

Senate File 2245 - Introduced

SENATE FILE 2245

BY SCHULTZ

A BILL FOR

1 An Act relating to the possession and storage of firearms by a
2 tenant of a dwelling unit or mobile home space and making
3 penalties applicable.

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

1 Section 1. Section 562A.11, subsection 1, Code 2020, is
2 amended to read as follows:

3 1. A rental agreement shall not provide that the tenant or
4 landlord does any of the following:

5 a. Agrees to waive or to forego rights or remedies under
6 this chapter provided that this restriction shall not apply to
7 rental agreements covering single family residences on land
8 assessed as agricultural land and located in an unincorporated
9 area~~;~~.

10 b. Authorizes a person to confess judgment on a claim
11 arising out of the rental agreement~~;~~.

12 c. Agrees to pay the other party's attorney fees~~;~~ ~~or~~.

13 d. Agrees to the exculpation or limitation of any liability
14 of the other party arising under law or to indemnify the other
15 party for that liability or the associated costs connected
16 ~~therewith.~~

17 e. (1) Agrees that the tenant shall not lawfully possess or
18 store a firearm in the dwelling unit that the tenant rents.

19 (2) This paragraph does not prohibit a landlord from any of
20 the following:

21 (a) Prohibiting the possession or storage of a firearm in
22 an appurtenant structure on the premises that is detached from
23 the dwelling unit.

24 (b) Terminating a rental agreement if the tenant crates a
25 clear and present danger pursuant to section 562A.27A.

26 f. Agrees that the tenant will pay a fee or higher rent,
27 have limited access to amenities offered, or otherwise be
28 restricted due to the tenant's lawful possession and storage of
29 a firearm in the dwelling unit that the tenant rents.

30 Sec. 2. Section 562A.27A, subsection 2, paragraph b, Code
31 2020, is amended to read as follows:

32 b. Illegal use of a firearm or other weapon, the threat to
33 use a firearm or other weapon illegally, or possession of an
34 illegal firearm. The mere possession or storage of a firearm
35 by a tenant in the dwelling unit that the tenant rents does not

1 constitute a clear and present danger.

2 Sec. 3. Section 562B.11, subsection 1, Code 2020, is amended
3 by adding the following new paragraphs:

4 NEW PARAGRAPH. e. (1) Agrees that the tenant shall not
5 lawfully possess or store a firearm in the dwelling unit.

6 (2) This paragraph does not prohibit a landlord from any of
7 the following:

8 (a) Prohibiting the possession or storage of a firearm in an
9 appurtenant structure that is detached from the dwelling unit
10 on the mobile home space or in the mobile home park.

11 (b) Terminating a rental agreement if the tenant creates a
12 clear and present danger pursuant to section 562B.25A.

13 NEW PARAGRAPH. f. Agrees that the tenant will pay a fee
14 or higher rent, have limited access to amenities offered, or
15 otherwise be restricted due to the tenant's lawful possession
16 and storage of a firearm in the tenant's dwelling unit.

17 Sec. 4. Section 562B.25A, subsection 2, paragraph b, Code
18 2020, is amended to read as follows:

19 b. Illegal use of a firearm or other weapon, the threat to
20 use a firearm or other weapon illegally, or possession of an
21 illegal firearm. The mere possession or storage of a firearm
22 by a tenant in the tenant's dwelling unit does not constitute a
23 clear and present danger.

24 EXPLANATION

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

27 This bill relates to the lawful possession and storage of
28 firearms in a dwelling unit.

29 The bill prohibits a landlord of a dwelling unit or
30 mobile home space from including in a rental agreement a
31 provision that prevents a tenant from lawfully possessing
32 or storing a firearm in the dwelling unit. The bill also
33 prohibits a landlord of a dwelling unit or mobile home space
34 from including in a rental agreement a provision that the
35 tenant will pay a fee or higher rent, have limited access

1 to amenities offered, or otherwise be restricted due to the
2 tenant's lawful possession and storage of a firearm in the
3 dwelling unit. In the context of a tenant leasing a mobile
4 home space, "dwelling unit" excludes the real property used
5 to accommodate a manufactured or mobile home. The bill does
6 not prohibit a landlord from including in a rental agreement a
7 provision that prohibits a tenant from possessing or storing a
8 firearm in an appurtenant structure that is detached from the
9 dwelling unit. The bill also does not prohibit a landlord from
10 terminating a rental agreement if the tenant creates a clear
11 and present danger. The bill provides that the mere possession
12 or storage of a firearm by a tenant in the dwelling unit does
13 not constitute a clear and present danger.

14 A provision in a rental agreement that violates the bill is
15 unenforceable. A tenant of a dwelling unit may recover from a
16 landlord actual damages sustained by the tenant, not more than
17 three months' periodic rent, and reasonable attorney fees if
18 the landlord willfully uses a rental agreement that contains
19 provisions known by the landlord to be prohibited by the bill.
20 A tenant of a mobile home space may recover from a landlord
21 actual damages sustained if the landlord knowingly includes in
22 the rental agreement a provision known to be prohibited by the
23 bill.