House File 451 - Introduced

HOUSE FILE 451
BY JONES

A BILL FOR

An Act relating to the rental of dwelling units and manufactured or mobile home spaces by preempting certain regulations by cities and counties and the rights of landlords to terminate rental agreements.

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

Section 1. Section 331.304, subsection 11, Code 2017, is amended to read as follows:

11. A county shall not adopt or enforce any ordinance or regulation in violation of ~~section 562A.27B~~ chapters 562A or ~~562B.25B~~ 562B.

Sec. 2. Section 364.3, subsection 11, Code 2017, is amended to read as follows:

11. A city shall not adopt or enforce any ordinance or regulation in violation of ~~section 562A.27B~~ chapter 562A or ~~562B.25B~~ 562B.

Sec. 3. NEW SECTION. **562A.2A Uniform application.**

To provide for the uniform application of the provisions of this chapter, it is intended that the sole regulation of the rental of dwelling units and the rights and obligations of landlords and tenants shall be under the provisions of this chapter, and a city, county, or other governmental entity within this state shall not adopt or make any local ordinance, rule, or regulation relating to the rental of dwelling units and the rights and obligations of landlords and tenants. All such local ordinances, rules, or regulations shall be void, unenforceable, and of no force or effect as of July 1, 2017.

Sec. 4. Section 562A.30, subsection 1, Code 2017, is amended to read as follows:

1. Acceptance of performance by the tenant that varies from the terms of the rental agreement or rules subsequently adopted by the landlord constitutes a waiver of the landlord's right to terminate the rental agreement for that breach, unless the landlord and the tenant otherwise agree after the breach has occurred.

Sec. 5. Section 562A.30, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Except as provided in this chapter, if rent is unpaid when due and there is any outstanding balance owed by the tenant to the landlord, the entire outstanding balance shall be considered rent and shall not constitute

a waiver of the landlord's right to terminate the rental agreement for that breach in accordance with section 562A.27, subsection 2.

Sec. 6. NEW SECTION. **562B.2A Uniform application.**

To provide for the uniform application of the provisions of this chapter, it is intended that the sole regulation of the rental of manufactured or mobile home spaces and the rights and obligations of landlords and tenants shall be under the provisions of this chapter, and a city, county, or other governmental entity within this state shall not adopt or make any local ordinance, rule, or regulation relating to the rental of manufactured or mobile home spaces and the rights and obligations of landlords and tenants. All such local ordinances, rules, or regulations shall be void, unenforceable, and of no force or effect as of July 1, 2017.

Sec. 7. Section 562B.28, Code 2017, is amended to read as follows:

562B.28 Waiver of landlord's right to terminate.

1. Acceptance of performance by the tenant that varied from the terms of the rental agreement or rules subsequently adopted by the landlord constitutes a waiver of the landlord's right to terminate the rental agreement for that breach, unless otherwise agreed after the breach has occurred.

2. Except as provided in this chapter, if rent is unpaid when due and there is any outstanding balance owed by the tenant to the landlord, the entire outstanding balance shall be considered rent and shall not constitute a waiver of the landlord's right to terminate the rental agreement for that breach in accordance with section 562B.25, subsection 2.

EXPLANATION

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

This bill prohibits cities and counties from adopting or enforcing an ordinance or regulation that contradicts the provisions of Code chapter 562A or 562B.

Under current law, a landlord's acceptance of a tenant's performance that varies from the terms of a rental agreement or subsequent rules adopted by the landlord constitutes a waiver of the landlord's right to terminate the rental agreement for that breach. The bill provides that such an acceptance is not a waiver if the parties otherwise agree after the breach has occurred.

The bill provides that if rent is unpaid when due and there is any outstanding balance owed by the tenant to the landlord, the entire outstanding balance shall be considered rent and shall not constitute a waiver of the landlord's right to terminate the rental agreement for that breach.