

Gaskill  
McKean  
Fraise

SSB-3108  
Local Government

Succeeded By  
SF/HF 2214

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL  
BY CHAIRPERSON ANGELO)

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

**A BILL FOR**

1 An Act relating to landlord-tenant law, by allowing for notice of  
2 and a surcharge for rent paid with a check returned for  
3 insufficient funds, and making certain changes related to  
4 forcible entry and detainer actions.

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

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1 1. If the written lease signed by the parties provides a  
 2 clear and conspicuous notice pursuant to section 554.3512  
 3 stating that a surcharge will be assessed in the event the  
 4 tenant makes a payment of rent with a dishonored check, draft,  
 5 or order, and providing the amount of the surcharge, then the  
 6 landlord may assess such a surcharge in accordance with  
 7 section 554.3512. The surcharge amount shall be added to the  
 8 total rent due from the tenant.

9 2. If there is no written lease signed by the parties, the  
 10 landlord may assess a surcharge in accordance with section  
 11 554.3512 if the landlord provides clear and conspicuous notice  
 12 in a list of written rules and regulations provided pursuant  
 13 to section 562B.19.

14 Sec. 4. Section 648.19, Code 1999, is amended to read as  
 15 follows:

16 648.19 NO JOINDER OR COUNTERCLAIM -- EXCEPTION.

17 1. An action ~~of this kind~~ under this chapter shall not be  
 18 brought filed in connection with any other action, with the  
 19 exception of a claim for rent or recovery as provided in  
 20 section 555B.3, 562A.24, 562A.32, 562B.22, 562B.25, or  
 21 562B.27, nor shall it be made the subject of counterclaim.

22 2. When joined filed with an action for rent or recovery  
 23 as provided in section 555B.3, 562A.24, 562A.32, 562B.22,  
 24 562B.25, or 562B.27, notice of hearing as provided in section  
 25 648.5 is sufficient.

26 3. An action under this chapter that is brought in  
 27 connection with another action in accordance with this section  
 28 shall be treated only as a joint filing of separate cases  
 29 assigned separate case numbers, but with a single filing fee.  
 30 The court shall not merge the causes of action. The court  
 31 shall consider the jointly filed cases separately and shall  
 32 consider each case according to the rules applicable to that  
 33 type of case.

34 Sec. 5. NEW SECTION. 648.22B CASES WHERE THE MOBILE OR  
 5 MANUFACTURED HOME IS THE SUBJECT OF A FORECLOSURE ACTION.

1 Notwithstanding section 648.22A, when a mobile or  
2 manufactured home is the subject of an action under this  
3 chapter, and is also the subject of a foreclosure action by  
4 the lienholder of the mobile or manufactured home:

5 1. If the plaintiff in the action under this chapter and  
6 the lienholder enter into an agreement providing for payment  
7 of rent and other charges related to the mobile or  
8 manufactured home, and for the location of the home pending  
9 resolution of the foreclosure action, the parties shall file a  
10 copy of the agreement with the court.

11 a. The court shall have jurisdiction to enforce the terms  
12 of the agreement. The prevailing party shall be entitled to  
13 recover costs and attorney fees.

14 b. Expenditures made by a lienholder pursuant to such an  
15 agreement shall be recoverable against the lien debtor in the  
16 foreclosure proceedings as protective disbursements, whether  
17 or not the lien documents provide for such recovery.

18 2. The court shall not order that the mobile or  
19 manufactured home be removed from the premises within a  
20 certain time after entry of judgment unless the plaintiff in  
21 the action under this chapter, or the lienholder of the mobile  
22 or manufactured home, requests such an order, or the agreement  
23 between the parties provides for such an order.

24 3. The court may order, upon the request of the plaintiff  
25 in the action under this chapter and the lienholder of the  
26 mobile or manufactured home, that the mobile or manufactured  
27 home remain on the premises for a certain time, as agreed by  
28 the parties.

29

#### EXPLANATION

30 This bill makes several changes relating to landlord-tenant  
31 law.

32 The bill allows a landlord under Code chapters 562A  
33 (uniform residential landlord-tenant law) and 562B (mobile  
34 home parks residential landlord-tenant law) to charge a tenant  
35 a fee when the tenant pays the rent with a check that is

1 returned for insufficient funds, provided that the landlord  
2 has complied with specific notice provisions. The bill makes  
3 a related change to the uniform commercial code, Code section  
4 554.3512, to address the type of notice the landlord must give  
5 in order to charge such a fee.

6 The bill also adds two provisions to Code chapter 648  
7 regarding forcible entry and detainers. Code section 648.19  
8 is amended to specify that certain actions which are jointly  
9 filed must be treated separately by the court. Code section  
10 648.22B is created to address the location of a mobile or  
11 manufactured home pending resolution of a foreclosure action  
12 on the home.

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Substitutes for HF 2443  
3-30-00  
(P. 1156)

REPRINTED

FILED FEB 21 2000

SENATE FILE 2214  
BY COMMITTEE ON  
LOCAL GOVERNMENT

(SUCCESSOR TO SSB 3108)

Passed Senate, Date <sup>(P. 653)</sup> 3-14-00 Passed House, Date <sup>(P. 1160)</sup> 3-30-00  
Vote: Ayes 48 Nays 2 Vote: Ayes 96 Nays 0  
Approved 5/23/00

<sup>(P. 1110)</sup> Re Passed 4-11-00  
Vote 47-3 A BILL FOR

1 An Act relating to residential landlord-tenant law, by allowing  
2 for notice of and a surcharge for rent paid with a check  
3 returned for insufficient funds, and making certain changes  
4 related to forcible entry and detainer actions.

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

7 SENATE FILE 2214

8 S-5056

- 1 Amend Senate File 2214 as follows:
- 2 1. Page 2, line 23, by striking the word
- 3 "brought" and inserting the following: "filed".
- 4 2. Page 3, by inserting after line 22 the
- 5 following:
- 6 "5. In any case where this section has become
- 7 operative, the provisions of section 648.18 shall not
- 8 apply."
- 9 3. By renumbering as necessary.

*Adopted 3-14-00 P. 653* By E. THURMAN GASKILL  
S-5056 FILED MARCH 2, 2000

FILED

1 Section 1. Section 554.3512, subsection 2, Code 1999, is  
2 amended to read as follows:

3 2. a. The surcharge authorized by this section shall not  
4 be assessed unless the holder clearly and conspicuously posts  
5 a notice at the usual place of payment, or in the billing  
6 statement of the holder, stating that a surcharge will be  
7 assessed and the amount of the surcharge. However, the  
8 surcharge shall not be assessed against the maker if the  
9 reason for the dishonor of the check, draft, or order is that  
10 the maker has stopped payment pursuant to section 554.4403.

11 b. In the case of a landlord-tenant relationship between  
12 the holder and the maker, the posting requirement in paragraph  
13 "a" may be satisfied by a notice in a lease signed by the  
14 parties. If there is no written lease signed by the parties,  
15 the posting requirement may be satisfied by notice in a list  
16 of written rules and regulations provided pursuant to section  
17 562A.18 or 562B.19.

18 Sec. 2. NEW SECTION. 562A.27B SURCHARGE FOR DISHONORED  
19 CHECK, DRAFT, OR ORDER.

20 1. If the written lease signed by the parties provides a  
21 notice pursuant to section 554.3512 stating that a surcharge  
22 will be assessed in the event the tenant makes a payment of  
23 rent with a dishonored check, draft, or order, and providing  
24 the amount of the surcharge, then the landlord may assess such  
25 a surcharge in accordance with section 554.3512. The  
26 surcharge amount shall be added to the total rent due from the  
27 tenant.

28 2. If there is no written lease signed by the parties, the  
29 landlord may assess a surcharge in accordance with section  
30 554.3512 if the landlord provides notice in a list of written  
31 rules and regulations provided pursuant to section 562A.18.

32 Sec. 3. NEW SECTION. 562B.25B SURCHARGE FOR DISHONORED  
33 CHECK, DRAFT, OR ORDER.

34 1. If the written lease signed by the parties provides a  
35 notice pursuant to section 554.3512 stating that a surcharge

1 will be assessed in the event the tenant makes a payment of  
2 rent or other amounts owed to the landlord with a dishonored  
3 check, draft, or order, and providing the amount of the  
4 surcharge, then the landlord may assess such a surcharge in  
5 accordance with section 554.3512. The surcharge amount shall  
6 be added to the total due from the tenant.

7 2. If there is no written lease signed by the parties, the  
8 landlord may assess a surcharge in accordance with section  
9 554.3512 if the landlord provides notice in a list of written  
10 rules and regulations provided pursuant to section 562B.19.

11 Sec. 4. Section 648.19, Code 1999, is amended to read as  
12 follows:

13 648.19 NO JOINDER OR COUNTERCLAIM -- EXCEPTION.

14 1. An action ~~of this kind~~ under this chapter shall not be  
15 brought filed in connection with any other action, with the  
16 exception of a claim for rent or recovery as provided in  
17 section 555B.3, 562A.24, 562A.32, 562B.22, 562B.25, or  
18 562B.27, nor shall it be made the subject of counterclaim.

19 2. When joined filed with an action for rent or recovery  
20 as provided in section 555B.3, 562A.24, 562A.32, 562B.22,  
21 562B.25, or 562B.27, notice of hearing as provided in section  
22 648.5 is sufficient.

23 3. An action under this chapter that is brought in  
24 connection with another action in accordance with this section  
25 shall be treated only as a joint filing of separate cases  
26 assigned separate case numbers, but with a single filing fee.  
27 The court shall not merge the causes of action. The court  
28 shall consider the jointly filed cases separately and shall  
29 consider each case according to the rules applicable to that  
30 type of case.

31 Sec. 5. NEW SECTION. 648.22B CASES WHERE MOBILE OR  
32 MANUFACTURED HOME IS THE SUBJECT OF A FORECLOSURE ACTION.

33 1. When a mobile or manufactured home located in a land-  
34 leased community is the subject of an action by a lienholder  
35 to foreclose a lienhold interest, the plaintiff may advance



1 Section 1. Section 554.3512, subsection 2, Code 1999, is  
2 amended to read as follows:

3 2. a. The surcharge authorized by this section shall not  
4 be assessed unless the holder clearly and conspicuously posts  
5 a notice at the usual place of payment, or in the billing  
6 statement of the holder, stating that a surcharge will be  
7 assessed and the amount of the surcharge. However, the  
8 surcharge shall not be assessed against the maker if the  
9 reason for the dishonor of the check, draft, or order is that  
10 the maker has stopped payment pursuant to section 554.4403.

11 b. In the case of a landlord-tenant relationship between  
12 the holder and the maker, the posting requirement in paragraph  
13 "a" may be satisfied by a notice in a lease signed by the  
14 parties. If there is no written lease signed by the parties,  
15 the posting requirement may be satisfied by notice in a list  
16 of written rules and regulations provided pursuant to section  
17 562A.18 or 562B.19.

18 Sec. 2. NEW SECTION. 562A.27B SURCHARGE FOR DISHONORED  
19 CHECK, DRAFT, OR ORDER.

20 1. If the written lease signed by the parties provides a  
21 notice pursuant to section 554.3512 stating that a surcharge  
22 will be assessed in the event the tenant makes a payment of  
23 rent with a dishonored check, draft, or order, and providing  
24 the amount of the surcharge, then the landlord may assess such  
25 a surcharge in accordance with section 554.3512. The  
26 surcharge amount shall be added to the total rent due from the  
27 tenant.

28 2. If there is no written lease signed by the parties, the  
29 landlord may assess a surcharge in accordance with section  
30 554.3512 if the landlord provides notice in a list of written  
31 rules and regulations provided pursuant to section 562A.18.

32 Sec. 3. NEW SECTION. 562B.25B SURCHARGE FOR DISHONORED  
33 CHECK, DRAFT, OR ORDER.

34 1. If the written lease signed by the parties provides a  
35 notice pursuant to section 554.3512 stating that a surcharge

1 will be assessed in the event the tenant makes a payment of  
2 rent or other amounts owed to the landlord with a dishonored  
3 check, draft, or order, and providing the amount of the  
4 surcharge, then the landlord may assess such a surcharge in  
5 accordance with section 554.3512. The surcharge amount shall  
6 be added to the total due from the tenant.

7 2. If there is no written lease signed by the parties, the  
8 landlord may assess a surcharge in accordance with section  
9 554.3512 if the landlord provides notice in a list of written  
10 rules and regulations provided pursuant to section 562B.19.

11 Sec. 4. Section 648.19, Code 1999, is amended to read as  
12 follows:

13 648.19 NO JOINDER OR COUNTERCLAIM -- EXCEPTION.

14 1. An action ~~of this kind~~ under this chapter shall not be  
15 brought filed in connection with any other action, with the  
16 exception of a claim for rent or recovery as provided in  
17 section 555B.3, 562A.24, 562A.32, 562B.22, 562B.25, or  
18 562B.27, nor shall it be made the subject of counterclaim.

19 2. When joined filed with an action for rent or recovery  
20 as provided in section 555B.3, 562A.24, 562A.32, 562B.22,  
21 562B.25, or 562B.27, notice of hearing as provided in section  
22 648.5 is sufficient.

23 3. An action under this chapter that is filed in  
24 connection with another action in accordance with this section  
25 shall be treated only as a joint filing of separate cases  
26 assigned separate case numbers, but with a single filing fee.  
27 The court shall not merge the causes of action. The court  
28 shall consider the jointly filed cases separately and shall  
29 consider each case according to the rules applicable to that  
30 type of case.

31 Sec. 5. NEW SECTION. 648.22B CASES WHERE MOBILE OR  
32 MANUFACTURED HOME IS THE SUBJECT OF A FORECLOSURE ACTION.

33 1. When a mobile or manufactured home located in a land-  
34 leased community is the subject of an action by a lienholder  
35 to foreclose a lienhold interest, the plaintiff may advance

1 all moneys due and owing to the landlord and enter into an  
2 undertaking with the court to pay to the landlord before  
3 delinquency all rent, upkeep, and other charges thereafter  
4 accruing on the home and space that it occupies, in which case  
5 any writ of execution on a judgment under this chapter will be  
6 stayed until the home is sold in place as provided by law or  
7 removed from the land-leased community at the plaintiff's  
8 expense.

9     2. When the conditions of subsection 1 have been  
10 satisfied, the clerk of court shall so notify the sheriff of  
11 the county in which the mobile or manufactured home is  
12 located.

13     3. The landlord shall have standing to intervene in the  
14 foreclosure proceedings or to file a separate action to compel  
15 compliance with the lienholder's undertaking pursuant to  
16 subsection 1 and shall be entitled to recover costs and  
17 attorney fees incurred.

18     4. All expenditures made by a lienholder pursuant to this  
19 section shall be recoverable from the lien debtor in the  
20 foreclosure proceedings as protective disbursements whether or  
21 not provision is made for such recovery in the documentation  
22 of the subject lien.

23     5. In any case where this section has become operative,  
24 the provisions of section 648.18 shall not apply.

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SENATE FILE 2214

H-8567

- 1 Amend Senate File 2214, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 1, through page 2,
- 4 line 10.
- 5 2. Title page, lines 1 through 3, by striking the
- 6 words "allowing for notice of and a surcharge for rent
- 7 paid with a check returned for insufficient funds,
- 8 and".
- 9 3. By renumbering as necessary.

By CARROLL of Poweshiek

H-8567 FILED MARCH 28, 2000

*Adopted*  
*3/30/00*  
*(P. 1158)*

SENATE FILE 2214

H-8676

- 1 Amend amendment H-8585, to Senate File 2214, as
- 2 amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 40, by inserting after the word
- 5 "if" the word "the".

By FALLON of Polk

H-8676 FILED MARCH 30, 2000  
ADOPTED BY UNANIMOUS CONSENT

*(P. 1160)*

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SENATE FILE 2214

H-8585

- 1 Amend Senate File 2214, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 13, by striking the word "may"
- 4 and inserting the following: "shall".
- 5 2. Page 1, line 13, by inserting after the words
- 6 "by a" the following: "clear and conspicuous".
- 7 3. Page 1, line 15, by striking the word "may"
- 8 and inserting the following: "shall".
- 9 4. Page 1, line 15, by inserting after the word
- 10 "by" the following: "clear and conspicuous".
- 11 5. Page 1, line 21, by inserting before the word
- 12 "notice" the following: "clear and conspicuous".
- 13 6. Page 1, line 23, by inserting after the word
- 14 "rent" the following: "or other amounts owed to the
- 15 landlord".
- 16 7. Page 1, line 26, by inserting after the word
- 17 "shall" the following: "not".
- 18 8. Page 1, line 30, by inserting before the word
- 19 "notice" the following: "clear and conspicuous".
- 20 9. Page 1, line 35, by inserting before the word
- 21 "notice" the following: "clear and conspicuous".
- 22 10. Page 2, line 5, by inserting after the word
- 23 "shall" the following: "not".
- 24 11. Page 2, line 6, by inserting after the word
- 25 "total" the following: "rent".
- 26 12. Page 2, line 9, by inserting after the word
- 27 "provides" the following: "clear and conspicuous".
- 28 13. Page 2, lines 33 and 34, by striking the
- 29 words "land-leased community", and inserting the
- 30 following: "mobile home park".
- 31 14. Page 3, line 3, by inserting before the word
- 32 "upkeep", the following: "reasonable".
- 33 15. Page 3, line 3, by inserting before the word
- 34 "charges", the following: "reasonable".
- 35 16. Page 3, line 7, by striking the words "land-
- 36 leased community", and inserting the following:
- 37 "mobile home park".
- 38 17. Page 3, lines 20 and 21, by striking the
- 39 words "whether or not", and inserting the following:
- 40 "if".

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By FALLON of Polk

H-8585 FILED MARCH 28, 2000

A. w/d 3/30/00 (P. 1159)

B. adopted 3/30/00 (P. 1160)

C. w/d 3/30/00 (P. 1160)

SENATE FILE 2214

H-8600

- 1 Amend Senate File 2214, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 2, by striking the word
- 4 "undertaking" and inserting the following:
- 5 "agreement"

adopted 3/30/00 (P. 1158)

By FALLON of Polk

H-8600 FILED MARCH 28, 2000

SENATE FILE 2214

H-8601

1 Amend Senate File 2214, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 31 the  
4 following:

5 "3. Regardless of whether the rental agreement  
6 entered into by the parties is in writing, if a  
7 landlord has, in accordance with section 562A.18,  
8 established a rule requiring payment of a late fee in  
9 the event that periodic rent payments are not timely  
10 made, in the situation where the tenant makes an  
11 untimely payment of rent with a dishonored check,  
12 draft, or order, or if the dishonoring of the check,  
13 draft, or order causes the rent payment to become  
14 untimely, the landlord must then elect whether to  
15 collect the surcharge for the dishonored check, draft,  
16 or order, or to collect the late fee for untimely  
17 payment of rent, but shall not collect both."

18 2. Page 2, by inserting after line 10 the  
19 following:

20 "3. Regardless of whether the rental agreement  
21 entered into by the parties is in writing, if a  
22 landlord has, in accordance with section 562B.19,  
23 established a rule requiring payment of a late fee in  
24 the event that periodic rent payments are not timely  
25 made, in the situation where the tenant makes an  
26 untimely payment of rent with a dishonored check,  
27 draft, or order, or if the dishonoring of the check,  
28 draft, or order causes the rent payment to become  
29 untimely, the landlord must then elect whether to  
30 collect the surcharge for the dishonored check, draft,  
31 or order, or to collect the late fee for untimely  
32 payment of rent, but shall not collect both."

By SHOULTZ of Black Hawk

H-8601 FILED MARCH 28, 2000

*W/D*  
*3/30/00*  
*(P. 1157)*

## SENATE FILE 2214

H-8609

1 Amend the amendment, H-8567, to Senate File 2214,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

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

6 "\_\_\_\_\_. Page 1, by inserting after line 31 the  
7 following:

8 "3. Regardless of whether the rental agreement  
9 entered into by the parties is in writing, if a  
10 landlord has, in accordance with section 562A.18,  
11 established a rule requiring payment of a late fee in  
12 the event that periodic rent payments are not timely  
13 made, in the situation where the tenant makes an  
14 untimely payment of rent with a dishonored check,  
15 draft, or order, or if the dishonoring of the check,  
16 draft, or order causes the rent payment to become  
17 untimely, the landlord must then elect whether to  
18 collect the surcharge for the dishonored check, draft,  
19 or order, or to collect the late fee for untimely  
20 payment of rent, but shall not collect both."

21 \_\_\_\_\_. Page 2, by inserting after line 10 the  
22 following:

23 "3. Regardless of whether the rental agreement  
24 entered into by the parties is in writing, if a  
25 landlord has, in accordance with section 562B.19,  
26 established a rule requiring payment of a late fee in  
27 the event that periodic rent payments are not timely  
28 made, in the situation where the tenant makes an  
29 untimely payment of rent with a dishonored check,  
30 draft, or order, or if the dishonoring of the check,  
31 draft, or order causes the rent payment to become  
32 untimely, the landlord must then elect whether to  
33 collect the surcharge for the dishonored check, draft,  
34 or order, or to collect the late fee for untimely  
35 payment of rent, but shall not collect both.""

36 2. Page 1, by striking lines 5 through 8.

By SHOULTZ of Black Hawk

H-8609 FILED MARCH 28, 2000

*lost*  
3/30/00 (P. 1158)

SENATE FILE 2214

H-8632

1 Amend Senate File 2214, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 3, lines 18 and 19, by striking the words  
4 "this section" and inserting the following:

5 "subsection 1".

By CARROLL of Poweshiek

H-8632 FILED MARCH 28, 2000

*Adopted*  
3/30/00  
(P. 1158)

HOUSE AMENDMENT TO  
SENATE FILE 2214

S-5316

- 1 Amend Senate File 2214, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 1, through page 2,
- 4 line 10.
- 5 2. Page 2, lines 33 and 34, by striking the words
- 6 "land-leased community", and inserting the following:
- 7 "mobile home park".
- 8 3. Page 3, line 2, by striking the word
- 9 "undertaking" and inserting the following:
- 10 "agreement".
- 11 4. Page 3, line 3, by inserting before the word
- 12 "upkeep", the following: "reasonable".
- 13 5. Page 3, line 3, by inserting before the word
- 14 "charges", the following: "reasonable".
- 15 6. Page 3, line 7, by striking the words "land-
- 16 leased community", and inserting the following:
- 17 "mobile home park".
- 18 7. Page 3, lines 18 and 19, by striking the words
- 19 "this section" and inserting the following:
- 20 "subsection 1".
- 21 8. Title page, lines 1 through 3, by striking the
- 22 words "allowing for notice of and a surcharge for rent
- 23 paid with a check returned for insufficient funds,
- 24 and".
- 25 9. By renumbering, relettering, or redesignating
- 26 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5316 FILED APRIL 3, 2000

*Senate Concurred*  
*4-11-00*  
*(P. 1110)*

SENATE FILE 2214

AN ACT

RELATING TO RESIDENTIAL LANDLORD-TENANT LAW, BY MAKING CERTAIN  
CHANGES RELATED TO FORCIBLE ENTRY AND DETAINER ACTIONS.

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

Section 1. Section 648.19, Code 1999, is amended to read  
as follows:

648.19 NO JOINDER OR COUNTERCLAIM -- EXCEPTION.

1. An action ~~of this kind~~ under this chapter shall not be  
brought filed in connection with any other action, with the  
exception of a claim for rent or recovery as provided in  
section 555B.3, 562A.24, 562A.32, 562B.22, 562B.25, or  
562B.27, nor shall it be made the subject of counterclaim.

2. When joined filed with an action for rent or recovery  
as provided in section 555B.3, 562A.24, 562A.32, 562B.22,  
562B.25, or 562B.27, notice of hearing as provided in section  
648.5 is sufficient.

3. An action under this chapter that is filed in  
connection with another action in accordance with this section  
shall be treated only as a joint filing of separate cases  
assigned separate case numbers, but with a single filing fee.  
The court shall not merge the causes of action. The court  
shall consider the jointly filed cases separately and shall  
consider each case according to the rules applicable to that  
type of case.

Sec. 2. NEW SECTION. 648.22B CASES WHERE MOBILE OR  
MANUFACTURED HOME IS THE SUBJECT OF A FORECLOSURE ACTION.

1. When a mobile or manufactured home located in a mobile  
home park is the subject of an action by a lienholder to  
foreclose a lienhold interest, the plaintiff may advance all  
moneys due and owing to the landlord and enter into an  
agreement with the court to pay to the landlord before  
delinquency all rent, reasonable upkeep, and other reasonable  
charges thereafter accruing on the home and space that it  
occupies, in which case any writ of execution on a judgment  
under this chapter will be stayed until the home is sold in  
place as provided by law or removed from the mobile home park  
at the plaintiff's expense.

2. When the conditions of subsection 1 have been  
satisfied, the clerk of court shall so notify the sheriff of  
the county in which the mobile or manufactured home is  
located.

3. The landlord shall have standing to intervene in the  
foreclosure proceedings or to file a separate action to compel  
compliance with the lienholder's undertaking pursuant to  
subsection 1 and shall be entitled to recover costs and  
attorney fees incurred.

4. All expenditures made by a lienholder pursuant to  
subsection 1 shall be recoverable from the lien debtor in the  
foreclosure proceedings as protective disbursements whether or  
not provision is made for such recovery in the documentation  
of the subject lien.

5. In any case where this section has become operative, the provisions of section 648.18 shall not apply.

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MARY E. KRAMER  
President of the Senate

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BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2214, Seventy-eighth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved 5/23, 2000

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THOMAS J. VILSACK  
Governor