

FEB 17 1999
COMMERCE AND REGULATION

HOUSE FILE 303
BY GRUNDBERG

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

A BILL FOR

1 An Act relating to overdue charges owed by a tenant for city
2 utility or enterprise service.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 303

1 Section 1. Section 384.84, subsection 3, paragraph c, Code
2 1999, is amended to read as follows:

3 c. A lien for a city utility or enterprise service shall
4 not be certified to the county treasurer for collection unless
5 prior written notice of intent to certify a lien is given to
6 the account holder of the delinquent account. If the account
7 holder is a tenant, and if the owner or landlord of the
8 property has made a written request for notice, the notice
9 shall also be given to the owner or landlord. The notice
10 shall be sent to the appropriate persons by ordinary mail not
11 less than ten days prior to certification of the lien to the
12 county treasurer. If the account holder is a tenant, a lien
13 for a city utility or enterprise service shall not be
14 certified to the county treasurer for collection unless a good
15 faith effort has been made to collect any delinquent amount
16 from such tenant. In an action relating to the validity of a
17 lien filed against property where the delinquent account
18 holder is a tenant, the burden of showing that a good faith
19 effort was made to collect the delinquent amount is on the
20 governing body of the city utility, combined utility system,
21 city enterprise, or combined city enterprise.

22 Sec. 2. Section 384.84, subsection 3, Code 1999, is
23 amended by adding the following new paragraph:

24 NEW PARAGRAPH. e. A governing body of a city utility,
25 combined utility system, city enterprise, or combined city
26 enterprise may refuse to provide a city utility or enterprise
27 service to a property or premises if the account holder for
28 such property or premises has a delinquent charge owed to such
29 governing body for the same utility or enterprise service
30 under an account associated with a previous residence.

31 EXPLANATION

32 This bill amends provisions relating to delinquent charges
33 owed by a tenant for city utility or enterprise services. The
34 bill provides that if a delinquent amount is owed by a tenant,
35 a lien on property for a city utility or enterprise service

1 (sewer, storm water drainage, water, solid waste collection,
 2 etc.) shall not be certified to the county treasurer for
 3 collection unless a good faith effort has been made to collect
 4 any delinquent amount from the tenant. In an action relating
 5 to the validity of a lien filed against property where the
 6 delinquent account holder is a tenant, the burden of showing
 7 that a good faith effort was made to collect the delinquent
 8 amount is on the governing body of the city utility, combined
 9 utility system, city enterprise, or combined city enterprise.

10 The bill also provides that a governing body of a city
 11 utility, combined utility system, city enterprise, or combined
 12 city enterprise may refuse to provide a city utility or
 13 enterprise service to a property or premises if the account
 14 holder for such property or premises has a delinquent charge
 15 owed to the same governing body for the same utility or
 16 enterprise service under an account associated with a previous
 17 residence.

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