

FEB 16 1995
JUDICIARY

HOUSE FILE 181
BY HURLEY

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

A BILL FOR

1 An Act relating to termination of a lease due to a clear and
2 present danger created by a tenant near the rental property
3 and providing an effective date.

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

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1 Section 1. Section 562A.27A, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. Notwithstanding section 562A.27 or 648.3, if a tenant
4 has created or maintained a threat constituting a clear and
5 present danger to the health or safety of other tenants, the
6 landlord, ~~or~~ the landlord's employee or agent, or other
7 persons within one thousand feet of the property occupied by
8 the tenant, the landlord, after a single three days' written
9 notice of termination and notice to quit, may file suit
10 against the tenant for recovery of possession of the premises
11 pursuant to chapter 648, except as otherwise provided in
12 subsection 3. The tenant shall be given the opportunity to
13 contest the termination in the court proceedings by notice
14 thereof at least five days prior to the hearing.

15 Sec. 2. Section 562A.27A, subsection 2, unnumbered
16 paragraph 1, Code 1995, is amended to read as follows:

17 A clear and present danger to the health or safety of other
18 tenants, the landlord, ~~or~~ the landlord's employees or agents,
19 or other persons within one thousand feet of the property
20 occupied by the tenant includes, but is not limited to, any of
21 the following activities of the tenant or of any person on the
22 premises with the consent of the tenant:

23 Sec. 3. Section 562B.25A, subsection 1, Code 1995, is
24 amended to read as follows:

25 1. Notwithstanding section 562B.25 or 648.3, if a tenant
26 has created or maintained a threat constituting a clear and
27 present danger to the health or safety of other tenants, the
28 landlord, ~~or~~ the landlord's employee or agent, or other
29 persons within one thousand feet of the property occupied by
30 the tenant, the landlord, after a single three days' written
31 notice of termination and notice to quit, may file suit
32 against the tenant for recovery of possession of the premises
33 pursuant to chapter 648, except as otherwise provided in
34 subsection 3. The tenant shall be given the opportunity to
35 contest the termination in the court proceedings by notice

1 thereof at least five days prior to the hearing.

2 Sec. 4. Section 562B.25A, subsection 2, unnumbered
3 paragraph 1, Code 1995, is amended to read as follows:

4 A clear and present danger to the health or safety of other
5 tenants, the landlord, ~~or~~ the landlord's employees or agents,
6 or other persons within one thousand feet of the property
7 occupied by the tenant includes, but is not limited to, any of
8 the following activities of the tenant or of any person on the
9 premises with the consent of the tenant:

10 Sec. 5. EFFECTIVE DATE. This Act, being deemed of
11 immediate importance, takes effect upon enactment.

12 EXPLANATION

13 This bill provides that a tenant may be evicted from rental
14 property, either residential or mobile home, for creating a
15 clear and present danger to persons within 1,000 feet of the
16 rental property. Currently, the clear and present danger is
17 limited to the tenants, the landlord, or the landlord's
18 employees or agents. The bill takes effect upon enactment.

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