

MAR 8 2004  
Place On Calendar

Withdrawn  
4/13/04

HOUSE FILE 2502  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2248)

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 2502

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 setting  
11 forth the language of subsection 3 which includes certain  
12 exemption provisions available to the tenant, may file suit  
13 against the tenant for recovery of possession of the premises  
14 pursuant to chapter 648, except as otherwise provided in  
15 subsection 3. The petition shall state the incident or  
16 incidents giving rise to the notice of termination and notice  
17 to quit. The tenant shall be given the opportunity to contest  
18 the termination in the court proceedings by notice thereof at  
19 least three days prior to the hearing.

20 Sec. 2. Section 562B.25A, subsection 1, Code 2003, is  
21 amended to read as follows:

22 1. Notwithstanding section 562B.25 or 648.3, if a tenant  
23 has created or maintained a threat constituting a clear and  
24 present danger to the health or safety of other tenants, the  
25 landlord, the landlord's employee or agent, or other persons  
26 on or within one thousand feet of the landlord's property, the  
27 landlord, after the service of a single three days' written  
28 notice of termination and notice to quit stating the specific  
29 activity causing the clear and present danger, and setting  
30 forth the language of subsection 3 which includes certain  
31 exemption provisions available to the tenant, may file suit  
32 against the tenant for recovery of possession of the premises  
33 pursuant to chapter 648, except as otherwise provided in  
34 subsection 3. The petition shall state the incident or  
35 incidents giving rise to the notice of termination and notice

1 to quit. The tenant shall be given the opportunity to contest  
2 the termination in the court proceedings by notice thereof at  
3 least three days prior to the hearing.

4 EXPLANATION

5 This bill relates to residential landlord-tenant law, by  
6 making certain changes related to family violence and domestic  
7 abuse.

8 The bill provides that a landlord under Code chapter 562A  
9 (uniform residential landlord-tenant law) or 562B (mobile home  
10 parks residential landlord-tenant law) must provide specific  
11 information in a written notice of termination and notice to  
12 quit to a tenant relating to the tenant's activities that are  
13 alleged to create a clear and present danger to the health or  
14 safety of other tenants, the landlord, the landlord's employee  
15 or agent, or other persons on or within 1,000 feet of the  
16 landlord's property. The bill further provides that such  
17 notice shall include a statement of the law in regard to  
18 certain exemptions in regard to the tenant's actions related  
19 to the activity causing the clear and present danger. The  
20 exemptions include information related to whether the tenant  
21 has sought a protective order, restraining order, or order to  
22 vacate the homestead, or any other applicable provision which  
23 would apply to the person conducting the activities causing  
24 the clear and present danger, whether the tenant has reported  
25 the activities constituting the clear and present danger to a  
26 law enforcement agency, and whether the tenant has written a  
27 letter to the person conducting the activities creating the  
28 clear and present danger, telling the person not to return to  
29 the premises and that a return to the premises may result in a  
30 trespass action.

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