

Senate File 463 - Introduced

SENATE FILE 463
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1053)

A BILL FOR

1 An Act relating to landlord remedies and procedures relating to
2 failure to timely pay rent and forcible entry and detainer.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 562A.9, subsection 4, Code 2019, is
2 amended to read as follows:

3 4. For rental agreements in which the rent does not exceed
4 seven hundred dollars per month, a rental agreement shall not
5 provide for a late fee that exceeds twelve dollars per day or a
6 total amount of sixty dollars per month. For rental agreements
7 in which the rent is greater than seven hundred dollars per
8 month but less than one thousand four hundred dollars per
9 month, a rental agreement shall not provide for a late fee that
10 exceeds twenty dollars per day or a total amount of one hundred
11 dollars per month. For rental agreements in which the rent is
12 at least one thousand four hundred dollars per month, a rental
13 agreement shall not provide for a late fee that exceeds two
14 percent of the rent per day or a total amount of ten percent of
15 the rent per month.

16 Sec. 2. Section 562B.10, subsection 4, Code 2019, is amended
17 to read as follows:

18 4. For rental agreements in which the rent does not exceed
19 seven hundred dollars per month, a rental agreement shall not
20 provide for a late fee that exceeds twelve dollars per day or a
21 total amount of sixty dollars per month. For rental agreements
22 in which the rent is greater than seven hundred dollars per
23 month but less than one thousand four hundred dollars per
24 month, a rental agreement shall not provide for a late fee that
25 exceeds twenty dollars per day or a total amount of one hundred
26 dollars per month. For rental agreements in which the rent is
27 at least one thousand four hundred dollars per month, a rental
28 agreement shall not provide for a late fee that exceeds two
29 percent of the rent per day or a total amount of ten percent of
30 the rent per month.

31 Sec. 3. Section 648.5, subsection 1, Code 2019, is amended
32 to read as follows:

33 1. An action for forcible entry and detainer shall be
34 brought in a county where all or part of the premises is
35 located. Such an action shall be tried as an equitable action.

1 Upon receipt of the petition, the court shall set a date,
2 time, and place for hearing. The court shall set the date
3 of hearing no later than eight days from the filing date,
4 except that the court shall set a later hearing date no later
5 than fifteen days from the date of filing if the plaintiff
6 requests or consents to the later date of hearing. The
7 requirement regarding the setting of the initial hearing is not
8 a jurisdictional requirement and does not affect the court's
9 subject matter jurisdiction to hear the action for forcible
10 entry and detainer.

11

EXPLANATION

12

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

14

15 This bill relates to landlord remedies and procedures
16 relating to failure to timely pay rent and forcible entry and
17 detainer.

18

19 Current law caps late fees on rental agreements in which
20 rent is greater than \$700 per month at \$20 per day and \$100 per
21 month.

22

23 The bill allows a rental agreement to provide for late fees
24 not to exceed 2 percent of the rent per day and 10 percent of
25 the rent per month when rent exceeds \$1,400 per month.

26

27 The bill also makes a procedural change relating to
28 jurisdiction in actions for forcible entry and detainer.