

House File 493 - Introduced

HOUSE FILE 493
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 153)

A BILL FOR

1 An Act relating to the right of residents, owners, tenants,
2 and landlords to summon emergency assistance and preempting
3 related local ordinances, rules, and regulations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.304, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 12. A county shall not adopt or enforce any
4 ordinance or regulation in violation of chapter 562C.

5 Sec. 2. Section 364.3, Code 2015, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 11. A city shall not adopt or enforce any
8 ordinance or regulation in violation of chapter 562C.

9 Sec. 3. NEW SECTION. **562C.1 Title — purpose.**

10 1. This chapter shall be known and may be cited as the
11 *“Right to Assistance Act”*.

12 2. The purpose of this chapter is to ensure that an owner,
13 lessee, or lessor of property in need of law enforcement
14 assistance or other emergency assistance in the state of Iowa
15 is not penalized for those authorities being contacted, and to
16 provide a remedy for violations of this chapter.

17 Sec. 4. NEW SECTION. **562C.2 Definitions.**

18 For purposes of this chapter, unless the context otherwise
19 requires:

20 1. *“Commercial landlord”* means a person who is the owner,
21 lessor, or sublessor of a property on which a tenant operates
22 or intends to operate a business.

23 2. *“Commercial tenant”* means a person who leases a property
24 for the purpose of operating a business on the property.

25 3. *“Landlord”* means a commercial landlord or a residential
26 landlord.

27 4. *“Owner”* means one or more persons, jointly or severally,
28 in whom is vested either of the following:

29 a. All or part of the legal title to property.

30 b. All or part of the beneficial ownership and a right
31 to present use and enjoyment of the property, and the term
32 includes a mortgagee in possession.

33 5. *“Rental agreement”* means the same as defined in section
34 562A.6 or 562B.7, or an oral or written agreement embodying the
35 terms and conditions concerning the use and occupancy of real

1 estate used for commercial purposes, whichever is applicable.

2 6. "*Resident*" means a residential tenant, a member of such
3 tenant's family, and any other person residing at the premises
4 with the consent of the residential tenant.

5 7. "*Residential landlord*" means the same as "landlord" in
6 section 562A.6 or 562B.7, whichever is applicable.

7 8. "*Residential tenant*" means the same as "tenant" in
8 section 562A.6 or 562B.7, whichever is applicable.

9 9. "*Tenant*" means a commercial tenant or residential tenant.

10 Sec. 5. NEW SECTION. **562C.3 Uniform application.**

11 To provide for the uniform application of the provisions of
12 this chapter, it is intended that the sole regulation of the
13 right of a resident, owner, tenant, or landlord to summon law
14 enforcement assistance or other emergency assistance shall be
15 under the provisions of this chapter, and a city, county, or
16 other governmental entity within this state shall not adopt
17 or make any local ordinance, rule, or regulation relating to
18 the right of a resident, owner, tenant, or landlord to summon
19 law enforcement assistance or other emergency assistance. All
20 such local ordinances, rules, or regulations shall be void,
21 unenforceable, and of no force or effect as of July 1, 2015.

22 Sec. 6. NEW SECTION. **562C.4 Prohibition of local penalties**
23 **for emergency assistance contact.**

24 1. An ordinance, rule, or regulation of a city, county, or
25 other governmental entity shall not authorize imposition of a
26 penalty against a resident, owner, tenant, or landlord for a
27 contact made for law enforcement assistance or other emergency
28 assistance by or on behalf of a victim of abuse, a victim of
29 a crime, or an individual in an emergency, if either of the
30 following is established:

31 a. The person making the contact had a reasonable belief
32 that the emergency assistance was necessary to prevent the
33 perpetration or escalation of the abuse, crime, or emergency.

34 b. In the event of abuse, crime, or other emergency, the
35 emergency assistance was actually needed.

1 2. Penalties prohibited by subsection 1 include the
2 following:

3 a. The actual or threatened revocation, suspension, or
4 nonrenewal of a rental certificate, license, or permit.

5 b. The actual or threatened assessment of penalties, fines,
6 or fees.

7 c. The actual or threatened eviction, or causing the actual
8 or threatened eviction, from the leased premises.

9 3. This section does not prohibit a city, county, or other
10 governmental entity from enforcing any ordinance, rule, or
11 regulation premised upon grounds other than a contact made for
12 law enforcement assistance or other emergency assistance by
13 or on behalf of a victim of abuse, a victim of a crime, or an
14 individual in an emergency.

15 Sec. 7. NEW SECTION. 562C.5 Prohibition of landlord
16 penalties — waiver of rights.

17 1. A landlord may not prohibit or limit a resident's or
18 tenant's rights to summon law enforcement assistance or other
19 emergency assistance by or on behalf of a victim of abuse, a
20 victim of a crime, or an individual in an emergency or may not
21 impose monetary or other penalties on a resident or tenant who
22 exercises that right.

23 2. Any waiver of the provisions of this section is contrary
24 to public policy and is void, unenforceable, and of no force
25 or effect.

26 3. This section shall not be construed to prohibit a
27 landlord from recovering from a resident or tenant an amount
28 equal to the costs incurred to repair property damage if
29 the damage is caused by law enforcement or other emergency
30 personnel summoned by the resident or tenant.

31 4. This section does not prohibit a landlord from
32 terminating, evicting, or refusing to renew a tenancy or rental
33 agreement when such action is premised upon grounds other
34 than a contact made for law enforcement assistance or other
35 emergency assistance by or on behalf of a victim of abuse, a

1 victim of a crime, or an individual in an emergency.

2 Sec. 8. NEW SECTION. 562C.6 Remedies.

3 1. In addition to other remedies provided by law, if
4 a city, county, or other governmental entity violates the
5 provisions of this chapter, a resident, owner, tenant, or
6 landlord is entitled to recover from the city, county, or other
7 governmental entity any of the following:

8 a. An order requiring the city, county, or other
9 governmental entity to cease and desist the unlawful practice.

10 b. Other equitable relief, including reinstatement of a
11 rental certificate, license, or permit, as the court may deem
12 appropriate.

13 c. Actual damages.

14 d. Reasonable attorney fees the resident, owner, tenant, or
15 landlord incurs in seeking enforcement of this chapter.

16 e. Court costs.

17 2. In addition to other remedies provided by law, if an
18 owner or landlord violates the provisions of this chapter, a
19 resident or tenant is entitled to recover from the owner or
20 landlord any of the following:

21 a. A civil penalty in an amount equal to one month's rent.

22 b. Actual damages.

23 c. Reasonable attorney fees the tenant or resident incurs in
24 seeking enforcement of this chapter.

25 d. Court costs.

26 e. Injunctive relief.

27

EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill enacts new Code chapter 562C to prohibit a
31 city, county, or other governmental entity from penalizing a
32 resident, owner, tenant, or landlord for a contact made for
33 law enforcement assistance or other emergency assistance by
34 or on behalf of a victim of abuse, a victim of a crime, or an
35 individual in an emergency if the person who made the contact

1 reasonably believed that emergency assistance was necessary to
2 prevent the perpetration or escalation of the abuse, crime,
3 or emergency, or if the intervention or emergency assistance
4 was actually needed. The bill prohibits cities, counties,
5 and other governmental entities from adopting any ordinances,
6 rules, or regulations that relate to the right of a resident,
7 owner, tenant, or landlord to summon law enforcement assistance
8 or other emergency assistance, and provides that such
9 ordinances, rules, or regulations are void, unenforceable, and
10 of no force or effect as of July 1, 2015. If a city, county, or
11 other governmental entity violates new Code chapter 562C, in
12 addition to other remedies provided by law, a resident, owner,
13 tenant, or landlord is entitled to recover a cease and desist
14 order, other equitable relief, actual damages, attorney fees,
15 or court costs.

16 The bill also prohibits an owner or landlord from
17 restricting a resident's or tenant's right to summon law
18 enforcement assistance or other emergency assistance by
19 or on behalf of a victim of abuse, a victim of a crime, or
20 an individual in an emergency, or impose monetary or other
21 penalties on a person who exercises that right. If a tenant or
22 resident waives this right, such waiver is void, unenforceable,
23 and of no force or effect. If an owner or landlord violates
24 new Code chapter 562C, in addition to other remedies provided
25 by law, a resident or tenant is entitled to recover a civil
26 penalty in an amount equal to one month's rent, actual damages,
27 attorney fees, court costs, or injunctive relief.