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JUDICIARY

SENATE FILE 2113

BY DOTZLER, BEALL, HATCH,
RAGAN, and STEWART

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act to delay the issuance of executions in forcible entry or
2 detention actions for tenancies in manufactured and mobile
3 home parks.

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

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1 Section 1. Section 648.22, Code 2003, is amended to read
2 as follows:

3 648.22 JUDGMENT -- EXECUTION -- COSTS.

4 If the defendant is found guilty, judgment shall be entered
5 that the defendant be removed from the premises, and that the
6 plaintiff be put in possession of the premises, and an
7 execution for the defendant's removal within three days from
8 the judgment shall issue accordingly, to which shall be added
9 a clause commanding the officer to collect the costs as in
10 ordinary cases. However, where the action is brought
11 concerning a tenancy under chapter 562B, except those brought
12 pursuant to section 562B.25A, an execution shall not issue for
13 the defendant's removal until after expiration of thirty days
14 from the date of the judgment and section 648.18 shall not
15 apply.

16 Sec. 2. Section 648.22A, subsection 1, unnumbered
17 paragraph 1, Code Supplement 2003, is amended to read as
18 follows:

19 In cases covered by chapter 562B, prior to the expiration
20 of ~~three~~ thirty days from the date the judgment is entered
21 pursuant to section 648.22, the plaintiff or defendant may
22 elect to leave a mobile home or manufactured home and its
23 contents in the manufactured home community or mobile home
24 park for up to sixty days after the date of the judgment
25 provided all of the following occur:

26 Sec. 3. Section 648.22A, subsection 7, Code Supplement
27 2003, is amended to read as follows:

28 7. Nothing in this section shall prevent the defendant
29 from removing the mobile home or manufactured home prior to
30 the expiration of ~~three~~ thirty days after entry of judgment,
31 after which time a mobile home or manufactured home shall not
32 be removed without the prior payment to the plaintiff of all
33 sums owing at the time of entry of judgment, interest accrued
34 on such sums as provided by law, and per diem rent for that
35 portion of the sixty-day period which has expired prior to

1 removal, and payment of any taxes due on the home which are
2 not abated pursuant to subsection 5.

3 EXPLANATION

4 This bill relates to the eviction of tenants in
5 manufactured and mobile home parks. The bill delays the
6 issuance of an execution in an action for forcible entry or
7 detention concerning the rental of a lot in a mobile home or
8 manufactured housing park under Code chapter 562B from three
9 days to 30 days. The landlord and tenant may still agree
10 pursuant to Code section 648.22A to delay execution for up to
11 60 days in accordance with the requirements of that section.

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