

House File 431 - Introduced

HOUSE FILE 431

BY DEYOE

A BILL FOR

1 An Act relating to farm tenancies, by providing for notice of
2 termination.

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

1 Section 1. Section 562.7, subsection 3, Code 2019, is
2 amended to read as follows:

3 3. By mailing the notice before September 1 by certified
4 mail, return receipt requested, with delivery restricted to
5 the party to be notified or a successor to that party. A
6 certified mail return receipt is evidence of delivery. Notice
7 served by certified mail is made and completed when the notice
8 is enclosed in a sealed envelope, with the proper postage on
9 the envelope, the envelope is addressed to the party or a
10 successor of the party at the last known mailing address and
11 of that party, the envelope is deposited in a mail receptacle
12 provided by the United States postal service, and the envelope
13 is postmarked.

14 EXPLANATION

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

17 BILL'S PROVISIONS. This bill amends provisions that require
18 a party to a farm tenancy to provide notice of the tenancy's
19 termination. The bill provides that the notice must be
20 delivered by certified mail, return receipt requested, with the
21 delivery restricted to the intended recipient. A certified
22 mail return receipt is evidence of delivery and the envelope
23 containing the notice must be postmarked.

24 BACKGROUND. A farm tenancy refers to a lease of agricultural
25 land in which the lessee (farm tenant) is a person who produces
26 crops or provides for the care and feeding of livestock on
27 the leased land (Code section 562.1A). Generally, all farm
28 tenancies terminate on March 1, at the end of the farm tenant's
29 crop year. However, in order to effectuate the termination,
30 one party to the lease (landlord or farm tenant, or a successor
31 in interest) must have given the other party written notice
32 of the termination by the previous September 1 (Code sections
33 562.5 through 562.7). Without such timely written notice of
34 the termination, the lease continues under its same terms and
35 conditions until the next September 1. There are currently

1 three alternative methods for providing notice to the intended
2 recipient prior to September 1, including by acceptance of
3 service signed by the recipient, serving notice personally on
4 the recipient or failing that by publication in a newspaper, or
5 by certified mail sent to the last-known mailing address of the
6 recipient. In the last case, there is no requirement that the
7 recipient actually receives the notice.