, Date 4-25-77 (p. 1182).

Vote: Ayes 82 Nays 4 Vote: Ayes 43 Nays 3

Approved May 13, 1977

A BILL FOR

1 An Act relating to mobile home tiedowns and providing a
2 penalty.

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

4

HOUSE FILE 224

S-3425

1 Amend House File 224 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 2, by striking line 20 and inserting in
4 lieu thereof the following:
5 "Sec. 4. This Act shall become effective".

S-3425 FILED & ADOPTED (*p. 1179*) BY DALE TIEDEN
APRIL 25, 1977

House File 224

S-3404

1 Amend House File 224 as follows:
2 1. Page 2, lines 10 and 11 by striking the words
3 "When a person is found in violation" and inserting
4 in lieu thereof the following:
5 "When it appears that a person is in non compliance
6 with the provisions"

S-3404 FILED - *Adopted 4/25* BY COMMITTEE ON TRANSPORTATION
APRIL 21, 1977 (*p. 1179*) CLOYD ROBINSON, CHAIRPERSON

23

24

25

1 Section 1. Section one hundred three A point three
2 (103A.3), subsection twelve (12), Code 1977, is amended to
3 read as follows:

4 12. "Factory-built structure" means any structure which
5 is, wholly or in substantial part, made, fabricated, formed,
6 or assembled in manufacturing facilities for installation
7 or assembly and installation, on a building site. "Factory-
8 built structure" includes the term "mobile home" as defined
9 in section one hundred thirty-five D point one (135D.1) of
10 the Code.

11 Sec. 2. Section one hundred three A point three (103A.3),
12 Code 1977, is amended by adding the following new subsections:

13 NEW SUBSECTION. "Ground support system" means any device
14 or combination of devices placed beneath a mobile home and
15 used to provide support.

16 NEW SUBSECTION. "Ground anchoring system" means any device
17 or combination of devices used to securely anchor a mobile
18 home to the ground.

19 NEW SUBSECTION. "Tiedown system" means a ground support
20 system and a ground anchoring system used in concert to provide
21 anchoring and support for a mobile home.

22 NEW SUBSECTION. "Permanent site" means any lot or parcel
23 of land on which a mobile home used as a dwelling or place
24 of business, is located for ninety consecutive days except
25 a construction site when the mobile home is used by a
26 commercial contractor as a construction office or storage
27 room.

28 Sec. 3. Chapter one hundred three A (103A), Code 1977,
29 is amended by adding the following new sections:

30 NEW SECTION. APPROVED TIEDOWN SYSTEM PROVIDED IN SALES
31 OF NEW OR USED MOBILE HOMES. Any person who sells a new or
32 used mobile home shall provide an approved tiedown system.
33 The cost of purchase of the system shall be included in the
34 purchase price of every new or used mobile home sold in this
35 state. The purchaser shall provide for installation of this

1 system within one hundred twenty days of locating the mobile
2 home on a permanent site.

3 NEW SECTION. INSTALLER COMPLIANCE AND CERTIFICATION.

4 Any person who installs a tiedown system shall comply with
5 the minimum standards for such systems, and shall provide
6 the owner of the mobile home on which installation is made
7 and the commissioner with a certification of approved system
8 installation. Such certification shall be in proper form
9 as established by the commissioner.

10 NEW SECTION. COMPLIANCE. When a person is found in
11 violation of this Act the commissioner shall prescribe a
12 period of time not to exceed one hundred twenty days within
13 which compliance must be achieved and the commissioner shall
14 so notify the person.

15 NEW SECTION. LISTING AND FORM OF CERTIFICATION OF APPROVED
16 SYSTEMS PROVIDED. The commissioner shall provide upon request
17 a list of approved tiedown systems and instructions for the
18 completion of proper certification of approved system
19 installation.

20 Sec. 4. This Act, except section three (3), is effective
21 January 1, 1978.

22 EXPLANATION

23 This bill provides that all mobile homes located on a
24 permanent site must be equipped with an approved mobile home
25 tiedown system, and provides a penalty for violation.

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HOUSE FILE 224

S-3430

- 1 Amend House File 224, as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, lines 31 and 32, by striking the DIV. A
4 words "or used".
5 2. Page 1, by striking lines 33 and 34. DIV. B
6 3. Page 1, line 35, by striking the word "state."

S-3430 FILED

BY C. JOSEPH COLEMAN

APRIL 25, 1977

DIV. A - LOST (p. 1181)
DIV. B - ADOPTED (p. 1181)

HOUSE FILE 224

S-3431

- 1 Amend House File 224, as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 35, by striking the words DIV. A
4 "provide for installation of" and inserting in lieu
5 thereof the words "install or have installed".
6 2. Page 2, line 1, by striking the word DIV. B
7 "twenty" and inserting in lieu thereof the word
8 "fifty".

S-3431 FILED

BY BERL E. PRIEBE

APRIL 25, 1977

DALE L. TIEDEN

DIV. A & B - ADOPTED (p. 1182)

SENATE AMENDMENT TO
HOUSE FILE 224

H-3767

- 1 Amend House File 224, as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, by striking lines 33 and 34.
4 2. Page 1, line 35, by striking the word "state".
5 3. Page 1, line 35, by striking the words "provide
6 for installation of" and inserting in lieu thereof
7 the words "install or have installed".
8 4. Page 2, line 1, by striking the word "twenty"
9 and inserting in lieu thereof the word "fifty".
10 5. Page 2, lines 10 and 11 by striking the words
11 "When a person is found in violation" and inserting
12 in lieu thereof the following: "When it appears that
13 a person is in non-compliance with the provisions".
14 6. Page 2, by striking line 20 and inserting in
15 lieu thereof the following:
16 "Sec. 4. This Act shall become effective".

H-3767 FILED

RECEIVED FROM SENATE

APRIL 26, 1977

House concurred 4/27 p. 1643

HOUSE FILE 224

H-3447

- 1 Amend the Krause and Lageschulte amendment,
- 2 H-3437 to House File 224 as follows:
- 3 1. Page 1, line 48 by striking the comma and
- 4 inserting in lieu thereof a period.
- 5 2. Page 1, line 48 by striking the words "and shall
- 6 provide the owner of the".
- 7 3. Page 1 by striking all of lines 49 and 50.
- 8 4. Page 2 by striking all of lines 1 and 2,

H-3447 FILED, ADOPTED; BY WOODS of Polk
MOTION TO RECONSIDER, ADOPTED;

H-3447 LOST *3/31 (p. 1145)*
MARCH 31, 1977

HOUSE FILE 224

H-3440

- 1 Amend the Krause and Lageschulte amendment, H-3437,
- 2 to House File 224 as follows:
- 3 1. Page 1, line 33, by inserting after the period
- 4 the words "However, any lot or parcel of land upon
- 5 which a mobile home is situated so as to be more than
- 6 one hundred fifty feet from any real property owned
- 7 by a person other than the occupant of that mobile
- 8 home shall not be considered a permanent site."

H-3440 FILED - *Lost 3/31* BY SCHROEDER of Pottawattamie
MARCH 29, 1977 *(p. 1142)*

AN ACT

RELATING TO MOBILE HOME TIEDOWNS AND PROVIDING A PENALTY.

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

Section 1. Section one hundred three A point three (103A.3), subsection twelve (12), Code 1977, is amended to read as follows:

12. "Factory-built structure" means any structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. "Factory-built structure" includes the term "mobile home" as defined in section one hundred thirty-five D point one (135D.1) of the Code.

Sec. 2. Section one hundred three A point three (103A.3), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. "Ground support system" means any device or combination of devices placed beneath a mobile home and used to provide support.

NEW SUBSECTION. "Ground anchoring system" means any device or combination of devices used to securely anchor a mobile home to the ground.

NEW SUBSECTION. "Tiedown system" means a ground support system and a ground anchoring system used in concert to provide anchoring and support for a mobile home.

NEW SUBSECTION. "Permanent site" means any lot or parcel of land on which a mobile home used as a dwelling or place of business, is located for ninety consecutive days except a construction site when the mobile home is used by a commercial contractor as a construction office or storage room.

Sec. 3. Chapter one hundred three A (103A), Code 1977, is amended by adding the following new sections:

NEW SECTION. APPROVED TIEDOWN SYSTEM PROVIDED IN SALES

OF NEW OR USED MOBILE HOMES. Any person who sells a new or used mobile home shall provide an approved tiedown system.

The purchaser shall install or have installed this system within one hundred fifty days of locating the mobile home on a permanent site.

NEW SECTION. INSTALLER COMPLIANCE AND CERTIFICATION.

Any person who installs a tiedown system shall comply with the minimum standards for such systems, and shall provide the owner of the mobile home on which installation is made and the commissioner with a certification of approved system installation. Such certification shall be in proper form as established by the commissioner.

NEW SECTION. COMPLIANCE. When it appears that a person is in noncompliance with the provisions of this Act the commissioner shall prescribe a period of time not to exceed one hundred twenty days within which compliance must be achieved and the commissioner shall so notify the person.

NEW SECTION. LISTING AND FORM OF CERTIFICATION OF APPROVED SYSTEMS PROVIDED. The commissioner shall provide upon request a list of approved tiedown systems and instructions for the completion of proper certification of approved system installation.

Sec. 4. This Act shall become effective January 1, 1978.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 224, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved May 13, 1977

ROBERT D. RAY
Governor