

Lamberti
McKibben
Froese

SSB-3170
Judiciary
Succeeded By
SF/HF 2374

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON MCKEAN)

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

A BILL FOR

1 An Act relating to the liability for unpaid rates or charges of
2 city utility or enterprise service.

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

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

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

3 d. Residential rental property ~~where-a-charge-for-water~~
4 ~~service-is-separately-metered-and-paid-directly-to-the-city~~
5 ~~utility-or-enterprise-by-the-tenant~~ is exempt from a lien for
6 delinquent rates or charges associated with ~~such-water-service~~
7 a city utility or enterprise service if the landlord gives
8 written notice to the city utility or enterprise that the
9 property is residential rental property and that the tenant is
10 liable for the rates or charges. A city utility or enterprise
11 may require a deposit not exceeding the usual cost of ninety
12 days of ~~water~~ such utility or enterprise service to be paid to
13 the utility or enterprise. Upon receipt, the utility or
14 enterprise shall acknowledge the notice and deposit. A
15 written notice shall contain the name of the tenant
16 responsible for charges, address of the residential rental
17 property that the tenant is to occupy, and the date that the
18 occupancy begins. A change in tenant shall require a new
19 written notice to be given to the city utility or enterprise
20 within ten business days of the change in tenant. When the
21 tenant moves from the rental property, the city utility or
22 enterprise shall return the deposit if the ~~water~~ utility or
23 enterprise service charges are paid in full. A change in the
24 ownership of the residential rental property shall require
25 written notice of such change to be given to the city utility
26 or enterprise within ten business days of the completion of
27 the change of ownership. The lien exemption for rental
28 property does not apply to charges for repairs to a ~~water~~
29 utility or enterprise service if the repair charges become
30 delinquent, provided that the damages resulting in such
31 repairs were not the fault of the landlord.

32 EXPLANATION

33 This bill provides that the lien exemption on residential
34 property for unpaid rates or charges associated with water
35 service is expanded to include all utility or enterprise

1 services. The landlord must give written notice to the city
 2 utility or enterprise service that the property is residential
 3 rental property and that the tenant is liable for such rates
 4 or charges. The bill also provides that the lien exemption
 5 applies with respect to charges for repairs to a utility or
 6 enterprise service if the repair charges become delinquent,
 7 provided that the damages resulting in such repairs were not
 8 the fault of the landlord.

- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

3/20/00 Referred back to Judiciary

FILED FEB 28 '00

SENATE FILE 2374
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3170)

Passed Senate, Date _____ Passed House, 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.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

SF 2374

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

3 d. Residential rental property ~~where a charge for water~~
4 ~~service is separately metered and paid directly to the city~~
5 ~~utility or enterprise by the tenant~~ is exempt from a lien for
6 delinquent rates or charges associated with ~~such water service~~
7 a city utility or enterprise service if the landlord gives
8 written notice to the city utility or enterprise that the
9 property is residential rental property and that the tenant is
10 liable for the rates or charges. A city utility or enterprise
11 may require a deposit not exceeding the usual cost of ninety
12 days of water such utility or enterprise service to be paid to
13 the utility or enterprise. Upon receipt, the utility or
14 enterprise shall acknowledge the notice and deposit. A
15 written notice shall contain the name of the tenant
16 responsible for charges, address of the residential rental
17 property that the tenant is to occupy, and the date that the
18 occupancy begins. A change in tenant shall require a new
19 written notice to be given to the city utility or enterprise
20 within ten business days of the change in tenant. When the
21 tenant moves from the rental property, the city utility or
22 enterprise shall return the deposit if the water utility or
23 enterprise service charges are paid in full. A change in the
24 ownership of the residential rental property shall require
25 written notice of such change to be given to the city utility
26 or enterprise within ten business days of the completion of
27 the change of ownership. The lien exemption for rental
28 property does not apply to charges for repairs to a water
29 utility or enterprise service if the repair charges become
30 delinquent, provided that the damages resulting in such
31 repairs were not the fault of the landlord.

32 EXPLANATION

33 This bill provides that the lien exemption on residential
34 property for unpaid rates or charges associated with water
35 service is expanded to include all utility or enterprise

1 services. The landlord must give written notice to the city
2 utility or enterprise service that the property is residential
3 rental property and that the tenant is liable for such rates
4 or charges. The bill also provides that the lien exemption
5 applies with respect to charges for repairs to a utility or
6 enterprise service if the repair charges become delinquent,
7 provided that the damages resulting in such repairs were not
8 the fault of the landlord.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35