

Senate File 392 - Introduced

SENATE FILE _____
BY DANIELSON

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

A BILL FOR

1 An Act prohibiting landlords from imposing financial penalties
2 against tenants for certain actions in violation of city
3 ordinances and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2349SS 83
6 ns/rj/5

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1 1 Section 1. Section 562A.11, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 2. A rental agreement shall not provide
1 4 that the landlord is permitted to impose a fine or financial
1 5 penalty on a tenant solely based on an act by the tenant or a
1 6 licensee or invitee of the tenant that violates a city
1 7 ordinance or regulation, unless the act violating the
1 8 ordinance or regulation would result in immediate financial
1 9 loss to the landlord.

1 10 Sec. 2. Section 562A.11, subsection 2, Code 2009, is
1 11 amended to read as follows:

1 12 ~~2.~~ 3. A provision prohibited by subsection 1 or 2
1 13 included in a rental agreement is unenforceable. If a
1 14 landlord willfully uses a rental agreement containing
1 15 provisions known by the landlord to be prohibited, a tenant
1 16 may recover actual damages sustained by the tenant and not
1 17 more than three months' periodic rent and reasonable
1 18 attorney's fees.

1 19 EXPLANATION

1 20 This bill prohibits a landlord from imposing penalties on
1 21 tenants for actions that the tenants, invitees, or licensees
1 22 of the tenants may take that violate a city ordinance.
1 23 However, this prohibition would not apply if the landlord
1 24 would incur an immediate financial loss due to the action. In
1 25 that event, the landlord may impose a fine on the tenant.

1 26 The prohibited provision, if included in a rental
1 27 agreement, is unenforceable. Also, if the tenant sustains
1 28 actual damages from the landlord's inclusion of the prohibited
1 29 provision, the tenant may recover those actual damages as well
1 30 as no more than three months' periodic rent and the tenant's
1 31 reasonable attorney's fees.

1 32 LSB 2349SS 83

1 33 ns/rj/5