

FEB 16 1998  
JUDICIARY

HOUSE FILE 2276  
BY DOTZLER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to notice requirements for landlords, remedies  
2 for tenants, discrimination by landlords based on source of  
3 payments, and providing penalties.

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

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HF 2276

1 Section 1. NEW SECTION. 562A.12A SOURCE OF PAYMENT.

2 A landlord shall not refuse to rent a dwelling unit to a  
3 person, and a landlord shall not terminate a rental agreement  
4 with a tenant, based upon the source of payment of the rent or  
5 rental deposit. A landlord who violates this section shall be  
6 subject to punitive damages not to exceed two hundred dollars  
7 in addition to actual damages and attorney's fees.

8 Sec. 2. Section 562A.26, Code 1997, is amended to read a  
9 follows:

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

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

22 Sec. 3. Section 562A.27A, subsection 1, Code 1997, is  
23 amended to read as follows:

24 1. Notwithstanding section 562A.27 or 648.3, if a tenant  
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, the landlord's employee or agent, or other persons  
28 on or within one thousand feet of the landlord's property, the  
29 landlord, after a single three days' written notice of  
30 termination and notice to quit, may file suit against the  
31 tenant for recovery of possession of the premises pursuant to  
32 chapter 648, except as otherwise provided in subsection 3.  
33 The three days' written notice shall provide the tenant with  
34 notice that the tenant may cure the clear and present danger  
35 as provided in subsection 3 by including a copy of that

1 subsection with the notice. The petition shall state the  
2 incident or incidents giving rise to the notice of termination  
3 and notice to quit. The tenant shall be given the opportunity  
4 to contest the termination in the court proceedings by notice  
5 thereof at least three days prior to the hearing.

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## EXPLANATION

7 This bill provides that a landlord governed by Code chapter  
8 562A shall not refuse to rent a dwelling to a person and shall  
9 not terminate a rental agreement based upon the source of the  
10 payment of the rent or rental deposit. A person violating  
11 these prohibitions shall be subject to actual damages,  
12 attorney's fees, and punitive damages not to exceed \$200.

13 The bill provides that, as a remedy for a landlord's  
14 unlawful ouster, exclusion, or diminution of service, the  
15 tenant may recover possession or terminate the rental  
16 agreement and, in either case, recover the actual damages  
17 sustained by the tenant but not less than an amount equal to  
18 one months' rent and attorney's fees.

19 The bill requires that the notice of termination and notice  
20 to quit given by the landlord to a tenant if the tenant has  
21 created or maintained a threat constituting a clear and  
22 present danger shall provide the tenant with notice that the  
23 tenant may cure the clear and present danger by including a  
24 copy of Code section 562A.27, subsection 3, with the notice.  
25 Subsection 3 provides three measures which may be taken by a  
26 tenant to cure the threat constituting a clear and present  
27 danger.

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