

Withdrawn
3/10/04

FEB 12 2004

COMMERCE, REGULATION & LABOR

HOUSE FILE 2248
BY BOAL and HUSER

(COMPANION TO LSB 5735SS
BY TINSMAN)

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

A BILL FOR

1 An Act relating to residential landlord-tenant law, by making
2 certain changes concerning family violence and domestic abuse.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2248

1 Section 1. Section 562A.27A, subsection 1, Code 2003, is
2 amended to read as follows:

3 1. Notwithstanding section 562A.27 or 648.3, if a tenant
4 has created or maintained a threat constituting a clear and
5 present danger to the health or safety of other tenants, the
6 landlord, the landlord's employee or agent, or other persons
7 on or within one thousand feet of the landlord's property, the
8 landlord, after the service of a single three days' written
9 notice of termination and notice to quit stating the specific
10 activity causing the clear and present danger, and including
11 the exemption provisions available to the tenant pursuant to
12 subsection 3, if applicable, may file suit against the tenant
13 for recovery of possession of the premises pursuant to chapter
14 648, except as otherwise provided in subsection 3. The
15 petition shall state the incident or incidents giving rise to
16 the notice of termination and notice to quit. The tenant
17 shall be given the opportunity to contest the termination in
18 the court proceedings by notice thereof at least three days
19 prior to the hearing.

20 Sec. 2. Section 562A.36, subsection 1, Code 2003, is
21 amended by adding the following new paragraph:

22 NEW PARAGRAPH. d. The tenant has summoned or received
23 police or emergency assistance in response to a family
24 violence or domestic abuse situation.

25 Sec. 3. Section 562B.25A, subsection 1, Code 2003, is
26 amended to read as follows:

27 1. Notwithstanding section 562B.25 or 648.3, if a tenant
28 has created or maintained a threat constituting a clear and
29 present danger to the health or safety of other tenants, the
30 landlord, the landlord's employee or agent, or other persons
31 on or within one thousand feet of the landlord's property, the
32 landlord, after the service of a single three days' written
33 notice of termination and notice to quit stating the specific
34 activity causing the clear and present danger, and including
35 the exemption provisions available to the tenant pursuant to

1 subsection 3, if applicable, may file suit against the tenant
2 for recovery of possession of the premises pursuant to chapter
3 648, except as otherwise provided in subsection 3. The
4 petition shall state the incident or incidents giving rise to
5 the notice of termination and notice to quit. The tenant
6 shall be given the opportunity to contest the termination in
7 the court proceedings by notice thereof at least three days
8 prior to the hearing.

9 Sec. 4. Section 562B.32, subsection 1, Code 2003, is
10 amended by adding the following new paragraph:

11 NEW PARAGRAPH. cc. The tenant has summoned or received
12 police or emergency assistance in response to a family
13 violence or domestic abuse situation.

14 EXPLANATION

15 This bill relates to residential landlord-tenant law, by
16 making certain changes related to family violence and domestic
17 abuse.

18 The bill provides that a landlord under Code chapter 562A
19 (uniform residential landlord-tenant law) or 562B (mobile home
20 parks residential landlord-tenant law) must provide specific
21 information in a written notice of termination and notice to
22 quit to a tenant relating to the tenant's activities that are
23 alleged to create a clear and present danger to the health or
24 safety of other tenants, the landlord, the landlord's employee
25 or agent, or other persons on or within 1,000 feet of the
26 landlord's property. The bill further provides that such
27 notice shall include a statement of the law in regard to
28 certain exemptions in regard to the tenant's actions related
29 to the activity causing the clear and present danger, if
30 applicable. The exemptions include information related to
31 whether the tenant has sought a protective order, restraining
32 order, or order to vacate the homestead, or any other
33 applicable provision which would apply to the person
34 conducting the activities causing the clear and present
35 danger, whether the tenant has reported the activities

1 constituting the clear and present danger to a law enforcement
2 agency, and whether the tenant has written a letter to the
3 person conducting the activities creating the clear and
4 present danger, telling the person not to return to the
5 premises and that a return to the premises may result in a
6 trespass action.

7 The bill further provides that a landlord may not retaliate
8 against a tenant by increasing rent, decreasing services, or
9 by bringing or threatening to bring an action for possession
10 after the tenant has summoned or received police or emergency
11 assistance in response to a family violence or domestic abuse
12 situation.

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