

# Senate File 445 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 119)

Passed Senate, Date \_\_\_\_\_ Passed House, 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 1987SV 82  
5 av/je/5

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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 1987SV 82

1 31 av:nh/je/5