

House File 422 - Introduced

HOUSE FILE _____
BY MASCHER

(COMPANION TO SF 119)

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

A BILL FOR

1 An Act increasing punitive damages that may be awarded for
2 wrongful retention of certain rental deposits.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1987HH 82
5 av/je/5

PAG LIN

1 1 Section 1. Section 562A.12, subsection 7, Code 2007, is
1 2 amended to read as follows:
1 3 7. The ~~bad faith wrongful~~ retention of a deposit by a
1 4 landlord, or any portion of the rental deposit, in violation
1 5 of this section shall subject the landlord to punitive damages
1 6 ~~not to exceed two equal to double the amount of the deposit or~~
1 7 ~~the portion of the deposit wrongfully retained or five hundred~~

1 8 dollars, ~~whichever is more,~~ in addition to actual damages.

1 9 Sec. 2. Section 562B.13, subsection 8, Code 2007, is
1 10 amended to read as follows:

1 11 8. The ~~bad faith wrongful~~ retention of a deposit by a
1 12 landlord, or any portion of the rental deposit, in violation
1 13 of this section shall subject the landlord to punitive damages
1 14 ~~not to exceed two equal to double the amount of the deposit or~~
1 15 ~~the portion of the deposit wrongfully retained or five hundred~~

1 16 dollars, ~~whichever is more,~~ in addition to actual damages.

1 17 EXPLANATION

1 18 This bill increases the amount of punitive damages that can
1 19 be awarded when a landlord wrongfully retains a rental deposit
1 20 or a portion of a rental deposit made to secure performance of
1 21 a residential rental agreement under Code section 562A.12 or a
1 22 mobile home space rental agreement under Code section 562B.13.

1 23 The bill requires that a landlord who violates these
1 24 provisions shall be subject to punitive damages equal to
1 25 double the amount of the deposit or portion of the deposit
1 26 that is wrongfully retained or \$500, whichever is more, in
1 27 addition to actual damages.

1 28 Currently, a violation of these sections cannot subject a
1 29 landlord to punitive damages in excess of \$200.

1 30 LSB 1987HH 82

1 31 av:nh/je/5