

Substituted by S.F. 2372 ^{4/15/96} (p. 1635)

MAR 5 1996
Place On Calendar

HOUSE FILE 2457
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 627)

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

A BILL FOR

1 An Act relating to termination of rental agreements and notice
2 provisions for actions to recover property.

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

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HF 2457

1 Section 1. NEW SECTION. 562A.27B TERMINATION FOR FAILURE
2 TO GIVE LAWFUL ACCESS.

3 Notwithstanding section 562A.27 or section 648.3, if a
4 tenant refuses to provide the landlord access to the dwelling
5 in accordance with section 562A.19, the landlord, after a
6 single three days' written notice of termination and notice to
7 quit, may file suit against the tenant for recovery of
8 possession of the premises pursuant to chapter 648.

9 Sec. 2. Section 562A.29A, unnumbered paragraph 1, Code
10 1995, is amended to read as follows:

11 Notwithstanding sections 631.4 and 648.5, the written
12 notice of termination required by section 562A.27, subsection
13 1 or 2, a notice of termination and notice to quit under
14 section 562A.27A, a notice to quit as required by section
15 648.3, or a petition for forcible entry and detainer pursuant
16 to chapter 648, may be served upon the tenant in any of the
17 following ways:

18 Sec. 3. Section 562B.27A, unnumbered paragraph 1, Code
19 1995, is amended to read as follows:

20 Notwithstanding sections 631.4 and 648.5, the written
21 notice of termination required by section 562B.25, subsection
22 1 or 2, a notice of termination and notice to quit under
23 section 562B.25A, a notice to quit as required by section
24 648.3, or a petition for forcible entry and detainer pursuant
25 to chapter 648, may be served upon the tenant in any of the
26 following ways:

27 Sec. 4. Section 631.4, subsection 2, paragraph c, Code
28 Supplement 1995, is amended to read as follows:

29 c. If personal service cannot be made upon each defendant,
30 as provided in rule of civil procedure 56.1, the plaintiff may
31 elect to post, after at least three two attempts to perfect
32 service upon each defendant, one or more copies of the
33 original notice upon the real property being detained by each
34 defendant at least five three days prior to the date set for
35 hearing. The attempts to perfect personal service may be made

1 on the same day. In ~~such instances~~ addition to posting, the
2 plaintiff shall also mail, by certified mail ~~and first-class~~
3 ~~mail~~, to each defendant, at the place held out by each
4 defendant as the place for receipt of such communications or,
5 in the absence of such designation, at each defendant's last
6 known place of residence, a copy of the original notice at
7 least ~~five~~ three days prior to the date set for hearing.
8 Under this paragraph, service shall be deemed complete upon
9 each defendant by the filing with the clerk of the district
10 court of one or more affidavits indicating that a copy of the
11 original notice was both posted and mailed to each defendant
12 as provided in this paragraph, whether or not the defendant
13 signs a receipt for the notice.

14 EXPLANATION

15 This bill provides that a landlord under chapter 562A may
16 file suit against a tenant to regain possession of the rental
17 unit if the tenant has denied the landlord lawful access to
18 the rental unit. With a few exceptions, to be lawful under
19 section 562A.19, access must be reasonable, not used to harass
20 the tenant, and be requested at least 24 hours in advance.

21 The bill also provides that the notice of termination of
22 the rental agreement for failure to pay rent after written
23 notice may be provided by personal service or by mail. This
24 applies in both residential and mobile home rental situations
25 under chapters 562A and 562B.

26 The bill also provides that, in actions for forcible entry
27 and detention under chapter 631, service by posting and mail
28 may be made after two attempts at personal service of notice
29 which may be made on the same day. Currently, three attempts
30 at personal service are required and the Code is silent
31 regarding whether the attempts can be made the same day. The
32 bill requires notice to be sent by certified mail and allows
33 service to be deemed complete upon the filing of affidavits
34 regarding service by posting and mail, regardless of whether
35 the defendant signs a receipt for the notice. The bill also

S.F. _____

H.F. 2457

1 reduces the period of time for the plaintiff to send notice to
2 the defendant, from five to three days.

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HOUSE FILE 2457

H-5259

1 Amend House File 2457 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 562A.8, subsections 1 and 3,
5 Code 1995, are amended by striking the subsections.
6 Sec. 2. Section 562A.8, subsection 2, Code 1995,
7 is amended to read as follows:
8 2- A person "notifies" or "gives" a notice or
9 notification to another by taking steps reasonably
10 calculated to inform the other in ordinary course
11 whether or not the other actually comes to know of it.
12 A person "receives" a notice or notification when it
13 comes to that person's attention or in the case of the
14 landlord, it is delivered at in hand or mailed by
15 certified mail, or restricted certified mail to the
16 place of business of the landlord through which the
17 rental agreement was made or at a place held out by
18 the landlord as the place for receipt of the
19 communication or delivered to any individual who is
20 designated as an agent of the landlord or, when in the
21 case of the tenant, it is delivered in hand to the
22 tenant or mailed by registered-or certified mail or
23 restricted certified mail to such person at the place
24 held out by such person as the place for receipt of
25 the communication, or in the absence of such
26 designation, to such person's last known place of
27 residence."
28 2. Page 1, by inserting after line 17 the
29 following:
30 "Sec. ____ . Section 562B.9, subsections 1 and 3,
31 Code 1995, are amended by striking the subsections.
32 Sec. ____ . Section 562B.9, subsection 2, Code 1995,
33 is amended to read as follows:
34 2- A person "notifies" or "gives" a notice or
35 notification to another by taking steps reasonably
36 calculated to inform the other in ordinary course
37 whether or not the other actually comes to know of it.
38 A person "receives" a notice or notification when it
39 comes to that person's attention, or in the case of
40 the landlord, it is delivered in hand or mailed by
41 registered certified mail or restricted certified mail
42 to the place of business of the landlord through which
43 the rental agreement was made or at any place held out
44 by the landlord as the place for receipt of the
45 communication or delivered to any individual who is
46 designated as an agent by section 562B.14 or, in the
47 case of the tenant, it is delivered in hand to the
48 tenant or mailed by registered-mail-return-receipt
49 requested certified mail or restricted certified mail
50 to the tenant at the place held out by the tenant as

H-5259

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Page 2

1 the place for receipt of the communication or, in the
2 absence of such designation, to the tenant's last
3 known place of residence other than the landlord's
4 mobile home or space."

5 3. Title page, line 1, by inserting after the
6 word "agreements" the following: ", the definition of
7 notice,".

8 4. By renumbering as necessary.

By CARROLL of Poweshiek

H-5259 FILED MARCH 7, 1996

Adopted 4/15/96 (p.1635)

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Drees.*

HSB627

LOCAL GOVERNMENT

Sponsored By
SE HF 2457

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON VANDE HOEF)

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

A BILL FOR

1 An Act relating to termination of rental agreements and notice
2 provisions for actions to recover property.

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1 Section 1. NEW SECTION. 562A.27B TERMINATION FOR FAILURE
2 TO GIVE LAWFUL ACCESS.

3 Notwithstanding section 562A.27 or section 648.3, if a
4 tenant refuses to provide the landlord access to the dwelling
5 in accordance with section 562A.19, the landlord, after a
6 single three days' written notice of termination and notice to
7 quit, may file suit against the tenant for recovery of
8 possession of the premises pursuant to chapter 648. The
9 tenant shall be given the opportunity to contest the
10 termination in the court proceedings by notice thereof at
11 least five days prior to the hearing.

12 Sec. 2. Section 562A.29A, unnumbered paragraph 1, Code
13 1995, is amended to read as follows:

14 Notwithstanding sections 631.4 and 648.5, the written
15 notice of termination required by section 562A.27, subsection
16 1 or 2, a notice of termination and notice to quit under
17 section 562A.27A, a notice to quit as required by section
18 648.3, or a petition for forcible entry and detainer pursuant
19 to chapter 648, may be served upon the tenant in any of the
20 following ways:

21 Sec. 3. Section 562A.34, subsection 2, Code 1995, is
22 amended by striking the subsection and inserting in lieu
23 thereof the following:

24 2. The landlord or the tenant may terminate a month-to-
25 month tenancy by giving a written notice to the other at least
26 thirty days prior to the date of termination specified in the
27 notice.

28 Sec. 4. Section 562B.27A, unnumbered paragraph 1, Code
29 1995, is amended to read as follows:

30 Notwithstanding sections 631.4 and 648.5, the written
31 notice of termination required by section 562B.25, subsection
32 1 or 2, a notice of termination and notice to quit under
33 section 562B.25A, a notice to quit as required by section
34 648.3, or a petition for forcible entry and detainer pursuant
35 to chapter 648, may be served upon the tenant in any of the

1 following ways:

2 Sec. 5. Section 631.4, subsection 2, paragraph c, Code
3 Supplement 1995, is amended to read as follows:

4 c. If personal service cannot be made upon each defendant,
5 as provided in rule of civil procedure 56.1, the plaintiff may
6 elect to post, after at least three two attempts to perfect
7 service upon each defendant, one or more copies of the
8 original notice upon the real property being detained by each
9 defendant at least five days prior to the date set for
10 hearing. The attempts to perfect personal service may be made
11 on the same day. In such instances addition to posting, the
12 plaintiff shall also mail, by certified mail ~~and first-class~~
13 ~~mail,~~ to each defendant, at the place held out by each
14 defendant as the place for receipt of such communications or,
15 in the absence of such designation, at each defendant's last
16 known place of residence, a copy of the original notice at
17 least five days prior to the date set for hearing. Under this
18 paragraph, service shall be deemed complete upon each
19 defendant by the filing with the clerk of the district court
20 of one or more affidavits indicating that a copy of the
21 original notice was both posted and mailed to each defendant
22 as provided in this paragraph, whether or not the defendant
23 signs a receipt for the notice.

24 EXPLANATION

25 This bill provides that a landlord under chapter 562A may
26 file suit against a tenant to regain possession of the rental
27 unit if the tenant has denied the landlord lawful access to
28 the rental unit. With few exceptions, to be lawful under
29 section 562A.19, access must be reasonable, not used to harass
30 the tenant, and be requested at least 24 hours in advance.

31 The bill also provides that the notice of termination of
32 the rental agreement for failure to pay rent after written
33 notice may be provided by personal service or by mail. This
34 applies in both residential and mobile home rental situations
35 under chapters 562A and 562B.

1 In addition, the bill provides that a month-to-month
2 tenancy under chapter 562A may be terminated by either party
3 by written notice to the other party at least 30 days prior to
4 the date of termination specified in the notice. Currently,
5 the notice must be provided at least 30 days prior to the
6 monthly rental date for payment of rent.

7 The bill also provides that, in actions for forcible entry
8 and detention under chapter 631, service by posting and mail
9 may be made after two attempts at personal service of notice
10 which may be made on the same day. Currently, three attempts
11 at personal service are required and the Code is silent
12 regarding whether the attempts can be made the same day. The
13 bill requires notice to be sent by certified mail and allows
14 service to be deemed complete upon the filing of affidavits
15 regarding service by posting and mail, regardless of whether
16 the defendant signs a receipt for the notice.

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