

Senate File 2220 - Introduced

SENATE FILE 2220

BY HOGG

A BILL FOR

1 An Act relating to the right of a tenant or resident to summon
2 emergency assistance.

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

1 Section 1. Section 331.304, Code 2016, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 11. A county shall not adopt or enforce
4 any ordinance or regulation in violation of section 562A.27B
5 or 562B.25B.

6 Sec. 2. Section 364.3, Code 2016, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 11. A city shall not adopt or enforce any
9 ordinance or regulation in violation of section 562A.27B or
10 562B.25B.

11 Sec. 3. NEW SECTION. **562A.27B Right to summon emergency**
12 **assistance — waiver of rights.**

13 1. *a.* A landlord shall not prohibit or limit a resident's
14 or tenant's rights to summon law enforcement assistance or
15 other emergency assistance by or on behalf of a victim of
16 abuse, a victim of a crime, or an individual in an emergency.

17 *b.* A landlord shall not impose monetary or other penalties
18 on a resident or tenant who exercises the resident's or
19 tenant's right to summon law enforcement assistance or other
20 emergency assistance.

21 *c.* Any waiver of the provisions of this subsection is
22 contrary to public policy and is void, unenforceable, and of
23 no force or effect.

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

29 *e.* This section does not prohibit a landlord from
30 terminating, evicting, or refusing to renew a tenancy or rental
31 agreement when such action is premised upon grounds other than
32 the resident's or tenant's exercise of the right to summon
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.

1 2. a. An ordinance, rule, or regulation of a city, county,
2 or other governmental entity shall not authorize imposition
3 of a penalty against a resident, owner, tenant, or landlord
4 because the resident, owner, tenant, or landlord was a victim
5 of abuse or crime.

6 b. An ordinance, rule, or regulation of a city, county, or
7 other governmental entity shall not authorize imposition of a
8 penalty against a resident, owner, tenant, or landlord because
9 the resident, owner, tenant, or landlord sought law enforcement
10 assistance or other emergency assistance for a victim of abuse,
11 a victim of a crime, or an individual in an emergency, if
12 either of the following is established:

13 (1) The resident, owner, tenant, or landlord seeking
14 assistance had a reasonable belief that the emergency
15 assistance was necessary to prevent the perpetration or
16 escalation of the abuse, crime, or emergency.

17 (2) In the event of abuse, crime, or other emergency, the
18 emergency assistance was actually needed.

19 c. This subsection does not prohibit a city, county, or
20 other governmental entity from enforcing any ordinance, rule,
21 or regulation premised upon grounds other than a request for
22 law enforcement assistance or other emergency assistance by
23 a resident, owner, tenant, or landlord, or the fact that the
24 resident, owner, tenant, or landlord was a victim of crime or
25 abuse.

26 3. For purposes of this section, "resident" means a member
27 of a tenant's family and any other person occupying the
28 dwelling unit with the consent of the tenant.

29 **Sec. 4. NEW SECTION. 562B.25B Right to summon emergency**
30 **assistance — waiver of rights.**

31 1. a. A landlord shall not prohibit or limit a resident's
32 or tenant's rights to summon law enforcement assistance or
33 other emergency assistance by or on behalf of a victim of
34 abuse, a victim of a crime, or an individual in an emergency.

35 b. A landlord shall not impose monetary or other penalties

1 on a resident or tenant who exercises the resident's or
2 tenant's right to summon law enforcement assistance or other
3 emergency assistance.

4 *c.* Any waiver of the provisions of this subsection is
5 contrary to public policy and is void, unenforceable, and of
6 no force or effect.

7 *d.* This subsection shall not be construed to prohibit a
8 landlord from recovering from a resident or tenant an amount
9 equal to the costs incurred to repair property damage if
10 the damage is caused by law enforcement or other emergency
11 personnel summoned by the resident or tenant.

12 *e.* This section does not prohibit a landlord from
13 terminating, evicting, or refusing to renew a tenancy or rental
14 agreement when such action is premised upon grounds other than
15 the resident's or tenant's exercise of the right to summon
16 law enforcement assistance or other emergency assistance by
17 or on behalf of a victim of abuse, a victim of a crime, or an
18 individual in an emergency.

19 2. *a.* An ordinance, rule, or regulation of a city, county,
20 or other governmental entity shall not authorize imposition
21 of a penalty against a resident, owner, tenant, or landlord
22 because the resident, owner, tenant, or landlord was a victim
23 of abuse or crime.

24 *b.* 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 because
27 the resident, owner, tenant, or landlord sought law enforcement
28 assistance or other emergency assistance for a victim of abuse,
29 a victim of a crime, or an individual in an emergency, if
30 either of the following is established:

31 (1) The resident, owner, tenant, or landlord seeking
32 assistance had a reasonable belief that the emergency
33 assistance was necessary to prevent the perpetration or
34 escalation of the abuse, crime, or emergency.

35 (2) In the event of abuse, crime, or other emergency, the

1 emergency assistance was actually needed.

2 c. This subsection does not prohibit a city, county, or
3 other governmental entity from enforcing any ordinance, rule,
4 or regulation premised upon grounds other than a request for
5 law enforcement assistance or other emergency assistance by
6 a resident, owner, tenant, or landlord, or the fact that the
7 resident, owner, tenant, or landlord was a victim of crime or
8 abuse.

9 3. For purposes of this section, "resident" means a member
10 of a tenant's family and any other person occupying the
11 dwelling unit with the consent of the tenant.

12 EXPLANATION

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

15 This bill relates to the right of a tenant or resident to
16 summon emergency assistance and prohibits a landlord, city,
17 county, or other governmental entity from penalizing a tenant,
18 resident, owner, or landlord for seeking emergency assistance.

19 The bill provides that a landlord shall not prohibit or
20 limit a resident's or tenant's right to summon law enforcement
21 assistance or other emergency assistance for a victim of abuse,
22 a victim of crime, or an individual in an emergency. The
23 bill provides that a landlord cannot impose monetary or other
24 penalties on a resident or tenant who summons such emergency
25 assistance, and that any waiver of such right is void and
26 unenforceable. The bill does not prevent a landlord from
27 recovering from a resident or tenant an amount equal to the
28 costs incurred to repair property damage if the damage is
29 caused by law enforcement or other emergency personnel summoned
30 by the resident or tenant. The bill does not prevent a
31 landlord from terminating or evicting a resident or tenant when
32 such action is premised on grounds other than the resident's
33 or tenant's exercise of the right to summon law enforcement
34 assistance.

35 The bill provides that an ordinance, rule, or regulation of a

1 city, county, or other governmental entity shall not authorize
2 imposition of any penalty against a resident, owner, tenant,
3 or landlord because either the resident, owner, tenant, or
4 landlord was a victim of abuse or crime. The bill provides
5 that an ordinance, rule, or regulation of a city, county,
6 or other governmental entity shall not authorize imposition
7 of a penalty against a resident, owner, tenant, or landlord
8 because the resident, owner, tenant, or landlord sought law
9 enforcement assistance for a victim of abuse, a victim of
10 crime, or an individual in an emergency if either the resident,
11 owner, tenant, or landlord seeking assistance had a reasonable
12 belief that the assistance was necessary or if the emergency
13 assistance was actually needed. The bill does not prohibit a
14 city, county, or other governmental entity from enforcing any
15 ordinance, rule, or regulation premised upon grounds other than
16 a request for law enforcement assistance or other emergency
17 assistance for a victim of abuse, a victim of a crime, or an
18 individual in an emergency.

19 The provisions of the bill apply to Code chapter 562A
20 (uniform residential landlord and tenant Act) and Code chapter
21 562B (manufactured home communities or mobile home parks
22 residential landlord and tenant Act).