

MAR 9 2005

JUDICIARY

HOUSE FILE 657

BY JOCHUM

(COMPANION TO LSB 1898SS

BY DVORSKY)

Passed House, Date \_\_\_\_\_ Passed Senate, 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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HF 657

1 Section 1. Section 648.22, Code 2005, 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 2005, is amended to read as follows:

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

25 Sec. 3. Section 648.22A, subsection 7, Code 2005, is  
26 amended to read as follows:

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

1 not abated pursuant to subsection 5.

2 EXPLANATION

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

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