

FILED FEB 12 '04

JUDICIARY

SENATE FILE 2117

BY TINSMAN

Passed Senate, Date \_\_\_\_\_ Passed House, 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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SF 2117 JUDICIARY

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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