

Fraiser
Miller
Zicman

SSB 1118
Local Government

Succeeded By
(SF) HF 337

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 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:

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

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.17, Code 1999, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 8. Maintain in good and safe working
6 order all utility lines, pipes, and cables extending from the
7 dwelling unit to outlets provided by the landlord for
8 electric, water, sewer, and other services.

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

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

14 Sec. 5. Section 562B.9, Code 1999, is amended to read as
15 follows:

16 562B.9 NOTICE.

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

1 the tenant as the place for receipt of the communication or,
2 in the absence of such designation, to the tenant's last known
3 place of residence other than the landlord's mobile home or
4 space.

5 Any notice required under this chapter given to all tenants
6 of a mobile home park, except a written notice of termination
7 required by section 562B.25, subsection 1 or 2, a notice of
8 termination and notice to quit under section 562B.25A, a
9 notice to quit as required by section 648.3, or a petition for
10 forcible entry and detainer pursuant to chapter 648, shall be
11 deemed legally sufficient notice if made by posting at or
12 delivering to each mobile home space. The date of posting of
13 the notice shall be written on the notice.

14 Sec. 6. NEW SECTION. 562B.9A COMPUTATION OF TIME.

15 The calculation of all time periods required under this
16 chapter shall be made in accordance with section 4.1,
17 subsection 34.

18 Sec. 7. Section 562B.18, Code 1999, is amended by adding
19 the following new subsection:

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

24 Sec. 8. Section 562B.27A, subsection 2, Code 1999, is
25 amended to read as follows:

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

29 EXPLANATION

30 This bill provides requirements for giving notice between a
31 landlord and a tenant in a residential dwelling or a tenant in
32 a mobile home park for most purposes except written notice of
33 termination pursuant to Code section 562A.27, subsection 1 or
34 2, a notice of termination and notice to quit pursuant to Code
35 section 562A.27A, a notice to quit as required by Code section

1 648.3, or a petition for forcible entry and detainer pursuant
 2 to Code chapter 648. The notice required under Code chapters
 3 562A and 562B may be given when a matter comes to the
 4 attention of either party, by hand delivery, and by posting,
 5 regular mail, certified mail, or restricted certified mail
 6 whether or not the receiving party signs a receipt for the
 7 notice.

8 The bill provides that a tenant has a duty to maintain in
 9 good and safe working order all utility lines, pipes, and
 10 cables extending from the dwelling unit to connections
 11 provided by the landlord.

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

15 The bill provides that certified mail and restricted
 16 certified mail used for notices are as defined in Code section
 17 618.15.

18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35

H- 3/18/99 Local Gov
H. 3/31/99 amend / As Pan
w/ H- 1339
1339

FILED MAR 9 1999

SENATE FILE 337
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 1118)

(P. 627)
Passed Senate, Date 3/16/99
Vote: Ayes 48 Nays 1

(P. 1465)
Passed House, Date 4/20/99
Vote: Ayes 83 Nays 14

(P. 1303) Approved May 20, 1999
Repassed 4-27-99
vote 46-2

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 and an effective date.

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

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

SF 337

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 the dwelling unit. The
33 date 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 Sec. 8. Section 631.4, subsection 2, Code 1999, is amended
24 by adding the following new paragraph:

25 NEW PARAGRAPH. d. If personal service cannot be made upon
26 each defendant in an action for forcible entry or detention of
27 real property joined with an action for rent or recovery
28 pursuant to section 648.19, service may be made pursuant to
29 paragraph "c".

30 Sec. 9. EFFECTIVE DATE. This Act, being deemed of
31 immediate importance, takes effect upon enactment.

32 EXPLANATION

33 This bill provides requirements for giving notice between a
34 landlord and a tenant in a residential dwelling or a tenant in
35 a mobile home park for most purposes except written notice of

1 termination pursuant to Code section 562A.27, subsection 1 or
2 2, a notice of termination and notice to quit pursuant to Code
3 section 562A.27A, a notice to quit as required by Code section
4 648.3, or a petition for forcible entry and detainer pursuant
5 to Code chapter 648. The notice required under Code chapters
6 562A and 562B may be given when a matter comes to the
7 attention of either party, by hand delivery, and by posting,
8 regular mail, certified mail, or restricted certified mail
9 whether or not the receiving party signs a receipt for the
10 notice.

11 The bill provides that a mobile home tenant has a duty to
12 maintain in good and safe working order all utility lines,
13 pipes, and cables extending from the dwelling unit to
14 connections provided by the landlord.

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

18 The bill provides that certified mail and restricted
19 certified mail used for notices are as defined in Code section
20 618.15. The bill also provides that if person service cannot
21 be made upon each defendant in an action for forcible entry or
22 detention of real property joined with an action for rent or
23 recovery as provided in Code section 648.19. the service may
24 be made by posting notice and sending a copy of original
25 notice to the defendant by certified mail three days before
26 the hearing date.

27 The bill takes effect upon enactment.

28
29
30
31
32
33
34
35

SENATE FILE 337

H-1339

1 Amend Senate File 337, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 555C.3, Code 1999, is amended
6 to read as follows:

7 555C.3 NEW TITLE -- THIRD PARTY.

8 If a new title to a valueless home is to be issued
9 to a third party ~~who-is-removing-a-valueless-home~~, the
10 county treasurer shall issue, upon receipt of the
11 affidavit required in section 555C.2, a new title upon
12 payment of a fee equal to the fee specified in section
13 321.42 for replacement certificates of title for
14 vehicles. Any tax lien levied pursuant to chapter 435
15 is canceled and the ownership interest of the previous
16 owner or occupant of the valueless home is terminated
17 as of the date of issuance of the new title. The new
18 title owner shall take the title free of all rights
19 and interests even though the mobile home park owner
20 fails to comply with the requirements of this chapter
21 or any judicial proceedings, if the new title owner
22 acts in good faith."

23 2. Page 3, line 17, by inserting after the word
24 "services." the following: "This subsection shall not
25 apply to a tenant who does not own the mobile home."

26 3. Title page, line 3, by inserting after the
27 word "facilities," the following: "issuing new titles
28 for valueless homes to third parties,".

By COMMITTEE ON LOCAL GOVERNMENT

H-1339 FILED MARCH 31, 1999

Adopted
4/26/99
(P. 1463)

SENATE FILE 337

H-1548

1 Amend Senate File 337, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 555B.1, subsection 2, Code
 6 1999, is amended to read as follows:
 7 2. "Claimant" includes but is not limited to any
 8 government subdivision with authority to levy a tax on
 9 abandoned personal property. "Claimant" also includes
 10 a holder of a lien as defined in section 555B.2."

11 2. Page 3, by inserting after line 17 the
 12 following:
 13 "Sec. ____ . Section 562B.27, subsection 2,
 14 paragraph a, Code 1999, is amended to read as follows:
 15 a. If a tenant abandons a mobile home on a mobile
 16 home space, the landlord shall notify the mobile home
 17 owner or other claimant of the mobile home and
 18 communicate to that person that the person is liable
 19 for any costs incurred for the mobile home space,
 20 including rent and utilities due and owing. A
 21 claimant includes a holder of a lien as defined in
 22 section 555B.2. However, the person is only liable
 23 for costs incurred ninety days before the landlord's
 24 communication. After the landlord's communication,
 25 costs for which liability is incurred shall then
 26 become the responsibility of the mobile home owner or
 27 other claimant of the mobile home. The mobile home
 28 shall not be removed from the mobile home space
 29 without a signed written agreement from the landlord
 30 showing clearance for removal, and that all debts are
 31 paid in full, or an agreement reached with the mobile
 32 home owner or other claimant and the landlord."

By CARROLL of Poweshiek

H-1548 FILED APRIL 12, 1999

adopted
4/20/99
(p. 1464)

SENATE FILE 337

H-1372

1 Amend the committee amendment, H-1339, to Senate
2 File 337, as passed by the Senate, as follows:

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

5 "Sec. _____. Section 555C.2, Code 1999, is amended
6 to read as follows:

7 555C.2 REMOVAL OR TRANSFER OF TITLE OF VALUELESS
8 HOME -- PRESUMPTION OF VALUE.

9 1. An owner of a mobile home park may remove, or
10 cause to be removed, from the mobile home park a
11 valueless home and personal property associated with
12 the home at any time following a determination of
13 abandonment by the mobile home park owner in
14 accordance with section 562B.27, subsection 1, and an
15 order of removal pursuant to chapter 648 without
16 further notice to the owner or occupant of the
17 valueless home. Within ten days of the removal or
18 transfer of title, the mobile home park owner shall
19 give written notice to the county treasurer for the
20 county in which the mobile home park is located by
21 affidavit which shall include a description of the
22 valueless home, its owner or occupant, if known, the
23 date of removal or transfer of title, and if
24 applicable, the name and address of any third party to
25 whom a new title shall be issued.

26 2. A valueless home and any personal property
27 associated with the valueless home shall be
28 conclusively deemed in value to be equal to or less
29 than the reasonable cost of disposal plus all sums
30 owing to the mobile home park owner pertaining to the
31 valueless home, if the mobile home park owner or an
32 agent of the owner removes the home and personal
33 property to a demolisher, sanitary landfill, or other
34 lawful disposal site or if the mobile home park owner
35 allows a disinterested third party to remove the
36 valueless home and personal property or to leave the
37 home in the mobile home park in a transaction in which
38 the mobile home park owner receives no consideration.

39 Sec. _____. Section 555C.3, Code 1999, is amended".

40 2. Page 1, by striking line 22 and inserting the
41 following: "acts in good faith."

42 Sec. _____. Section 555C.5, Code 1999, is amended to
43 read as follows:

44 555C.5 LIABILITY LIMITED.

45 A person who removes or allows the removal of a
46 valueless home or transfers title or allows the
47 transfer of title of a valueless home as provided in
48 this chapter is not liable to the previous owner of
49 the valueless home due to the removal or transfer of
50 title of the valueless home."

By HUSER of Polk
CARROLL of Poweshiek

H-1372 FILED APRIL 1, 1999

adopted 4/20/99 (p.1463)

HOUSE AMENDMENT TO
SENATE FILE 337

S-3449

1 Amend Senate File 337, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 555B.1, subsection 2, Code
6 1999, is amended to read as follows:

7 2. "Claimant" includes but is not limited to any
8 government subdivision with authority to levy a tax on
9 abandoned personal property. "Claimant" also includes
10 a holder of a lien as defined in section 555B.2.

11 2. Page 1, by inserting before line 1 the
12 following:

13 "Sec. _____. Section 555C.2, Code 1999, is amended
14 to read as follows:

15 555C.2 REMOVAL OR TRANSFER OF TITLE OF VALUELESS
16 HOME -- PRESUMPTION OF VALUE.

17 1. An owner of a mobile home park may remove, or
18 cause to be removed, from the mobile home park a
19 valueless home and personal property associated with
20 the home at any time following a determination of
21 abandonment by the mobile home park owner in
22 accordance with section 562B.27, subsection 1, and an
23 order of removal pursuant to chapter 648 without
24 further notice to the owner or occupant of the
25 valueless home. Within ten days of the removal or
26 transfer of title, the mobile home park owner shall
27 give written notice to the county treasurer for the
28 county in which the mobile home park is located by
29 affidavit which shall include a description of the
30 valueless home, its owner or occupant, if known, the
31 date of removal or transfer of title, and if
32 applicable, the name and address of any third party to
33 whom a new title shall be issued.

34 2. A valueless home and any personal property
35 associated with the valueless home shall be
36 conclusively deemed in value to be equal to or less
37 than the reasonable cost of disposal plus all sums
38 owing to the mobile home park owner pertaining to the
39 valueless home, if the mobile home park owner or an
40 agent of the owner removes the home and personal
41 property to a demolisher, sanitary landfill, or other
42 lawful disposal site or if the mobile home park owner
43 allows a disinterested third party to remove the
44 valueless home and personal property or to leave the
45 home in the mobile home park in a transaction in which
46 the mobile home park owner receives no consideration.

47 Sec. _____. Section 555C.3, Code 1999, is amended to
48 read as follows:

49 555C.3 NEW TITLE -- THIRD PARTY.

50 If a new title to a valueless home is to be issued

S-3449

S-3449

Page 2

1 to a third party ~~who is removing a valueless home~~, the
2 county treasurer shall issue, upon receipt of the
3 affidavit required in section 555C.2, a new title upon
4 payment of a fee equal to the fee specified in section
5 321.42 for replacement certificates of title for
6 vehicles. Any tax lien levied pursuant to chapter 435
7 is canceled and the ownership interest of the previous
8 owner or occupant of the valueless home is terminated
9 as of the date of issuance of the new title. The new
10 title owner shall take the title free of all rights
11 and interests even though the mobile home park owner
12 fails to comply with the requirements of this chapter
13 or any judicial proceedings, if the new title owner
14 acts in good faith.

15 Sec. _____. Section 555C.5, Code 1999, is amended to
16 read as follows:

17 555C.5 LIABILITY LIMITED.

18 A person who removes or allows the removal of a
19 valueless home or transfers title or allows the
20 transfer of title of a valueless home as provided in
21 this chapter is not liable to the previous owner of
22 the valueless home due to the removal or transfer of
23 title of the valueless home."

24 3. Page 3, line 17, by inserting after the word
25 "services." the following: "This subsection shall not
26 apply to a tenant who does not own the mobile home."

27 4. Page 3, by inserting after line 17 the
28 following:

29 "Sec. _____. Section 562B.27, subsection 2,
30 paragraph a, Code 1999, is amended to read as follows:

31 a. If a tenant abandons a mobile home on a mobile
32 home space, the landlord shall notify the mobile home
33 owner or other claimant of the mobile home and
34 communicate to that person that the person is liable
35 for any costs incurred for the mobile home space,
36 including rent and utilities due and owing. A
37 claimant includes a holder of a lien as defined in
38 section 555B.2. However, the person is only liable
39 for costs incurred ninety days before the landlord's
40 communication. After the landlord's communication,
41 costs for which liability is incurred shall then
42 become the responsibility of the mobile home owner or
43 other claimant of the mobile home. The mobile home
44 shall not be removed from the mobile home space
45 without a signed written agreement from the landlord
46 showing clearance for removal, and that all debts are
47 paid in full, or an agreement reached with the mobile
48 home owner or other claimant and the landlord."

49 5. Title page, line 3, by inserting after the
50 word "facilities," the following: "issuing new titles

S-3449

-2-

S-3449

Page 3

1 for valueless homes to third parties,".
2 6. By renumbering, relettering, or redesignating
3 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3449 FILED APRIL 21, 1999

Senate Concurred
4/27/99
(P1303)

AN ACT

RELATING TO LANDLORDS' AND TENANTS' RELATIONS, BY PROVIDING NOTICE REQUIREMENTS, ESTABLISHING A TENANT'S DUTY TO PROPERLY MAINTAIN UTILITY FACILITIES, ISSUING NEW TITLES FOR VALUELESS HOMES TO THIRD PARTIES, AND PROVIDING FOR OTHER PROPERLY RELATED MATTERS AND AN EFFECTIVE DATE.

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

Section 1. Section 555B.1, subsection 2, Code 1999, is amended to read as follows:

2. "Claimant" includes but is not limited to any government subdivision with authority to levy a tax on abandoned personal property. "Claimant" also includes a holder of a lien as defined in section 555B.2.

Sec. 2. Section 555C.2, Code 1999, is amended to read as follows:

555C.2 REMOVAL OR TRANSFER OF TITLE OF VALUELESS HOME -- PRESUMPTION OF VALUE.

1. An owner of a mobile home park may remove, or cause to be removed, from the mobile home park a valueless home and personal property associated with the home at any time following a determination of abandonment by the mobile home park owner in accordance with section 562B.27, subsection 1, and an order of removal pursuant to chapter 548 without further notice to the owner or occupant of the valueless home. Within ten days of the removal or transfer of title, the mobile home park owner shall give written notice to the county treasurer for the county in which the mobile home park is located by affidavit which shall include a description of the valueless home, its owner or occupant, if known, the date of removal or transfer of title, and if applicable, the name and address of any third party to whom a new title shall be issued.

2. A valueless home and any personal property associated with the valueless home shall be conclusively deemed in value to be equal to or less than the reasonable cost of disposal plus all sums owing to the mobile home park owner pertaining to the valueless home, if the mobile home park owner or an agent of the owner removes the home and personal property to a demolisher, sanitary landfill, or other lawful disposal site or if the mobile home park owner allows a disinterested third party to remove the valueless home and personal property or to leave the home in the mobile home park in a transaction in which the mobile home park owner receives no consideration.

Sec. 3. Section 555C.3, Code 1999, is amended to read as follows:

555C.3 NEW TITLE -- THIRD PARTY.

If a new title to a valueless home is to be issued to a third party ~~who is removing a valueless home~~, the county treasurer shall issue, upon receipt of the affidavit required in section 555C.2, a new title upon payment of a fee equal to the fee specified in section 321.42 for replacement certificates of title for vehicles. Any tax lien levied pursuant to chapter 435 is canceled and the ownership interest of the previous owner or occupant of the valueless home is terminated as of the date of issuance of the new title. The new title owner shall take the title free of all rights and interests even though the mobile home park owner fails to comply with the requirements of this chapter or any judicial proceedings, if the new title owner acts in good faith.

Sec. 4. Section 555C.5, Code 1999, is amended to read as follows:

555C.5 LIABILITY LIMITED.

A person who removes or allows the removal of a valueless home or transfers title or allows the transfer of title of a valueless home as provided in this chapter is not liable to the previous owner of the valueless home due to the removal or transfer of title of the valueless home.

Sec. 5. Section 562A.8, Code 1999, is amended to read as follows:

562A.8 NOTICE.

A person "notifies" or "gives" a notice or notification to another by taking steps reasonably calculated to inform the other in ordinary course whether or not the other actually comes to know of it. ~~A person "receives" a notice or notification when it comes to that person's attention or in~~ In the case of the landlord, notice is received when it comes to the landlord's attention or when it is delivered in hand or mailed by certified mail or restricted certified mail, as defined in section 618.15, whether or not the landlord signs a receipt for the notice, to the place of business of the landlord through which the rental agreement was made or at a place held out by the landlord as the place for receipt of the communication or delivered to any individual who is designated as an agent of the landlord ~~or when in~~. In the case of the tenant, notice is received when it comes to the tenant's attention or when it is delivered in hand to the tenant or mailed by certified mail or restricted certified mail, as defined in section 618.15, whether or not the tenant signs a receipt for the notice, to such person at the place held out by such person as the place for receipt of the communication, or in the absence of such designation, to such person's last known place of residence.

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

Sec. 6. **NEW SECTION.** 562A.8A COMPUTATION OF TIME.

The calculation of all time periods required under this chapter shall be made in accordance with section 4.1, subsection 34.

Sec. 7. Section 562A.29A, subsection 2, Code 1999, is amended to read as follows:

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

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

562B.9 NOTICE.

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

Any notice required under this chapter given to all tenants of a mobile home park, except a written notice of termination required by section 562B.25, subsection 1 or 2, a notice of termination and notice to quit under section 562B.25A, a notice to quit as required by section 648.3, or a petition for

forcible entry and detainer pursuant to chapter 648, shall be deemed legally sufficient notice if made by posting at or delivering to each mobile home space. The date of posting of the notice shall be written on the notice.

Sec. 9. NEW SECTION. 562B.9A COMPUTATION OF TIME.

The calculation of all time periods required under this chapter shall be made in accordance with section 4.1, subsection 34.

Sec. 10. Section 562B.18, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Maintain in good and safe working order all utility lines, pipes, and cables extending from the mobile home to outlets provided by the landlord for electric, water, sewer, and other services. This subsection shall not apply to a tenant who does not own the mobile home.

Sec. 11. Section 562B.27, subsection 2, paragraph a, Code 1999, is amended to read as follows:

a. If a tenant abandons a mobile home on a mobile home space, the landlord shall notify the mobile home owner or other claimant of the mobile home and communicate to that person that the person is liable for any costs incurred for the mobile home space, including rent and utilities due and owing. A claimant includes a holder of a lien as defined in section 555B.2. However, the person is only liable for costs incurred ninety days before the landlord's communication. After the landlord's communication, costs for which liability is incurred shall then become the responsibility of the mobile home owner or other claimant of the mobile home. The mobile home shall not be removed from the mobile home space without a signed written agreement from the landlord showing clearance for removal, and that all debts are paid in full, or an agreement reached with the mobile home owner or other claimant and the landlord.

Sec. 12. Section 562B.27A, subsection 2, Code 1999, is amended to read as follows:

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

Sec. 13. Section 631.4, subsection 2, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. If personal service cannot be made upon each defendant in an action for forcible entry or detention of real property joined with an action for rent or recovery pursuant to section 648.19, service may be made pursuant to paragraph "c".

Sec. 14. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 337, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved May 20, 1999

THOMAS J. VILSACK
Governor