

4/6/99 Returned to Local Gov.

FEB 23 1999

Place On Calendar

HOUSE FILE

346

BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HF 276)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to landlords' and tenants' relations, by
2 providing notice requirements, establishing a tenant's duty to
3 properly maintain utility facilities, and providing for other
4 properly related matters.

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

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HF 346

1 Section 1. Section 562A.8, Code 1999, is amended to read
2 as follows:

3 562A.8 NOTICE.

4 A person "notifies" or "gives" a notice or notification to
5 another by taking steps reasonably calculated to inform the
6 other in ordinary course whether or not the other actually
7 comes to know of it. ~~A person "receives" a notice or~~
8 ~~notification when it comes to that person's attention or in~~ In
9 the case of the landlord, notice is received when it comes to
10 the landlord's attention or when it is delivered in hand or
11 mailed by certified mail or restricted certified mail, as
12 defined in section 618.15, whether or not the landlord signs a
13 receipt for the notice, to the place of business of the
14 landlord through which the rental agreement was made or at a
15 place held out by the landlord as the place for receipt of the
16 communication or delivered to any individual who is designated
17 as an agent of the landlord ~~or, when in.~~ In the case of the
18 tenant, notice is received when it comes to the tenant's
19 attention or when it is delivered in hand to the tenant or
20 mailed by certified mail or restricted certified mail, as
21 defined in section 618.15, whether or not the tenant signs a
22 receipt for the notice, to such person at the place held out
23 by such person as the place for receipt of the communication,
24 or in the absence of such designation, to such person's last
25 known place of residence.

26 Any notice required under this chapter, except a written
27 notice of termination required by section 562A.27, subsection
28 1 or 2, a notice of termination and notice to quit under
29 section 562A.27A, a notice to quit as required by section
30 648.3, or a petition for forcible entry and detainer pursuant
31 to chapter 648, shall be deemed legally sufficient notice if
32 made by posting at or delivering to dwelling unit. The date
33 of posting of the notice shall be written on the notice.

34 Sec. 2. NEW SECTION. 562A.8A COMPUTATION OF TIME.

35 The calculation of all time periods required under this

1 chapter shall be made in accordance with section 4.1,
2 subsection 34.

3 Sec. 3. Section 562A.29A, subsection 2, Code 1999, is
4 amended to read as follows:

5 2. By sending notice by certified or restricted certified
6 mail, as defined in section 618.15, whether or not the tenant
7 signs a receipt for the notice.

8 Sec. 4. Section 562B.9, Code 1999, is amended to read as
9 follows:

10 562B.9 NOTICE.

11 A person "notifies" or "gives" a notice or notification to
12 another by taking steps reasonably calculated to inform the
13 other in ordinary course whether or not the other actually
14 comes to know of it. ~~A person "receives" a notice or~~
15 ~~notification when it comes to that person's attention, or in~~
16 In the case of the landlord, notice is received when it comes
17 to the landlord's attention or when it is delivered in hand or
18 mailed by certified mail or restricted certified mail, as
19 defined in section 618.15, whether or not the landlord signs a
20 receipt for the notice, to the place of business of the
21 landlord through which the rental agreement was made or at any
22 place held out by the landlord as the place for receipt of the
23 communication or delivered to any individual who is designated
24 as an agent by section 562B.14 ~~or~~ in. In the case of the
25 tenant, notice is received when it comes to the tenant's
26 attention or when it is delivered in hand to the tenant or
27 mailed by certified mail or restricted certified mail, as
28 defined in section 618.15, whether or not the tenant signs a
29 receipt for the notice, to the tenant at the place held out by
30 the tenant as the place for receipt of the communication or,
31 in the absence of such designation, to the tenant's last known
32 place of residence other than the landlord's mobile home or
33 space.

34 Any notice required under this chapter given to all tenants
35 of a mobile home park, except a written notice of termination

1 required by section 562B.25, subsection 1 or 2, a notice of
2 termination and notice to quit under section 562B.25A, a
3 notice to quit as required by section 648.3, or a petition for
4 forcible entry and detainer pursuant to chapter 648, shall be
5 deemed legally sufficient notice if made by posting at or
6 delivering to each mobile home space. The date of posting of
7 the notice shall be written on the notice.

8 Sec. 5. NEW SECTION. 562B.9A COMPUTATION OF TIME.
9 The calculation of all time periods required under this
10 chapter shall be made in accordance with section 4.1,
11 subsection 34.

12 Sec. 6. Section 562B.18, Code 1999, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 6. Maintain in good and safe working
15 order all utility lines, pipes, and cables extending from the
16 mobile home to outlets provided by the landlord for electric,
17 water, sewer, and other services.

18 Sec. 7. Section 562B.27A, subsection 2, Code 1999, is
19 amended to read as follows:

20 2. By sending notice by certified or restricted certified
21 mail, as defined in section 618.15, whether or not the tenant
22 signs a receipt for the notice.

23 EXPLANATION

24 This bill provides requirements for giving notice between a
25 landlord and a tenant in a residential dwelling or a tenant in
26 a mobile home park for most purposes except written notice of
27 termination pursuant to Code section 562A.27, subsection 1 or
28 2, a notice of termination and notice to quit pursuant to Code
29 section 562A.27A, a notice to quit as required by Code section
30 648.3, or a petition for forcible entry and detainer pursuant
31 to Code chapter 648. The notice required under Code chapters
32 562A and 562B may be given when a matter comes to the
33 attention of either party, by hand delivery, and by posting,
34 regular mail, certified mail, or restricted certified mail
35 whether or not the receiving party signs a receipt for the

1 notice.

2 The bill provides that a tenant in a mobile home park has a
3 duty to maintain in good and safe working order all utility
4 lines, pipes, and cables extending from the mobile home to
5 connections provided by the landlord.

6 The bill also provides that time period requirements in
7 landlord-tenant relations under Code chapters 562A and 562B
8 are to be made and defined in Code section 4.1, subsection 34.

9 The bill provides that certified mail and restricted
10 certified mail used for notices are as defined in Code section
11 618.15.

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HOUSE FILE 346

H-1032

- 1 Amend House File 346 as follows:
2 1. Page 3, by inserting after line 22 the
3 following:
4 "Sec. _____. Section 631.4, subsection 2, Code 1999,
5 is amended by adding the following new lettered
6 paragraph:
7 NEW LETTERED PARAGRAPH. d. If personal service
8 cannot be made upon each defendant in an action for
9 forcible entry or detention of real property joined
10 with an action for rent or recovery pursuant to
11 section 648.19, service may be made pursuant to
12 paragraph "c".
13 2. By renumbering as necessary.

By CARROLL of Poweshiek

H-1032 FILED FEBRUARY 24, 1999

HOUSE FILE 346

H-1041

- 1 Amend House File 346 as follows:
2 1. Page 3, by inserting after line 22 the
3 following:
4 "Sec. _____. EFFECTIVE DATE. This Act, being deemed
5 of immediate importance, takes effect upon enactment."
6 2. Title page, line 4, by inserting after the
7 word "matters" the following: "and an effective
8 date".

By CARROLL of Poweshiek

H-1041 FILED MARCH 1, 1999

HOUSE FILE 346

H-1114

- 1 Amend House File 346 as follows:
2 1. Page 3, by striking lines 12 through 17.
3 2. Title page, lines 2 and 3, by striking the
4 words "establishing a tenant's duty to properly
5 maintain utility facilities,".

By KREIMAN of Davis
HUSER of Polk

H-1114 FILED MARCH 17, 1999