

**Senate File 264 - Introduced**

SENATE FILE 264

BY DANIELSON

**A BILL FOR**

1 An Act authorizing the reduction of damages payable to an  
2 unresponsive property owner in condemnation proceedings and  
3 including applicability provisions.

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

1 Section 1. Section 6B.33, Code 2017, is amended to read as  
2 follows:

3 **6B.33 Costs and attorney fees.**

4 1. The acquiring agency shall pay all costs of the  
5 assessment made by the commissioners and reasonable attorney  
6 fees and costs, including the reasonable cost of one appraisal,  
7 incurred by the condemnee as determined by the commissioners if  
8 the award of the commissioners exceeds one hundred ten percent  
9 of the final offer of the applicant prior to condemnation.  
10 The condemnee shall submit an application for fees and costs  
11 prior to adjournment of the final meeting of the compensation  
12 commission held on the matter. The acquiring agency shall  
13 file with the sheriff an affidavit setting forth the most  
14 recent offer made to the person whose property is sought to be  
15 condemned. Members of such commissions shall receive a per  
16 diem of two hundred dollars and actual and necessary expenses  
17 incurred in the performance of their official duties. The  
18 acquiring agency shall reimburse the county sheriff for the per  
19 diem and expense amounts paid by the sheriff to the members.  
20 The acquiring agency shall reimburse the owner for the expenses  
21 the owner incurred for recording fees, penalty costs for full  
22 or partial prepayment of any preexisting recorded mortgage  
23 entered into in good faith encumbering the property, and for  
24 similar expenses incidental to conveying the property to the  
25 acquiring agency. The acquiring agency shall also pay all  
26 costs occasioned by the appeal, including reasonable attorney  
27 fees and the reasonable cost incurred by the property owner for  
28 one appraisal to be taxed by the court, unless on the trial  
29 thereof the same or a lesser amount of damages is awarded than  
30 was allowed by the tribunal from which the appeal was taken.  
31 2. If the acquiring agency satisfies the requirements  
32 of section 6B.57 relating to providing the notices and  
33 documents required under this chapter, and the property owner  
34 fails to timely respond to such notices, documents, or other  
35 correspondence from the acquiring agency, the district court,

1 or the compensation commission, the amount of damages awarded  
2 to the property owner shall be reduced by an amount equal to  
3 the actual costs incurred and reasonable attorney fees paid by  
4 the acquiring agency relating to the condemnation proceedings.

5 Sec. 2. APPLICABILITY. This Act applies to condemnation  
6 proceedings commenced on or after July 1, 2017.

7 EXPLANATION

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

10 This bill provides that if an acquiring agency in a  
11 condemnation proceeding satisfies the requirements of Code  
12 section 6B.57 relating to providing the notices and documents  
13 required under Code chapter 6B, and the property owner  
14 fails to timely respond to such notices, documents, or other  
15 correspondence from the acquiring agency, the district court,  
16 or the compensation commission, the amount of damages awarded  
17 to the property owner shall be reduced by an amount equal to  
18 the actual costs incurred and reasonable attorney fees paid by  
19 the acquiring agency relating to the condemnation proceedings.

20 The bill applies to condemnation proceedings commenced on  
21 or after July 1, 2017.