

Reprinted
2

MAR 20 1995
Place On Calendar

HOUSE FILE 492
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 189)

Passed House, Date ^(P. 1206) 4-4-95 Passed Senate, Date ^(P. 1283) 4-18-95
Vote: Ayes 72 Nays 23 Vote: Ayes 49 Nays 0
Approved May 1, 1995

A BILL FOR

1 An Act relating to landlord remedies for tenant noncompliance
2 with a rental agreement and acts constituting a clear and
3 present danger.

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

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HF 492

1 Section 1. Section 535.2, subsection 7, Code 1995, is
2 amended to read as follows:

3 7. This section does not apply to a charge imposed for
4 late payment of rent. However, in the case of a residential
5 lease, a late payment fee shall not exceed ~~three-dollars-a-day~~
6 ~~for-the-first-five-days-the-rent-is-late-and-one-dollar-a-day~~
7 ~~for-the-next-twenty-five-days~~ ten dollars a day or forty
8 dollars per month.

9 Sec. 2. Section 562A.27, subsections 1 and 2, Code 1995,
10 are amended to read as follows:

11 1. Except as provided in this chapter, if there is a
12 material noncompliance by the tenant with the rental agreement
13 or a noncompliance with section 562A.17 materially affecting
14 health and safety, the landlord may deliver a written notice
15 to the tenant specifying the acts and omissions constituting
16 the breach and that the rental agreement will terminate upon a
17 date not less than ~~thirty~~ seven days after receipt of the
18 notice if the breach is not remedied in ~~fourteen-days~~ seventy-
19 two hours, and the rental agreement shall terminate as
20 provided in the notice subject to the provisions of this
21 section. If the breach is remediable by repairs or the
22 payment of damages or otherwise and the tenant adequately
23 remedies the breach prior to the date specified in the notice,
24 the rental agreement shall not terminate. If substantially
25 the same act or omission which constituted a prior
26 noncompliance of which notice was given recurs within six
27 months, the landlord may terminate the rental agreement upon
28 at least ~~fourteen-days~~ seventy-two hours' written notice
29 specifying the breach and the date of termination of the
30 rental agreement.

31 2. If rent is unpaid when due and the tenant fails to pay
32 rent within ~~three-days~~ seventy-two hours after written notice
33 by the landlord of nonpayment and the landlord's intention to
34 terminate the rental agreement if the rent is not paid within
35 that period of time, the landlord may terminate the rental

1 agreement.

2 Sec. 3. Section 562A.27, subsection 4, paragraph b, Code
3 1995, is amended to read as follows:

4 b. That the tenant notified the landlord at least **fourteen**
5 three days prior to the due date of the tenant's rent payment
6 of the tenant's intention to correct the condition
7 constituting the breach referred to in paragraph "a" ~~of this~~
8 ~~subsection~~ at the landlord's expense; and

9 Sec. 4. Section 562A.27A, subsection 1, Code 1995, is
10 amended to read as follows:

11 1. Notwithstanding section 562A.27 or 648.3, if a tenant
12 has created or maintained a threat constituting a clear and
13 present danger to the health or safety of other tenants, the
14 landlord, ~~or~~ the landlord's employee or agent, or other
15 persons on or within one thousand feet of the landlord's
16 property, the landlord, after a single ~~three-days~~⁺ seventy-two
17 hours' written notice of termination and notice to quit, may
18 file suit against the tenant for recovery of possession of the
19 premises pursuant to chapter 648, except as otherwise provided
20 in subsection 3. The petition shall state the incident or
21 incidents giving rise to the notice of termination and notice
22 to quit. The tenant shall be given the opportunity to contest
23 the termination in the court proceedings by notice thereof at
24 least five days prior to the hearing.

25 Sec. 5. Section 562A.27A, subsection 2, unnumbered
26 paragraph 1, Code 1995, is amended to read as follows:

27 A clear and present danger to the health or safety of other
28 tenants, the landlord, ~~or~~ the landlord's employees or agents,
29 or other persons on or within one thousand feet of the
30 landlord's property includes, but is not limited to, any of
31 the following activities of the tenant or of any person on the
32 premises with the consent of the tenant:

33 Sec. 6. Section 562A.28, Code 1995, is amended to read as
34 follows:

35 562A.28 FAILURE TO MAINTAIN.

1 If there is noncompliance by the tenant with section
2 562A.17, materially affecting health and safety, that can be
3 remedied by repair or replacement of a damaged item or
4 cleaning, and the tenant fails to comply as promptly as
5 conditions require in case of emergency or within fourteen
6 days seventy-two hours after written notice by the landlord
7 specifying the breach and requesting that the tenant remedy it
8 within that period of time, the landlord may enter the
9 dwelling unit and cause the work to be done in a competent
10 manner and submit an itemized bill for the actual and
11 reasonable cost or the fair and reasonable value of it as rent
12 on the next date when periodic rent is due, or if the rental
13 agreement has terminated, for immediate payment.

14 Sec. 7. Section 562A.29, Code 1995, is amended by adding
15 the following new subsection:

16 NEW SUBSECTION. 4. If the tenant's lease is terminated,
17 or if the tenant abandons the dwelling unit owing rent, and
18 the tenant leaves personal property in the dwelling unit
19 without making arrangements with the landlord to recover the
20 property within seventy-two hours of departure, the landlord
21 may presume that the tenant has abandoned the property and the
22 landlord may sell or dispose of the property. The landlord
23 may exercise this right of disposal only if the provisions of
24 this subsection are incorporated into the rental agreement or
25 rules.

26 Sec. 8. Section 562B.25A, subsection 1, Code 1995, is
27 amended to read as follows:

28 1. Notwithstanding section 562B.25 or 648.3, if a tenant
29 has created or maintained a threat constituting a clear and
30 present danger to the health or safety of other tenants, the
31 landlord, ~~or~~ the landlord's employee or agent, or other
32 persons on or within one thousand feet of the landlord's
33 property, the landlord, after a single three days' written
34 notice of termination and notice to quit, may file suit
35 against the tenant for recovery of possession of the premises

1 pursuant to chapter 648, except as otherwise provided in
2 subsection 3. The petition shall state the incident or
3 incidents giving rise to the notice of termination and notice
4 to quit. The tenant shall be given the opportunity to contest
5 the termination in the court proceedings by notice thereof at
6 least five days prior to the hearing.

7 Sec. 9. Section 631.4, subsection 2, paragraph b, Code
8 1995, is amended to read as follows:

9 b. Original notice shall be served personally upon each
10 defendant as provided in rule 56.1 of the rules of civil
11 procedure, which service shall be made at least ~~five~~ three
12 days prior to the date set for hearing. Upon receipt of the
13 prescribed costs the clerk shall cause the original notice to
14 be delivered to a peace officer or other person for service
15 upon each defendant.

16 Sec. 10. Section 648.3, Code 1995, is amended to read as
17 follows:

18 648.3 NOTICE TO QUIT.

19 Before action can be brought in any except the first of the
20 above classes, ~~three-days~~ seventy-two hours' notice to quit
21 must be given to the defendant in writing. However, a
22 landlord who has given a tenant ~~three-days~~ seventy-two hours'
23 notice to pay rent and has terminated the tenancy as provided
24 in section 562A.27, subsection 2, or section 562B.25,
25 subsection 2, if the tenant is renting the mobile home or the
26 land from the landlord may commence the action without giving
27 a ~~three-day~~ seventy-two-hour notice to quit.

28 Sec. 11. Section 648.4, Code 1995, is amended to read as
29 follows:

30 648.4 NOTICE TERMINATING TENANCY.

31 When the tenancy is at will and the action is based on the
32 ground of the nonpayment of rent when due, no notice of the
33 termination of the tenancy other than the ~~three-day~~ seventy-
34 two-hour notice need be given before beginning the action.

35 Sec. 12. Section 648.5, Code 1995, is amended to read as

1 follows:

2 648.5 JURISDICTION -- HEARING -- PERSONAL SERVICE.

3 The court within the county shall have jurisdiction of
4 actions for the forcible entry or detention of real property.
5 They shall be tried as equitable actions. Unless commenced as
6 a small claim, a petition shall be presented to a district
7 court judge. Upon receipt of the petition, the court shall
8 order a hearing which shall not be later than fourteen seven
9 days from the date of the order. Personal service shall be
10 made upon the defendant not less than five-days seventy-two
11 hours prior to the hearing. In the event that personal
12 service cannot be completed in time to give the defendant the
13 minimum notice required by this section, the court may set a
14 new hearing date. A default cannot be made upon a defendant
15 unless the five-days⁺ seventy-two-hour notice has been given.

16 Sec. 13. Section 648.22, Code 1995, is amended to read as
17 follows:

18 648.22 JUDGMENT -- EXECUTION -- COSTS.

19 If the defendant is found guilty, judgment shall be entered
20 that the defendant be removed from the premises, and that the
21 plaintiff be put in possession of the premises, and an
22 execution for the defendant's removal within ten-days seventy-
23 two hours from the judgment shall issue accordingly, to which
24 shall be added a clause commanding the officer to collect the
25 costs as in ordinary cases.

26 EXPLANATION

27 This bill provides that in situations where the tenant is
28 not complying with the rental agreement, the notice required
29 to the tenant from the landlord that the rental agreement will
30 terminate unless the tenant complies with the rental agreement
31 is reduced to seven days from 30 regarding the termination
32 date and from 14 days to comply with the agreement to 72
33 hours. A second occurrence of noncompliance within six months
34 is subject to termination of the rental agreement with 72
35 hours notice, instead of the 14 days required currently.

1 In situations of tenant noncompliance constituting a clear
2 and present danger to other tenants, the notice of termination
3 is changed from three days to 72 hours. Where a tenant fails
4 to maintain the premises, the notice from the landlord that
5 the tenant must remedy the fault or face termination is
6 reduced to 72 hours instead of 14 days. The bill also
7 provides that landlords may dispose of personal property left
8 behind by tenants in certain circumstances.

9 In addition, the bill provides that notice in actions for
10 forcible entry or detention brought under the small claims
11 chapter requires three days' notice to the defendant instead
12 of five. Actions for forcible entry and detention under
13 chapter 648 require the tenant to receive a 72-hour notice to
14 quit the property or notice of termination of the rental
15 agreement instead of a three-day notice to quit. Also,
16 hearing dates in forcible entry or detention actions shall be
17 set not more than seven days following filing of the petition,
18 instead of the current 14, and that personal service shall be
19 made on the defendant not less than 72 hours prior to the
20 hearing instead of five days.

21 The bill also extends out to 1000 feet from the landlord's
22 property area in which acts constituting a clear and present
23 danger to other persons, tenants, or the landlord may result
24 in an eviction of the tenant.

25 Finally, the bill provides that a residential lease late
26 payment fee shall not exceed \$10 per day up to a maximum of
27 \$40 per month.

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HOUSE FILE 492

H-3695

1 Amend the amendment, H-3386, to House File 492 as
2 follows:

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

5 " ". Page 2, line 22, by inserting after the
6 word "quit." the following: "The seventy-two hour
7 notice shall provide the tenant with notice, by
8 including a copy of subsection 3 with the notice, that
9 the tenant may cure the clear and present danger."

10 " ". Page 4, line 4, by inserting after the word
11 "quit." the following: "The three-day notice shall
12 provide the tenant with notice, by including a copy of
13 subsection 3 with the notice, that the tenant may cure
14 the clear and present danger."

By KREIMAN of Davis

H-3695 FILED APRIL 3, 1995

Adopted 4-4-95

(P.1206)

HOUSE FILE 492

H-3690

1 Amend the amendment, H-3386, to House File 492, as
 2 follows:
 3 1. Page 1, by inserting after line 2 the
 4 following:
 5 "____. Page 3, by striking lines 20 through 25 and
 6 inserting the following: "property and the property
 7 remains unclaimed fourteen days after the landlord has
 8 attempted to contact the owner of the property one
 9 time by ordinary mail at the tenant's last known
 10 address, the landlord may dispose of the property in
 11 accordance with the terms of the rental agreement. If
 12 the rental agreement does not provide for the
 13 disposition of abandoned property, the property shall
 14 be sold at sheriff's sale with the proceeds to go to
 15 the county general fund unless the proceeds are
 16 claimed by the tenant within ninety days of the
 17 sheriff's sale."

By KREIMAN of Davis

H-3690 FILED APRIL 3, 1995

Lost 4-4-95 (P. 1204)

HOUSE FILE 492

H-3691

1 Amend the amendment, H-3386, to House File 492, as
 2 follows:
 3 1. Page 1, by inserting after line 2 the
 4 following:
 5 "____. Page 3, by inserting before line 26 the
 6 following:
 7 "Sec. _____. Section 562B.10, subsection 4, Code
 8 1995, is amended to read as follows:
 9 4. Rental agreements shall be for a term of one
 10 year unless otherwise specified in the rental
 11 agreement. Rental agreements shall be canceled by at
 12 least sixty days' written notice given by either
 13 party. A landlord shall cancel a rental agreement
 14 only for good cause and shall not cancel a rental
 15 agreement solely for the purpose of making the
 16 tenant's mobile home space available for another
 17 mobile home."

By KREIMAN of Davis

H-3691 FILED APRIL 3, 1995

Lost 4-4-95 (P. 1205)

HOUSE FILE 492

H-3692

1 Amend the amendment, H-3386, to House File 492 as
 2 follows:
 3 1. Page 1, by inserting after line 14 the
 4 following:
 5 "____. Page 5, by striking lines 16 through 25."

By KREIMAN of Davis

H-3692 FILED APRIL 3, 1995

*Lost 4-4-95
(P. 1206)*

HOUSE FILE 492

H-3688

1 Amend the amendment, H-3386, to House File 492 as
2 follows:

3 1. Page 1, by inserting after line 1 the
4 following:

5 "____. Page 1, by inserting after line 8 the
6 following:

7 "Sec. ____ . Section 562A.26, Code 1995, is amended
8 to read as follows:

9 562A.26 TENANT'S REMEDIES FOR LANDLORD'S UNLAWFUL
10 OUSTER, EXCLUSION, OR DIMINUTION OF SERVICE.

11 If the landlord unlawfully removes or excludes the
12 tenant from the premises or willfully diminishes
13 services to the tenant by interrupting or causing the
14 interruption of electric, gas, water or other
15 essential service to the tenant, the tenant may
16 recover possession or terminate the rental agreement
17 and, in either case, recover the actual damages
18 sustained by the tenant, but not less than an amount
19 equal to one month's rent, and reasonable attorney's
20 fees. If the rental agreement is terminated, the
21 landlord shall return all prepaid rent and security."

22 2. Page 1, by inserting after line 2 the
23 following:

24 "____. Page 2, line 22, by inserting after the
25 word "quit." the following: "The seventy-two hour
26 notice shall provide the tenant with notice, by
27 including a copy of subsection 3 with the notice, that
28 the tenant may cure the clear and present danger."

29 ____ . Page 3, by striking lines 20 through 25 and
30 inserting the following: "property and the property
31 remains unclaimed fourteen days after the landlord has
32 attempted to contact the owner of the property one
33 time by ordinary mail at the tenant's last known
34 address, the landlord may dispose of the property in
35 accordance with the terms of the rental agreement. If
36 the rental agreement does not provide for the
37 disposition of abandoned property, the property shall
38 be sold at sheriff's sale with the proceeds to go to
39 the county general fund unless the proceeds are
40 claimed by the tenant within ninety days of the
41 sheriff's sale."

42 ____ . Page 3, by inserting before line 26 the
43 following:

44 "Sec. ____ . Section 562B.10, subsection 4, Code
45 1995, is amended to read as follows:

46 4. Rental agreements shall be for a term of one
47 year unless otherwise specified in the rental
48 agreement. Rental agreements shall be canceled by at
49 least sixty days' written notice given by either
50 party. A landlord shall cancel a rental agreement

H-3688

H-3688

Page 2

1 only for good cause and shall not cancel a rental
2 agreement solely for the purpose of making the
3 tenant's mobile home space available for another
4 mobile home."

5 _____. Page 4, line 4, by inserting after the word
6 "quit." the following: "The three-day notice shall
7 provide the tenant with notice, by including a copy of
8 subsection 3 with the notice, that the tenant may cure
9 the clear and present danger."

B

10 3. Page 1, by inserting after line 14 the
11 following:

12 "_____. Page 5, by striking lines 16 through 25.
13 _____. Title page, line 1, by inserting after the
14 word "noncompliance" the following: ", and tenant
15 remedies for landlord noncompliance,",""

A

By KREIMAN of Davis

H-3688 FILED APRIL 3, 1995

*A. + B - withdrawn 4-4-95
(P.1202)*

HOUSE FILE 492

H-3689

1 Amend the amendment, H-3386, to House File 492 as
2 follows:

3 1. Page 1, by inserting after line 1 the
4 following:

5 "_____. Page 1, by inserting after line 8 the
6 following:

7 "Sec. _____. Section 562A.26, Code 1995, is amended
8 to read as follows:

9 562A.26 TENANT'S REMEDIES FOR LANDLORD'S UNLAWFUL
10 OUSTER, EXCLUSION, OR DIMINUTION OF SERVICE.

11 If the landlord unlawfully removes or excludes the
12 tenant from the premises or willfully diminishes
13 services to the tenant by interrupting or causing the
14 interruption of electric, gas, water or other
15 essential service to the tenant, the tenant may
16 recover possession or terminate the rental agreement
17 and, in either case, recover the actual damages
18 sustained by the tenant, but not less than an amount
19 equal to one month's rent, and reasonable attorney's
20 fees. If the rental agreement is terminated, the
21 landlord shall return all prepaid rent and security."

22 2. Page 1, by inserting after line 14 the
23 following:

24 "_____. Title page, line 1, by inserting after the
25 word "noncompliance" the following: ", and tenant
26 remedies for landlord noncompliance,",""

By KREIMAN of Davis

H-3689 FILED APRIL 3, 1995

Lost 4-4-95

(P.1203)

HOUSE FILE 492

H-3386

- 1 Amend House File 492 as follows:
- 2 1. Page 2, by striking lines 2 through 8.
- 3 2. Page 4, by inserting after line 6 the
- 4 following:
- 5 "Sec. ____ . Section 562B.25A, subsection 2,
- 6 unnumbered paragraph 1, Code 1995, is amended to read
- 7 as follows:
- 8 A clear and present danger to the health or safety
- 9 of other tenants, the landlord, or the landlord's
- 10 employees or agents, or other persons on or within one
- 11 thousand feet of the landlord's property includes, but
- 12 is not limited to, any of the following activities of
- 13 the tenant or of any person on the premises with the
- 14 consent of the tenant:"
- 15 3. By renumbering as necessary.

By VANDE HOEF of Osceola

H-3386 FILED MARCH 21, 1995

*Adopted 4-4-95
(A1206)*

HOUSE FILE 492

H-3672

- 1 Amend the amendment, H-3386, to House File 492 as
- 2 follows:
- 3 1. Page 1, by striking line 2.
- 4 2. By renumbering as necessary.

By KREIMAN of Davis

H-3672 FILED MARCH 31, 1995

WITHDRAWN
4-4-95

HOUSE FILE 492

H-3681

- 1 Amend House File 492 as follows:
- 2 1. Page 3, by inserting after line 25 the
- 3 following:
- 4 "Sec. ____ . Section 562B.10, subsection 4, Code
- 5 1995, is amended to read as follows:
- 6 4. Rental agreements shall be for a term of one
- 7 year unless otherwise specified in the rental
- 8 agreement. Rental agreements shall be canceled by at
- 9 least sixty days' written notice given by either
- 10 party. A landlord shall cancel a rental agreement
- 11 only for good cause and shall not cancel a rental
- 12 agreement solely for the purpose of making the
- 13 tenant's mobile home space available for another
- 14 mobile home."
- 15 2. Title page, line 3, by inserting after the
- 16 word "danger" the following: "and prohibiting a
- 17 mobile home landlord from cancelling a rental
- 18 agreement without good cause".
- 19 3. By renumbering as necessary.

By CONNORS of Polk

H-3681 FILED APRIL 3, 1995

out of order 4/4/95

S- 4/13/95 *Amend & Do Pass
Unfinished Business
Calendar*

HOUSE FILE 492
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 189)

(As Amended and Passed by the House April 4, 1995)

Re - Passed House, Date 4/20/95 (p. 1736) Passed Senate, Date 4-18-95
Vote: Ayes 79 Nays 18 Vote: Ayes 49 Nays 0
Approved May 1, 1995

A BILL FOR

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2 with a rental agreement and acts constituting a clear and
3 present danger.

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

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House Amendments _____

1 Section 1. Section 535.2, subsection 7, Code 1995, is
2 amended to read as follows:

3 7. This section does not apply to a charge imposed for
4 late payment of rent. However, in the case of a residential
5 lease, a late payment fee shall not exceed ~~three-dollars-a-day~~
6 ~~for-the-first-five-days-the-rent-is-late-and-one-dollar-a-day~~
7 ~~for-the-next-twenty-five-days~~ ten dollars a day or forty
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9 Sec. 2. Section 562A.27, subsections 1 and 2, Code 1995,
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11 1. Except as provided in this chapter, if there is a
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14 health and safety, the landlord may deliver a written notice
15 to the tenant specifying the acts and omissions constituting
16 the breach and that the rental agreement will terminate upon a
17 date not less than ~~thirty~~ seven days after receipt of the
18 notice if the breach is not remedied in ~~fourteen-days~~ seventy-
19 two hours, and the rental agreement shall terminate as
20 provided in the notice subject to the provisions of this
21 section. If the breach is remediable by repairs or the
22 payment of damages or otherwise and the tenant adequately
23 remedies the breach prior to the date specified in the notice,
24 the rental agreement shall not terminate. If substantially
25 the same act or omission which constituted a prior
26 noncompliance of which notice was given recurs within six
27 months, the landlord may terminate the rental agreement upon
28 at least ~~fourteen-days~~ seventy-two hours' written notice
29 specifying the breach and the date of termination of the
30 rental agreement.

31 2. If rent is unpaid when due and the tenant fails to pay
32 rent within ~~three-days~~ seventy-two hours after written notice
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35 that period of time, the landlord may terminate the rental

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6 present danger to the health or safety of other tenants, the
7 landlord, ~~or~~ the landlord's employee or agent, or other
8 persons on or within one thousand feet of the landlord's
9 property, the landlord, after a single ~~three-days~~⁺ seventy-two
10 hours' written notice of termination and notice to quit, may
11 file suit against the tenant for recovery of possession of the
12 premises pursuant to chapter 648, except as otherwise provided
13 in subsection 3. The petition shall state the incident or
14 incidents giving rise to the notice of termination and notice
15 to quit. The seventy-two hour notice shall provide the tenant
16 with notice, by including a copy of subsection 3 with the
17 notice, that the tenant may cure the clear and present danger.
18 The tenant shall be given the opportunity to contest the
19 termination in the court proceedings by notice thereof at
20 least five days prior to the hearing.

21 Sec. 4. Section 562A.27A, subsection 2, unnumbered
22 paragraph 1, Code 1995, is amended to read as follows:

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24 tenants, the landlord, ~~or~~ the landlord's employees or agents,
25 or other persons on or within one thousand feet of the
26 landlord's property includes, but is not limited to, any of
27 the following activities of the tenant or of any person on the
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3 specifying the breach and requesting that the tenant remedy it
4 within that period of time, the landlord may enter the
5 dwelling unit and cause the work to be done in a competent
6 manner and submit an itemized bill for the actual and
7 reasonable cost or the fair and reasonable value of it as rent
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9 agreement has terminated, for immediate payment.

10 Sec. 6. Section 562A.29, Code 1995, is amended by adding
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16 property within seventy-two hours of departure, the landlord
17 may presume that the tenant has abandoned the property and the
18 landlord may sell or dispose of the property. The landlord
19 may exercise this right of disposal only if the provisions of
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21 rules.

22 Sec. 7. Section 562B.25A, subsection 1, Code 1995, is
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25 has created or maintained a threat constituting a clear and
26 present danger to the health or safety of other tenants, the
27 landlord, ~~or~~ the landlord's employee or agent, or other
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29 property, the landlord, after a single three days' written
30 notice of termination and notice to quit, may file suit
31 against the tenant for recovery of possession of the premises
32 pursuant to chapter 648, except as otherwise provided in
33 subsection 3. The petition shall state the incident or
34 incidents giving rise to the notice of termination and notice
35 to quit. The three-day notice shall provide the tenant with

1 notice, by including a copy of subsection 3 with the notice,
2 that the tenant may cure the clear and present danger. The
3 tenant shall be given the opportunity to contest the
4 termination in the court proceedings by notice thereof at
5 least five days prior to the hearing.

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12 the following activities of the tenant or of any person on the
13 premises with the consent of the tenant:

14 Sec. 9. Section 631.4, subsection 2, paragraph b, Code
15 1995, is amended to read as follows:

16 b. Original notice shall be served personally upon each
17 defendant as provided in rule 56.1 of the rules of civil
18 procedure, which service shall be made at least ~~five~~ three
19 days prior to the date set for hearing. Upon receipt of the
20 prescribed costs the clerk shall cause the original notice to
21 be delivered to a peace officer or other person for service
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25 648.3 NOTICE TO QUIT.

26 Before action can be brought in any except the first of the
27 above classes, ~~three-days~~ seventy-two hours' notice to quit
28 must be given to the defendant in writing. However, a
29 landlord who has given a tenant ~~three-days~~ seventy-two hours'
30 notice to pay rent and has terminated the tenancy as provided
31 in section 562A.27, subsection 2, or section 562B.25,
32 subsection 2, if the tenant is renting the mobile home or the
33 land from the landlord may commence the action without giving
34 a ~~three-day~~ seventy-two-hour notice to quit.

35 Sec. 11. Section 648.4, Code 1995, is amended to read as

1 follows:

2 648.4 NOTICE TERMINATING TENANCY.

3 When the tenancy is at will and the action is based on the
4 ground of the nonpayment of rent when due, no notice of the
5 termination of the tenancy other than the three-day seventy-
6 two-hour notice need be given before beginning the action.

7 Sec. 12. Section 648.5, Code 1995, is amended to read as
8 follows:

9 648.5 JURISDICTION -- HEARING -- PERSONAL SERVICE.

10 The court within the county shall have jurisdiction of
11 actions for the forcible entry or detention of real property.
12 They shall be tried as equitable actions. Unless commenced as
13 a small claim, a petition shall be presented to a district
14 court judge. Upon receipt of the petition, the court shall
15 order a hearing which shall not be later than fourteen seven
16 days from the date of the order. Personal service shall be
17 made upon the defendant not less than five-days seventy-two
18 hours prior to the hearing. In the event that personal
19 service cannot be completed in time to give the defendant the
20 minimum notice required by this section, the court may set a
21 new hearing date. A default cannot be made upon a defendant
22 unless the five-days⁺ seventy-two-hour notice has been given.

23 Sec. 13. Section 648.22, Code 1995, is amended to read as
24 follows:

25 648.22 JUDGMENT -- EXECUTION -- COSTS.

26 If the defendant is found guilty, judgment shall be entered
27 that the defendant be removed from the premises, and that the
28 plaintiff be put in possession of the premises, and an
29 execution for the defendant's removal within ten-days seventy-
30 two hours from the judgment shall issue accordingly, to which
31 shall be added a clause commanding the officer to collect the
32 costs as in ordinary cases.

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HOUSE FILE 492

S-3456

1 Amend House File 492, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 8 the
4 following:

5 "Sec. ____ . Section 562A.5, Code 1995, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 8. Occupancy in housing owned by
8 a nonprofit organization whose purpose is to provide
9 transitional housing for persons released from drug or
10 alcohol treatment facilities and in housing for
11 homeless persons.

12 Sec. ____ . Section 562A.6, Code 1995, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 15. "Transitional housing" means
15 temporary or nonpermanent housing.

16 Sec. ____ . Section 562A.21, subsection 1,
17 unnumbered paragraph 1, Code 1995, is amended to read
18 as follows:

19 Except as provided in this chapter, if there is a
20 material noncompliance by the landlord with the rental
21 agreement or a noncompliance with section 562A.15
22 materially affecting health and safety, the tenant may
23 elect to commence an action under this section and
24 shall deliver a written notice to the landlord
25 specifying the acts and omissions constituting the
26 breach and that the rental agreement will terminate
27 upon a date not less than thirty seven days after
28 receipt of the notice if the breach is not remedied in
29 fourteen seven days, and the rental agreement shall
30 terminate and the tenant shall surrender as provided
31 in the notice subject to the following:

32 Sec. ____ . Section 562A.21, subsection 1, paragraph
33 b, Code 1995, is amended to read as follows:

34 b. If substantially the same act or omission which
35 constituted a prior noncompliance of which notice was
36 given recurs within six months, the tenant may
37 terminate the rental agreement upon at least fourteen
38 seven days' written notice specifying the breach and
39 the date of termination of the rental agreement unless
40 the landlord has exercised due diligence and effort to
41 remedy the breach which gave rise to the
42 noncompliance."

43 2. Page 1, line 9, by striking the words and
44 figures "subsections 1 and 2" and inserting the
45 following: "subsection 1".

46 3. Page 1, line 10, by striking the word "are"
47 and inserting the following: "is".

48 4. Page 1, lines 18 and 19, by striking the words
49 "days seventy-two hours" and inserting the following:
50 "seven days".

S-3456

-1-

S-3456

Page 2

- 1 5. Page 1, line 28, by striking the words "days⁺
2 seventy-two hours" and inserting the following:
3 "seven days".
- 4 6. By striking page 1, line 31, through page 2,
5 line 1, and inserting the following:
6 "Sec. ____ . Section 562A.27, subsection 4,
7 paragraph b, Code 1995, is amended to read as follows:
8 b. That the tenant notified the landlord at least
9 fourteen seven days prior to the due date of the
10 tenant's rent payment of the tenant's intention to
11 correct the condition constituting the breach referred
12 to in paragraph "a" of ~~this subsection~~ at the
13 landlord's expense; and".
- 14 7. Page 2, lines 9 and 10, by striking the words
15 "three-days⁺ seventy-two hours" and inserting the
16 following: "three days".
-
- B 17 8. Page 2, by striking lines 15 through 17 and
18 inserting the following: "to quit."
-
- A 19 9. Page 2, line 20, by striking the word "five"
20 and inserting the following: "five three".
21 10. Page 3, line 2, by striking the words "days
22 seventy-two hours" and inserting the following:
23 "seven days".
-
- B 24 11. Page 3, by striking lines 10 through 21.
25 12. By striking page 3, line 35, through page 4,
26 line 2, and inserting the following: "to quit. The".
-
- A 27 13. Page 4, line 5, by striking the word "five"
28 and inserting the following: "five three".
29 14. Page 4, by striking lines 23 through 34.
30 15. By striking page 4, line 35, through page 5,
31 line 6.
32 16. Page 5, lines 17 and 18, by striking the
33 words "days seventy-two hours" and inserting the
34 following: "three days".
35 17. Page 5, line 22, by striking the words "days⁺
36 seventy-two-hour" and inserting the following: "three
37 days".
38 18. Page 5, lines 29 and 30, by striking the
39 words "days seventy-two hours" and inserting the
40 following: "three days".
41 19. Page 5, by inserting after line 32 the
42 following:
43 "Sec. ____ . EFFECTIVE DATE. The amendments in this
44 Act to sections 562A.5 and 562A.6, being deemed of
45 immediate importance, take effect upon enactment."
46 20. Title page, line 1, by inserting after the
47 word "to" the following: "the exclusion of certain
48 nonprofit transitional housing from landlord-tenant
49 agreements and remedies, tenant remedies for landlord
50 noncompliance with a rental agreement,".

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S-3456

Page 3

A

1 21. Title page, line 3, by inserting after the
2 word "danger" the following: ", and providing an
3 effective date".

4 22. By renumbering as necessary.

By ELAINE SZYMONIAK

S-3456 FILED APRIL 18, 1995
DIV. A-ADOPTED, DIV. B-ADOPTED

HOUSE FILE 492

S-3462

1 Amend the amendment, S-3372, to House File 492, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 3 and 4 and
5 inserting the following:

6 "_____. By striking page 1, line 1, through page 2,
7 line 1, and inserting the following:"

8 2. Page 1, by inserting after line 15 the
9 following:

10 "_____. By striking page 2, line 29, through page
11 3, line 21."

12 3. Page 1, by striking lines 16 and 17 and
13 inserting the following:

14 "_____. By striking page 4, line 14, through page
15 5, line 32, and inserting the following:"

16 4. Page 1, by inserting after line 24 the
17 following:

18 "_____. Title page, lines 1 and 2, by striking the
19 words "tenant noncompliance with a rental agreement
20 and"."

21 5. By renumbering as necessary.

By JOHNIE HAMMOND

S-3462 FILED APRIL 18, 1995
RULED OUT OF ORDER

(p. 1281)

HOUSE FILE 492

S-3372

- 1 Amend House File 492, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 8 the
4 following:
5 "Sec. ____ . Section 562A.5, Code 1995, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 8. Occupancy in housing owned by
8 a nonprofit organization whose purpose is to provide
9 transitional housing for persons released from drug or
10 alcohol treatment facilities and in housing for
11 homeless persons.
12 Sec. ____ . Section 562A.6, Code 1995, is amended by
13 adding the following new subsection:
14 NEW SUBSECTION. 15. "Transitional housing" means
15 temporary or nonpermanent housing."
16 2. Page 5, by inserting after line 32 the
17 following:
18 "Sec. ____ . EFFECTIVE DATE. The amendments in this
19 Act to sections 562A.5 and 562A.6, being deemed of
20 immediate importance, take effect upon enactment."
21 3. Title page, line 1, by inserting after the
22 word "relating" the following: "to the exclusion of
23 certain nonprofit transitional housing from landlord-
24 tenant agreements and remedies and".
25 4. Title page, line 3, by inserting after the
26 word "danger" the following: "and providing an
27 effective date".
28 5. By renumbering as necessary.

By COMMITTEE ON JUDICIARY
RANDAL J. GIANNETTO, Chairperson

S-3372 FILED APRIL 6, 1995

Withdrawn
4-18-95
(P. 1281)

SENATE AMENDMENT TO HOUSE FILE 492

H-3981

1 Amend House File 492, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 8 the
4 following:

5 "Sec. _____. Section 562A.5, Code 1995, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 8. Occupancy in housing owned by
8 a nonprofit organization whose purpose is to provide
9 transitional housing for persons released from drug or
10 alcohol treatment facilities and in housing for
11 homeless persons.

12 Sec. _____. Section 562A.6, Code 1995, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 15. "Transitional housing" means
15 temporary or nonpermanent housing.

16 Sec. _____. Section 562A.21, subsection 1,
17 unnumbered paragraph 1, Code 1995, is amended to read
18 as follows:

19 Except as provided in this chapter, if there is a
20 material noncompliance by the landlord with the rental
21 agreement or a noncompliance with section 562A.15
22 materially affecting health and safety, the tenant may
23 elect to commence an action under this section and
24 shall deliver a written notice to the landlord
25 specifying the acts and omissions constituting the
26 breach and that the rental agreement will terminate
27 upon a date not less than thirty seven days after
28 receipt of the notice if the breach is not remedied in
29 fourteen seven days, and the rental agreement shall
30 terminate and the tenant shall surrender as provided
31 in the notice subject to the following:

32 Sec. _____. Section 562A.21, subsection 1, paragraph
33 b, Code 1995, is amended to read as follows:

34 b. If substantially the same act or omission which
35 constituted a prior noncompliance of which notice was
36 given recurs within six months, the tenant may
37 terminate the rental agreement upon at least fourteen
38 seven days' written notice specifying the breach and
39 the date of termination of the rental agreement unless
40 the landlord has exercised due diligence and effort to
41 remedy the breach which gave rise to the
42 noncompliance."

43 2. Page 1, line 9, by striking the words and
44 figures "subsections 1 and 2" and inserting the
45 following: "subsection 1".

46 3. Page 1, line 10, by striking the word "are"
47 and inserting the following: "is".

48 4. Page 1, lines 18 and 19, by striking the words
49 "days seventy-two hours" and inserting the following:
50 "seven days".

H-3981

- 1 5. Page 1, line 28, by striking the words "days⁺
- 2 seventy-two hours" and inserting the following:
- 3 "seven days".
- 4 6. By striking page 1, line 31, through page 2,
- 5 line 1, and inserting the following:
- 6 "Sec. ____ . Section 562A.27, subsection 4,
- 7 paragraph b, Code 1995, is amended to read as follows:
- 8 b. That the tenant notified the landlord at least
- 9 fourteen seven days prior to the due date of the
- 10 tenant's rent payment of the tenant's intention to
- 11 correct the condition constituting the breach referred
- 12 to in paragraph "a" ~~of this subsection~~ at the
- 13 landlord's expense; and".
- 14 7. Page 2, lines 9 and 10, by striking the words
- 15 "~~three-days⁺ seventy-two hours~~" and inserting the
- 16 following: "three days".
- 17 8. Page 2, by striking lines 15 through 17 and
- 18 inserting the following: "to quit."
- 19 9. Page 2, line 20, by striking the word "five"
- 20 and inserting the following: "five three".
- 21 10. Page 3, line 2, by striking the words "days
- 22 seventy-two hours" and inserting the following:
- 23 "seven days".
- 24 11. Page 3, by striking lines 10 through 21.
- 25 12. By striking page 3, line 35, through page 4,
- 26 line 2, and inserting the following: "to quit. The".
- 27 13. Page 4, line 5, by striking the word "five"
- 28 and inserting the following: "five three".
- 29 14. Page 4, by striking lines 23 through 34.
- 30 15. By striking page 4, line 35, through page 5,
- 31 line 6.
- 32 16. Page 5, lines 17 and 18, by striking the
- 33 words "days seventy-two hours" and inserting the
- 34 following: "three days".
- 35 17. Page 5, line 22, by striking the words "days⁺
- 36 seventy-two-hour" and inserting the following: "three
- 37 days".
- 38 18. Page 5, lines 29 and 30, by striking the
- 39 words "days seventy-two hours" and inserting the
- 40 following: "three days".
- 41 19. Page 5, by inserting after line 32 the
- 42 following:
- 43 "Sec. ____ . EFFECTIVE DATE. The amendments in this
- 44 Act to sections 562A.5 and 562A.6, being deemed of
- 45 immediate importance, take effect upon enactment."
- 46 20. Title page, line 1, by inserting after the
- 47 word "to" the following: "the exclusion of certain
- 48 nonprofit transitional housing from landlord-tenant
- 49 agreements and remedies, tenant remedies for landlord
- 50 noncompliance with a rental agreement,".

- 1 21. Title page, line 3, by inserting after the
- 2 word "danger" the following: ", and providing an
- 3 effective date".
- 4 22. By renumbering as necessary.

RECEIVED FROM THE SENATE

House concurred 4/20/95 (p.1736)

Vande Hoef enr.
Carroll
Larkin

HSB 189

LOCAL GOVERNMENT

Succeeded by

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 landlord remedies for tenant noncompliance
2 with a rental agreement.

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

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7-11-12

1 Section 1. Section 535.2, subsection 7, Code 1995, is
2 amended to read as follows:

3 7. This section does not apply to a charge imposed for
4 late payment of rent. However, in the case of a residential
5 lease, a late payment fee shall not exceed ~~three-dollars-a-day~~
6 ~~for-the-first-five-days-the-rent-is-late-and-one-dollar-a-day~~
7 ~~for-the-next-twenty-five-days~~ ten dollars a day or forty
8 dollars per month.

9 Sec. 2. Section 562A.27, subsections 1 and 2, Code 1995,
10 are amended to read as follows:

11 1. Except as provided in this chapter, if there is a
12 material noncompliance by the tenant with the rental agreement
13 or a noncompliance with section 562A.17 materially affecting
14 health and safety, the landlord may deliver a written notice
15 to the tenant specifying the acts and omissions constituting
16 the breach and that the rental agreement will terminate upon a
17 date not less than ~~thirty~~ seven days after receipt of the
18 notice if the breach is not remedied in ~~fourteen~~ three days,
19 and the rental agreement shall terminate as provided in the
20 notice subject to the provisions of this section. If the
21 breach is remediable by repairs or the payment of damages or
22 otherwise and the tenant adequately remedies the breach prior
23 to the date specified in the notice, the rental agreement
24 shall not terminate. If substantially the same act or
25 omission which constituted a prior noncompliance of which
26 notice was given recurs within six months, the landlord may
27 terminate the rental agreement upon at least ~~fourteen~~ three
28 days' written notice specifying the breach and the date of
29 termination of the rental agreement.

30 2. If rent is unpaid when due and the tenant fails to pay
31 rent within ~~three-days~~ seventy-two hours after written notice
32 by the landlord of nonpayment and the landlord's intention to
33 terminate the rental agreement if the rent is not paid within
34 that period of time, the landlord may terminate the rental
35 agreement.

1 Sec. 3. Section 562A.27, subsection 4, paragraph b, Code
2 1995, is amended to read as follows:

3 b. That the tenant notified the landlord at least **fourteen**
4 three days prior to the due date of the tenant's rent payment
5 of the tenant's intention to correct the condition
6 constituting the breach referred to in paragraph "a" ~~of this~~
7 ~~subsection~~ at the landlord's expense; and

8 Sec. 4. Section 562A.27A, subsection 1, Code 1995, is
9 amended to read as follows:

10 1. Notwithstanding section 562A.27 or 648.3, if a tenant
11 has created or maintained a threat constituting a clear and
12 present danger to the health or safety of other tenants, the
13 landlord, or the landlord's employee or agent, the landlord,
14 after a single ~~three-days~~⁴ seventy-two hours written notice
15 of termination and notice to quit, may file suit against the
16 tenant for recovery of possession of the premises pursuant to
17 chapter 648, except as otherwise provided in subsection 3.
18 The tenant shall be given the opportunity to contest the
19 termination in the court proceedings by notice thereof at
20 least five days prior to the hearing.

21 Sec. 5. Section 562A.28, Code 1995, is amended to read as
22 follows:

23 562A.28 FAILURE TO MAINTAIN.

24 If there is noncompliance by the tenant with section
25 562A.17, materially affecting health and safety, that can be
26 remedied by repair or replacement of a damaged item or
27 cleaning, and the tenant fails to comply as promptly as
28 conditions require in case of emergency or within **fourteen**
29 ~~days~~ seventy-two hours after written notice by the landlord
30 specifying the breach and requesting that the tenant remedy it
31 within that period of time, the landlord may enter the
32 dwelling unit and cause the work to be done in a competent
33 manner and submit an itemized bill for the actual and
34 reasonable cost or the fair and reasonable value of it as rent
35 on the next date when periodic rent is due, or if the rental

1 agreement has terminated, for immediate payment.

2 Sec. 6. Section 562A.29, Code 1995, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 4. If the tenant's lease is terminated,
5 or if the tenant abandons the dwelling unit owing rent, and
6 the tenant leaves personal property in the dwelling unit
7 without making arrangements with the landlord to recover the
8 property within seventy-two hours of departure, the landlord
9 may presume that the tenant has abandoned the property and the
10 landlord may sell or dispose of the property. The landlord
11 may exercise this right of disposal only if the provisions of
12 this subsection are incorporated into the rental agreement or
13 rules.

14 Sec. 7. Section 631.4, subsection 2, paragraph b, Code
15 1995, is amended to read as follows:

16 b. Original notice shall be served personally upon each
17 defendant as provided in rule 56.1 of the rules of civil
18 procedure, which service shall be made at least five three
19 days prior to the date set for hearing. Upon receipt of the
20 prescribed costs the clerk shall cause the original notice to
21 be delivered to a peace officer or other person for service
22 upon each defendant.

23 Sec. 8. Section 648.3, Code 1995, is amended to read as
24 follows:

25 648.3 NOTICE TO QUIT.

26 Before action can be brought in any except the first of the
27 above classes, three-days⁺ seventy-two hours' notice to quit
28 must be given to the defendant in writing. However, a
29 landlord who has given a tenant three-days⁺ seventy-two hours'
30 notice to pay rent and has terminated the tenancy as provided
31 in section 562A.27, subsection 2, or section 562B.25,
32 subsection 2, if the tenant is renting the mobile home or the
33 land from the landlord may commence the action without giving
34 a three-day seventy-two-hour notice to quit.

35 Sec. 9. Section 648.4, Code 1995, is amended to read as

1 follows:

2 648.4 NOTICE TERMINATING TENANCY.

3 When the tenancy is at will and the action is based on the
4 ground of the nonpayment of rent when due, no notice of the
5 termination of the tenancy other than the three-day seventy-
6 two-hour notice need be given before beginning the action.

7 Sec. 10. Section 648.5, Code 1995, is amended to read as
8 follows:

9 648.5 JURISDICTION -- HEARING -- PERSONAL SERVICE.

10 The court within the county shall have jurisdiction of
11 actions for the forcible entry or detention of real property.
12 They shall be tried as equitable actions. Unless commenced as
13 a small claim, a petition shall be presented to a district
14 court judge. Upon receipt of the petition, the court shall
15 order a hearing which shall not be later than fourteen seven
16 days from the date of the order. Personal service shall be
17 made upon the defendant not less than five-days seventy-two
18 hours prior to the hearing. In the event that personal
19 service cannot be completed in time to give the defendant the
20 minimum notice required by this section, the court may set a
21 new hearing date. A default cannot be made upon a defendant
22 unless the five-days⁺ seventy-two-hour notice has been given.

23 Sec. 11. Section 648.22, Code 1995, is amended to read as
24 follows:

25 648.22 JUDGMENT -- EXECUTION -- COSTS.

26 If the defendant is found guilty, judgment shall be entered
27 that the defendant be removed from the premises, and that the
28 plaintiff be put in possession of the premises, and an
29 execution for the defendant's removal within ten-days seventy-
30 two hours from the judgment shall issue accordingly, to which
31 shall be added a clause commanding the officer to collect the
32 costs as in ordinary cases.

33

EXPLANATION

34 This bill provides that in situations where the tenant is
35 not complying with the rental agreement, the notice required

1 to the tenant from the landlord that the rental agreement will
2 terminate unless the tenant complies with the rental agreement
3 is reduced to seven days from 30 regarding the termination
4 date and from 14 days to comply with the agreement to three
5 days. A second occurrence of noncompliance within six months
6 is subject to termination of the rental agreement with three
7 days' notice, instead of the 14 days required currently.

8 In situations of tenant noncompliance constituting a clear
9 and present danger to other tenants, the notice of termination
10 is changed from three days to 72 hours. Where a tenant fails
11 to maintain the premises, the notice from the landlord that
12 the tenant must remedy the fault or face termination is
13 reduced to 72 hours instead of 14 days. The bill also
14 provides that landlords may dispose of personal property left
15 behind by tenants in certain circumstances.

16 In addition, the bill provides that notice in actions for
17 forcible entry or detention brought under the small claims
18 chapter require three days' notice to the defendant instead of
19 five. Actions for forcible entry and detention under chapter
20 648 require the tenant to receive a 72-hour notice to quit the
21 property or notice of termination of the rental agreement
22 instead of a three-day notice to quit. Also, hearing dates in
23 forcible entry or detention actions shall be set not more than
24 seven days following filing of the petition, instead of the
25 current 14, and that personal service be made on the defendant
26 not less than 72 hours prior to the hearing instead of five
27 days.

28 Finally, the bill provides that a residential lease late
29 payment fee shall not exceed \$10 per day up to a maximum of
30 \$40 per month.

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HOUSE FILE 492

AN ACT

RELATING TO THE EXCLUSION OF CERTAIN NONPROFIT TRANSITIONAL HOUSING FROM LANDLORD-TENANT AGREEMENTS AND REMEDIES, TENANT REMEDIES FOR LANDLORD NONCOMPLIANCE WITH A RENTAL AGREEMENT, LANDLORD REMEDIES FOR TENANT NONCOMPLIANCE WITH A RENTAL AGREEMENT AND ACTS CONSTITUTING A CLEAR AND PRESENT DANGER AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 535.2, subsection 7, Code 1995, is amended to read as follows:

7. This section does not apply to a charge imposed for late payment of rent. However, in the case of a residential lease, a late payment fee shall not exceed ~~three-dollars-a-day for-the-first-five-days-the-rent-is-late-and-one-dollar-a-day for-the-next-twenty-five-days~~ ten dollars a day or forty dollars per month.

Sec. 2. Section 562A.5, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Occupancy in housing owned by a nonprofit organization whose purpose is to provide transitional housing for persons released from drug or alcohol treatment facilities and in housing for homeless persons.

Sec. 3. Section 562A.6, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 15. "Transitional housing" means temporary or nonpermanent housing.

Sec. 4. Section 562A.21, subsection 1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Except as provided in this chapter, if there is a material noncompliance by the landlord with the rental agreement or a noncompliance with section 562A.15 materially affecting health

and safety, the tenant may elect to commence an action under this section and shall deliver a written notice to the landlord specifying the acts and omissions constituting the breach and that the rental agreement will terminate upon a date not less than thirty seven days after receipt of the notice if the breach is not remedied in fourteen seven days, and the rental agreement shall terminate and the tenant shall surrender as provided in the notice subject to the following:

Sec. 5. Section 562A.21, subsection 1, paragraph b, Code 1995, is amended to read as follows:

b. If substantially the same act or omission which constituted a prior noncompliance of which notice was given recurs within six months, the tenant may terminate the rental agreement upon at least fourteen seven days' written notice specifying the breach and the date of termination of the rental agreement unless the landlord has exercised due diligence and effort to remedy the breach which gave rise to the noncompliance.

Sec. 6. Section 562A.27, subsection 1, Code 1995, is amended to read as follows:

1. Except as provided in this chapter, if there is a material noncompliance by the tenant with the rental agreement or a noncompliance with section 562A.17 materially affecting health and safety, the landlord may deliver a written notice to the tenant specifying the acts and omissions constituting the breach and that the rental agreement will terminate upon a date not less than thirty seven days after receipt of the notice if the breach is not remedied in fourteen seven days, and the rental agreement shall terminate as provided in the notice subject to the provisions of this section. If the breach is remediable by repairs or the payment of damages or otherwise and the tenant adequately remedies the breach prior to the date specified in the notice, the rental agreement shall not terminate. If substantially the same act or omission which constituted a prior noncompliance of which

notice was given recurs within six months, the landlord may terminate the rental agreement upon at least ~~fourteen~~ seven days' written notice specifying the breach and the date of termination of the rental agreement.

Sec. 7. Section 562A.27, subsection 4, paragraph b, Code 1995, is amended to read as follows:

b. That the tenant notified the landlord at least ~~fourteen~~ seven days prior to the due date of the tenant's rent payment of the tenant's intention to correct the condition constituting the breach referred to in paragraph "a" ~~of this subsection~~ at the landlord's expense; and

Sec. 8. Section 562A.27A, subsection 1, Code 1995, is amended to read as follows:

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

Sec. 9. Section 562A.27A, subsection 2, unnumbered paragraph 1, Code 1995, is amended to read as follows:

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

Sec. 10. Section 562A.28, Code 1995, is amended to read as follows:

562A.28 FAILURE TO MAINTAIN.

If there is noncompliance by the tenant with section 562A.17, materially affecting health and safety, that can be remedied by repair or replacement of a damaged item or cleaning, and the tenant fails to comply as promptly as conditions require in case of emergency or within ~~fourteen~~ seven days after written notice by the landlord specifying the breach and requesting that the tenant remedy it within that period of time, the landlord may enter the dwelling unit and cause the work to be done in a competent manner and submit an itemized bill for the actual and reasonable cost or the fair and reasonable value of it as rent on the next date when periodic rent is due, or if the rental agreement has terminated, for immediate payment.

Sec. 11. Section 562B.25A, subsection 1, Code 1995, is amended to read as follows:

1. Notwithstanding section 562B.25 or 648.3, if a tenant has created or maintained a threat constituting a clear and present danger to the health or safety of other tenants, the landlord, or the landlord's employee or agent, or other persons on or within one thousand feet of the landlord's property, the landlord, after a single three days' written notice of termination and notice to quit, may file suit against the tenant for recovery of possession of the premises pursuant to chapter 648, except as otherwise provided in subsection 3. The petition shall state the incident or incidents giving rise to the notice of termination and notice to quit. The tenant shall be given the opportunity to contest the termination in the court proceedings by notice thereof at least ~~five~~ three days prior to the hearing.

Sec. 12. Section 562B.25A, subsection 2, unnumbered paragraph 1, Code 1995, is amended to read as follows:

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

Sec. 13. Section 631.4, subsection 2, paragraph b, Code 1995, is amended to read as follows:

b. Original notice shall be served personally upon each defendant as provided in rule 56.1 of the rules of civil procedure, which service shall be made at least five three days prior to the date set for hearing. Upon receipt of the prescribed costs the clerk shall cause the original notice to be delivered to a peace officer or other person for service upon each defendant.

Sec. 14. Section 648.5, Code 1995, is amended to read as follows:

648.5 JURISDICTION -- HEARING -- PERSONAL SERVICE.

The court within the county shall have jurisdiction of actions for the forcible entry or detention of real property. They shall be tried as equitable actions. Unless commenced as a small claim, a petition shall be presented to a district court judge. Upon receipt of the petition, the court shall order a hearing which shall not be later than fourteen seven days from the date of the order. Personal service shall be made upon the defendant not less than five three days prior to the hearing. In the event that personal service cannot be completed in time to give the defendant the minimum notice required by this section, the court may set a new hearing date. A default cannot be made upon a defendant unless the five three days' notice has been given.

Sec. 15. Section 648.22, Code 1995, is amended to read as follows:

648.22 JUDGMENT -- EXECUTION -- COSTS.

If the defendant is found guilty, judgment shall be entered that the defendant be removed from the premises, and that the plaintiff be put in possession of the premises, and an execution for the defendant's removal within ten three days from the judgment shall issue accordingly, to which shall be added a clause commanding the officer to collect the costs as in ordinary cases.

Sec. 16. EFFECTIVE DATE. The amendments in this Act to sections 562A.5 and 562A.6, being deemed of immediate importance, take effect upon enactment.

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 492, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 1, 1995

TERRY E. BRANSTAD
Governor