

Senate File 213 - Introduced

SENATE FILE _____
BY DANIELSON

(COMPANION TO LSB 2372HH
BY PAULSEN)

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

A BILL FOR

1 An Act relating to deficiencies in the repair or construction of
2 residential real property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2372SS 82
5 rh/je/5

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1 1 Section 1. NEW SECTION. 657B.1 DEFINITIONS.
1 2 For the purposes of this chapter, the following definitions
1 3 shall apply:
1 4 1. "Builder" means a builder or developer of a new
1 5 residential unit that is sold on or after July 1, 2007.
1 6 2. "Claimant" includes an individual owner of a single=
1 7 family home, an individual unit owner of an attached dwelling,
1 8 and, in the case of a common interest development, an
1 9 association. "Claimant" does not include a person not in
1 10 privity of contract with a builder.

1 11 Sec. 2. NEW SECTION. 657B.2 NOTICE OF CLAIM == CLAIMANT.
1 12 Prior to filing an action for recovery of property damages
1 13 arising out of, or related to deficiencies in, the repair or
1 14 construction of the claimant's residence against a builder, a
1 15 claimant shall provide written notice by certified mail,
1 16 overnight mail, or personal delivery to the builder that the
1 17 repair or construction of the claimant's residence is
1 18 deficient or violates the applicable housing code or city
1 19 ordinance. The notice shall state the claimant's name,
1 20 address, and contact information, and shall describe the
1 21 nature of the claim in sufficient detail in order to determine
1 22 the nature and location of the alleged violation.

1 23 Sec. 3. NEW SECTION. 657B.3 REPAIRS OR COMPENSATION.

1 24 Within ten business days of the builder's receipt of a
1 25 claimant's notice of claim, the claimant shall provide the
1 26 builder with access to the claimant's residence and the
1 27 builder shall inspect the defect and make an offer in writing
1 28 which shall include either of the following:

1 29 1. A bona fide offer to compensate the claimant for repair
1 30 of the defect and property damages caused by the defect.

1 31 2. An offer to repair with a detailed statement
1 32 identifying the particular deficiency to be repaired, an
1 33 explanation of the nature, scope, and location of the repair
1 34 needed, and the estimated completion date of the repair, which
1 35 shall occur within either twenty-one business days of the
2 1 builder's receipt of the claimant's notice of claim, or within
2 2 reasonable weather-related construction conditions, or as
2 3 otherwise agreed to by the parties.

2 4 Sec. 4. NEW SECTION. 657B.4 REQUIREMENTS.

2 5 A builder shall provide a claimant written notice of the
2 6 requirements of this chapter at the time of closing for the
2 7 sale of the property or at the time of completion of the
2 8 repair.

EXPLANATION

2 9
2 10 This bill relates to deficiencies in residential real
2 11 property. The bill requires a claimant, as defined by the
2 12 bill, to provide a builder of residential real property with a
2 13 notice of a claim against the builder prior to commencing an
2 14 action against the builder for property damages arising from
2 15 deficiencies in the repair or construction of the residential
2 16 real property. The notice of claim is required by the bill to
2 17 state the claimant's name, address, and contact information,

2 18 and to describe in detail the nature and location of the
2 19 violation alleged against the builder.
2 20 The bill allows a builder to offer to compensate the
2 21 claimant for a deficiency or repair the deficiency. The offer
2 22 to compensate or repair must be made within 10 business days
2 23 after the builder receives the claimant's notice of claim. An
2 24 offer to compensate must be a bona fide offer and an offer to
2 25 repair must include a detailed statement identifying the
2 26 particular deficiency to be repaired; an explanation of the
2 27 nature, scope, and location of the repair; and an estimated
2 28 completion date of the repair. The estimated completion date
2 29 of the repair is required by the bill to be within 21 days of
2 30 the builder's receipt of the notice of claim, within
2 31 reasonable weather conditions, or as otherwise agreed to by
2 32 the parties.
2 33 LSB 2372SS 82
2 34 rh:nh/je/5