

SENATE FILE 402
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 281)
(SUCCESSOR TO SSB 1215)

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

A BILL FOR

1 An Act relating to the assessment and collection of penalty, fee,
2 and interest charges imposed for the late payment of building
3 code penalties, fines, and inspection and enforcement fees.

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

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SF 402

1 Section 1. Section 364.17, subsection 3, paragraph a, Code
2 2005, is amended to read as follows:

3 a. A schedule of civil penalties or criminal fines for
4 violations. A city may charge the owner of housing a late
5 payment fee of twenty-five dollars and may add interest of up
6 to one and one-half percent per month if a penalty or fine
7 imposed under this paragraph is not paid within thirty days of
8 the date that the penalty or fine is due. Any unpaid penalty,
9 fine, fee, or interest shall constitute a lien on the real
10 property and may be collected in the same manner as a property
11 tax.

12 Sec. 2. Section 364.17, subsection 5, Code 2005, is
13 amended to read as follows:

14 5. Cities may establish reasonable fees for inspection and
15 enforcement procedures. A city may charge the owner of
16 housing a late payment penalty of twenty-five dollars and may
17 add interest of up to one and one-half percent per month if a
18 fee imposed under this subsection is not paid within thirty
19 days of the date that the fee is due. Any unpaid fee,
20 penalty, or interest shall constitute a lien on the real
21 property and may be collected in the same manner as a property
22 tax.

23 EXPLANATION

24 Under current law civil penalties and criminal fines may be
25 imposed for the violation of city housing codes; cities may
26 also impose fees for inspection and enforcement procedures.
27 This bill allows a city to impose late payment and interest
28 charges on owners for the late payment of these penalties,
29 fines, and fees. If these penalties, fines, and fees remain
30 unpaid, they shall constitute a lien on the property.

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SENATE FILE 402

S-3134

1 Amend Senate File 402 as follows:

2 1. Page 1, line 8, by inserting after the word
3 "due." the following: "The city shall send a notice
4 of the late payment fee to such owner by first class
5 mail to the owner's personal or business mailing
6 address. The late payment fee and the interest shall
7 not accrue if such owner files an appeal with either
8 the city, if the city has established an appeals
9 procedure, or the district court."

10 2. Page 1, line 11, by inserting after the word
11 "tax." the following: "However, before a lien is
12 filed, the city shall send a notice of intent to file
13 a lien to the owner of housing by first class mail to
14 such owner's personal or business mailing address."

15 3. Page 1, line 19, by inserting after the word
16 "due." the following: "The city shall send a notice
17 of the late payment penalty to such owner by first
18 class mail to the owner's personal or business mailing
19 address. The late payment penalty and the interest
20 shall not accrue if such owner files an appeal with
21 either the city, if the city has established an
22 appeals procedure, or the district court."

23 4. Page 1, line 22, by inserting after the word
24 "tax." the following: "However, before a lien is
25 filed, the city shall send a notice of intent to file
26 a lien to the owner of housing by first class mail to
27 such owner's personal or business mailing address."

By HERMAN C. QUIRMBACH

S-3134 FILED APRIL 18, 2005

1 Section 1. Section 364.17, subsection 3, paragraph a, Code
2 2005, is amended to read as follows:

3 a. A schedule of civil penalties or criminal fines for
4 violations. A city may charge the owner of housing a late
5 payment fee of twenty-five dollars and may add interest of up
6 to one and one-half percent per month if a penalty or fine
7 imposed under this paragraph is not paid within thirty days of
8 the date that the penalty or fine is due. The city shall send
9 a notice of the late payment fee to such owner by first class
10 mail to the owner's personal or business mailing address. The
11 late payment fee and the interest shall not accrue if such
12 owner files an appeal with either the city, if the city has
13 established an appeals procedure, or the district court. Any
14 unpaid penalty, fine, fee, or interest shall constitute a lien
15 on the real property and may be collected in the same manner
16 as a property tax. However, before a lien is filed, the city
17 shall send a notice of intent to file a lien to the owner of
18 housing by first class mail to such owner's personal or
19 business mailing address.

20 Sec. 2. Section 364.17, subsection 5, Code 2005, is
21 amended to read as follows:

22 5. Cities may establish reasonable fees for inspection and
23 enforcement procedures. A city may charge the owner of
24 housing a late payment penalty of twenty-five dollars and may
25 add interest of up to one and one-half percent per month if a
26 fee imposed under this subsection is not paid within thirty
27 days of the date that the fee is due. The city shall send a
28 notice of the late payment penalty to such owner by first
29 class mail to the owner's personal or business mailing
30 address. The late payment penalty and the interest shall not
31 accrue if such owner files an appeal with either the city, if
32 the city has established an appeals procedure, or the district
33 court. Any unpaid fee, penalty, or interest shall constitute
34 a lien on the real property and may be collected in the same
35 manner as a property tax. However, before a lien is filed,

1 the city shall send a notice of intent to file a lien to the
2 owner of housing by first class mail to such owner's personal
3 or business mailing address.

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Quirmbach co-chair
Shull co-chair
Schoenjahn
Zawn

SSRB# 1215

Local Government

Succeeded By

SENATE FILE

(SF) / HF 402

BY (PROPOSED COMMITTEE ON LOCAL

GOVERNMENT BILL BY CO-CHAIRPERSONS
QUIRMBACH and SHULL)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the assessment and collection of penalty, fee,
2 and interest charges imposed for the late payment of building
3 code penalties, fines, and inspection and enforcement fees.

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

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1 Section 1. Section 364.17, subsection 3, paragraph a, Code
2 2005, is amended to read as follows:

3 a. A schedule of civil penalties or criminal fines for
4 violations. A city may charge the owner of housing, which is
5 not occupied by the owner, a late payment fee of twenty-five
6 dollars plus interest of up to one and one-half percent per
7 month if a penalty or fine imposed under this paragraph is not
8 paid within thirty days of the date that the penalty or fine
9 is due. Any unpaid penalty, fine, fee, or interest shall
10 constitute a lien on the real property and shall be collected
11 in the same manner as general taxes.

12 Sec. 2. Section 364.17, subsection 5, Code 2005, is
13 amended to read as follows:

14 5. Cities may establish reasonable fees for inspection and
15 enforcement procedures. A city may charge the owner of
16 housing, which is not occupied by the owner, a late payment
17 penalty of twenty-five dollars plus interest of up to one and
18 one-half percent per month if a fee imposed under this
19 subsection is not paid within thirty days of the date that the
20 fee is due. Any unpaid fee, penalty, or interest shall
21 constitute a lien on the real property and shall be collected
22 in the same manner as general taxes.

23 EXPLANATION

24 Under current law civil penalties and criminal fines may be
25 imposed for the violation of city housing codes; cities may
26 also impose fees for inspection and enforcement procedures.
27 This bill allows a city to impose late payment and interest
28 charges for nonresident owners for the late payment of these
29 penalties, fines, and fees. If these penalties, fines, and
30 fees remain unpaid, they shall constitute a lien on the
31 property.

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