

Dukup - ck
Larson
Chapman

HSB 89

JUDICIARY

Succeeded By

HOUSE FILE HF 700

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON LARSON)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the liability for unpaid rates or charges of a
2 city utility or enterprise service for water, sewage, and
3 solid waste services.

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

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~~Proposed~~

1 Section 1. Section 384.84, subsection 3, paragraphs a, c,
2 and ~~d~~, code 1999, are amended to read as follows:

3 a. All rates or charges for the services of sewer systems,
4 storm water drainage systems, sewage treatment, solid waste
5 collection, water, solid waste disposal, or any of these
6 services, if not paid as provided by ordinance of the council
7 or resolution of the trustees, are a lien upon the property or
8 premises served, other than residential rental property, by
9 any of these services upon certification to the county
10 treasurer that the rates or charges are due.

11 c. A lien for a city utility or enterprise service under
12 paragraph "a" shall not be certified to the county treasurer
13 for collection unless prior written notice of intent to
14 certify a lien is given to the account holder of the
15 delinquent account. If the account holder is a tenant, and if
16 the owner or landlord of the property has made a written
17 request for notice, the notice shall also be given to the
18 owner or landlord. The notice shall be sent to the
19 appropriate persons by ordinary mail not less than ten days
20 prior to certification of the lien to the county treasurer.

21 ~~d. For-a-residential~~ Residential rental property where-a
22 ~~charge-for-water-service-is-separately-metered-and-paid~~
23 ~~directly-by-the-tenant, the rental property~~ is exempt from a
24 lien under this subsection for these delinquent rates or
25 ~~charges incurred after the landlord gives written notice to~~
26 ~~the city utility or enterprise that the tenant is liable for~~
27 ~~the charges and a deposit not exceeding the usual cost of~~
28 ~~ninety days of water service is paid to the utility or~~
29 ~~enterprise. Upon receipt, the utility or enterprise shall~~
30 ~~acknowledge the notice and deposit. A written notice shall~~
31 ~~contain the name of the tenant responsible for charges,~~
32 ~~address of the property that the tenant is to occupy, and the~~
33 ~~date that the occupancy begins. A change in tenant shall~~
34 ~~require a new written notice and deposit. When the tenant~~
35 ~~moves from the rental property, the city utility or enterprise~~

1 ~~shall return the deposit if the water service charges are paid~~
2 ~~in full and the lien exemption shall be lifted from the rental~~
3 ~~property.---The lien exemption for rental property does not~~
4 ~~apply to charges for repairs to a water service if the repair~~
5 ~~charges become delinquent. The residential rental property~~
6 ~~tenant is liable for such charges.~~

7 EXPLANATION

8 This bill eliminates the lien on residential rental
9 property for unpaid rates or charges associated with a city
10 utility or enterprise service, including sewer systems, storm
11 water drainage systems, sewage treatment, solid waste
12 collection, water, and solid waste disposal. The residential
13 rental property tenant remains liable for these unpaid rates
14 or charges.

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REPRINTED

(SUCCESSOR TO HSB 89)

Passed House, Date 3/30/99 (P.937) Passed Senate, Date 4/15/99 (P.1158)
Vote: Ayes 92 Nays 6 Vote: Ayes 43 Nays 2
Approved 5/19/99

A BILL FOR

1 An Act relating to the liability for unpaid rates or charges of a
2 city utility or enterprise service for water, sewage, and
3 solid waste services.

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

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HF 700

1 Section 1. Section 384.84, subsection 2, Code 1999, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. d. If a city utility or enterprise service
4 is discontinued to a property or premises as the result of a
5 delinquent account, the city utility, city enterprise, or
6 combined city enterprise may withhold service from the same
7 account holder at any new property or premises until such time
8 as the account holder pays the delinquent amount owing on the
9 account associated with the prior property or premises.

10 Sec. 2. Section 384.84, subsection 3, paragraphs a, c, and
11 d, Code 1999, are amended to read as follows:

12 a. ~~All~~ Except as provided in paragraph "d", all rates or
13 charges for the services of sewer systems, storm water
14 drainage systems, sewage treatment, solid waste collection,
15 water, solid waste disposal, or any of these services, if not
16 paid as provided by ordinance of the council or resolution of
17 the trustees, are a lien upon the property or premises served
18 by any of these services upon certification to the county
19 treasurer that the rates or charges are due.

20 c. A lien for a city utility or enterprise service under
21 paragraph "a" shall not be certified to the county treasurer
22 for collection unless prior written notice of intent to
23 certify a lien is given to the account holder of the
24 delinquent account. If the account holder is a tenant, and if
25 the owner or landlord of the property has made a written
26 request for notice, the notice shall also be given to the
27 owner or landlord. The notice shall be sent to the
28 appropriate persons by ordinary mail not less than ten days
29 prior to certification of the lien to the county treasurer.

30 d. ~~For-a-residential~~ Residential rental property where a
31 charge for water service is separately metered and paid
32 directly by the tenant, ~~the rental property~~ is exempt from a
33 lien for ~~those~~ delinquent rates or charges incurred after if
34 the landlord gives written notice to the city utility or
35 enterprise that the property is residential rental property

1 and that the tenant is liable for the rates or charges and a.
 2 A city utility or enterprise may require a deposit not
 3 exceeding the usual cost of ninety days of water service is to
 4 be paid to the utility or enterprise. Upon receipt, the
 5 utility or enterprise shall acknowledge the notice and
 6 deposit. A written notice shall contain the name of the
 7 tenant responsible for charges, address of the residential
 8 rental property that the tenant is to occupy, and the date
 9 that the occupancy begins. A change in tenant shall require a
 10 new written notice and deposit. When the tenant moves from
 11 the rental property, the city utility or enterprise shall.
 12 return the deposit if the water service charges are paid in
 13 full ~~and the lien exemption shall be lifted from the rental~~
 14 ~~property.~~ The lien exemption for rental property does not
 15 apply to charges for repairs to a water service if the repair
 16 charges become delinquent.

17 EXPLANATION

18 This bill amends provisions relating to city utility or
 19 enterprise services where an account becomes delinquent. The
 20 bill amends Code section 384.84 and provides that if a city
 21 utility or enterprise service is discontinued to a property or
 22 premises due to a delinquent account, service may be withheld
 23 from the same account holder at any new or subsequent property
 24 or premises until the delinquent amount has been paid.

25 This bill also eliminates the lien on residential rental
 26 property for unpaid rates or charges associated with water
 27 service, if the landlord gives written notice to the city
 28 utility or enterprise that the property is residential rental
 29 property, and that the tenant is liable for the rates or
 30 charges. The residential rental property tenant remains
 31 liable for these unpaid rates or charges.

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3/30/99, am. ill
S-4/1/99 Do Pass

HOUSE FILE 700
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 89)

(As Amended and Passed by the House, March 30, 1999)

Re Passed House, Date 4/21/99 (P. 1524) Passed Senate, Date 4/15/99 (P. 1158)
Vote: Ayes 87 Nays 5 Vote: Ayes 43 Nays 2
Approved 5/19/99 Reported 4-26-99
Vote 48-1 (P. 1288)

A BILL FOR

1 An Act relating to the liability for unpaid rates or charges of a
2 city utility or enterprise service for water, sewage, and
3 solid waste services.

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

HOUSE FILE 700

S-3249

1 Amend House File 700, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "NEW PARAGRAPH. d. If a delinquent amount is owed
6 by an account holder for water service associated with
7 a prior property or premises, a city utility, city
8 enterprise, or".

A 9 2. Page 1, line 32, by inserting after the word
10 "directly" the following: "to the city utility or
11 enterprise".

B 12 3. Page 2, line 11, by striking the word "ten"
13 and inserting the following: "five".

14 4. Page 2, line 18, by striking the word "ten"
15 and inserting the following: "five".

A, adopted 4/15/99 BY ELAINE SZYMONIAK
B, W/D 4/15/99

S-3249 FILED APRIL 6, 1999

1 Section 1. Section 384.84, subsection 2, Code 1999, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. d. If a city utility or enterprise service
4 is discontinued to a property or premises as the result of a
5 delinquent account, the city utility, city enterprise, or
6 combined city enterprise may withhold service from the same
7 account holder at any new property or premises until such time
8 as the account holder pays the delinquent amount owing on the
9 account associated with the prior property or premises.

10 Sec. 2. Section 384.84, subsection 3, paragraphs a, c, and
11 d, Code 1999, are amended to read as follows:

12 a. ~~All~~ Except as provided in paragraph "d", all rates or
13 charges for the services of sewer systems, storm water
14 drainage systems, sewage treatment, solid waste collection,
15 water, solid waste disposal, or any of these services, if not
16 paid as provided by ordinance of the council or resolution of
17 the trustees, are a lien upon the property or premises served
18 by any of these services upon certification to the county
19 treasurer that the rates or charges are due.

20 c. A lien for a city utility or enterprise service under
21 paragraph "a" shall not be certified to the county treasurer
22 for collection unless prior written notice of intent to
23 certify a lien is given to the account holder of the
24 delinquent account. If the account holder is a tenant, and if
25 the owner or landlord of the property has made a written
26 request for notice, the notice shall also be given to the
27 owner or landlord. The notice shall be sent to the
28 appropriate persons by ordinary mail not less than ten days
29 prior to certification of the lien to the county treasurer.

30 d. ~~For-a-residential~~ Residential rental property where a
31 charge for water service is separately metered and paid
32 directly by the tenant, ~~the-rental-property~~ is exempt from a
33 lien for ~~those delinquent~~ rates or charges incurred-after
34 associated with such water service if the landlord gives
35 written notice to the city utility or enterprise that the

1 property is residential rental property and that the tenant is
2 liable for the rates or charges and-a. A city utility or
3 enterprise may require a deposit not exceeding the usual cost
4 of ninety days of water service is to be paid to the utility
5 or enterprise. Upon receipt, the utility or enterprise shall
6 acknowledge the notice and deposit. A written notice shall
7 contain the name of the tenant responsible for charges,
8 address of the residential rental property that the tenant is
9 to occupy, and the date that the occupancy begins. A change
10 in tenant shall require a new written notice and-deposit to be
11 given to the city utility or enterprise within ten business
12 days of the change in tenant. When the tenant moves from the
13 rental property, the city utility or enterprise shall return
14 the deposit if the water service charges are paid in full and
15 ~~the-lien-exemption-shall-be-lifted-from-the-rental-property.~~
16 A change in the ownership of the residential rental property
17 shall require written notice of such change to be given to the
18 city utility or enterprise within ten business days of the
19 completion of the change of ownership. The lien exemption for
20 rental property does not apply to charges for repairs to a
21 water service if the repair charges become delinquent.

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SENATE AMENDMENT TO HOUSE FILE 700

1639

Amend House File 700, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 3 through 5 and
 4 inserting the following:
 5 "NEW PARAGRAPH. d. If a delinquent amount is owed
 6 by an account holder for water service associated with
 7 a prior property or premises, a city utility, city
 8 enterprise, or".
 9 2. Page 1, line 32, by inserting after the word
 10 "directly" the following: "to the city utility or
 11 enterprise".

RECEIVED FROM THE SENATE

H-1639 FILED APRIL 15, 1999

House Concurred
4/21/99 (p. 1523)

HOUSE FILE 700

H-1714

1 Amend the Senate amendment, H-1639, to House File
 2 700, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, line 6, by striking the word "water"
 5 and inserting the following: "a utility".

By SUKUP of Franklin

H-1714 FILED APRIL 20, 1999

Adopted 4/21/99 (p. 1523)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 700

S-3454

1 Amend the Senate amendment, H-1639, to House File
 2 700, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, line 6, by striking the word "water"
 5 and inserting the following: "a utility".

RECEIVED FROM THE HOUSE

S-3454 FILED APRIL 21, 1999

(p. 1288) Senate Concurred
4-26-99

AN ACT

RELATING TO THE LIABILITY FOR UNPAID RATES OR CHARGES OF A CITY UTILITY OR ENTERPRISE SERVICE FOR WATER, SEWAGE, AND SOLID WASTE SERVICES.

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

Section 1. Section 384.84, subsection 2, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. If a delinquent amount is owed by an account holder for a utility service associated with a prior property or premises, a city utility, city enterprise, or combined city enterprise may withhold service from the same account holder at any new property or premises until such time as the account holder pays the delinquent amount owing on the account associated with the prior property or premises.

Sec. 2. Section 384.84, subsection 3, paragraphs a, c, and d, Code 1999, are amended to read as follows:

a. ~~All~~ Except as provided in paragraph "d", all rates or charges for the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, water, solid waste disposal, or any of these services, if not paid as provided by ordinance of the council or resolution of the trustees, are a lien upon the property or premises served by any of these services upon certification to the county treasurer that the rates or charges are due.

c. A lien for a city utility or enterprise service under paragraph "a" shall not be certified to the county treasurer for collection unless prior written notice of intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or landlord of the property has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than ten days prior to certification of the lien to the county treasurer.

d. ~~For a residential~~ Residential rental property where a charge for water service is separately metered and paid directly to the city utility or enterprise by the tenant, ~~the rental property~~ is exempt from a lien for those delinquent rates or charges incurred after associated with such water service if the landlord gives written notice to the city utility or enterprise that the property is residential rental property and that the tenant is liable for the rates or charges and- a. A city utility or enterprise may require a deposit not exceeding the usual cost of ninety days of water service is to be paid to the utility or enterprise. Upon receipt, the utility or enterprise shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for charges, address of the residential rental property that the tenant is to occupy, and the date that the occupancy begins. A change in tenant shall require a new written notice and deposit to be given to the city utility or enterprise within ten business days of the change in tenant. When the tenant moves from the rental property, the city utility or enterprise shall return the deposit if the water service charges are paid in full and the lien exemption shall be lifted from the rental property. A change in the ownership of the residential rental property shall require written notice of such change to be given to the city utility or enterprise within ten business days of the

completion of the change of ownership. The lien exemption for rental property does not apply to charges for repairs to a water service if the repair charges become delinquent.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 700, Seventy-eighth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved 5/19, 1999

THOMAS J. VILSACK
Governor