

Reprinted 2/17

JAN 22 1981

Place On Calendar

HOUSE FILE 154

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(Formerly Study Bill 18)

Passed House, Date 2-13-81 (p. 283) Passed Senate, Date _____

Vote: Ayes 86 Nays 7 Vote: Ayes _____ Nays _____

Approved June 13, 1981

A BILL FOR

1 An Act relating to the notice given before commencing an
2 action for forcible entry or detention of real property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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154

30277

1 Section 1. Section 648.3, Code 1981, is amended to read
2 as follows:

3 648.3 NOTICE TO QUIT. Before action can be brought in
4 any except the first of the above classes, three ~~days~~ days
5 notice to quit must be given to the defendant in writing.
6 However, a landlord who has given a tenant three days notice
7 to pay rent and has terminated the tenancy as provided in
8 section 562A.27, subsection 2, or section 562B.25, subsection
9 2, may commence the action without giving a three day notice
10 to quit.

11 EXPLANATION

12 This bill provides that a landlord who has given a tenant
13 a three day notice to pay rent and then terminated the tenancy
14 for failure to pay the rent under the uniform residential
15 landlord and tenant law or the mobile home parks residential
16 landlord and tenant law is not required to give a further
17 three day notice to quit to commence an action for forcible
18 entry or detention of real property.

19 The bill takes effect July 1 following enactment.

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HOUSE FILE 154

H-3027

1 Amend House File 154 as follows:

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

4 "Section 1. Section 562A.27, subsection 2, Code
5 1981, is amended to read as follows:

6 2. If rent is unpaid when due and the tenant fails
7 to pay rent within ~~three~~ six days after written notice
8 by the landlord of nonpayment and the landlord's
9 intention to terminate the rental agreement if the
10 rent is not paid within that period of time, the
11 landlord may terminate the rental agreement.

12 Sec. 2. Section 562B.25, subsection 2, Code 1981,
13 is amended to read as follows:

14 2. If rent is unpaid when due and the tenant fails
15 to pay rent within ~~three~~ six days after written notice
16 by the landlord of nonpayment and of the landlord's
17 intention to terminate the rental agreement if the
18 rent is not paid within that period of time, the
19 landlord may terminate the rental agreement."

20 2. Page 1, line 6, by striking the word "three"
21 and inserting in lieu thereof the word "six".

22 3. By renumbering the sections to conform with
23 this amendment.

H-3027 FILED JANUARY 26, 1981

BY STURGEON of Woodbury

Adopted 2/13 (p. 382)

HOUSE FILE 154

H-3040

1 Amend House File 154 as follows:

2 1. Page 1, line 9, by inserting after the figure
3 "2," the words "if the tenant is renting the mobile
4 home from the landlord".

5 2. Page 1, by inserting after line 10 the
6 following:

7 "Sec. 2. Section 648.22, Code 1981, is amended
8 to read as follows:

9 648.22 JUDGMENT. If the defendant is found guilty,
10 judgment shall be entered that he the defendant be
11 removed from the premises, and that the plaintiff
12 be put in possession thereof, and an execution for
13 his the defendant's removal shall issue accordingly,
14 to which shall be added a clause commanding the officer
15 to collect the costs as in ordinary cases. If the
16 defendant is an owner of a mobile home renting a
17 mobile home space from the plaintiff, the court may
18 provide a reasonable time for the defendant to secure
19 towing services and another mobile home space."

20 3. Page 1, by inserting after line 10 the
21 following:

22 "Sec. 3. Section 562B.29, Code 1981, is repealed."

H-3040 FILED February 3, 1981

BY MILLER of Buchanan

*Adopted 2/13 (p. 283)
as amended by 3066*

HOUSE FILE 154

H-3066

- 1 Amend the amendment, H-3040, to House File 154
- 2 as follows:
- 3 1. Page 1, by striking line 9, and by inserting
- 4 in lieu thereof the words "648.22 JUDGMENT. If
- 5 the ~~defendant-is-found-guilty~~ plaintiff's case is
- 6 established by a preponderance of the evidence".

H-3066 FILED FEBRUARY 11, 1981

BY CONLON of Muscatine

Adopted 2/13 (p. 283)

HOUSE FILE 154

H-3078

- 1 Amend House File 154 as follows:
- 2 1. Title, line 2, by inserting after the word
- 3 "property" the following: "and mobile homes and to
- 4 judgments resulting therefrom".

H-3078 FILED

FEBRUARY 13, 1981

ADOPTED BY UNANIMOUS CONSENT

BY CONLON of Muscatine

(p. 283)

*Judiciary 2/18 Amend per 34384
D. Row 4/9/81 (p. 1203)*

HOUSE FILE 154

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(As Amended and Passed by the House)

Passed House, Date 5-13-81 (p. 1893) Passed Senate, Date 4-29-81 (p. 1456)

Vote: Ayes 87 Nays 6 Vote: Ayes 33 Nays 11

Approved June 15, 1981
*Repassed Senate 5-18-81 (p. 1712)
41-1*

A BILL FOR

1 An Act relating to the notice given before commencing an
2 action for forcible entry or detention of real property
3 and mobile homes and to judgments resulting therefrom.

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

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_____ House Amendments

32572

1 Section 1. Section 648.3, Code 1981, is amended to read
2 as follows:

34523

3 648.3 NOTICE TO QUIT. Before action can be brought in
4 any except the first of the above classes, three ~~days~~¹ days
5 notice to quit must be given to the defendant in writing.
6 However, a landlord who has given a tenant three days notice
7 to pay rent and has terminated the tenancy as provided in
8 section 562A.27, subsection 2, or section 562B.25, subsection
9 2, if the tenant is renting the mobile home from the landlord
10 may commence the action without giving a three day notice
11 to quit.

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12 Sec. 2. Section 648.22, Code 1981, is amended to read
13 as follows:

14 648.22 JUDGMENT. If the ~~defendant-is-found-guilty~~
15 plaintiff's case is established by a preponderance of the
16 evidence judgment shall be entered that ~~he~~ the defendant be
17 removed from the premises, and that the plaintiff be put in
18 possession thereof, and an execution for ~~his~~ the defendant's
19 removal shall issue accordingly, to which shall be added a
20 clause commanding the officer to collect the costs as in
21 ordinary cases. If the defendant is an owner of a mobile
22 home renting a mobile home space from the plaintiff, the court
23 may provide a reasonable time for the defendant to secure
24 towing services and another mobile home space.

25 Sec. 3. Section 562B.29, Code 1981, is repealed.

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S-3257

1 Amend House File 154 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 662B.27, subsection 1, Code
 6 1981, is amended to read as follows:
 7 1. If a tenant abandons a mobile home on a mobile
 8 home space, the landlord shall notify the legal owner
 9 or lienholder of the mobile home within a ~~reasonable~~
 10 time ninety days and communicate to that person his
 11 or her liability for any costs incurred for the mobile
 12 home space for such mobile home, including rent and
 13 utilities due and owing. Any and all costs shall
 14 then become the responsibility of the legal owner
 15 or lienholder of the mobile home. The mobile home
 16 may not be removed from the mobile home space without
 17 a signed written agreement from the landlord showing
 18 clearance for removal, showing all moneys due and
 19 owing paid in full, or an agreement reached with the
 20 legal owner and the landlord."

S-3257 FILED

BY DICK RAMSEY

MARCH 26, 1981

Adopted 4/23/81 (p. 1391)

HOUSE FILE 154

S-3438

1 Amend House File 154 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, by striking lines 12 through 25.

S-3438 FILED

BY COMMITTEE ON JUDICIARY

APRIL 9, 1981

LUCAS J. DeKOSTER, CHAIRPERSON

Adopted 4/23/81 (p. 1391)

HOUSE FILE 154

S-3450

1 Amend House File 154 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, by striking lines 6 through 11 and
 4 inserting in lieu thereof the following: "The three
 5 days notice to quit may accompany or be included in
 6 a three days notice to pay rent provided to a tenant
 7 under section 562A.27, subsection 2 or section 562B.25,
 8 subsection 2, if the notice provides that the action
 9 may be commenced three days after the tenancy is
 10 terminated under one of those subsections."

S-3450 FILED

BY PATRICK DELUHERY

APRIL 9, 1981

Adopted 4/23/81 (p. 1391)

HOUSE FILE 154

Motion to reconsider (405) w/d

S-3555

1 Amend House File 154 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Amend the title, line 3, by striking the
 4 words "and to judgments resulting therefrom".

S-3555 FILED & ADOPTED

BY LUCAS J. DeKOSTER

APRIL 23, 1981 (p. 1392)

SENATE AMENDMENT TO
HOUSE FILE 154

H-3941

- 1 Amend House File 154 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 562B.27, subsection 1, Code
6 1981, is amended to read as follows:
7 1. If a tenant abandons a mobile home on a mobile
8 home space, the landlord shall notify the legal owner
9 or lienholder of the mobile home within a reasonable
10 time ninety days and communicate to that person his
11 or her liability for any costs incurred for the mobile
12 home space for such mobile home, including rent and
13 utilities due and owing. Any and all costs shall
14 then become the responsibility of the legal owner
15 or lienholder of the mobile home. The mobile home
16 may not be removed from the mobile home space without
17 a signed written agreement from the landlord showing
18 clearance for removal, showing all moneys due and
19 owing paid in full, or an agreement reached with the
20 legal owner and the landlord."
21 2. Page 1, by striking lines 12 through 25.
22 3. Amend the title, line 3, by striking the words
23 "and to judgments resulting therefrom".

H-3941 FILED MAY 1, 1981

RECEIVED FROM THE SENATE

House amended (4053) & Concurred 5/13/81 (p. 1895)

HOUSE FILE 154

H-4045

- 1 Amend the Senate amendment H-3941 to House File
2 154 as amended, passed and reprinted by the House
3 as follows:
4 1. Page 1, by striking line 21.

H-4045 FILED MAY 7, 1981

BY MILLER of Buchanan

**1/2 5/13/81 (p. 1893)*

HOUSE FILE 154

H-4053

- 1 Amend the Senate amendment H-3941 to House File
2 154 as amended, passed and reprinted by the House
3 as follows:
4 1. Page 1, line 21, by striking the numeral
5 "25", and by inserting in lieu thereof the numeral
6 "24".

H-4053 FILED

MAY 8, 1981

(Adopted 5/13/81 (p. 1893))

BY MILLER of Buchanan

CONLON of Muscatine

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 154
S-3770

- 1 Amend the Senate amendment H-3941 to House File
- 2 154 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, line 21, by striking the numeral "25",
- 5 and by inserting in lieu thereof the numeral "24".

S-3770 FILED
MAY 14, 1981

RECEIVED FROM THE HOUSE

Senate concurred 5/13/81 (p. 1712)

may commence the action without giving a three day notice to quit.

Sec. 3. Section 562B.29, Code 1981, is repealed.

HOUSE FILE 154

AN ACT

RELATING TO THE NOTICE GIVEN BEFORE COMMENCING AN ACTION FOR FORCIBLE ENTRY OR DETENTION OF REAL PROPERTY AND MOBILE HOMES.

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

Section 1. Section 562B.27, subsection 1, Code 1981, is amended to read as follows:

1. If a tenant abandons a mobile home on a mobile home space, the landlord shall notify the legal owner or lienholder of the mobile home within ~~a reasonable time~~ ninety days and communicate to that person his or her liability for any costs incurred for the mobile home space for such mobile home, including rent and utilities due and owing. Any and all costs shall then become the responsibility of the legal owner or lienholder of the mobile home. The mobile home may not be removed from the mobile home space without a signed written agreement from the landlord showing clearance for removal, showing all moneys due and owing paid in full, or an agreement reached with the legal owner and the landlord.

Sec. 2. Section 648.3, Code 1981, is amended to read as follows:

648.3 NOTICE TO QUIT. Before action can be brought in any except the first of the above classes, three days+ days notice to quit must be given to the defendant in writing. However, a landlord who has given a tenant three days notice to pay rent and has terminated the tenancy as provided in section 562A.27, subsection 2, or section 562B.25, subsection 2, if the tenant is renting the mobile home from the landlord

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 154, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved June 13, 1981

ROBERT D. RAY
Governor