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(P.659) 3-14-94 Amend/ Do Pass w/ 5-5188

FILED FEB 23 1994

SENATE FILE 2190
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 2116)

Passed Senate, Date ^(P.691) 3-16-94 Passed House, Date ^(P.1492) 4/13/94
Vote: Ayes 47 Nays 0 Vote: Ayes 95 Nays 0
Approved April 25, 1994

A BILL FOR

1 An Act relating to the regulation, location, and taxation of
2 mobile, modular, and manufactured homes.

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

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S.F. 2190

1 Section 1. Section 335.30, Code Supplement 1993, is
2 amended to read as follows:

3 335.30 MANUFACTURED HOME.

4 A county shall not adopt or enforce zoning regulations or
5 other ordinances which disallow the plans and specifications
6 of a proposed residential structure solely because the
7 proposed structure is a manufactured home. However, a zoning
8 ordinance or regulation shall require that a manufactured home
9 be located and installed according to the same standards,
10 including but not limited to, a permanent foundation system,
11 set-back, and minimum square footage which would apply to a
12 site-built, single family dwelling on the same lot, and shall
13 require that the home is assessed and taxed as a site-built
14 dwelling. A zoning ordinance or other regulation shall not
15 require a permanent foundation system for a manufactured home
16 which is incompatible with the structural design of the
17 manufactured home structure. A county shall not require more
18 than one permanent foundation system for a manufactured home.
19 A pier footing system, set below frost level and according to
20 manufacturer's specifications, is a permanent foundation
21 system. When units are located outside a mobile home park,
22 requirements may be imposed which ensure visual compatibility
23 of the permanent foundation system with surrounding
24 residential structures. As used in this section,
25 "manufactured home" means a factory-built structure, which is
26 manufactured or constructed under the authority of 42 U.S.C. §
27 5403 and is to be used as a place for human habitation, but
28 which is not constructed or equipped with a permanent hitch or
29 other device allowing it to be moved other than for the
30 purpose of moving to a permanent site, and which does not have
31 permanently attached to its body or frame any wheels or axles.
32 A mobile home as defined in section 435.1 is not a
33 manufactured home, unless it has been converted to real
34 property as provided in section 435.26, and shall be taxed as
35 a site-built dwelling. This section shall not be construed as

1 abrogating a recorded restrictive covenant.

2 Sec. 2. Section 414.28, Code Supplement 1993, is amended
3 to read as follows:

4 414.28 MANUFACTURED HOME.

5 A city shall not adopt or enforce zoning regulations or
6 other ordinances which disallow the plans and specifications
7 of a proposed residential structure solely because the
8 proposed structure is a manufactured home. However, a zoning
9 ordinance or regulation shall require that a manufactured home
10 be located and installed according to the same standards,
11 including but not limited to, a permanent foundation system,
12 set-back, and minimum square footage which would apply to a
13 site-built, single family dwelling on the same lot, and shall
14 require that the home is assessed and taxed as a site-built
15 dwelling. A zoning ordinance or other regulation shall not
16 require a permanent foundation system for a manufactured home
17 which is incompatible with the structural design of the
18 manufactured home structure. A city shall not require more
19 than one permanent foundation system for a manufactured home.
20 A pier footing system, set below frost level and according to
21 manufacturer's specifications, is a permanent foundation
22 system. When units are located outside a mobile home park,
23 requirements may be imposed which ensure visual compatibility
24 of the permanent foundation system with surrounding
25 residential structures. As used in this section,
26 "manufactured home" means a factory-built structure, which is
27 manufactured or constructed under the authority of 42 U.S.C. §
28 5403 and is to be used as a place for human habitation, but
29 which is not constructed or equipped with a permanent hitch or
30 other device allowing it to be moved other than for the
31 purpose of moving to a permanent site, and which does not have
32 permanently attached to its body or frame any wheels or axles.
33 A mobile home as defined in section 435.1 is not a
34 manufactured home, unless it has been converted to real
35 property as provided in section 435.26, and shall be taxed as

1 a site-built dwelling. This section shall not be construed as
2 abrogating a recorded restrictive covenant.

3 Sec. 3. Section 435.1, subsection 1, Code 1993, is amended
4 to read as follows:

5 1. "Mobile home" means any vehicle without motive power
6 used or so manufactured or constructed as to permit its being
7 used as a conveyance upon the public streets and highways and
8 so designed, constructed, or reconstructed as will permit the
9 vehicle to be used as a place for human habitation by one or
10 more persons; but shall also include any such vehicle with
11 motive power not registered as a motor vehicle in Iowa. A
12 "mobile home" is not built to a mandatory building code,
13 contains no state or federal seals, and was built before June
14 15, 1976.

15 Sec. 4. Section 435.1, Code 1993, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 1A. "Manufactured home" is a mobile home
18 except that a manufactured home is built under authority of 42
19 U.S.C. § 5403, is required by federal law to display a seal
20 from the United States department of housing and urban
21 development, and was constructed on or after June 15, 1976.
22 If a manufactured home is placed in a mobile home park, the
23 home must be titled and is subject to the mobile home square
24 foot tax. If a manufactured home is placed outside a mobile
25 home park, the home is assessed and taxed as real estate.

26 Sec. 5. Section 435.1, subsection 2, unnumbered paragraph
27 1, Code 1993, is amended to read as follows:

28 "Mobile home park" shall mean any site, lot, field or tract
29 of land upon which two or more occupied mobile homes are
30 harbored, either free of charge or for revenue purposes, and
31 shall include any building, structure, tent, vehicle or
32 enclosure used or intended for use as part of the equipment of
33 such mobile home park. A mobile home park may also include a
34 manufactured home or a modular home.

35 Sec. 6. Section 435.1, subsection 3, Code 1993, is amended

1 by striking the subsection and inserting the following:

2 3. "Modular home" means a factory-built structure which is
3 manufactured or constructed to be used as a place of human
4 habitation, is constructed to the state of Iowa modular
5 building code, and must display the seal issued by the state
6 building code department. If a modular home is placed in a
7 mobile home park, the home must be titled and is subject to
8 the mobile home square foot tax. If a modular home is placed
9 outside a mobile home park, the home is not titled and is
10 assessed and taxed as real estate.

11 Sec. 7. Section 435.26, Code 1993, is amended to read as
12 follows:

13 435.26 CONVERSION TO REAL PROPERTY.

14 ~~No mobile home shall be assessed for property tax nor be~~
15 ~~eligible for homestead tax credit or military service tax~~
16 ~~credit unless:~~

17 ~~1.--The mobile home owner intends to convert the mobile~~
18 ~~home to real estate and does so by:~~

19 ~~a.--Attaching the mobile home to a permanent foundation.~~

20 ~~b.--Modification of the vehicular frame for placement on a~~
21 ~~permanent foundation.~~

22 1. a. A mobile home, modular home, or manufactured home
23 which is located outside a mobile home park may be placed on a
24 permanent foundation and, if the home is placed on a permanent
25 foundation, shall be assessed for real estate taxes. A home,
26 after conversion to real estate, is eligible for the homestead
27 tax credit and the military tax exemption. However, this
28 subsection does not apply to a mobile home, modular home, or
29 manufactured home which is located on a homestead as a second
30 or temporary home.

31 e b. If a security interest is noted on the certificate of
32 title, tendering to the secured party a mortgage on the real
33 estate upon which the mobile home is to be located in the
34 unpaid amount of the secured debt, and with the same priority
35 as or a higher priority than the secured party's security

1 interest, or obtaining written consent of the secured party to
2 the conversion, in which latter case the lien notation on the
3 certificate of title shall suffice to preserve the
4 lienholder's security in the mobile home separate from any
5 interest in the land.

6 2. After complying with subsection 1, the owner shall
7 notify the assessor who shall inspect the new premises for
8 compliance. If a security interest is noted on the certificate
9 of title, the assessor shall require an affidavit, as defined
10 in section 622.85, from the mobile home owner, declaring that
11 the owner has complied with subsection 1, paragraph "e" "b",
12 and setting forth the method of compliance.

13 a. If compliance with subsection 1, paragraph "e" "d", has
14 been accomplished by the secured party accepting the tender of
15 a mortgage, the assessor shall collect the mobile home vehicle
16 title and enter the property upon the tax rolls.

17 b. If compliance with subsection 1, paragraph "e" "d", has
18 been accomplished by the secured party consenting to the
19 conversion without accepting a mortgage, the secured party
20 shall retain the mobile home vehicle title and the assessor
21 shall note the conversion on the assessor's records and enter
22 the property upon the tax rolls. So long as a security
23 interest is noted on the certificate of title, the title to
24 the mobile home will not be merged with title to the land, and
25 the sale or foreclosure of an interest in the land shall not
26 affect title to the mobile home or any security interest in
27 the mobile home.

28 Sec. 8. Section 555B.2, subsection 2, paragraph a, Code
29 Supplement 1993, is amended to read as follows:

30 a. If the mobile home owner can be determined, and if the
31 real property owner so requests, the sheriff shall notify the
32 mobile home owner of the removal by restricted certified mail.
33 If the mobile home owner cannot be determined, and the real
34 property owner so requests, the sheriff shall give notice by
35 one publication in one newspaper of general circulation in the

1 county where the mobile home and personal property were
2 unlawfully parked, placed, or abandoned. If the mobile home
3 and personal property have not been claimed by the owner
4 within six months after notice is given, the mobile home and
5 personal property shall be sold by the sheriff at a public or
6 private sale. After deducting costs of the sale the net
7 proceeds shall be applied to the cost of removal, storage,
8 notice, attorney fees, and any other expenses incurred for
9 preserving the mobile home and personal property, including
10 any rent owed by the mobile home owner to the real property
11 owner in connection with the presence of the mobile home on
12 the real property. The remaining net proceeds, if any, shall
13 be paid to the county treasurer to satisfy any tax lien on the
14 mobile home. The remainder, if any, shall be retained by the
15 county treasurer. A sheriff's sale transfers to the purchaser
16 for value, all of the mobile home owner's rights in the mobile
17 home and personal property, and discharges the real property
18 owner's interest in the mobile home and personal property, and
19 discharges the tax lien on the mobile home. If the purchaser
20 acts in good faith the purchaser takes free of all rights and
21 interests even though the real property owner fails to comply
22 with the requirements of this chapter or of any judicial
23 proceedings.

24 Sec. 9. REPEALER. Section 435.34, Code 1993, is repealed.

25 EXPLANATION

26 This bill relates to the regulation, location, and taxation
27 of mobile homes, modular homes, and manufactured homes.

28 Sections 1 and 2 amend the county and city zoning statutes
29 relating to manufactured homes and requirements for permanent
30 foundations to convert the homes to real estate.

31 Sections 3 through 6 define the three types of homes:
32 mobile, modular, and manufactured and amend the definition of
33 mobile home park. Mobile homes generally are manufactured or
34 constructed for human habitation with a capability of
35 conveyance on public streets and highways and are built before

1 June 15, 1976. Modular homes are built for human habitation
2 according to a state modular building code and a seal issued
3 by the state building code department is to be displayed.
4 Manufactured homes are built according to federal
5 requirements, are required to display a seal, and were
6 constructed on or after June 15, 1976.

7 Section 7 provides that mobile, modular, or manufactured
8 homes may be placed on a permanent foundation if located
9 outside of rental property. However, the requirement for a
10 permanent foundation does not apply to a mobile, modular, or
11 manufactured home located on a homestead as a second or
12 temporary home. Changes are also made to internal references.

13 Section 8 provides that a mobile home and related personal
14 property may be disposed of at a sheriff's sale and thus
15 removed from real property where it was unlawfully parked or
16 abandoned without a known owner. The sale transfers the
17 mobile home and related personal property to the purchaser and
18 relieves the real estate owner of the unwanted property and
19 tax lien.

20 Section 9 repeals a section which provides an exemption for
21 modular homes from chapter 435.

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SENATE FILE 2190

S-5089

Amend Senate File 2190 as follows:

1. Page 1, line 15, by striking the word
3 "permanent" and inserting the following: "perimeter".
- 4 2. Page 1, lines 19 through 21, by striking the
5 words "A pier footing system, set below frost level
6 and according to manufacturer's specifications, is a
7 permanent foundation system." and inserting the
8 following: "For purposes of this section, a permanent
9 foundation may be a pier footing foundation system
10 designed and constructed to be compatible with the
11 structure and the conditions of the site."
- 12 3. Page 1, lines 32 through 35, by striking the
13 words "A mobile home as defined in section 435.1 is
14 not a manufactured home, unless it has been converted
15 to real property as provided in section 435.26, and
16 shall be taxed as a site-built dwelling."
- 17 4. Page 2, line 16, by striking the word
18 "permanent" and inserting the following: "perimeter".
- 19 5. Page 2, lines 20 through 22, by striking the
20 words "A pier footing system, set below frost level
21 and according to manufacturer's specifications, is a
22 permanent foundation system" and inserting the
23 following: "For purposes of this section, a permanent
24 foundation may be a pier footing foundation system
25 designed and constructed to be compatible with the
26 structure and the conditions of the site."
- 27 6. Page 2, lines 33 through 35, by striking the
28 words "A mobile home as defined in section 435.1 is
29 not a manufactured home, unless it has been converted
30 to real property as provided in section 435.26, and
31 shall be taxed as".
- 32 7. Page 3, line 1, by striking the words "a site-
33 built dwelling."
- 34 8. Page 3, line 14, by inserting after the figure
35 "1976." the following: "If a mobile home is placed
36 outside a mobile home park, the home is to be assessed
37 and taxed as real estate."
- 38 9. Page 3, line 16, by striking the word
39 "subsection" and inserting the following:
40 "subsections".
- 41 10. Page 3, by inserting after line 16 the
42 following:
43 "NEW SUBSECTION. 1A. "Home" means a mobile home,
44 a manufactured home, or a modular home."
- 45 11. Page 3, line 17, by striking the figure and
46 letter "1A" and inserting the following: "1B".
- 47 12. Page 3, lines 17 and 18, by striking the
48 words "mobile home except that a manufactured home is"
49 and inserting the following: "factory-built
50 structure".

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1 13. Page 3, line 25, by inserting after the word
2 "is" the following: "to be".

3 14. Page 4, by striking lines 2 through 10 and
4 inserting the following:

5 "3. "Modular home" means a factory-built structure
6 which is manufactured to be used as a place of human
7 habitation, is constructed to comply with the Iowa
8 state building code for modular factory-built
9 structures, and must display the seal issued by the
10 state building code commissioner. If a modular home
11 is placed in a mobile home park, the home is subject
12 to the mobile home square footage tax. If a modular
13 home is placed outside a mobile home park, the home
14 shall be considered real property and is to be
15 assessed and taxed as real estate."

16 15. Page 4, by inserting after line 10 the
17 following:

18 "Sec. ____ . Section 435.22, unnumbered paragraph 1,
19 Code 1993, is amended to read as follows:

20 The owner of each mobile home, manufactured home,
21 or modular home, located within a mobile home park
22 shall pay to the county treasurer an annual tax.

23 However, when the owner is any educational institution
24 and the mobile home is used solely for student housing
25 or when the owner is the state of Iowa or a
26 subdivision thereof of the state, the owner shall be
27 exempt from the tax. The annual tax shall be computed
28 as follows:

29 Sec. ____ . Section 435.22, subsections 1, 2, and 3,
30 Code 1993, are amended to read as follows:

31 1. Multiply the number of square feet of floor
32 space each mobile home contains when parked and in use
33 by twenty cents. In computing floor space, the
34 exterior measurements of the mobile home shall be used
35 as shown on the certificate of registration and title,
36 but not including any area occupied by a hitching
37 device.

38 2. If the owner of the mobile home is an Iowa
39 resident, has attained the age of eighteen years on or
40 before December 31 of the base year, and has an income
41 when included with that of a spouse which is less than
42 six thousand dollars per year, the annual tax shall
43 not be imposed on the mobile home. If the income is
44 six thousand dollars or more but less than fourteen
45 thousand dollars, the annual tax shall be computed as
46 follows:

47	If the Household	Annual Tax Per
48	Income is:	Square Foot:
49	\$ 6,000 -- 6,999.99	3.0 cents
50	7,000 -- 7,999.99	6.0

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8,000 -- 9,999.99	10.0
10,000 -- 11,999.99	13.0
12,000 -- 13,999.99	15.0

4 For purposes of this subsection "income" means
 5 income as defined in section 425.17, subsection 7, and
 6 "base year" means the calendar year preceding the year
 7 in which the claim for a reduced rate of tax is filed.
 8 The ~~mobile~~ home reduced rate of tax shall only be
 9 allowed on the ~~mobile~~ home in which the claimant is
 10 residing at the time in which the claim for a reduced
 11 rate of tax is filed.

12 3. The amount thus computed shall be the annual
 13 tax for all ~~mobile~~ homes, except as follows:

14 a. For the sixth through ninth years after the
 15 year of manufacture the annual tax is ninety percent
 16 of the tax computed according to subsection 1 or 2 of
 17 this section, whichever is applicable.

18 b. For all ~~mobile~~ homes ten or more years after
 19 the year of manufacture the annual tax is eighty
 20 percent of the tax computed according to subsection 1
 21 or 2 of this section, whichever is applicable.

22 Sec. ____ . Section 435.22, subsection 5, unnumbered
 23 paragraph 1, Code 1993, is amended to read as follows:

24 A claim for credit for ~~mobile~~ home tax due
 25 shall not be paid or allowed unless the claim is
 26 actually filed with the county treasurer between
 27 January 1 and June 1, both dates inclusive,
 28 immediately preceding the fiscal year during which the
 29 ~~mobile~~ home taxes are due and, with the exception of a
 30 claim filed on behalf of a deceased claimant by the
 31 claimant's legal guardian, spouse, or attorney, or by
 32 the executor or administrator of the claimant's
 33 estate, contains an affidavit of the claimant's intent
 34 to occupy the ~~mobile~~ home for six months or more
 35 during the fiscal year beginning in the calendar year
 36 in which the claim is filed. The county treasurer
 37 shall submit the claim to the director of revenue and
 38 finance on or before August 1 each year.

39 Sec. ____ . Section 435.23, Code 1993, is amended to
 40 read as follows:

41 435.23 EXEMPTIONS -- PRORATING TAX.

42 The manufacturer's and dealer's inventory of mobile
 43 homes, manufactured homes, or modular homes not in use
 44 as a place of human habitation shall be exempt from
 45 the annual tax. All travel trailers shall be exempt
 46 from this tax. ~~Mobile~~ The homes and travel trailers
 47 in the inventory of manufacturers and dealers shall be
 48 exempt from personal property tax. ~~Mobile~~ The homes
 49 coming into Iowa from out of state shall be liable for
 50 the tax computed pro rata to the nearest whole month,

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1 for the time such-mobile the home is actually situated
2 in Iowa.

3 Sec. _____. Section 435.24, subsections 1 through 6,
4 Code 1993, are amended to read as follows:

5 1. The annual tax is due and payable to the county
6 treasurer on or after July 1 in each fiscal year and
7 is collectible in the same manner and at the same time
8 as ordinary taxes as provided in sections 445.36,
9 445.37, and 445.39. Interest at the rate prescribed
10 by law shall accrue on unpaid taxes. Both
11 installments of taxes may be paid at one time. The
12 September installment represents a tax period
13 beginning July 1 and ending December 31. The March
14 installment represents a tax period beginning January
15 1 and ending June 30. A mobile home, manufactured
16 home, or modular home coming into this state from
17 outside the state, put in use from a dealer's
18 inventory, or put in use at any time after July 1 or
19 January 1, is subject to the taxes prorated for the
20 remaining unexpired months of the tax period, but the
21 purchaser is not required to pay the tax at the time
22 of purchase. Interest attaches the following April 1
23 for taxes prorated on or after October 1. Interest
24 attaches the following October 1 for taxes prorated on
25 or after April 1. If the taxes are not paid, the
26 county treasurer shall send a statement of delinquent
27 taxes as part of the notice of tax sale as provided in
28 section 446.9. The owner of a mobile home who sells
29 the mobile home between July 1 and December 31 and
30 obtains a tax clearance statement is responsible only
31 for the September tax payment and is not required to
32 pay taxes for subsequent tax periods. If the owner of
33 a mobile home sells the mobile home, obtains a tax
34 clearance statement, and obtains a replacement mobile
35 home, the owner shall not pay taxes under this chapter
36 for the newly acquired mobile home for the same tax
37 period that the owner has paid taxes on the mobile
38 home sold. Interest for delinquent taxes shall be
39 calculated to the nearest whole dollar. In
40 calculating interest each fraction of a month shall be
41 counted as an entire month.

42 2. Mobile The home owners upon issuance of a
43 certificate of title or upon transporting to a new
44 site shall file the address, township, and school
45 district, of the location where the mobile home is
46 parked with the county treasurer's office. Failure to
47 comply is punishable as set out in section 435.18.

48 3. Each mobile home park owner shall notify
49 monthly the county treasurer concerning any mobile
50 home or-manufactured-home arriving in or departing

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1 from the park without a tax clearance statement. The
2 records of the owner shall be open to inspection by a
3 duly authorized representative of any law enforcement
4 agency. Any property owner, manager or tenant shall
5 report to the county treasurer mobile homes parked
6 upon any property owned, managed, or rented by that
7 person.

8 4. The tax is a lien on the vehicle senior to any
9 other lien upon it except a judgment obtained in an
10 action to dispose of an abandoned mobile home under
11 section 555B.8. The mobile home bearing a current
12 registration issued by any other state and remaining
13 within this state for an accumulated period not to
14 exceed ninety days in any twelve-month period is not
15 subject to Iowa tax. However, when one or more
16 persons occupying a mobile home bearing a foreign
17 registration are employed in this state, there is no
18 exemption from the Iowa tax. This tax is in lieu of
19 all other taxes general or local on a mobile home.

20 ~~5.--A-modular-home-as-defined-by-this-chapter-is~~
21 ~~not-subject-to-or-assessed-the-annual-tax-pursuant-to~~
22 ~~this-section, but-shall-be-assessed-and-taxed-as-real~~
23 ~~estate-pursuant-to-chapter-427.~~

24 6 5. Before a mobile home may be moved from its
25 present site by the owner or the owner's assignee, a
26 tax clearance statement in the name of the owner must
27 be obtained from the county treasurer of the county
28 where the present site is located certifying that
29 taxes are not owing under this section for previous
30 years and that the taxes have been paid for the
31 current tax period. However, a tax clearance
32 statement is not required for a mobile home in a
33 manufacturer's or dealer's stock which is not used as
34 a place for human habitation. A tax clearance form is
35 not required to move an abandoned mobile home. A tax
36 clearance form is not required in eviction cases
37 provided the mobile home park owner or manager advises
38 the county treasurer that the tenant is being evicted.
39 If a dealer acquires a mobile home from a person other
40 than a manufacturer, the person shall provide a tax
41 clearance statement in the name of the owner of record
42 to the dealer. The tax clearance statement shall be
43 provided by the county treasurer in a method
44 prescribed by the department of transportation.

45 Sec. ____ . Section 435.24, subsection 7, paragraph
46 a, Code 1993, is amended to read as follows:

47 a. As an alternative to the semiannual or annual
48 payment of taxes, the county treasurer may accept
49 partial payments of current year mobile home taxes. A
50 minimum payment amount shall be established by the

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1 treasurer. The treasurer shall transfer amounts from
2 each taxpayer's account to be applied to each
3 semiannual tax installment prior to the delinquency
4 dates specified in section 445.37 and the amounts
5 collected shall be apportioned by the tenth of the
6 month following transfer. If, prior to the due date
7 of each semiannual installment, the account balance is
8 insufficient to fully satisfy the installment, the
9 treasurer shall transfer and apply the entire account
10 balance, leaving an unpaid balance of the installment.
11 Interest shall attach on the unpaid balance in
12 accordance with section 445.39. Unless funds
13 sufficient to fully satisfy the delinquency are
14 received, the treasurer shall collect the unpaid
15 balance as provided in sections 445.3 and 445.4 and
16 chapter 446. Any remaining balance in a taxpayer's
17 account in excess of the amount needed to fully
18 satisfy an installment shall remain in the account to
19 be applied toward the next semiannual installment.
20 Any interest income derived from the account shall be
21 deposited in the county's general fund to cover
22 administrative costs. The treasurer shall send a
23 notice with the tax statement or by separate mail to
24 each taxpayer stating that, upon request to the
25 treasurer, the taxpayer may make partial payments of
26 current year mobile home taxes.

27 Sec. ____ . Section 435.25, Code 1993, is amended to
28 read as follows:

29 435.25 APPORTIONMENT AND COLLECTION OF TAXES.

30 The tax and interest for delinquent taxes collected
31 under section 435.24 shall be apportioned in the same
32 manner as though they were the proceeds of taxes
33 levied on real property at the same location as the
34 mobile home.

35 Chapters 446, 447, and 448 apply to the sale of a
36 mobile home for the collection of delinquent taxes and
37 interest, the redemption of a mobile home sold for the
38 collection of delinquent taxes and interest, and the
39 execution of a tax sale certificate of title for the
40 purchase of a mobile home sold for the collection of
41 delinquent taxes and interest in the same manner as
42 though a mobile home were real property within the
43 meaning of these chapters to the extent consistent
44 with this chapter. The certificate of title shall be
45 issued by the county treasurer. The treasurer shall
46 charge ten dollars for each certificate of title,
47 except that the treasurer shall issue a tax sale
48 certificate of title to the county at no charge.

49 When a mobile home is removed from the county where
50 delinquent taxes, regular or special, are owing, or

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1 when it is administratively impractical to pursue tax
2 collection through the remedies of this section, all
3 taxes, regular and special, interest, and costs shall
4 be abated by resolution of the county board of
5 supervisors. The resolution shall direct the
6 treasurer to strike from the tax books the reference
7 to that ~~mobile~~ home."

8 16. Page 4, line 23, by striking the words "may
9 be" and inserting the following: "shall be converted
10 to real estate by being".

11 17. Page 4, line 32, by striking the word
12 "tendering" and inserting the following: "tendering
13 the homeowner shall tender".

14 18. Page 5, line 1, by striking the word
15 "obtaining" and inserting the following: "obtaining
16 shall obtain the".

17 19. Page 5, by inserting after line 27 the
18 following:

19 "Sec. __. Section 435.27, Code 1993, is amended to
20 read as follows:

21 435.27 CONVERSION TO MOBILE HOME.

22 1. A mobile home, manufactured home, or modular
23 home converted to real estate under section 435.26 may
24 be reconverted to a mobile home as provided in this
25 section if it is moved to a mobile home park, a
26 dealer's inventory, or another lawful storage place.

27 2. If the vehicular frame of the former ~~mobile~~
28 ~~home~~ can be modified to return it to the status of a
29 mobile home, manufactured home or modular home, the
30 owner or a secured party holding a mortgage or
31 certificate of title pursuant to section 435.26 who
32 has obtained possession of the mobile home may apply
33 to the county treasurer as provided in section 321.20
34 for a certificate of title for the mobile home. If a
35 mortgage exists on the real estate, a security
36 interest in the mobile home shall be given to a
37 secured party not applying for reconversion and noted
38 on the certificate of title with the same priority or
39 a higher priority than the secured party's mortgage
40 interest. A reconversion shall not occur without the
41 written consent of every secured party holding a
42 mortgage or certificate of title.

43 If the secured party has elected to retain the
44 ~~mobile~~ home vehicle title pursuant to section 435.26,
45 subsection 2, paragraph "b", an owner applying for
46 reconversion shall present to the county treasurer
47 written consent to the reconversion from all secured
48 parties and an affirmation from the secured party
49 holding the title that the title is in its possession
50 and is intact. Upon receipt of the affirmation, the

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1 county treasurer shall notify the assessor of the
2 reconversion, which notification constitutes
3 compliance by the owner with subsection 3.

4 3. After complying with subsection 2 and receipt
5 of the title, the owner shall notify the assessor of
6 the reconversion. The assessor shall remove the
7 assessed valuation of the mobile home from assessment
8 rolls as of the succeeding January 1 when the mobile
9 home becomes subject to taxation as provided under
10 section 435.24.

11 Sec. _____. Section 435.29, Code 1993, is amended to
12 read as follows:

13 435.29 CIVIL PENALTY.

14 The owner of a mobile home, manufactured home, or
15 modular home who moves the mobile home without having
16 obtained a tax clearance statement as provided in
17 section 435.24 shall pay a civil penalty of one
18 hundred dollars. The penalty money shall be credited
19 to the general fund of the county.

20 Sec. _____. Section 435.33, Code 1993, is amended to
21 read as follows:

22 435.33 RENT REIMBURSEMENT.

23 A mobile home owner who qualifies for a reduced tax
24 rate provided in section 435.22 and who rents a space
25 upon which to set the mobile home shall be entitled to
26 the protections provided in sections 425.33 to 425.36
27 and if the mobile home owner who qualifies for a
28 reduced tax rate believes that a landlord has
29 increased the mobile home owner's rent because the
30 mobile home owner is eligible for a reduced tax rate,
31 the provisions of sections 425.33 and 425.36 shall be
32 applicable."

33 20. Page 5, by inserting after line 27 the
34 following:

35 "Sec. _____. Section 555B.1, Code Supplement 1993,
36 is amended by adding the following new subsection:

37 NEW SUBSECTION. 4A. "Mobile home" includes "manu-
38 factured homes" and "modular homes" as those terms are
39 defined in section 435.1, if the manufactured homes or
40 modular homes are located in a mobile home park."

41 21. Page 6, by inserting before line 24 the
42 following:

43 "Sec. _____. Section 562B.7, subsection 5, Code
44 1993, is amended to read as follows:

45 5. "Mobile home" means any vehicle without motive
46 power used or so manufactured or constructed as to
47 permit its being used as a conveyance upon the public
48 streets and highways and so designed, constructed, or
49 reconstructed as will permit the vehicle to be used as
50 a place for human habitation by one or more persons;

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1 but shall also include any such vehicle with motive
2 power not registered as a motor vehicle in Iowa.
3 References in this chapter to "mobile home" includes
4 "manufactured homes" and "modular homes" as those
5 terms are defined in section 435.1, if the
6 manufactured homes or modular homes are located in a
7 mobile home park."

By ELAINE SZYMONIAK

S-5089 FILED MARCH 7, 1994

*3/16/94
out folder*

SENATE FILE 2190

S-5188

- 1 Amend Senate File 2190 as follows:
- 2 1. Page 1, line 15, by striking the word
3 "permanent" and inserting the following: "perimeter".
- 4 2. Page 1, lines 19 through 21, by striking the
5 words "A pier footing system, set below frost level
6 and according to manufacturer's specifications, is a
7 permanent foundation system." and inserting the
8 following: "For purposes of this section, a permanent
9 foundation may be a pier footing foundation system
10 designed and constructed to be compatible with the
11 structure and the conditions of the site."
- 12 3. Page 1, lines 32 through 35, by striking the
13 words "A mobile home as defined in section 435.1 is
14 not a manufactured home, unless it has been converted
15 to real property as provided in section 435.26, and
16 shall be taxed as a site-built dwelling."
- 17 4. Page 2, line 16, by striking the word
18 "permanent" and inserting the following: "perimeter".
- 19 5. Page 2, lines 20 through 22, by striking the
20 words "A pier footing system, set below frost level
21 and according to manufacturer's specifications, is a
22 permanent foundation system" and inserting the
23 following: "For purposes of this section, a permanent
24 foundation may be a pier footing foundation system
25 designed and constructed to be compatible with the
26 structure and the conditions of the site."
- 27 6. Page 2, lines 33 through 35, by striking the
28 words "A mobile home as defined in section 435.1 is
29 not a manufactured home, unless it has been converted
30 to real property as provided in section 435.26, and
31 shall be taxed as".
- 32 7. Page 3, line 1, by striking the words "a site-
33 built dwelling."
- 34 8. Page 3, line 14, by inserting after the figure
35 "1976." the following: "If a mobile home is placed
36 outside a mobile home park, the home is to be assessed
37 and taxed as real estate."
- 38 9. Page 3, line 16, by striking the word
39 "subsection" and inserting the following:
40 "subsections".
- 41 10. Page 3, by inserting after line 16 the
42 following:
43 "NEW SUBSECTION. 1A. "Home" means a mobile home,
44 a manufactured home, or a modular home."
- 45 11. Page 3, line 17, by striking the figure and
46 letter "1A" and inserting the following: "1B".
- 47 12. Page 3, lines 17 and 18, by striking the
48 words "mobile home except that a manufactured home is"
49 and inserting the following: "factory-built
50 structure".

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Page 2

1 13. Page 3, line 25, by inserting after the word
2 "is" the following: "to be".

3 14. Page 4, by striking lines 2 through 10 and
4 inserting the following:

5 "3. "Modular home" means a factory-built structure
6 which is manufactured to be used as a place of human
7 habitation, is constructed to comply with the Iowa
8 state building code for modular factory-built
9 structures, and must display the seal issued by the
10 state building code commissioner. If a modular home
11 is placed in a mobile home park, the home is subject
12 to the mobile home square footage tax. If a modular
13 home is placed outside a mobile home park, the home
14 shall be considered real property and is to be
15 assessed and taxed as real estate."

16 15. Page 4, by inserting after line 10 the
17 following:

18 "Sec. _____. Section 435.22, unnumbered paragraph 1,
19 Code 1993, is amended to read as follows:

20 The owner of each mobile home, manufactured home,
21 or modular home, located within a mobile home park
22 shall pay to the county treasurer an annual tax.

23 However, when the owner is any educational institution
24 and the mobile home is used solely for student housing
25 or when the owner is the state of Iowa or a
26 subdivision thereof of the state, the owner shall be
27 exempt from the tax. The annual tax shall be computed
28 as follows:

29 Sec. _____. Section 435.22, subsections 1, 2, and 3,
30 Code 1993, are amended to read as follows:

31 1. Multiply the number of square feet of floor
32 space each mobile home contains when parked and in use
33 by twenty cents. In computing floor space, the
34 exterior measurements of the mobile home shall be used
35 as shown on the certificate of registration-and title,
36 but not including any area occupied by a hitching
37 device.

38 2. If the owner of the mobile home is an Iowa
39 resident, has attained the age of eighteen years on or
40 before December 31 of the base year, and has an income
41 when included with that of a spouse which is less than
42 six thousand dollars per year, the annual tax shall
43 not be imposed on the mobile home. If the income is
44 six thousand dollars or more but less than fourteen
45 thousand dollars, the annual tax shall be computed as
46 follows:

47	If the Household	Annual Tax Per
48	Income is:	Square Foot:
49	\$ 6,000 -- 6,999.99	3.0 cents
50	7,000 -- 7,999.99	6.0

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1	8,000 -- 9,999.99	10.0
2	10,000 -- 11,999.99	13.0
3	12,000 -- 13,999.99	15.0

4 For purposes of this subsection "income" means
 5 income as defined in section 425.17, subsection 7, and
 6 "base year" means the calendar year preceding the year
 7 in which the claim for a reduced rate of tax is filed.
 8 The ~~mobile~~ home reduced rate of tax shall only be
 9 allowed on the ~~mobile~~ home in which the claimant is
 10 residing at the time in which the claim for a reduced
 11 rate of tax is filed.

12 3. The amount thus computed shall be the annual
 13 tax for all ~~mobile~~ homes, except as follows:

14 a. For the sixth through ninth years after the
 15 year of manufacture the annual tax is ninety percent
 16 of the tax computed according to subsection 1 or 2 of
 17 this section, whichever is applicable.

18 b. For all ~~mobile~~ homes ten or more years after
 19 the year of manufacture the annual tax is eighty
 20 percent of the tax computed according to subsection 1
 21 or 2 of this section, whichever is applicable.

22 Sec. _____. Section 435.22, subsection 5, unnumbered
 23 paragraph 1, Code 1993, is amended to read as follows:

24 5. A claim for credit for ~~mobile~~ home tax due
 25 shall not be paid or allowed unless the claim is
 26 actually filed with the county treasurer between
 27 January 1 and June 1, both dates inclusive,
 28 immediately preceding the fiscal year during which the
 29 ~~mobile~~ home taxes are due and, with the exception of a
 30 claim filed on behalf of a deceased claimant by the
 31 claimant's legal guardian, spouse, or attorney, or by
 32 the executor or administrator of the claimant's
 33 estate, contains an affidavit of the claimant's intent
 34 to occupy the ~~mobile~~ home for six months or more
 35 during the fiscal year beginning in the calendar year
 36 in which the claim is filed. The county treasurer
 37 shall submit the claim to the director of revenue and
 38 finance on or before August 1 each year.

39 Sec. _____. Section 435.23, Code 1993, is amended to
 40 read as follows:

41 435.23 EXEMPTIONS -- PRORATING TAX.

42 The manufacturer's and dealer's inventory of mobile
 43 homes, manufactured homes, or modular homes not in use
 44 as a place of human habitation shall be exempt from
 45 the annual tax. All travel trailers shall be exempt
 46 from this tax. ~~Mobile~~ The homes and travel trailers
 47 in the inventory of manufacturers and dealers shall be
 48 exempt from personal property tax. ~~Mobile~~ The homes
 49 coming into Iowa from out of state and located in a
 50 mobile home park shall be liable for the tax computed

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1 pro rata to the nearest whole month, for the time such
2 mobile the home is actually situated in Iowa.
3 Sec. . Section 435.24, subsections 1 through 6,
4 Code 1993, are amended to read as follows:
5 1. The annual tax is due and payable to the county
6 treasurer on or after July 1 in each fiscal year and
7 is collectible in the same manner and at the same time
8 as ordinary taxes as provided in sections 445.36,
9 445.37, and 445.39. Interest at the rate prescribed
10 by law shall accrue on unpaid taxes. Both
11 installments of taxes may be paid at one time. The
12 September installment represents a tax period
13 beginning July 1 and ending December 31. The March
14 installment represents a tax period beginning January
15 1 and ending June 30. A mobile home, manufactured
16 home, or modular home coming into this state from
17 outside the state, put in use from a dealer's
18 inventory, or put in use at any time after July 1 or
19 January 1, and located in a mobile home park, is
20 subject to the taxes prorated for the remaining
21 unexpired months of the tax period, but the purchaser
22 is not required to pay the tax at the time of
23 purchase. Interest attaches the following April 1 for
24 taxes prorated on or after October 1. Interest
25 attaches the following October 1 for taxes prorated on
26 or after April 1. If the taxes are not paid, the
27 county treasurer shall send a statement of delinquent
28 taxes as part of the notice of tax sale as provided in
29 section 446.9. The owner of a mobile home who sells
30 the mobile home between July 1 and December 31 and
31 obtains a tax clearance statement is responsible only
32 for the September tax payment and is not required to
33 pay taxes for subsequent tax periods. If the owner of
34 a mobile home located in a mobile home park sells the
35 mobile home, obtains a tax clearance statement, and
36 obtains a replacement mobile home located in a mobile
37 home park, the owner shall not pay taxes under this
38 chapter for the newly acquired mobile home for the
39 same tax period that the owner has paid taxes on the
40 mobile home sold. Interest for delinquent taxes shall
41 be calculated to the nearest whole dollar. In
42 calculating interest each fraction of a month shall be
43 counted as an entire month.
44 2. Mobile The home owners upon issuance of a
45 certificate of title or upon transporting to a new
46 site shall file the address, township, and school
47 district, of the location where the mobile home is
48 parked with the county treasurer's office. Failure to
49 comply is punishable as set out in section 435.18.
50 When the new location is outside of a mobile home
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1 park, the county treasurer shall provide to the
2 assessor a copy of the tax clearance statement for
3 purposes of assessment as real estate on the following
4 January 1.

5 3. Each mobile home park owner shall notify
6 monthly the county treasurer concerning any mobile
7 home or manufactured-home arriving in or departing
8 from the park without a tax clearance statement. The
9 records of the owner shall be open to inspection by a
10 duly authorized representative of any law enforcement
11 agency. Any property owner, manager or tenant shall
12 report to the county treasurer mobile homes parked
13 upon any property owned, managed, or rented by that
14 person.

15 4. The tax is a lien on the vehicle senior to any
16 other lien upon it except a judgment obtained in an
17 action to dispose of an abandoned mobile home under
18 section 555B.8. The mobile home bearing a current
19 registration issued by any other state and remaining
20 within this state for an accumulated period not to
21 exceed ninety days in any twelve-month period is not
22 subject to Iowa tax. However, when one or more
23 persons occupying a mobile home bearing a foreign
24 registration are employed in this state, there is no
25 exemption from the Iowa tax. This tax is in lieu of
26 all other taxes general or local on a mobile home.

27 ~~5. --A modular home as defined by this chapter is~~
28 ~~not subject to or assessed the annual tax pursuant to~~
29 ~~this section, but shall be assessed and taxed as real~~
30 ~~estate pursuant to chapter 427.~~

31 6 5. Before a mobile home may be moved from its
32 present site by the owner or the owner's assignee any
33 person, a tax clearance statement in the name of the
34 owner must be obtained from the county treasurer of
35 the county where the present site is located
36 certifying that taxes are not owing under this section
37 for previous years and that the taxes have been paid
38 for the current tax period. When the home is moved to
39 another county in this state, the county treasurer
40 shall forward a copy of the tax clearance statement to
41 the county treasurer of the county in which the home
42 is being relocated. However, a tax clearance
43 statement is not required for a mobile home in a
44 manufacturer's or dealer's stock which is not used as
45 a place for human habitation. A tax clearance form is
46 not required to move an abandoned mobile home. A tax
47 clearance form is not required in eviction cases
48 provided the mobile home park owner or manager advises
49 the county treasurer that the tenant is being evicted.
50 If a dealer acquires a mobile home from a person other

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1 than a manufacturer, the person shall provide a tax
2 clearance statement in the name of the owner of record
3 to the dealer. The tax clearance statement shall be
4 provided by the county treasurer in a method
5 prescribed by the department of transportation.

6 Sec. ____ . Section 435.24, subsection 7, paragraph
7 a, Code 1993, is amended to read as follows:

8 a. As an alternative to the semiannual or annual
9 payment of taxes, the county treasurer may accept
10 partial payments of current year mobile home taxes. A
11 minimum payment amount shall be established by the
12 treasurer. The treasurer shall transfer amounts from
13 each taxpayer's account to be applied to each
14 semiannual tax installment prior to the delinquency
15 dates specified in section 445.37 and the amounts
16 collected shall be apportioned by the tenth of the
17 month following transfer. If, prior to the due date
18 of each semiannual installment, the account balance is
19 insufficient to fully satisfy the installment, the
20 treasurer shall transfer and apply the entire account
21 balance, leaving an unpaid balance of the installment.
22 Interest shall attach on the unpaid balance in
23 accordance with section 445.39. Unless funds
24 sufficient to fully satisfy the delinquency are
25 received, the treasurer shall collect the unpaid
26 balance as provided in sections 445.3 and 445.4 and
27 chapter 446. Any remaining balance in a taxpayer's
28 account in excess of the amount needed to fully
29 satisfy an installment shall remain in the account to
30 be applied toward the next semiannual installment.
31 Any interest income derived from the account shall be
32 deposited in the county's general fund to cover
33 administrative costs. The treasurer shall send a
34 notice with the tax statement or by separate mail to
35 each taxpayer stating that, upon request to the
36 treasurer, the taxpayer may make partial payments of
37 current year mobile home taxes.

38 Sec. ____ . Section 435.25, Code 1993, is amended to
39 read as follows:

40 435.25 APPORTIONMENT AND COLLECTION OF TAXES.

41 The tax and interest for delinquent taxes collected
42 under section 435.24 shall be apportioned in the same
43 manner as though they were the proceeds of taxes
44 levied on real property at the same location as the
45 mobile home.

46 Chapters 446, 447, and 448 apply to the sale of a
47 mobile home for the collection of delinquent taxes and
48 interest, the redemption of a mobile home sold for the
49 collection of delinquent taxes and interest, and the
50 execution of a tax sale certificate of title for the

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1 purchase of a mobile home sold for the collection of
2 delinquent taxes and interest in the same manner as
3 though a mobile home were real property within the
4 meaning of these chapters to the extent consistent
5 with this chapter. The certificate of title shall be
6 issued by the county treasurer. The treasurer shall
7 charge ten dollars for each certificate of title,
8 except that the treasurer shall issue a tax sale
9 certificate of title to the county at no charge.

10 When a mobile home is removed from the county where
11 delinquent taxes, regular or special, are owing, or
12 when it is administratively impractical to pursue tax
13 collection through the remedies of this section, all
14 taxes, regular and special, interest, and costs shall
15 be abated by resolution of the county board of
16 supervisors. The resolution shall direct the
17 treasurer to strike from the tax books the reference
18 to that mobile home."

19 16. Page 4, by striking lines 23 through 30 and
20 inserting the following: "which is located outside a
21 mobile home park shall be converted to real estate by
22 being placed on a permanent foundation and shall be
23 assessed for real estate taxes. A home, after
24 conversion to real estate, is eligible for the
25 homestead tax credit and the military tax exemption.

26 17. Page 4, line 32, by striking the word
27 "tendering" and inserting the following: "tendering
28 the homeowner shall tender".

29 18. Page 5, line 1, by striking the word
30 "obtaining" and inserting the following: "obtaining
31 shall obtain the".

32 19. Page 5, by inserting after line 27 the
33 following:

34 "Sec. __. Section 435.27, Code 1993, is amended to
35 read as follows:

36 435.27 CONVERSION TO MOBILE HOME.

37 1. A mobile home, manufactured home, or modular
38 home converted to real estate under section 435.26 may
39 be reconverted to a mobile home as provided in this
40 section when it is moved to a mobile home park or a
41 dealer's inventory. When the home is located within a
42 mobile home park, the home shall be taxed pursuant to
43 section 435.22, subsection 1.

44 2. If the vehicular frame of the former-mobile
45 home can be modified to return it to the status of a
46 mobile home, or manufactured home, the owner or a
47 secured party holding a mortgage or certificate of
48 title pursuant to section 435.26 who has obtained
49 possession of the mobile home may apply to the county
50 treasurer as provided in section 321.20 for a

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1 certificate of title for the mobile home. If a
2 mortgage exists on the real estate, a security
3 interest in the mobile home shall be given to a
4 secured party not applying for reconversion and noted
5 on the certificate of title with the same priority or
6 a higher priority than the secured party's mortgage
7 interest. A reconversion shall not occur without the
8 written consent of every secured party holding a
9 mortgage or certificate of title.

10 If the secured party has elected to retain the
11 mobile home vehicle title pursuant to section 435.26,
12 subsection 2, paragraph "b", an owner applying for
13 reconversion shall present to the county treasurer
14 written consent to the reconversion from all secured
15 parties and an affirmation from the secured party
16 holding the title that the title is in its possession
17 and is intact. Upon receipt of the affirmation, the
18 county treasurer shall notify the assessor of the
19 reconversion, which notification constitutes
20 compliance by the owner with subsection 3.

21 3. After complying compliance with subsection 2
22 and receipt of the title, the owner shall notify the
23 assessor of the reconversion. The assessor shall
24 remove the assessed valuation of the mobile home from
25 assessment rolls as of the succeeding January 1 when
26 the mobile home becomes subject to taxation as
27 provided under section 435.24.

28 Sec. ____ . NEW SECTION. 435.28 COUNTY TREASURER
29 TO NOTIFY ASSESSOR.

30 Upon issuance of a certificate of title to a mobile
31 home or manufactured home which is not located in a
32 mobile home park or dealer's inventory, the county
33 treasurer shall notify the assessor of the existence
34 of the home for tax assessment purposes.

35 Sec. ____ . Section 435.29, Code 1993, is amended to
36 read as follows:

37 435.29 CIVIL PENALTY.

38 The ~~owner-of-a-mobile-home~~ person who moves the
39 mobile home, manufactured home, or modular home
40 without having obtained a tax clearance statement as
41 provided in section 435.24 shall pay a civil penalty
42 of one hundred dollars. The penalty money shall be
43 credited to the general fund of the county.

44 Sec. ____ . Section 435.33, Code 1993, is amended to
45 read as follows:

46 435.33 RENT REIMBURSEMENT.

47 A mobile home owner who qualifies for a reduced tax
48 rate provided in section 435.22 and who rents a space
49 upon which to set the mobile home shall be entitled to
50 the protections provided in sections 425.33 to 425.36

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1 and if the mobile home owner who qualifies for a
2 reduced tax rate believes that a landlord has
3 increased the mobile home owner's rent because the
4 mobile home owner is eligible for a reduced tax rate,
5 the provisions of sections 425.33 and 425.36 shall be
6 applicable.

7 Sec. ____ . NEW SECTION. 435.35 EXISTING HOME
8 OUTSIDE OF MOBILE HOME PARK -- EXEMPTION.

9 A taxable mobile home, manufactured home, or
10 modular home which is not located in a mobile home
11 park as of the effective date of this Act, shall be
12 assessed and taxed as real estate. The home is also
13 exempt from the permanent foundation requirements of
14 this chapter until the home is relocated."

15 20. Page 5, by inserting after line 27 the
16 following:

17 "Sec. ____ . Section 555B.1, Code Supplement 1993,
18 is amended by adding the following new subsection:

19 NEW SUBSECTION. 4A. "Mobile home" includes "manu-
20 factured homes" and "modular homes" as those terms are
21 defined in section 435.1, if the manufactured homes or
22 modular homes are located in a mobile home park."

23 21. Page 6, by inserting before line 24 the
24 following:

25 "Sec. ____ . Section 562B.7, subsection 5, Code
26 1993, is amended to read as follows:

27 5. "Mobile home" means any vehicle without motive
28 power used or so manufactured or constructed as to
29 permit its being used as a conveyance upon the public
30 streets and highways and so designed, constructed, or
31 reconstructed as will permit the vehicle to be used as
32 a place for human habitation by one or more persons;
33 but shall also include any such vehicle with motive
34 power not registered as a motor vehicle in Iowa.
35 References in this chapter to "mobile home" includes
36 "manufactured homes" and "modular homes" as those
37 terms are defined in section 435.1, if the
38 manufactured homes or modular homes are located in a
39 mobile home park.

40 Sec. ____ . EFFECTIVE DATE -- APPLICABILITY. This
41 Act takes effect July 1, 1994, however, the tax
42 provisions of this Act take effect January 1, 1995,
43 and apply to mobile homes, manufactured homes, or
44 modular homes which are subject to the annual tax
45 imposed pursuant to section 435.22 or to assessment
46 and taxation as real estate as otherwise provided by
47 law."

By COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chairperson

S-5188 FILED MARCH 14, 1994

Adopted 3-16-94 (P 691)

SENATE FILE 2190

S-5211

1 Amend the amendment, S-5188, to Senate File 2190 as
2 follows:

3 1. Page 2, line 12, by striking the words "mobile
4 home square footage tax" and inserting the following:
5 "annual tax as required by section 435.22".

6 2. Page 4, line 36, by inserting after the word
7 "home" the words "to be".

8 3. Page 9, by striking line 17 and inserting the
9 following:

10 "Sec. ____ . Section 441.17, subsection 10, Code
11 1993, is amended to read as follows:

12 10. Measure the exterior length and exterior width
13 of all mobile homes except those for which
14 measurements are contained in the manufacturer's and
15 importer's certificate of origin, and report the
16 information to the county treasurer. Check all mobile
17 homes for inaccuracy of measurements as necessary or
18 upon written request of the county treasurer and
19 report the findings immediately to the county
20 treasurer. If a mobile home has been converted to
21 real estate the title shall be collected and returned
22 to the county treasurer for cancellation. ~~if taxes~~
23 ~~due-for-prior-years-have-not-been-paid, the assessor~~
24 ~~shall collect the unpaid taxes due as a condition of~~
25 ~~conversion.~~ The assessor shall make frequent
26 inspections and checks within the assessor
27 jurisdiction of all mobile homes and mobile home parks
28 and make all the required and needed reports to carry
29 out the purposes of this section.

30 Sec. ____ . Section 555B.1, Code Supplement 1993,".

By ELAINE SZYMONIAK

S-5211 FILED MARCH 15, 1994

Adopted 3-16-94 (p. 691)

(P. 679) 3-17-94 ^{House} ~~Senate~~ - Local Govt
(P. 858) 3-23-94 ^{Senate} - Amend/Do Pass
3/23. Waiver/Memo w/ H-5603
(P. 1117) 3/23/94 Do Pass

SENATE FILE 2190
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 2116)

(AS AMENDED AND PASSED BY THE SENATE MARCH 16, 1994)

_____ - New Language by the Senate

* - Language Stricken by the Senate

Passed Senate ^(P. 125) Date 4/14/94 Passed House ^(P. 1497) Date 4/13/94
Vote: Ayes 45 Nays 1 Vote: Ayes 95 Nays 0
Approved April 25, 1994

A BILL FOR

1 An Act relating to the regulation, location, and taxation of
2 mobile, modular, and manufactured homes.

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

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S.F. 2190

1 Section 1. Section 335.30, Code Supplement 1993, is
2 amended to read as follows:

3 335.30 MANUFACTURED HOME.

4 A county shall not adopt or enforce zoning regulations or
5 other ordinances which disallow the plans and specifications
6 of a proposed residential structure solely because the
7 proposed structure is a manufactured home. However, a zoning
8 ordinance or regulation shall require that a manufactured home
9 be located and installed according to the same standards,
10 including but not limited to, a permanent foundation system,
11 set-back, and minimum square footage which would apply to a
12 site-built, single family dwelling on the same lot, and shall
13 require that the home is assessed and taxed as a site-built
14 dwelling. A zoning ordinance or other regulation shall not
15 require a perimeter foundation system for a manufactured home
16 which is incompatible with the structural design of the
17 manufactured home structure. A county shall not require more
18 than one permanent foundation system for a manufactured home.
19 For purposes of this section, a permanent foundation may be a
20 pier footing foundation system designed and constructed to be
21 compatible with the structure and the conditions of the site.

22 When units are located outside a mobile home park,
23 requirements may be imposed which ensure visual compatibility
24 of the permanent foundation system with surrounding
25 residential structures. As used in this section,
26 "manufactured home" means a factory-built structure, which is
27 manufactured or constructed under the authority of 42 U.S.C. §
28 5403 and is to be used as a place for human habitation, but
29 which is not constructed or equipped with a permanent hitch or
30 other device allowing it to be moved other than for the
31 purpose of moving to a permanent site, and which does not have
32 permanently attached to its body or frame any wheels or axles.

* 33 This section shall not be construed as abrogating a recorded
34 restrictive covenant.

35 Sec. 2. Section 414.28, Code Supplement 1993, is amended

1 to read as follows:

2 414.28 MANUFACTURED HOME.

3 A city shall not adopt or enforce zoning regulations or
4 other ordinances which disallow the plans and specifications
5 of a proposed residential structure solely because the
6 proposed structure is a manufactured home. However, a zoning
7 ordinance or regulation shall require that a manufactured home
8 be located and installed according to the same standards,
9 including but not limited to, a permanent foundation system,
10 set-back, and minimum square footage which would apply to a
11 site-built, single family dwelling on the same lot, and shall
12 require that the home is assessed and taxed as a site-built
13 dwelling. A zoning ordinance or other regulation shall not
14 require a perimeter foundation system for a manufactured home
15 which is incompatible with the structural design of the
16 manufactured home structure. A city shall not require more
17 than one permanent foundation system for a manufactured home.
18 For purposes of this section, a permanent foundation may be a
19 pier footing foundation system designed and constructed to be
20 compatible with the structure and the conditions of the site.

21 When units are located outside a mobile home park,
22 requirements may be imposed which ensure visual compatibility
23 of the permanent foundation system with surrounding
24 residential structures. As used in this section,
25 "manufactured home" means a factory-built structure, which is
26 manufactured or constructed under the authority of 42 U.S.C. §
27 5403 and is to be used as a place for human habitation, but
28 which is not constructed or equipped with a permanent hitch or
29 other device allowing it to be moved other than for the
30 purpose of moving to a permanent site, and which does not have
31 permanently attached to its body or frame any wheels or axles.

* 32 This section shall not be construed as abrogating a recorded
33 restrictive covenant.

34 Sec. 3. Section 435.1, subsection 1, Code 1993, is amended
35 to read as follows:

1 1. "Mobile home" means any vehicle without motive power
2 used or so manufactured or constructed as to permit its being
3 used as a conveyance upon the public streets and highways and
4 so designed, constructed, or reconstructed as will permit the
5 vehicle to be used as a place for human habitation by one or
6 more persons; but shall also include any such vehicle with
7 motive power not registered as a motor vehicle in Iowa. A
8 "mobile home" is not built to a mandatory building code,
9 contains no state or federal seals, and was built before June
10 15, 1976. If a mobile home is placed outside a mobile home
11 park, the home is to be assessed and taxed as real estate.

12 Sec. 4. Section 435.1, Code 1993, is amended by adding the
13 following new subsections:

14 NEW SUBSECTION. 1A. "Home" means a mobile home, a
15 manufactured home, or a modular home.

16 NEW SUBSECTION. 1B. "Manufactured home" is a factory-
17 built structure built under authority of 42 U.S.C. § 5403, is
18 required by federal law to display a seal from the United
19 States department of housing and urban development, and was
20 constructed on or after June 15, 1976. If a manufactured home
21 is placed in a mobile home park, the home must be titled and
22 is subject to the mobile home square foot tax. If a
23 manufactured home is placed outside a mobile home park, the
24 home is to be assessed and taxed as real estate.

25 Sec. 5. Section 435.1, subsection 2, unnumbered paragraph
26 1, Code 1993, is amended to read as follows:

27 "Mobile home park" shall mean any site, lot, field or tract
28 of land upon which two or more occupied mobile homes are
29 harbored, either free of charge or for revenue purposes, and
30 shall include any building, structure, tent, vehicle or
31 enclosure used or intended for use as part of the equipment of
32 such mobile home park. A mobile home park may also include a
33 manufactured home or a modular home.

34 Sec. 6. Section 435.1, subsection 3, Code 1993, is amended
35 by striking the subsection and inserting the following:

1 3. "Modular home" means a factory-built structure which is
2 manufactured to be used as a place of human habitation, is
3 constructed to comply with the Iowa state building code for
4 modular factory-built structures, and must display the seal
5 issued by the state building code commissioner. If a modular
6 home is placed in a mobile home park, the home is subject to
7 the annual tax as required by section 435.22. If a modular
8 home is placed outside a mobile home park, the home shall be
9 considered real property and is to be assessed and taxed as
10 real estate.

11 Sec. 7. Section 435.22, unnumbered paragraph 1, Code 1993,
12 is amended to read as follows:

13 The owner of each mobile home, manufactured home, or
14 modular home, located within a mobile home park shall pay to
15 the county treasurer an annual tax. However, when the owner
16 is any educational institution and the mobile home is used
17 solely for student housing or when the owner is the state of
18 Iowa or a subdivision thereof of the state, the owner shall be
19 exempt from the tax. The annual tax shall be computed as
20 follows:

21 Sec. 8. Section 435.22, subsections 1, 2, and 3, Code
22 1993, are amended to read as follows:

23 1. Multiply the number of square feet of floor space each
24 mobile home contains when parked and in use by twenty cents.
25 In computing floor space, the exterior measurements of the
26 mobile home shall be used as shown on the certificate of
27 registration-and title, but not including any area occupied by
28 a hitching device.

29 2. If the owner of the mobile home is an Iowa resident,
30 has attained the age of eighteen years on or before December
31 31 of the base year, and has an income when included with that
32 of a spouse which is less than six thousand dollars per year,
33 the annual tax shall not be imposed on the mobile home. If
34 the income is six thousand dollars or more but less than
35 fourteen thousand dollars, the annual tax shall be computed as

1 follows:

2 <u>If the Household</u>	<u>Annual Tax Per</u>
3 <u>Income is:</u>	<u>Square Foot:</u>
4 <u>\$ 6,000 -- 6,999.99</u>	<u>3.0 cents</u>
5 <u>7,000 -- 7,999.99</u>	<u>6.0</u>
6 <u>8,000 -- 9,999.99</u>	<u>10.0</u>
7 <u>10,000 -- 11,999.99</u>	<u>13.0</u>
8 <u>12,000 -- 13,999.99</u>	<u>15.0</u>

9 For purposes of this subsection "income" means income as
 10 defined in section 425.17, subsection 7, and "base year" means
 11 the calendar year preceding the year in which the claim for a
 12 reduced rate of tax is filed. The mobile home reduced rate of
 13 tax shall only be allowed on the mobile home in which the
 14 claimant is residing at the time in which the claim for a
 15 reduced rate of tax is filed.

16 3. The amount thus computed shall be the annual tax for
 17 all mobile homes, except as follows:

18 a. For the sixth through ninth years after the year of
 19 manufacture the annual tax is ninety percent of the tax
 20 computed according to subsection 1 or 2 of this section,
 21 whichever is applicable.

22 b. For all mobile homes ten or more years after the year
 23 of manufacture the annual tax is eighty percent of the tax
 24 computed according to subsection 1 or 2 of this section,
 25 whichever is applicable.

26 Sec. 9. Section 435.22, subsection 5, unnumbered paragraph
 27 1, Code 1993, is amended to read as follows:

28 5. A claim for credit for mobile home tax due shall not be
 29 paid or allowed unless the claim is actually filed with the
 30 county treasurer between January 1 and June 1, both dates
 31 inclusive, immediately preceding the fiscal year during which
 32 the mobile home taxes are due and, with the exception of a
 33 claim filed on behalf of a deceased claimant by the claimant's
 34 legal guardian, spouse, or attorney, or by the executor or
 35 administrator of the claimant's estate, contains an affidavit

1 of the claimant's intent to occupy the mobile home for six
2 months or more during the fiscal year beginning in the
3 calendar year in which the claim is filed. The county
4 treasurer shall submit the claim to the director of revenue
5 and finance on or before August 1 each year.

6 Sec. 10. Section 435.23, Code 1993, is amended to read as
7 follows:

8 435.23 EXEMPTIONS -- PRORATING TAX.

9 The manufacturer's and dealer's inventory of mobile homes,
10 manufactured homes, or modular homes not in use as a place of
11 human habitation shall be exempt from the annual tax. All
12 travel trailers shall be exempt from this tax. Mobile The
13 homes and travel trailers in the inventory of manufacturers
14 and dealers shall be exempt from personal property tax.
15 Mobile The homes coming into Iowa from out of state and
16 located in a mobile home park shall be liable for the tax
17 computed pro rata to the nearest whole month, for the time
18 such-mobile the home is actually situated in Iowa.

19 Sec. 11. Section 435.24, subsections 1 through 6, Code
20 1993, are amended to read as follows:

21 1. The annual tax is due and payable to the county
22 treasurer on or after July 1 in each fiscal year and is
23 collectible in the same manner and at the same time as
24 ordinary taxes as provided in sections 445.36, 445.37, and
25 445.39. Interest at the rate prescribed by law shall accrue
26 on unpaid taxes. Both installments of taxes may be paid at
27 one time. The September installment represents a tax period
28 beginning July 1 and ending December 31. The March
29 installment represents a tax period beginning January 1 and
30 ending June 30. A mobile home, manufactured home, or modular
31 home coming into this state from outside the state, put in use
32 from a dealer's inventory, or put in use at any time after
33 July 1 or January 1, and located in a mobile home park, is
34 subject to the taxes prorated for the remaining unexpired
35 months of the tax period, but the purchaser is not required to

1 pay the tax at the time of purchase. Interest attaches the
2 following April 1 for taxes prorated on or after October 1.
3 Interest attaches the following October 1 for taxes prorated
4 on or after April 1. If the taxes are not paid, the county
5 treasurer shall send a statement of delinquent taxes as part
6 of the notice of tax sale as provided in section 446.9. The
7 owner of a mobile home who sells the mobile home between July
8 1 and December 31 and obtains a tax clearance statement is
9 responsible only for the September tax payment and is not
10 required to pay taxes for subsequent tax periods. If the
11 owner of a mobile home located in a mobile home park sells the
12 mobile home, obtains a tax clearance statement, and obtains a
13 replacement mobile home to be located in a mobile home park,
14 the owner shall not pay taxes under this chapter for the newly
15 acquired mobile home for the same tax period that the owner
16 has paid taxes on the mobile home sold. Interest for
17 delinquent taxes shall be calculated to the nearest whole
18 dollar. In calculating interest each fraction of a month
19 shall be counted as an entire month.

20 2. Mobile The home owners upon issuance of a certificate
21 of title or upon transporting to a new site shall file the
22 address, township, and school district, of the location where
23 the mobile home is parked with the county treasurer's office.
24 Failure to comply is punishable as set out in section 435.18.
25 When the new location is outside of a mobile home park, the
26 county treasurer shall provide to the assessor a copy of the
27 tax clearance statement for purposes of assessment as real
28 estate on the following January 1.

29 3. Each mobile home park owner shall notify monthly the
30 county treasurer concerning any mobile home or-manufactured
31 home arriving in or departing from the park without a tax
32 clearance statement. The records of the owner shall be open
33 to inspection by a duly authorized representative of any law
34 enforcement agency. Any property owner, manager or tenant
35 shall report to the county treasurer mobile homes parked upon

1 any property owned, managed, or rented by that person.

2 4. The tax is a lien on the vehicle senior to any other
3 lien upon it except a judgment obtained in an action to
4 dispose of an abandoned mobile home under section 555B.8. The
5 mobile home bearing a current registration issued by any other
6 state and remaining within this state for an accumulated
7 period not to exceed ninety days in any twelve-month period is
8 not subject to Iowa tax. However, when one or more persons
9 occupying a mobile home bearing a foreign registration are
10 employed in this state, there is no exemption from the Iowa
11 tax. This tax is in lieu of all other taxes general or local
12 on a mobile home.

13 5:--A-modular-home-as-defined-by-this-chapter-is-not
14 subject-to-or-assessed-the-annual-tax-pursuant-to-this
15 section, but shall be assessed and taxed as real estate
16 pursuant to chapter 427.

17 6 5. Before a mobile home may be moved from its present
18 site by the owner or the owner's assignee any person, a tax
19 clearance statement in the name of the owner must be obtained
20 from the county treasurer of the county where the present site
21 is located certifying that taxes are not owing under this
22 section for previous years and that the taxes have been paid
23 for the current tax period. When the home is moved to another
24 county in this state, the county treasurer shall forward a
25 copy of the tax clearance statement to the county treasurer of
26 the county in which the home is being relocated. However, a
27 tax clearance statement is not required for a mobile home in a
28 manufacturer's or dealer's stock which is not used as a place
29 for human habitation. A tax clearance form is not required to
30 move an abandoned mobile home. A tax clearance form is not
31 required in eviction cases provided the mobile home park owner
32 or manager advises the county treasurer that the tenant is
33 being evicted. If a dealer acquires a mobile home from a
34 person other than a manufacturer, the person shall provide a
35 tax clearance statement in the name of the owner of record to

1 the dealer. The tax clearance statement shall be provided by
2 the county treasurer in a method prescribed by the department
3 of transportation.

4 Sec. 12. Section 435.24, subsection 7, paragraph a, Code
5 1993, is amended to read as follows:

6 a. As an alternative to the semiannual or annual payment
7 of taxes, the county treasurer may accept partial payments of
8 current year mobile home taxes. A minimum payment amount
9 shall be established by the treasurer. The treasurer shall
10 transfer amounts from each taxpayer's account to be applied to
11 each semiannual tax installment prior to the delinquency dates
12 specified in section 445.37 and the amounts collected shall be
13 apportioned by the tenth of the month following transfer. If,
14 prior to the due date of each semiannual installment, the
15 account balance is insufficient to fully satisfy the
16 installment, the treasurer shall transfer and apply the entire
17 account balance, leaving an unpaid balance of the installment.
18 Interest shall attach on the unpaid balance in accordance with
19 section 445.39. Unless funds sufficient to fully satisfy the
20 delinquency are received, the treasurer shall collect the
21 unpaid balance as provided in sections 445.3 and 445.4 and
22 chapter 446. Any remaining balance in a taxpayer's account in
23 excess of the amount needed to fully satisfy an installment
24 shall remain in the account to be applied toward the next
25 semiannual installment. Any interest income derived from the
26 account shall be deposited in the county's general fund to
27 cover administrative costs. The treasurer shall send a notice
28 with the tax statement or by separate mail to each taxpayer
29 stating that, upon request to the treasurer, the taxpayer may
30 make partial payments of current year mobile home taxes.

31 Sec. 13. Section 435.25, Code 1993, is amended to read as
32 follows:

33 435.25 APPORTIONMENT AND COLLECTION OF TAXES.

34 The tax and interest for delinquent taxes collected under
35 section 435.24 shall be apportioned in the same manner as

1 though they were the proceeds of taxes levied on real property
 2 at the same location as the mobile home.

3 Chapters 446, 447, and 448 apply to the sale of a mobile
 4 home for the collection of delinquent taxes and interest, the
 5 redemption of a mobile home sold for the collection of
 6 delinquent taxes and interest, and the execution of a tax sale
 7 certificate of title for the purchase of a mobile home sold
 8 for the collection of delinquent taxes and interest in the
 9 same manner as though a mobile home were real property within
 10 the meaning of these chapters to the extent consistent with
 11 this chapter. The certificate of title shall be issued by the
 12 county treasurer. The treasurer shall charge ten dollars for
 13 each certificate of title, except that the treasurer shall
 14 issue a tax sale certificate of title to the county at no
 15 charge.

16 When a mobile home is removed from the county where
 17 delinquent taxes, regular or special, are owing, or when it is
 18 administratively impractical to pursue tax collection through
 19 the remedies of this section, all taxes, regular and special,
 20 interest, and costs shall be abated by resolution of the
 21 county board of supervisors. The resolution shall direct the
 22 treasurer to strike from the tax books the reference to that
 23 mobile home.

24 Sec. 14. Section 435.26, Code 1993, is amended to read as
 25 follows:

26 435.26 CONVERSION TO REAL PROPERTY.

27 No mobile home shall be assessed for property tax nor be
 28 eligible for homestead tax credit or military service tax
 29 credit unless:

30 1.--The mobile home owner intends to convert the mobile
 31 home to real estate and does so by:

32 a.--Attaching the mobile home to a permanent foundation;

33 b.--Modification of the vehicular frame for placement on a
 34 permanent foundation;

35 1. a. A mobile home, modular home, or manufactured home

1 which is located outside a mobile home park shall be converted
2 to real estate by being placed on a permanent foundation and
3 shall be assessed for real estate taxes. A home, after
4 conversion to real estate, is eligible for the homestead tax
5 credit and the military tax exemption.

6 c b. If a security interest is noted on the certificate of
7 title, tendering the homeowner shall tender to the secured
8 party a mortgage on the real estate upon which the mobile home
9 is to be located in the unpaid amount of the secured debt, and
10 with the same priority as or a higher priority than the
11 secured party's security interest, or obtaining shall obtain
12 the written consent of the secured party to the conversion, in
13 which latter case the lien notation on the certificate of
14 title shall suffice to preserve the lienholder's security in
15 the mobile home separate from any interest in the land.

16 2. After complying with subsection 1, the owner shall
17 notify the assessor who shall inspect the new premises for
18 compliance. If a security interest is noted on the certificate
19 of title, the assessor shall require an affidavit, as defined
20 in section 622.85, from the mobile home owner, declaring that
21 the owner has complied with subsection 1, paragraph "e" "b",
22 and setting forth the method of compliance.

23 a. If compliance with subsection 1, paragraph "e" "b", has
24 been accomplished by the secured party accepting the tender of
25 a mortgage, the assessor shall collect the mobile home vehicle
26 title and enter the property upon the tax rolls.

27 b. If compliance with subsection 1, paragraph "e" "b", has
28 been accomplished by the secured party consenting to the
29 conversion without accepting a mortgage, the secured party
30 shall retain the mobile home vehicle title and the assessor
31 shall note the conversion on the assessor's records and enter
32 the property upon the tax rolls. So long as a security
33 interest is noted on the certificate of title, the title to
34 the mobile home will not be merged with title to the land, and
35 the sale or foreclosure of an interest in the land shall not

1 affect title to the mobile home or any security interest in
2 the mobile home.

3 Sec. 15. Section 435.27, Code 1993, is amended to read as
4 follows:

5 435.27 CONVERSION TO MOBILE HOME.

6 1. A mobile home, manufactured home, or modular home
7 converted to real estate under section 435.26 may be
8 reconverted to a mobile home as provided in this section when
9 it is moved to a mobile home park or a dealer's inventory.
10 When the home is located within a mobile home park, the home
11 shall be taxed pursuant to section 435.22, subsection 1.

12 2. If the vehicular frame of the former-mobile home can be
13 modified to return it to the status of a mobile home, or
14 manufactured home, the owner or a secured party holding a
15 mortgage or certificate of title pursuant to section 435.26
16 who has obtained possession of the mobile home may apply to
17 the county treasurer as provided in section 321.20 for a
18 certificate of title for the mobile home. If a mortgage
19 exists on the real estate, a security interest in the mobile
20 home shall be given to a secured party not applying for
21 reconversion and noted on the certificate of title with the
22 same priority or a higher priority than the secured party's
23 mortgage interest. A reconversion shall not occur without the
24 written consent of every secured party holding a mortgage or
25 certificate of title.

26 If the secured party has elected to retain the mobile home
27 vehicle title pursuant to section 435.26, subsection 2,
28 paragraph "b", an owner applying for reconversion shall
29 present to the county treasurer written consent to the
30 reconversion from all secured parties and an affirmation from
31 the secured party holding the title that the title is in its
32 possession and is intact. Upon receipt of the affirmation,
33 the county treasurer shall notify the assessor of the
34 reconversion, which notification constitutes compliance by the
35 owner with subsection 3.

1 3. After complying compliance with subsection 2 and
2 receipt of the title, the owner shall notify the assessor of
3 the reconversion. The assessor shall remove the assessed
4 valuation of the mobile home from assessment rolls as of the
5 succeeding January 1 when the mobile home becomes subject to
6 taxation as provided under section 435.24.

7 Sec. 16. NEW SECTION. 435.28 COUNTY TREASURER TO NOTIFY
8 ASSESSOR.

9 Upon issuance of a certificate of title to a mobile home or
10 manufactured home which is not located in a mobile home park
11 or dealer's inventory, the county treasurer shall notify the
12 assessor of the existence of the home for tax assessment
13 purposes.

14 Sec. 17. Section 435.29, Code 1993, is amended to read as
15 follows:

16 435.29 CIVIL PENALTY.

17 The owner-of-a-mobile-home person who moves the mobile
18 home, manufactured home, or modular home without having
19 obtained a tax clearance statement as provided in section
20 435.24 shall pay a civil penalty of one hundred dollars. The
21 penalty money shall be credited to the general fund of the
22 county.

23 Sec. 18. Section 435.33, Code 1993, is amended to read as
24 follows:

25 435.33 RENT REIMBURSEMENT.

26 A mobile home owner who qualifies for a reduced tax rate
27 provided in section 435.22 and who rents a space upon which to
28 set the mobile home shall be entitled to the protections
29 provided in sections 425.33 to 425.36 and if the mobile home
30 owner who qualifies for a reduced tax rate believes that a
31 landlord has increased the mobile home owner's rent because
32 the mobile home owner is eligible for a reduced tax rate, the
33 provisions of sections 425.33 and 425.36 shall be applicable.

34 Sec. 19. NEW SECTION. 435.35 EXISTING HOME OUTSIDE OF
35 MOBILE HOME PARK -- EXEMPTION.

1 A taxable mobile home, manufactured home, or modular home
2 which is not located in a mobile home park as of the effective
3 date of this Act, shall be assessed and taxed as real estate.
4 The home is also exempt from the permanent foundation
5 requirements of this chapter until the home is relocated.

6 Sec. 20. Section 441.17, subsection 10, Code 1993, is
7 amended to read as follows:

8 10. Measure the exterior length and exterior width of all
9 mobile homes except those for which measurements are contained
10 in the manufacturer's and importer's certificate of origin,
11 and report the information to the county treasurer. Check all
12 mobile homes for inaccuracy of measurements as necessary or
13 upon written request of the county treasurer and report the
14 findings immediately to the county treasurer. If a mobile
15 home has been converted to real estate the title shall be
16 collected and returned to the county treasurer for
17 cancellation. ~~if taxes due for prior years have not been~~
18 ~~paid, the assessor shall collect the unpaid taxes due as a~~
19 ~~condition of conversion.~~ The assessor shall make frequent
20 inspections and checks within the assessor jurisdiction of all
21 mobile homes and mobile home parks and make all the required
22 and needed reports to carry out the purposes of this section.

23 Sec. 21. Section 555B.1, Code Supplement 1993, is amended
24 by adding the following new subsection:

25 NEW SUBSECTION. 4A. "Mobile home" includes "manufactured
26 homes" and "modular homes" as those terms are defined in,
27 section 435.1, if the manufactured homes or modular homes are
28 located in a mobile home park.

29 Sec. 22. Section 555B.2, subsection 2, paragraph a, Code
30 Supplement 1993, is amended to read as follows:

31 a. If the mobile home owner can be determined, and if the
32 real property owner so requests, the sheriff shall notify the
33 mobile home owner of the removal by restricted certified mail.
34 If the mobile home owner cannot be determined, and the real
35 property owner so requests, the sheriff shall give notice by

1 one publication in one newspaper of general circulation in the
2 county where the mobile home and personal property were
3 unlawfully parked, placed, or abandoned. If the mobile home
4 and personal property have not been claimed by the owner
5 within six months after notice is given, the mobile home and
6 personal property shall be sold by the sheriff at a public or
7 private sale. After deducting costs of the sale the net
8 proceeds shall be applied to the cost of removal, storage,
9 notice, attorney fees, and any other expenses incurred for
10 preserving the mobile home and personal property, including
11 any rent owed by the mobile home owner to the real property
12 owner in connection with the presence of the mobile home on
13 the real property. The remaining net proceeds, if any, shall
14 be paid to the county treasurer to satisfy any tax lien on the
15 mobile home. The remainder, if any, shall be retained by the
16 county treasurer. A sheriff's sale transfers to the purchaser
17 for value, all of the mobile home owner's rights in the mobile
18 home and personal property, and discharges the real property
19 owner's interest in the mobile home and personal property, and
20 discharges the tax lien on the mobile home. If the purchaser
21 acts in good faith the purchaser takes free of all rights and
22 interests even though the real property owner fails to comply
23 with the requirements of this chapter or of any judicial
24 proceedings.

25 Sec. 23. Section 562B.7, subsection 5, Code 1993, is
26 amended to read as follows:

27 5. "Mobile home" means any vehicle without motive power
28 used or so manufactured or constructed as to permit its being
29 used as a conveyance upon the public streets and highways and
30 so designed, constructed, or reconstructed as will permit the
31 vehicle to be used as a place for human habitation by one or
32 more persons; but shall also include any such vehicle with
33 motive power not registered as a motor vehicle in Iowa.

34 References in this chapter to "mobile home" includes
35 "manufactured homes" and "modular homes" as those terms are

1 defined in section 435.1, if the manufactured homes or modular
2 homes are located in a mobile home park.

3 Sec. 24. EFFECTIVE DATE -- APPLICABILITY. This Act takes
4 effect July 1, 1994, however, the tax provisions of this Act
5 take effect January 1, 1995, and apply to mobile homes,
6 manufactured homes, or modular homes which are subject to the
7 annual tax imposed pursuant to section 435.22 or to assessment
8 and taxation as real estate as otherwise provided by law.

9 Sec. 25. REPEALER. Section 435.34, Code 1993, is
10 repealed.

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SENATE FILE 2190

H-5603

- 1 Amend Senate File 2190, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 28, by inserting after the word
4 "land" the following: "under common ownership".
- 5 2. Page 3, line 28, by inserting after the word
6 "homes" the following: ", manufactured homes, modular
7 homes or a combination of the homes".
- 8 3. Page 3, by striking lines 32 and 33 and
9 inserting the following: "such mobile home park."
- 10 4. Page 4, line 1, by inserting after the word
11 "structure" the following: "built on a permanent
12 chassis".
- 13 5. Page 11, line 5, by inserting after the word
14 "exemption" the following: "as provided in sections
15 425.2 and 427.3".
- 16 6. Page 14, line 9, by inserting after the word
17 "homes" the following: "and manufactured homes".
- 18 7. Page 14, lines 14 through 17, by striking the
19 words "If a mobile home has been converted to real
20 estate the title shall be collected and returned to
21 the county treasurer for cancellation." and inserting
22 the following: "~~If-a-mobile-home-has-been-converted~~
23 ~~to-real-estate-the-title-shall-be-collected-and~~
24 ~~returned-to-the-county-treasurer-for-cancellation.~~"

By COMMITTEE ON LOCAL GOVERNMENT
IVERSON of Wright, Chairperson

H-5603 FILED MARCH 23, 1994

adopted 4/13/94
(P 1497)

HOUSE AMENDMENT TO
SENATE FILE 2190

S-5629

- 1 Amend Senate File 2190, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, line 28, by inserting after the word
4 "land" the following: "under common ownership".
5 2. Page 3, line 28, by inserting after the word
6 "homes" the following: ", manufactured homes, modular
7 homes or a combination of the homes".
8 3. Page 3, by striking lines 32 and 33 and
9 inserting the following: "such mobile home park."
10 4. Page 4, line 1, by inserting after the word
11 "structure" the following: "built on a permanent
12 chassis".
13 5. Page 11, line 5, by inserting after the word
14 "exemption" the following: "as provided in sections
15 425.2 and 427.3".
16 6. Page 14, line 9, by inserting after the word
17 "homes" the following: "and manufactured homes".
18 7. Page 14, lines 14 through 17, by striking the
19 words "If a mobile home has been converted to real
20 estate the title shall be collected and returned to
21 the county treasurer for cancellation." and inserting
22 the following: ~~"If a mobile home has been converted~~
23 ~~to real estate the title shall be collected and~~
24 ~~returned to the county treasurer for cancellation."~~

RECEIVED FROM THE HOUSE

S-5629 FILED APRIL 13, 1994

Senate Concurred
4-14-94
(P. 1215)

Szymoniak. Chair
Vilsack

SS B. 2116
Local Government

Jensen

SENATE FILE 2190
BY (PROPOSED COMMITTEE ON LOCAL
GOVERNMENT BILL BY CHAIRPERSON
SORENSEN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the regulation, location, and taxation of
2 mobile, modular, and manufactured homes.

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

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1 Section 1. Section 335.30, Code Supplement 1993, is
2 amended to read as follows:
3 335.30 MANUFACTURED HOME.
4 A county shall not adopt or enforce zoning regulations or
5 other ordinances which disallow the plans and specifications
6 of a proposed residential structure solely because the
7 proposed structure is a manufactured home. However, a zoning
8 ordinance or regulation shall require that a manufactured home
9 be located and installed according to the same standards,
10 including but not limited to, a permanent foundation system,
11 set-back, and minimum square footage which would apply to a
12 site-built, single family dwelling on the same lot, and shall
13 require that the home is assessed and taxed as a site-built
14 dwelling. A zoning ordinance or other regulation shall not
15 require a permanent foundation system for a manufactured home
16 which is incompatible with the structural design of the
17 manufactured home structure. A county shall not require more
18 than one permanent foundation system for a manufactured home.
19 A pier footing system, set below frost level and according to
20 manufacturer's specifications, is a permanent foundation
21 system. When units are located outside a mobile home park,
22 requirements may be imposed which ensure visual compatibility
23 of the permanent foundation system with surrounding
24 residential structures. As used in this section,
25 "manufactured home" means a factory-built structure, which is
26 manufactured or constructed under the authority of 42 U.S.C. §
27 5403 and is to be used as a place for human habitation, but
28 which is not constructed or equipped with a permanent hitch or
29 other device allowing it to be moved other than for the
30 purpose of moving to a permanent site, and which does not have
31 permanently attached to its body or frame any wheels or axles.
32 A mobile home as defined in section 435.1 is not a
33 manufactured home, unless it has been converted to real
34 property as provided in section 435.26, and shall be taxed as
35 a site-built dwelling. This section shall not be construed as

1 abrogating a recorded restrictive covenant.

2 Sec. 2. NEW SECTION. 335.34 MOBILE HOME PARKS --
3 NONDISCRIMINATION.

4 1. A county shall not discriminate against the creation or
5 expansion of mobile home parks. Discrimination against mobile
6 home parks is rebuttably presumed if the creation or expansion
7 of a mobile home park is denied and if one or more of the
8 following conditions exist:

9 a. A county has no property zoned as a mobile home park.

10 b. A county does not have at least ten percent of its
11 housing inventory consisting of factory-built structures.

12 2. As used in this section, "factory-built structure"
13 means a mobile home, manufactured home, or modular home.

14 Sec. 3. Section 414.28, Code Supplement 1993, is amended
15 to read as follows:

16 414.28 MANUFACTURED HOME.

17 A city shall not adopt or enforce zoning regulations or
18 other ordinances which disallow the plans and specifications
19 of a proposed residential structure solely because the
20 proposed structure is a manufactured home. However, a zoning
21 ordinance or regulation shall require that a manufactured home
22 be located and installed according to the same standards,
23 including but not limited to, a permanent foundation system,
24 set-back, and minimum square footage which would apply to a
25 site-built, single family dwelling on the same lot, and shall
26 require that the home is assessed and taxed as a site-built
27 dwelling. A zoning ordinance or other regulation shall not
28 require a permanent foundation system for a manufactured home
29 which is incompatible with the structural design of the
30 manufactured home structure. A city shall not require more
31 than one permanent foundation system for a manufactured home.
32 A pier footing system, set below frost level and according to
33 manufacturer's specifications, is a permanent foundation
34 system. When units are located outside a mobile home park,
35 requirements may be imposed which ensure visual compatibility

1 of the permanent foundation system with surrounding
2 residential structures. As used in this section,
3 "manufactured home" means a factory-built structure, which is
4 manufactured or constructed under the authority of 42 U.S.C. §
5 5403 and is to be used as a place for human habitation, but
6 which is not constructed or equipped with a permanent hitch or
7 other device allowing it to be moved other than for the
8 purpose of moving to a permanent site, and which does not have
9 permanently attached to its body or frame any wheels or axles.
10 A mobile home as defined in section 435.1 is not a
11 manufactured home, unless it has been converted to real
12 property as provided in section 435.26, and shall be taxed as
13 a site-built dwelling. This section shall not be construed as
14 abrogating a recorded restrictive covenant.

15 Sec. 4. NEW SECTION. 414.32 MOBILE HOME PARKS --
16 NONDISCRIMINATION.

17 1. A city shall not discriminate against the creation or
18 expansion of mobile home parks. Discrimination against mobile
19 home parks is rebuttably presumed if the creation or expansion
20 of a mobile home park is denied and if one or more of the
21 following conditions exist:

22 a. A city has no property zoned as a mobile home park.

23 b. A city does not have at least ten percent of its
24 housing inventory consisting of factory-built structures.

25 2. As used in this section, "factory-built structure"
26 means a mobile home, manufactured home, or modular home.

27 Sec. 5. Section 435.1, subsection 1, Code 1993, is amended
28 to read as follows:

29 1. "Mobile home" means any vehicle without motive power
30 used or so manufactured or constructed as to permit its being
31 used as a conveyance upon the public streets and highways and
32 so designed, constructed, or reconstructed as will permit the
33 vehicle to be used as a place for human habitation by one or
34 more persons; but shall also include any such vehicle with
35 motive power not registered as a motor vehicle in Iowa. A

1 "mobile home" is not built to a mandatory building code,
2 contains no state or federal seals, and was built before June
3 15, 1976.

4 Sec. 6. Section 435.1, Code 1993, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 1A. "Manufactured home" is a mobile home
7 except that a manufactured home is built under authority of 42
8 U.S.C. § 5403, is required by federal law to display a seal
9 from the United States department of housing and urban
10 development, and was constructed on or after June 15, 1976.
11 If a manufactured home is placed in a mobile home park, the
12 home must be titled and is subject to the mobile home square
13 foot tax. If a manufactured home is placed outside a mobile
14 home park, the home is assessed and taxed as real estate.

15 Sec. 7. Section 435.1, subsection 2, unnumbered paragraph
16 1, Code 1993, is amended to read as follows:

17 "Mobile home park" shall mean any site, lot, field or tract
18 of land upon which two or more occupied mobile homes are
19 harbored, either free of charge or for revenue purposes, and
20 shall include any building, structure, tent, vehicle or
21 enclosure used or intended for use as part of the equipment of
22 such mobile home park. A mobile home park may also include a
23 manufactured home or a modular home.

24 Sec. 8. Section 435.1, subsection 3, Code 1993, is amended
25 by striking the subsection and inserting the following:

26 3. "Modular home" means a factory-built structure which is
27 manufactured or constructed to be used as a place of human
28 habitation, is constructed to the state of Iowa modular
29 building code, and must display the seal issued by the state
30 building code department. If a modular home is placed in a
31 mobile home park, the home must be titled and is subject to
32 the mobile home square foot tax. If a modular home is placed
33 outside a mobile home park, the home is not titled and is
34 assessed and taxed as real estate.

35 Sec. 9. Section 435.26, Code 1993, is amended to read as

1 follows:

2 435.26 CONVERSION TO REAL PROPERTY.

3 ~~No mobile home shall be assessed for property tax nor be~~
4 ~~eligible for homestead tax credit or military service tax~~
5 ~~credit unless:~~

6 ~~1.---The mobile home owner intends to convert the mobile~~
7 ~~home to real estate and does so by:~~

8 ~~a.---Attaching the mobile home to a permanent foundation;~~

9 ~~b.---Modification of the vehicular frame for placement on a~~
10 ~~permanent foundation;~~

11 1. a. A mobile home, modular home, or manufactured home
12 which is located outside a mobile home park shall be placed on
13 a permanent foundation and shall be assessed for real estate
14 taxes. A home, after conversion to real estate, is eligible
15 for the homestead tax credit and the military tax exemption.
16 However, this subsection does not apply to a mobile home,
17 modular home, or manufactured home which is located on a
18 homestead as a second or temporary home.

19 e b. If a security interest is noted on the certificate of
20 title, tendering to the secured party a mortgage on the real
21 estate upon which the mobile home is to be located in the
22 unpaid amount of the secured debt, and with the same priority
23 as or a higher priority than the secured party's security
24 interest, or obtaining written consent of the secured party to
25 the conversion, in which latter case the lien notation on the
26 certificate of title shall suffice to preserve the
27 lienholder's security in the mobile home separate from any
28 interest in the land.

29 2. After complying with subsection 1, the owner shall
30 notify the assessor who shall inspect the new premises for
31 compliance. If a security interest is noted on the certificate
32 of title, the assessor shall require an affidavit, as defined
33 in section 622.85, from the mobile home owner, declaring that
34 the owner has complied with subsection 1, paragraph "e" "b",
35 and setting forth the method of compliance.

1 a. If compliance with subsection 1, paragraph "e" "b", has
2 been accomplished by the secured party accepting the tender of
3 a mortgage, the assessor shall collect the mobile home vehicle
4 title and enter the property upon the tax rolls.

5 b. If compliance with subsection 1, paragraph "e" "b", has
6 been accomplished by the secured party consenting to the
7 conversion without accepting a mortgage, the secured party
8 shall retain the mobile home vehicle title and the assessor
9 shall note the conversion on the assessor's records and enter
10 the property upon the tax rolls. So long as a security
11 interest is noted on the certificate of title, the title to
12 the mobile home will not be merged with title to the land, and
13 the sale or foreclosure of an interest in the land shall not
14 affect title to the mobile home or any security interest in
15 the mobile home.

16 Sec. 10. Section 555B.2, subsection 2, paragraph a, Code
17 Supplement 1993, is amended to read as follows:

18 a. If the mobile home owner can be determined, and if the
19 real property owner so requests, the sheriff shall notify the
20 mobile home owner of the removal by restricted certified mail.
21 If the mobile home owner cannot be determined, and the real
22 property owner so requests, the sheriff shall give notice by
23 one publication in one newspaper of general circulation in the
24 county where the mobile home and personal property were
25 unlawfully parked, placed, or abandoned. If the mobile home
26 and personal property have not been claimed by the owner
27 within six months after notice is given, the mobile home and
28 personal property shall be sold by the sheriff at a public or
29 private sale. After deducting costs of the sale the net
30 proceeds shall be applied to the cost of removal, storage,
31 notice, attorney fees, and any other expenses incurred for
32 preserving the mobile home and personal property, including
33 any rent owed by the mobile home owner to the real property
34 owner in connection with the presence of the mobile home on
35 the real property. The remaining net proceeds, if any, shall

1 be paid to the county treasurer to satisfy any tax lien on the
2 mobile home. The remainder, if any, shall be retained by the
3 county treasurer. A sheriff's sale transfers to the purchaser
4 for value, all of the mobile home owner's rights in the mobile
5 home and personal property, and discharges the real property
6 owner's interest in the mobile home and personal property, and
7 discharges the tax lien on the mobile home. If the purchaser
8 acts in good faith the purchaser takes free of all rights and
9 interests even though the real property owner fails to comply
10 with the requirements of this chapter or of any judicial
11 proceedings.

12 Sec. 11. REPEALER. Section 435.34, Code 1993, is
13 repealed.

14 EXPLANATION

15 This bill relates to the regulation, location, and taxation
16 of mobile homes, modular homes, and manufactured homes.
17 Sections 1 and 3 amend the county and city zoning statutes
18 relating to manufactured homes and requirements for permanent
19 foundations to convert the homes to real estate. Sections 2
20 and 4 prohibit certain discrimination against mobile home
21 parks by cities and counties.

22 Sections 5 through 8 define the three types of homes:
23 mobile, modular, and manufactured and amend the definition of
24 mobile home park. Mobiles homes generally are manufactured or
25 constructed for human habitation with a capability of
26 conveyance on public streets and highways and are built before
27 June 15, 1976. Modular homes are built for human habitation
28 according to a state modular building code and a seal issued
29 by the state building code department is to be displayed.
30 Manufactured homes are built according to federal
31 requirements, are required to display a seal, and were
32 constructed on or after June 15, 1976.

33 Section 9 provides that mobile, modular, or manufactured
34 homes must be placed on a permanent foundation if located
35 outside of rental property. However, this requirement does

1 not apply to a mobile, modular, or manufactured home located
2 on a homestead as a second or temporary home. Changes are
3 also made to internal references.

4 Section 10 provides that a mobile home and related personal
5 property may be disposed of at a sheriff's sale and thus
6 removed from real property where it was unlawfully parked or
7 abandoned without a known owner. The sale transfers the
8 mobile home and related personal property to the purchaser and
9 relieves the real estate owner of the unwanted property and
10 tax lien.

11 Section 11 repeals a section which provides an exemption
12 for modular homes from chapter 435.

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SENATE FILE 2190

AN ACT
RELATING TO THE REGULATION, LOCATION, AND TAXATION OF MOBILE,
MODULAR, AND MANUFACTURED HOMES.

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

Section 1. Section 335.30, Code Supplement 1993, is amended to read as follows:

335.30 MANUFACTURED HOME.

A county shall not adopt or enforce zoning regulations or other ordinances which disallow the plans and specifications of a proposed residential structure solely because the proposed structure is a manufactured home. However, a zoning ordinance or regulation shall require that a manufactured home be located and installed according to the same standards, including but not limited to, a permanent foundation system, set-back, and minimum square footage which would apply to a site-built, single family dwelling on the same lot, and shall require that the home is assessed and taxed as a site-built dwelling. A zoning ordinance or other regulation shall not require a perimeter foundation system for a manufactured home which is incompatible with the structural design of the manufactured home structure. A county shall not require more than one permanent foundation system for a manufactured home. For purposes of this section, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. When units are located outside a mobile home park, requirements may be imposed which ensure visual compatibility of the permanent foundation system with surrounding residential structures. As used in this section, "manufactured home" means a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. § 5403 and is to be used as a place for human habitation, but

which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. ~~A mobile home as defined in section 435.1 is not a manufactured home, unless it has been converted to real property as provided in section 435.26, and shall be taxed as a site-built dwelling.~~ This section shall not be construed as abrogating a recorded restrictive covenant.

Sec. 2. Section 414.28, Code Supplement 1993, is amended to read as follows:

414.28 MANUFACTURED HOME.

A city shall not adopt or enforce zoning regulations or other ordinances which disallow the plans and specifications of a proposed residential structure solely because the proposed structure is a manufactured home. However, a zoning ordinance or regulation shall require that a manufactured home be located and installed according to the same standards, including but not limited to, a permanent foundation system, set-back, and minimum square footage which would apply to a site-built, single family dwelling on the same lot, and shall require that the home is assessed and taxed as a site-built dwelling. A zoning ordinance or other regulation shall not require a perimeter foundation system for a manufactured home which is incompatible with the structural design of the manufactured home structure. A city shall not require more than one permanent foundation system for a manufactured home. For purposes of this section, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. When units are located outside a mobile home park, requirements may be imposed which ensure visual compatibility of the permanent foundation system with surrounding residential structures. As used in this section, "manufactured home" means a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. §

5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. ~~A mobile home as defined in section 435.1 is not a manufactured home, unless it has been converted to real property as provided in section 435.26, and shall be taxed as a site-built dwelling.~~ This section shall not be construed as abrogating a recorded restrictive covenant.

Sec. 3. Section 435.1, subsection 1, Code 1993, is amended to read as follows:

1. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A "mobile home" is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976. If a mobile home is placed outside a mobile home park, the home is to be assessed and taxed as real estate.

Sec. 4. Section 435.1, Code 1993, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. "Home" means a mobile home, a manufactured home, or a modular home.

NEW SUBSECTION. 1B. "Manufactured home" is a factory-built structure built under authority of 42 U.S.C. § 5403, is required by federal law to display a seal from the United States department of housing and urban development, and was constructed on or after June 15, 1976. If a manufactured home is placed in a mobile home park, the home must be titled and is subject to the mobile home square foot tax. If a manufactured home is placed outside a mobile home park, the home is to be assessed and taxed as real estate.

Sec. 5. Section 435.1, subsection 2, unnumbered paragraph 1, Code 1993, is amended to read as follows:

"Mobile home park" shall mean any site, lot, field or tract of land under common ownership upon which two or more occupied mobile homes, manufactured homes, modular homes or a combination of the homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.

Sec. 6. Section 435.1, subsection 3, Code 1993, is amended by striking the subsection and inserting the following:

3. "Modular home" means a factory-built structure built on a permanent chassis which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, and must display the seal issued by the state building code commissioner. If a modular home is placed in a mobile home park, the home is subject to the annual tax as required by section 435.22. If a modular home is placed outside a mobile home park, the home shall be considered real property and is to be assessed and taxed as real estate.

Sec. 7. Section 435.22, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The owner of each mobile home, manufactured home, or modular home, located within a mobile home park shall pay to the county treasurer an annual tax. However, when the owner is any educational institution and the mobile home is used solely for student housing or when the owner is the state of Iowa or a subdivision thereof of the state, the owner shall be exempt from the tax. The annual tax shall be computed as follows:

Sec. 8. Section 435.22, subsections 1, 2, and 3, Code 1993, are amended to read as follows:

1. Multiply the number of square feet of floor space each mobile home contains when parked and in use by twenty cents. In computing floor space, the exterior measurements of the

mobile home shall be used as shown on the certificate of registration and title, but not including any area occupied by a hitching device.

2. If the owner of the mobile home is an Iowa resident, has attained the age of eighteen years on or before December 31 of the base year, and has an income when included with that of a spouse which is less than six thousand dollars per year, the annual tax shall not be imposed on the mobile home. If the income is six thousand dollars or more but less than fourteen thousand dollars, the annual tax shall be computed as follows:

If the Household Income is:	Annual Tax Per Square Foot:
\$ 6,000 -- 6,999.99	3.0 cents
7,000 -- 7,999.99	6.0
8,000 -- 9,999.99	10.0
10,000 -- 11,999.99	13.0
12,000 -- 13,999.99	15.0

For purposes of this subsection "income" means income as defined in section 425.17, subsection 7, and "base year" means the calendar year preceding the year in which the claim for a reduced rate of tax is filed. The mobile home reduced rate of tax shall only be allowed on the mobile home in which the claimant is residing at the time in which the claim for a reduced rate of tax is filed.

3. The amount thus computed shall be the annual tax for all mobile homes, except as follows:

- a. For the sixth through ninth years after the year of manufacture the annual tax is ninety percent of the tax computed according to subsection 1 or 2 of this section, whichever is applicable.
- b. For all mobile homes ten or more years after the year of manufacture the annual tax is eighty percent of the tax computed according to subsection 1 or 2 of this section, whichever is applicable.

Sec. 9. Section 435.22, subsection 5, unnumbered paragraph 1, Code 1993, is amended to read as follows:

5. A claim for credit for mobile home tax due shall not be paid or allowed unless the claim is actually filed with the county treasurer between January 1 and June 1, both dates inclusive, immediately preceding the fiscal year during which the mobile home taxes are due and, with the exception of a claim filed on behalf of a deceased claimant by the claimant's legal guardian, spouse, or attorney, or by the executor or administrator of the claimant's estate, contains an affidavit of the claimant's intent to occupy the mobile home for six months or more during the fiscal year beginning in the calendar year in which the claim is filed. The county treasurer shall submit the claim to the director of revenue and finance on or before August 1 each year.

Sec. 10. Section 435.23, Code 1993, is amended to read as follows:

435.23 EXEMPTIONS -- PRORATING TAX.

The manufacturer's and dealer's inventory of mobile homes, manufactured homes, or modular homes not in use as a place of human habitation shall be exempt from the annual tax. All travel trailers shall be exempt from this tax. Mobile The homes and travel trailers in the inventory of manufacturers and dealers shall be exempt from personal property tax. Mobile The homes coming into Iowa from out of state and located in a mobile home park shall be liable for the tax computed pro rata to the nearest whole month, for the time such-mobile the home is actually situated in Iowa.

Sec. 11. Section 435.24, subsections 1 through 6, Code 1993, are amended to read as follows:

1. The annual tax is due and payable to the county treasurer on or after July 1 in each fiscal year and is collectible in the same manner and at the same time as ordinary taxes as provided in sections 445.36, 445.37, and 445.39. Interest at the rate prescribed by law shall accrue on unpaid taxes. Both installments of taxes may be paid at

one time. The September installment represents a tax period beginning July 1 and ending December 31. The March installment represents a tax period beginning January 1 and ending June 30. A mobile home, manufactured home, or modular home coming into this state from outside the state, put in use from a dealer's inventory, or put in use at any time after July 1 or January 1, and located in a mobile home park, is subject to the taxes prorated for the remaining unexpired months of the tax period, but the purchaser is not required to pay the tax at the time of purchase. Interest attaches the following April 1 for taxes prorated on or after October 1. Interest attaches the following October 1 for taxes prorated on or after April 1. If the taxes are not paid, the county treasurer shall send a statement of delinquent taxes as part of the notice of tax sale as provided in section 446.9. The owner of a mobile home who sells the mobile home between July 1 and December 31 and obtains a tax clearance statement is responsible only for the September tax payment and is not required to pay taxes for subsequent tax periods. If the owner of a mobile home located in a mobile home park sells the mobile home, obtains a tax clearance statement, and obtains a replacement mobile home to be located in a mobile home park, the owner shall not pay taxes under this chapter for the newly acquired mobile home for the same tax period that the owner has paid taxes on the mobile home sold. Interest for delinquent taxes shall be calculated to the nearest whole dollar. In calculating interest each fraction of a month shall be counted as an entire month.

2. Mobile home owners upon issuance of a certificate of title or upon transporting to a new site shall file the address, township, and school district, of the location where the mobile home is parked with the county treasurer's office. Failure to comply is punishable as set out in section 435.18. When the new location is outside of a mobile home park, the county treasurer shall provide to the assessor a copy of the tax clearance statement for purposes of assessment as real estate on the following January 1.

3. Each mobile home park owner shall notify monthly the county treasurer concerning any mobile home or manufactured home arriving in or departing from the park without a tax clearance statement. The records of the owner shall be open to inspection by a duly authorized representative of any law enforcement agency. Any property owner, manager or tenant shall report to the county treasurer mobile homes parked upon any property owned, managed, or rented by that person.

4. The tax is a lien on the vehicle senior to any other lien upon it except a judgment obtained in an action to dispose of an abandoned mobile home under section 555B.8. The mobile home bearing a current registration issued by any other state and remaining within this state for an accumulated period not to exceed ninety days in any twelve-month period is not subject to Iowa tax. However, when one or more persons occupying a mobile home bearing a foreign registration are employed in this state, there is no exemption from the Iowa tax. This tax is in lieu of all other taxes general or local on a mobile home.

~~5. A modular home as defined by this chapter is not subject to or assessed the annual tax pursuant to this section, but shall be assessed and taxed as real estate pursuant to chapter 427.~~

6. Before a mobile home may be moved from its present site by ~~the owner or the owner's assignee~~ any person, a tax clearance statement in the name of the owner must be obtained from the county treasurer of the county where the present site is located certifying that taxes are not owing under this section for previous years and that the taxes have been paid for the current tax period. When the home is moved to another county in this state, the county treasurer shall forward a copy of the tax clearance statement to the county treasurer of the county in which the home is being relocated. However, a tax clearance statement is not required for a mobile home in a manufacturer's or dealer's stock which is not used as a place for human habitation. A tax clearance form is not required to

move an abandoned mobile home. A tax clearance form is not required in eviction cases provided the mobile home park owner or manager advises the county treasurer that the tenant is being evicted. If a dealer acquires a mobile home from a person other than a manufacturer, the person shall provide a tax clearance statement in the name of the owner of record to the dealer. The tax clearance statement shall be provided by the county treasurer in a method prescribed by the department of transportation.

Sec. 12. Section 435.24, subsection 7, paragraph a, Code 1993, is amended to read as follows:

a. As an alternative to the semiannual or annual payment of taxes, the county treasurer may accept partial payments of current year mobile home taxes. A minimum payment amount shall be established by the treasurer. The treasurer shall transfer amounts from each taxpayer's account to be applied to each semiannual tax installment prior to the delinquency dates specified in section 445.37 and the amounts collected shall be apportioned by the tenth of the month following transfer. If, prior to the due date of each semiannual installment, the account balance is insufficient to fully satisfy the installment, the treasurer shall transfer and apply the entire account balance, leaving an unpaid balance of the installment. Interest shall attach on the unpaid balance in accordance with section 445.39. Unless funds sufficient to fully satisfy the delinquency are received, the treasurer shall collect the unpaid balance as provided in sections 445.3 and 445.4 and chapter 446. Any remaining balance in a taxpayer's account in excess of the amount needed to fully satisfy an installment shall remain in the account to be applied toward the next semiannual installment. Any interest income derived from the account shall be deposited in the county's general fund to cover administrative costs. The treasurer shall send a notice with the tax statement or by separate mail to each taxpayer stating that, upon request to the treasurer, the taxpayer may make partial payments of current year mobile home taxes.

Sec. 13. Section 435.25, Code 1993, is amended to read as follows:

435.25 APPORTIONMENT AND COLLECTION OF TAXES.

The tax and interest for delinquent taxes collected under section 435.24 shall be apportioned in the same manner as though they were the proceeds of taxes levied on real property at the same location as the mobile home.

Chapters 446, 447, and 448 apply to the sale of a mobile home for the collection of delinquent taxes and interest, the redemption of a mobile home sold for the collection of delinquent taxes and interest, and the execution of a tax sale certificate of title for the purchase of a mobile home sold for the collection of delinquent taxes and interest in the same manner as though a mobile home were real property within the meaning of these chapters to the extent consistent with this chapter. The certificate of title shall be issued by the county treasurer. The treasurer shall charge ten dollars for each certificate of title, except that the treasurer shall issue a tax sale certificate of title to the county at no charge.

When a mobile home is removed from the county where delinquent taxes, regular or special, are owing, or when it is administratively impractical to pursue tax collection through the remedies of this section, all taxes, regular and special, interest, and costs shall be abated by resolution of the county board of supervisors. The resolution shall direct the treasurer to strike from the tax books the reference to that mobile home.

Sec. 14. Section 435.26, Code 1993, is amended to read as follows:

435.26 CONVERSION TO REAL PROPERTY.

~~No mobile home shall be assessed for property tax nor be eligible for homestead tax credit or military service tax credit unless:~~

- ~~1--The mobile home owner intends to convert the mobile home to real estate and does so by:~~
- ~~a--Attaching the mobile home to a permanent foundation;~~

~~b. -- Modification of the vehicular frame for placement on a permanent foundation:~~

1. a. A mobile home, modular home, or manufactured home which is located outside a mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes. A home, after conversion to real estate, is eligible for the homestead tax credit and the military tax exemption as provided in sections 425.2 and 427.3.

e b. If a security interest is noted on the certificate of title, tendering the homeowner shall tender to the secured party a mortgage on the real estate upon which the mobile home is to be located in the unpaid amount of the secured debt, and with the same priority as or a higher priority than the secured party's security interest, or obtaining shall obtain the written consent of the secured party to the conversion, in which latter case the lien notation on the certificate of title shall suffice to preserve the lienholder's security in the mobile home separate from any interest in the land.

2. After complying with subsection 1, the owner shall notify the assessor who shall inspect the new premises for compliance. If a security interest is noted on the certificate of title, the assessor shall require an affidavit, as defined in section 622.85, from the mobile home owner, declaring that the owner has complied with subsection 1, paragraph "e" "b", and setting forth the method of compliance.

a. If compliance with subsection 1, paragraph "e" "b", has been accomplished by the secured party accepting the tender of a mortgage, the assessor shall collect the mobile home vehicle title and enter the property upon the tax rolls.

b. If compliance with subsection 1, paragraph "e" "b", has been accomplished by the secured party consenting to the conversion without accepting a mortgage, the secured party shall retain the mobile home vehicle title and the assessor shall note the conversion on the assessor's records and enter the property upon the tax rolls. So long as a security

interest is noted on the certificate of title, the title to the mobile home will not be merged with title to the land, and the sale or foreclosure of an interest in the land shall not affect title to the mobile home or any security interest in the mobile home.

Sec. 15. Section 435.27, Code 1993, is amended to read as follows:

435.27 CONVERSION TO MOBILE HOME.

1. A mobile home, manufactured home, or modular home converted to real estate under section 435.26 may be reconverted to a mobile home as provided in this section when it is moved to a mobile home park or a dealer's inventory. When the home is located within a mobile home park, the home shall be taxed pursuant to section 435.22, subsection 1.

2. If the vehicular frame of the former mobile home can be modified to return it to the status of a mobile home, or manufactured home, the owner or a secured party holding a mortgage or certificate of title pursuant to section 435.26 who has obtained possession of the mobile home may apply to the county treasurer as provided in section 321.20 for a certificate of title for the mobile home. If a mortgage exists on the real estate, a security interest in the mobile home shall be given to a secured party not applying for reconversion and noted on the certificate of title with the same priority or a higher priority than the secured party's mortgage interest. A reconversion shall not occur without the written consent of every secured party holding a mortgage or certificate of title.

If the secured party has elected to retain the mobile home vehicle title pursuant to section 435.26, subsection 2, paragraph "b", an owner applying for reconversion shall present to the county treasurer written consent to the reconversion from all secured parties and an affirmation from the secured party holding the title that the title is in its possession and is intact. Upon receipt of the affirmation, the county treasurer shall notify the assessor of the

reconversion, which notification constitutes compliance by the owner with subsection 3.

3. After complying compliance with subsection 2 and receipt of the title, the owner shall notify the assessor of the reconversion. The assessor shall remove the assessed valuation of the mobile home from assessment rolls as of the succeeding January 1 when the mobile home becomes subject to taxation as provided under section 435.24.

Sec. 16. NEW SECTION. 435.28 COUNTY TREASURER TO NOTIFY ASSESSOR.

Upon issuance of a certificate of title to a mobile home or manufactured home which is not located in a mobile home park or dealer's inventory, the county treasurer shall notify the assessor of the existence of the home for tax assessment purposes.

Sec. 17. Section 435.29, Code 1993, is amended to read as follows:

435.29 CIVIL PENALTY.

The ~~owner of a mobile home person~~ who moves the mobile home, manufactured home, or modular home without having obtained a tax clearance statement as provided in section 435.24 shall pay a civil penalty of one hundred dollars. The penalty money shall be credited to the general fund of the county.

Sec. 18. Section 435.33, Code 1993, is amended to read as follows:

435.33 RENT REIMBURSEMENT.

A mobile home owner who qualifies for a reduced tax rate provided in section 435.22 and who rents a space upon which to set the mobile home shall be entitled to the protections provided in sections 425.33 to 425.36 and if the mobile home owner who qualifies for a reduced tax rate believes that a landlord has increased the mobile home owner's rent because the mobile home owner is eligible for a reduced tax rate, the provisions of sections 425.33 and 425.36 shall be applicable.

Sec. 19. NEW SECTION. 435.35 EXISTING HOME OUTSIDE OF MOBILE HOME PARK -- EXEMPTION.

A taxable mobile home, manufactured home, or modular home which is not located in a mobile home park as of the effective date of this Act, shall be assessed and taxed as real estate. The home is also exempt from the permanent foundation requirements of this chapter until the home is relocated.

Sec. 20. Section 441.17, subsection 10, Code 1993, is amended to read as follows:

10. Measure the exterior length and exterior width of all mobile homes and manufactured homes except those for which measurements are contained in the manufacturer's and importer's certificate of origin, and report the information to the county treasurer. Check all mobile homes for inaccuracy of measurements as necessary or upon written request of the county treasurer and report the findings immediately to the county treasurer. ~~If a mobile home has been converted to real estate the title shall be collected and returned to the county treasurer for cancellation--if taxes due for prior years have not been paid, the assessor shall collect the unpaid taxes due as a condition of conversion.~~ The assessor shall make frequent inspections and checks within the assessor jurisdiction of all mobile homes and mobile home parks and make all the required and needed reports to carry out the purposes of this section.

Sec. 21. Section 555B.1, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. "Mobile home" includes "manufactured homes" and "modular homes" as those terms are defined in section 435.1, if the manufactured homes or modular homes are located in a mobile home park.

Sec. 22. Section 555B.2, subsection 2, paragraph a, Code Supplement 1991, is amended to read as follows:

a. If the mobile home owner can be determined, and if the real property owner so requests, the sheriff shall notify the mobile home owner of the removal by restricted certified mail.

If the mobile home owner cannot be determined, and the real property owner so requests, the sheriff shall give notice by one publication in one newspaper of general circulation in the county where the mobile home and personal property were unlawfully parked, placed, or abandoned. If the mobile home and personal property have not been claimed by the owner within six months after notice is given, the mobile home and personal property shall be sold by the sheriff at a public or private sale. After deducting costs of the sale the net proceeds shall be applied to the cost of removal, storage, notice, attorney fees, and any other expenses incurred for preserving the mobile home and personal property, including any rent owed by the mobile home owner to the real property owner in connection with the presence of the mobile home on the real property. The remaining net proceeds, if any, shall be paid to the county treasurer to satisfy any tax lien on the mobile home. The remainder, if any, shall be retained by the county treasurer. A sheriff's sale transfers to the purchaser for value, all of the mobile home owner's rights in the mobile home and personal property, and discharges the real property owner's interest in the mobile home and personal property, and discharges the tax lien on the mobile home. If the purchaser acts in good faith the purchaser takes free of all rights and interests even though the real property owner fails to comply with the requirements of this chapter or of any judicial proceedings.

Sec. 23. Section 562B.7, subsection 5, Code 1991, is amended to read as follows:

5. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa.

References in this chapter to "mobile home" includes

"manufactured homes" and "modular homes" as those terms are defined in section 435.1, if the manufactured homes or modular homes are located in a mobile home park.

Sec. 24. EFFECTIVE DATE -- APPLICABILITY. This Act takes effect July 1, 1994, however, the tax provisions of this Act take effect January 1, 1995, and apply to mobile homes, manufactured homes, or modular homes which are subject to the annual tax imposed pursuant to section 435.22 or to assessment and taxation as real estate as otherwise provided by law.

Sec. 25. REPEALER. Section 435.34, Code 1991, is repealed.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2190, Seventy-fifth General Assembly.

JOHN P. DWYER
Secretary of the Senate

Approved April 25, 1994

TERRY E. BRANSTAD
Governor