

House File 251 - Introduced

HOUSE FILE _____
BY MAREK

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

A BILL FOR

1 An Act relating to mortgage foreclosure and real estate
2 obligation protections for members of the reserve military
3 forces.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2188HH 83
6 rn/rj/5

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1 1 Section 1. Section 29A.103, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 3A. For purposes of this section, and
1 4 section 29A.104, subsection 2, paragraph "a", "service member"
1 5 includes a member of the organized reserves called to active
1 6 duty from a reserve component status performing military
1 7 service.

EXPLANATION

1 8
1 9 This bill expands provisions affording protection from
1 10 mortgage foreclosure and relief from real estate-related
1 11 obligations, currently available to national guard members, to
1 12 individuals called to active duty from a reserve component
1 13 status.

1 14 Current law affords court-ordered protection against a
1 15 foreclosure action initiated by a creditor against a service
1 16 member, as defined in Code section 29A.90, and provides a
1 17 mechanism whereby a service member may apply to a court for
1 18 relief from obligations relating to a contract for the
1 19 purchase of real estate or secured by a mortgage or other
1 20 instrument in the nature of a mortgage. Code section 29A.90
1 21 defines a "service member" as a member of the military forces
1 22 of the state performing military service. The Code section
1 23 further defines "military service" as referring to "full-time
1 24 state military service" or "state active duty" as those terms
1 25 are defined in Code section 29A.1 and applied to members of
1 26 the Iowa national guard or Iowa air national guard. The bill
1 27 expands the definition of "service member" to include a member
1 28 of the organized reserves called to active duty from a reserve
1 29 component status performing military service as defined in
1 30 Code section 29A.90 and otherwise applicable to members of the
1 31 Iowa national guard or Iowa air national guard.

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