

# Senate Study Bill 3146

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL BY  
CHAIRPERSON QUIRMBACH)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act requiring lessees of certain real estate to file the lease  
2 with the county assessor and providing a civil penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5802SC 82  
5 md/sc/8

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1 1 Section 1. NEW SECTION. 428.4A BUILDINGS AND  
1 2 IMPROVEMENTS == LEASES OF REAL ESTATE RECORDED.  
1 3 1. A lease of real estate made for the purpose of erecting  
1 4 a building or making improvements to the real estate by a  
1 5 person other than the owner of the land, as provided in  
1 6 section 428.4, shall be filed by the lessee with the  
1 7 appropriate assessor not later than sixty days after the  
1 8 execution of the lease.  
1 9 2. a. A lease required to be filed under this section  
1 10 shall disclose all of the following:  
1 11 (1) The names and addresses of all parties to the lease.  
1 12 (2) A description of the land subject to the lease and any  
1 13 buildings or improvements located on the land.  
1 14 (3) A description of all interests in the land subject to  
1 15 the lease and all interests in any buildings or improvements  
1 16 located on the land.  
1 17 (4) The duration of the lease.  
1 18 b. If a lease is required to be filed under this section,  
1 19 the requirement is satisfied by filing either the entire lease  
1 20 or a memorandum of the lease containing the information  
1 21 required in paragraph "a".  
1 22 3. Failure to timely file a lease under this section shall  
1 23 not invalidate an otherwise valid lease.  
1 24 4. Leases filed under this section shall be retained by  
1 25 the assessor for the duration of the lease or until all taxes,  
1 26 as defined in section 445.1, subsection 6, owed by the lessee  
1 27 have been paid.  
1 28 5. Failure of a lessee to file a lease as required under  
1 29 this section is punishable by a civil penalty not to exceed  
1 30 one hundred dollars per day for each day of violation. The  
1 31 assessor shall forward to the city attorney or county  
1 32 attorney, as applicable, of the assessing jurisdiction where  
1 33 the real estate is located a copy of each lease recorded more  
1 34 than sixty days from the date the lease was executed. The  
1 35 city attorney or county attorney shall initiate action in the  
2 1 district court to enforce provisions of this section. Civil  
2 2 penalties collected pursuant to this subsection shall be  
2 3 deposited in the general fund of the city or county, as  
2 4 appropriate.  
2 5 Sec. 2. Section 441.17, Code 2007, is amended by adding  
2 6 the following new subsection:  
2 7 NEW SUBSECTION. 12. Document and retain all leases  
2 8 required to be filed under section 441.17, and make such lease  
2 9 information available to all other county officials upon  
2 10 request.

### EXPLANATION

2 11 This bill requires a lease of real estate made for the  
2 12 purpose of erecting a building or making improvements to the  
2 13 real estate by a person other than the owner of the land to be  
2 14 filed by the lessee with the county assessor not later than 60  
2 15 days after the execution of the lease. The bill provides that  
2 16 each lease filed shall disclose certain details of the lease  
2 17 or the lessee may file a memorandum of the lease containing

2 19 that information.

2 20 The bill provides that leases filed with the assessor shall  
2 21 be retained by the assessor for the duration of the lease or  
2 22 until all taxes owed by the lessee have been paid.

2 23 The bill provides that the failure of a lessee to file a  
2 24 lease as required under the bill is punishable by a civil  
2 25 penalty not to exceed \$100 per day for each day of violation.  
2 26 The bill provides that civil penalties collected shall be  
2 27 deposited in the appropriate city or county general fund.

2 28 LSB 5802SC 82

2 29 md/sc/8