

Senate Study Bill 3115 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to the scope and nature of use restrictions on
2 land.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 614.24, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. As used in this section, “*use*
4 *restrictions*” means a limitation or prohibition on the rights
5 of a landowner to make use of the landowner’s real estate,
6 including but not limited to limitations or prohibitions
7 on commercial uses, rental use, parking and storage of
8 recreational vehicles and their attachments, ownership
9 of pets, outdoor domestic uses, construction and use of
10 accessory structures, building dimensions and colors, building
11 construction materials, and landscaping. A use restriction
12 claimed for purposes of this section shall not limit or
13 prohibit the following:

14 a. An easement granting a person an affirmative right
15 to use land in the possession of another person including
16 but not limited to an easement for pedestrian or vehicular
17 access, reasonable ingress and egress, solar access, utilities,
18 supporting utilities, parking areas, bicycle paths, and water
19 flow.

20 b. An agreement between two or more parcel owners providing
21 for the sharing of costs and other obligations for real
22 estate taxes, insurance premiums, and for maintenance, repair,
23 improvements, services, or other costs related to two or more
24 parcels of real estate regardless of whether the parties to
25 the agreement are owners of individual lots or incorporated
26 or unincorporated lots or have ownership interests in common
27 areas in a horizontal property regime or residential housing
28 development.

29 c. An agreement between two or more parcel owners for
30 the joint use and maintenance of driveways, party walls,
31 landscaping, fences, wells, roads, common areas, waterways, or
32 bodies of water.

33

EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
35 the explanation’s substance by the members of the general assembly.

1 Iowa Code sections 614.24 through 614.28 (known as the
2 "stale uses and reversions Act") require the filing of a
3 verified claim with the county recorder in the county where the
4 real estate is located within 21 years after the recording of
5 a use restriction or the last verified claim to continue the
6 use restriction. If a verified claim is not timely filed, the
7 use restriction becomes unenforceable by operation of law 21
8 years after the recording of the last verified claim of use
9 restriction.

10 The bill defines the meaning of the term "use restriction"
11 for the filing of a verified claim to include but not be
12 limited to limitations or prohibitions on uses specified in the
13 bill. The bill also provides that a use restriction shall not
14 limit or prohibit easements granting a person an affirmative
15 right to use land in the possession of another person, certain
16 agreements providing for the sharing of costs and other
17 obligations for real estate taxes, insurance premiums, and
18 maintenance, repair, improvements, services, or other costs,
19 and agreements between two or more parcel owners for the joint
20 use and maintenance of driveways, party walls, landscaping,
21 fences, wells, roads, common areas, waterways, or bodies of
22 water.