

REPRINTED

SENATE FILE 2372

BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 2283)

Passed Senate, Date 4/3/96 (p.1231) Passed House, (p.1637) Date 4/15/96
 Vote: Ayes 45 Nays 5 Vote: Ayes 66 Nays 27
 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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S.F. 2372

REPRINTED

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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SENATE FILE 2372

S-5376

1 Amend Senate File 2372 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 striking lines 8 through 11 and
29 inserting the following: "possession of the premises
30 pursuant to chapter 648."

31 3. Page 1, by striking lines 21 through 27 and
32 inserting the following:

33 "Sec. ____ . Section 562B.9, subsections 1 and 3,
34 Code 1995, are amended by striking the subsections.

35 Sec. ____ . Section 562B.9, subsection 2, Code 1995,
36 is amended to read as follows:

37 2. A person "notifies" or "gives" a notice or
38 notification to another by taking steps reasonably
39 calculated to inform the other in ordinary course
40 whether or not the other actually comes to know of it.
41 A person "receives" a notice or notification when it
42 comes to that person's attention, or in the case of
43 the landlord, it is delivered in hand or mailed by
44 registered certified mail or restricted certified mail
45 to the place of business of the landlord through which
46 the rental agreement was made or at any place held out
47 by the landlord as the place for receipt of the
48 communication or delivered to any individual who is
49 designated as an agent by section 562B.14 or, in the
50 case of the tenant, it is delivered in hand to the

S-5376

-1-

S-5376

Page 2

- 1 tenant or mailed by registered-mail-return-receipt
2 requested certified mail or restricted certified mail
3 to the tenant at the place held out by the tenant as
4 the place for receipt of the communication or, in the
5 absence of such designation, to the tenant's last
6 known place of residence other than the landlord's
7 mobile home or space."
8 4. Page 2, line 9, by striking the word "five"
9 and inserting the following: "five three".
10 5. Page 2, line 17, by striking the word "five"
11 and inserting the following: "five three".
12 6. Title page, line 1, by inserting after the
13 word "agreements" the following: ", the definition of
14 notice,".
15 7. By renumbering as necessary.

By BILL FINK

S-5376 FILED MARCH 18, 1996

Adopted 4/3/96 (p.1231)

1 Section 1. Section 562A.8, subsections 1 and 3, Code 1995,
2 are amended by striking the subsections.

3 Sec. 2. Section 562A.8, subsection 2, Code 1995, is
4 amended to read as follows:

5 2- A person "notifies" or "gives" a notice or notification
6 to another by taking steps reasonably calculated to inform the
7 other in ordinary course whether or not the other actually
8 comes to know of it. A person "receives" a notice or
9 notification when it comes to that person's attention or in
10 the case of the landlord, it is delivered at in hand or mailed
11 by certified mail, or restricted certified mail to the place
12 of business of the landlord through which the rental agreement
13 was made or at a place held out by the landlord as the place
14 for receipt of the communication or delivered to any
15 individual who is designated as an agent of the landlord or,
16 when in the case of the tenant, it is delivered in hand to the
17 tenant or mailed by registered-or certified mail or restricted
18 certified mail to such person at the place held out by such
19 person as the place for receipt of the communication, or in
20 the absence of such designation, to such person's last known
21 place of residence.

22 Sec. 3. NEW SECTION. 562A.27B TERMINATION FOR FAILURE TO
23 GIVE LAWFUL ACCESS.

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

30 Sec. 4. Section 562A.29A, unnumbered paragraph 1, Code
31 1995, is amended to read as follows:

32 Notwithstanding sections 631.4 and 648.5, the written
33 notice of termination required by section 562A.27, subsection
34 1 or 2, a notice of termination and notice to quit under
35 section 562A.27A, a notice to quit as required by section

1 648.3, or a petition for forcible entry and detainer pursuant
2 to chapter 648, may be served upon the tenant in any of the
3 following ways:

4 Sec. 5. Section 562B.9, subsections 1 and 3, Code 1995,
5 are amended by striking the subsections.

6 Sec. 6. Section 562B.9, subsection 2, Code 1995, is
7 amended to read as follows:

8 2- A person "notifies" or "gives" a notice or notification
9 to another by taking steps reasonably calculated to inform the
10 other in ordinary course whether or not the other actually
11 comes to know of it. A person "receives" a notice or
12 notification when it comes to that person's attention, or in
13 the case of the landlord, it is delivered in hand or mailed by
14 registered certified mail or restricted certified mail to the
15 place of business of the landlord through which the rental
16 agreement was made or at any place held out by the landlord as
17 the place for receipt of the communication or delivered to any
18 individual who is designated as an agent by section 562B.14
19 or, in the case of the tenant, it is delivered in hand to the
20 tenant or mailed by registered-mail-return-receipt-requested
21 certified mail or restricted certified mail to the tenant at
22 the place held out by the tenant as the place for receipt of
23 the communication or, in the absence of such designation, to
24 the tenant's last known place of residence other than the
25 landlord's mobile home or space.

26 Sec. 7. Section 562B.27A, unnumbered paragraph 1, Code
27 1995, is amended to read as follows:

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

35 Sec. 8. Section 631.4, subsection 2, paragraph c, Code

1 Supplement 1995, is amended to read as follows:

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

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SENATE FILE 2372

H-5955

1 Amend Senate File 2372, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 25 the
4 following:
5 "Sec. ____ . Section 562B.10, subsection 4, Code
6 1995, is amended to read as follows:
7 4. Rental agreements shall be for a term of one
8 year unless otherwise specified in the rental
9 agreement. Rental agreements shall be canceled by at
10 least sixty days' written notice given by either
11 party. A landlord shall cancel a rental agreement
12 only for good cause and shall not cancel a rental
13 agreement solely for the purpose of making the
14 tenant's mobile home space available for another
15 mobile home."
16 2. By renumbering as necessary.

WVARSQHTIW

By MCCOY of Polk

H-5955 FILED APRIL 15, 1996

Just 3/15/96 (R.1637)

SENATE FILE 2372

H-5951

1 Amend Senate File 2372, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Sec. ____ . Section 562A.36, subsection 1,
6 unnumbered paragraph 1, Code 1995, is amended to read
7 as follows:

8 Except as provided in this section, a landlord may
9 shall not retaliate by increasing rent or decreasing
10 services or by bringing or threatening to bring an
11 action for possession within one year after:"

12 2. By renumbering as necessary.

By FALLON of Polk

H-5951 FILED APRIL 15, 1996

WITHDRAWN

SENATE FILE 2372

H-5950

1 Amend Senate File 2372, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Sec. ____ . Section 562A.12, subsection 2, Code
6 1995, is amended to read as follows:

7 2. All rental deposits shall be held by the
8 landlord for the tenant, who is a party to the
9 agreement, in a bank or savings and loan association
10 or credit union which is insured by an agency of the
11 federal government. Rental deposits shall not be
12 commingled with the personal funds of the landlord.
13 Notwithstanding the provisions of chapter 543B, all
14 rental deposits may be held in a trust account, which
15 may be a common trust account and which may be an
16 interest bearing account. Any interest earned on a
17 rental deposit during the first five years of a
18 tenancy shall be the property of the landlord tenant."

19 2. By renumbering as necessary.

By McCOY of Polk

H-5950 FILED APRIL 15, 1996

WITHDRAWN - 3/15/96

SENATE FILE 2372

H-5953

1 Amend Senate File 2372, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Sec. ____ . Section 562A.10, subsection 2, Code
6 1995, is amended to read as follows:

7 2. If a tenant does not sign and deliver a written
8 rental agreement, which shall be signed and delivered
9 to the tenant by the landlord at least thirty days
10 prior to the effective date of the agreement,
11 acceptance of possession without reservation gives the
12 rental agreement the same effect as if it had been
13 signed and delivered by the tenant."

14 2. By renumbering as necessary.

By HOLVECK of Polk

H-5953 FILED APRIL 15, 1996

WITHDRAWN - 3/15/96

SENATE FILE 2372

H-5954

1 Amend Senate File 2372, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 17, by striking the words
4 "certified mail" and inserting the following: "first
5 class mail, certified mail,".

6 2. Page 2, line 21, by striking the words
7 "certified mail" and inserting the following: "first
8 class mail, certified mail,".

9 3. Page 3, lines 10 and 11, by striking the words
10 "~~and first class mail~~" and inserting the following:
11 "and first class mail".

By HOLVECK of Polk

H-5954 FILED APRIL 15, 1996

WITHDRAWN - 3/15/96

WITHDRAWN

SENATE FILE 2372

H-5952

1 Amend Senate File 2372, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 22 through 29 and
4 inserting the following:

5 "Sec. ____ . Section 562A.21, subsection 1,
6 unnumbered paragraph 1, Code Supplement 1995, is
7 amended to read as follows:

8 Except as provided in this chapter, if there is a
9 material noncompliance by the landlord with the rental
10 agreement or a noncompliance with section 562A.15 or
11 562A.19 materially affecting health and safety, the
12 tenant may elect to commence an action under this
13 section and shall deliver a written notice to the
14 landlord specifying the acts and omissions
15 constituting the breach and that the rental agreement
16 will terminate upon a date not less than seven days
17 after receipt of the notice if the breach is not
18 remedied in seven days, and the rental agreement shall
19 terminate and the tenant shall surrender as provided
20 in the notice subject to the following:

21 Sec. ____ . Section 562A.27, subsection 1, Code
22 Supplement 1995, is amended to read as follows:

23 1. Except as provided in this chapter, if there is
24 a material noncompliance by the tenant with the rental
25 agreement or a noncompliance with section 562A.17 or
26 562A.19 materially affecting health and safety, the
27 landlord may deliver a written notice to the tenant
28 specifying the acts and omissions constituting the
29 breach and that the rental agreement will terminate
30 upon a date not less than seven days after receipt of
31 the notice if the breach is not remedied in seven
32 days, and the rental agreement shall terminate as
33 provided in the notice subject to the provisions of
34 this section. If the breach is remediable by repairs
35 or the payment of damages or otherwise and the tenant
36 adequately remedies the breach prior to the date
37 specified in the notice, the rental agreement shall
38 not terminate. If substantially the same act or
39 omission which constituted a prior noncompliance of
40 which notice was given recurs within six months, the
41 landlord may terminate the rental agreement upon at
42 least seven days' written notice specifying the breach
43 and the date of termination of the rental agreement."

44 2. By renumbering as necessary.

By FALLON of Polk

H-5952 FILED APRIL 15, 1996

WITHDRAWN

3/15/96

SENATE FILE 2372

H-5945

- 1 Amend Senate File 2372, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 22 through 29.
4 2. By renumbering as necessary.

By KREIMAN of Davis

H-5945 FILED APRIL 12, 1996

Adopted 4-15-96 (P. 1635)

SENATE FILE 2372

H-5946

- 1 Amend Senate File 2372, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 21 the
4 following:
5 "Sec. ____ . Section 562A.27, subsection 1, Code
6 Supplement 1995, is amended to read as follows:
7 1. Except as provided in this chapter, if there is
8 a material noncompliance by the tenant with the rental
9 agreement or a noncompliance with section 562A.17
10 materially affecting health and safety, the landlord
11 may deliver a written notice to the tenant specifying
12 the acts and omissions constituting the breach and
13 that the rental agreement will terminate upon a date
14 not less than seven thirty days after receipt of the
15 notice if the breach is not remedied in seven fourteen
16 days, and the rental agreement shall terminate as
17 provided in the notice subject to the provisions of
18 this section. If the breach is remediable by repairs
19 or the payment of damages or otherwise and the tenant
20 adequately remedies the breach prior to the date
21 specified in the notice, the rental agreement shall
22 not terminate. If substantially the same act or
23 omission which constituted a prior noncompliance of
24 which notice was given recurs within six months, the
25 landlord may terminate the rental agreement upon at
26 least seven fourteen days' written notice specifying
27 the breach and the date of termination of the rental
28 agreement.
29 Sec. ____ . Section 562A.27, subsection 4, paragraph
30 b, Code Supplement 1995, is amended to read as
31 follows:
32 b. That the tenant notified the landlord at least
33 seven fourteen days prior to the due date of the
34 tenant's rent payment of the tenant's intention to
35 correct the condition constituting the breach referred
36 to in paragraph "a" at the landlord's expense; and".
37 2. By renumbering as necessary.

By KREIMAN of Davis

H-5946 FILED APRIL 12, 1996

WITHDRAWN
3/15/96

SENATE FILE 2372

H-5947

- 1 Amend Senate File 2372, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 3 the
- 4 following:
- 5 "Sec. ____ . Section 562A.34, subsection 2, Code
- 6 1995, is amended to read as follows:
- 7 2. The landlord, for good cause only, or the
- 8 tenant may terminate a month-to-month tenancy by a
- 9 written notice given to the other at least thirty days
- 10 prior to the periodic rental date specified in the
- 11 notice."
- 12 2. By renumbering as necessary.

By KREIMAN of Davis

H-5947 FILED APRIL 12, 1996

WITHDRAWN - 3/15/96

HOUSE AMENDMENT TO
SENATE FILE 2372

S-5782

- 1 Amend Senate File 2372, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 22 through 29.
- 4 2. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5782 FILED APRIL 15, 1996

Senate Concurred 4-23-96 P. 1483

MWAR

SENATE FILE 2372

H-5932

- 1 Amend Senate File 2372, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 4, by striking the word "two" and
- 4 inserting the following: "five".

By FALLON of Polk

H-5932 FILED APRIL 11, 1996

WITHDRAWN 3/15/96

SENATE FILE 2372

H-5933

- 1 Amend Senate File 2372, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 20 and 21 and
- 4 inserting the following: "as provided in this
- 5 paragraph."

By KREIMAN of Davis

H-5933 FILED APRIL 11, 1996

WITHDRAWN - 3/15/96

SENATE FILE 2372

H-5934

- 1 Amend Senate File 2372, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 18, by inserting after the figure
- 4 "562B.14" the following: ", whether or not the
- 5 landlord or agent signs a receipt for the notice,".

By HOLVECK of Polk

H-5934 FILED APRIL 11, 1996

WITHDRAWN - 3/15/96

SENATE FILE 2372

H-5935

- 1 Amend Senate File 2372, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, lines 8 and 9, by striking the words
- 4 "The attempts to perfect personal service may be made
- 5 on the same day."

By HOLVECK of Polk

H-5935 FILED APRIL 11, 1996

WITHDRAWN - 3/15/96

SENATE FILE 2372

H-5936

- 1 Amend Senate File 2372, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 7, by striking the word "three"
- 4 and inserting the following: "seven".
- 5 2. Page 3, line 15, by striking the word "three"
- 6 and inserting the following: "seven".

By MCCOY of Polk

H-5936 FILED APRIL 11, 1996

WITHDRAWN - 3/15/96

File
Judge
Zieman

SSB-2283
Local Government
succeeded by
SF/HF 2372

SENATE FILE _____
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 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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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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SENATE FILE 2372

AN ACT

RELATING TO TERMINATION OF RENTAL AGREEMENTS, THE DEFINITION OF NOTICE, AND NOTICE PROVISIONS FOR ACTIONS TO RECOVER PROPERTY.

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

Section 1. Section 562A.8, subsections 1 and 3, Code 1995, are amended by striking the subsections.

Sec. 2. Section 562A.8, subsection 2, Code 1995, is amended to read as follows:

2. A person "notifies" or "gives" a notice or notification to another by taking steps reasonably calculated to inform the other in ordinary course whether or not the other actually comes to know of it. A person "receives" a notice or notification when it comes to that person's attention or in the case of the landlord, it is delivered at in hand or mailed by certified mail, or restricted certified mail to the place

of business of the landlord through which the rental agreement was made or at a place held out by the landlord as the place for receipt of the communication or delivered to any individual who is designated as an agent of the landlord or, when in the case of the tenant, it is delivered in hand to the tenant or mailed by registered-or certified mail or restricted certified mail to such person at the place held out by such person as the place for receipt of the communication, or in the absence of such designation, to such person's last known place of residence.

Sec. 3. Section 562A.29A, unnumbered paragraph 1, Code 1995, is amended to read as follows:

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

Sec. 4. Section 562B.9, subsections 1 and 3, Code 1995, are amended by striking the subsections.

Sec. 5. Section 562B.9, subsection 2, Code 1995, is amended to read as follows:

2. A person "notifies" or "gives" a notice or notification to another by taking steps reasonably calculated to inform the other in ordinary course whether or not the other actually comes to know of it. A person "receives" a notice or notification when it comes to that person's attention, or in the case of the landlord, it is delivered in hand or mailed by registered certified mail or restricted certified mail to the place of business of the landlord through which the rental agreement was made or at any place held out by the landlord as the place for receipt of the communication or delivered to any individual who is designated as an agent by section 562B.14 or, in the case of the tenant, it is delivered in hand to the

tenant or mailed by ~~registered-mail-return-receipt-requested certified mail or restricted certified mail~~ to the tenant at the place held out by the tenant as the place for receipt of the communication or, in the absence of such designation, to the tenant's last known place of residence other than the landlord's mobile home or space.

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

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

Sec. 7. Section 631.4, subsection 2, paragraph c, Code Supplement 1995, is amended to read as follows:

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

as provided in this paragraph, whether or not the defendant signs a receipt for the notice.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2372, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved _____, 1996

TERRY E. BRANSTAD
Governor