

House File 499 - Introduced

HOUSE FILE 499

BY BEARINGER and BERRY

A BILL FOR

1 An Act requiring registration for certain landlords.

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

1 Section 1. NEW SECTION. 562C.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Landlord*" means a person who owns, leases, or subleases
5 a rental property.

6 2. "*Rental agreement*" means a written or oral agreement
7 embodying the terms and conditions concerning the use and
8 occupancy of a rental property.

9 3. "*Rental property*" means a building that, in whole or
10 in part, is rented or leased to another person for use as a
11 dwelling unit.

12 4. "*Tenant*" means a person entitled under a rental agreement
13 to occupy a dwelling unit to the exclusion of another person.

14 Sec. 2. NEW SECTION. 562C.2 Certificate of registration.

15 1. Every landlord who owns, leases, or subleases more
16 than five rental properties in this state shall, within
17 thirty days following the effective date of this Act or at
18 the time of the creation of the first tenancy in any newly
19 constructed or reconstructed building, file with the secretary
20 of state a certificate of registration on a form prescribed by
21 the secretary of state, which shall contain the information
22 described in subsection 2.

23 2. The application for certificate of registration shall
24 include all of the following:

25 a. The address of each of the rental properties.

26 b. The name and address of the record owner or owners of
27 each of the rental properties and the record owner or owners
28 of the rental business if not the same persons. In the case
29 of a partnership, the names of all general partners shall be
30 provided.

31 c. If the record owner is a corporation, the name and
32 address of the registered agent and corporate officers of the
33 corporation.

34 d. If a rental property is in a county in which none of
35 the record owners reside, the name and address of a person who

1 resides in the county in which the rental property is located
2 and is authorized to accept notices from a tenant and to accept
3 service of process on behalf of the record owner.

4 *e.* The name and address of the managing agent of the rental
5 properties, if any.

6 *f.* The name and address of the superintendent, janitor,
7 custodian, or other individual employed by the record owner or
8 managing agent to provide regular maintenance service, if any.

9 *g.* The name, address, and telephone number of an individual
10 representative of the record owner or managing agent who may be
11 reached or contacted at any time in the event of an emergency
12 affecting a rental property or any unit in the rental property,
13 including an emergency such as the failure of an essential
14 service or system, who has the authority to make emergency
15 decisions concerning the rental property and any repairs and
16 related expenditures to the rental property, and who shall
17 at all times have access to a current list of the tenants of
18 the rental property that shall be made available to emergency
19 personnel if necessary in the event of an emergency.

20 *h.* A copy of a municipal rental certificate, permit,
21 or license for each rental property, if required by the
22 municipality, or a statement that no such certificate, permit,
23 or license is required.

24 *i.* If the landlord is a business entity required to file
25 organizational documents with the secretary of state or similar
26 office in another state, a copy of the entity's good standing
27 certificate, and a copy of an Iowa certificate of authority,
28 if applicable.

29 *j.* A representation that the landlord is current on all
30 property tax and income tax related to the rental properties.

31 3. The certificate of registration required by this section
32 shall be in addition to the rental certificate, permit, or
33 license required by a municipality, if any.

34 4. The secretary of state shall collect a fee of ten
35 dollars for a registration certificate delivered to the

1 secretary of state's office. The secretary of state shall
2 review the certificate and, if the certificate is found to be
3 in conformity with this section, validate the certificate and
4 issue a validated copy to the landlord.

5 5. A landlord required to file a certificate of registration
6 shall file an amended certificate of registration within twenty
7 days after a change in the information required to be included.
8 No fee shall be required for the filing of an amendment except
9 where ownership of a rental property is changed.

10 Sec. 3. NEW SECTION. 562C.3 Provision of copy of
11 certificate of registration to tenant.

12 Within thirty days following the effective date of this
13 Act and at the time of the creation of a new tenancy, every
14 landlord shall provide each occupant or tenant in a rental
15 property a copy of the certificate of registration required
16 by section 562C.2. If an amended certificate is filed, the
17 landlord shall furnish each occupant or tenant with a copy of
18 the amended certificate within seven days after the amended
19 certificate is filed with the secretary of state.

20 Sec. 4. NEW SECTION. 562C.4 Action for possession or rent
21 by landlord.

22 In an action to recover possession instituted by a landlord
23 under chapters 562A and 648 or for the nonpayment of rent, if
24 the landlord has failed to comply with the provisions of this
25 chapter, no judgment for possession or rent shall be entered
26 until there has been compliance. The court shall continue such
27 case for up to ninety days and if there has not been compliance
28 within such period, the action shall be dismissed.

29 Sec. 5. NEW SECTION. 562C.5 Penalty for violation —
30 recovery to municipalities.

31 1. A landlord who violates any provision of this chapter
32 commits a municipal infraction and shall be liable for a
33 penalty of not more than five hundred dollars for each offense.
34 A district court in the county in which a rental property is
35 located shall have jurisdiction to enforce the penalty.

1 2. The attorney general, the city or the county if the
2 property is located in the unincorporated area in which a
3 rental property is located, or any other person may institute
4 the proceeding.

5 3. A recovered penalty shall be remitted by the court to the
6 city or county in which the rental properties subject to the
7 proceeding are located. If the rental properties are in more
8 than one city or county, the penalty shall be divided between
9 the cities and counties on a pro rata basis on the number of
10 properties in each city or county.

11 Sec. 6. NEW SECTION. 562C.6 Prohibition of waiver of
12 rights.

13 Any written or oral provision in an agreement whereby a
14 tenant waives any rights under this chapter shall be deemed
15 against public policy and unenforceable.

16 EXPLANATION

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

19 This bill requires that certain landlords register with the
20 state.

21 The bill requires landlords who own, lease, or sublease more
22 than five rental properties in this state to register with
23 the state of Iowa. The bill defines "rental property" as a
24 building which, in whole or in part, is rented or leased to
25 another person for use as a dwelling unit.

26 The bill provides that the application for certificate of
27 registration shall be filed with the secretary of state. The
28 application includes information relating to the ownership of
29 the property, contact information for a person who can make
30 decisions and provide information to emergency personnel in
31 case of an emergency, copies of any local rental certificate,
32 permit, or license, copies of a certificate of good standing
33 or certificate of authority for landlords that are business
34 entities, and a representation that all related property taxes
35 and income taxes are current.

1 If a landlord has not been issued a certificate of
2 registration, the landlord cannot receive a judgment for
3 possession or rent against a tenant until there has been
4 compliance. The court shall continue the case for up to 90
5 days and if there has not been compliance within such period,
6 the action shall be dismissed.

7 A landlord who violates the provisions of new Code chapter
8 562C shall be liable for a penalty of not more than \$500 for
9 each offense. The attorney general, the city or county in
10 which a rental property is located, or any other person may
11 institute a proceeding related to failure to comply with the
12 new Code chapter. Recovered penalties are remitted to the city
13 or county where the rental property is located.

14 The bill provides that any written or oral provision in
15 an agreement where a tenant waives any rights under new Code
16 chapter 562C is unenforceable as against public policy.