

House File 2441 - Introduced

HOUSE FILE 2441
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 833)
(SUCCESSOR TO HF 442)

A BILL FOR

1 An Act relating to property law, including mobile homes and
2 manufactured housing, rental agreements, landlord and
3 tenant remedies for retaliation, wrongful failure to provide
4 essential services, rent increases, the sale of manufactured
5 home community or mobile home park, the repeal of the
6 manufactured home community and mobile home tax, forcible
7 entry and detainer actions, abandoned mobile homes, and
8 including effective date and applicability provisions.
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 DIVISION I
2 RETALIATION

3 Section 1. Section 562B.32, subsection 1, paragraph d, Code
4 2022, is amended to read as follows:

5 *d.* For exercising any of the rights and remedies pursuant
6 to this chapter or chapter 216.

7 Sec. 2. Section 562B.32, subsection 2, Code 2022, is amended
8 to read as follows:

9 2. If the landlord acts in violation of subsection 1
10 of this section, the tenant is entitled to the remedies
11 provided in section 562B.24 and has a defense in an action for
12 possession. In an action by or against the tenant, evidence
13 of a complaint within ~~six months~~ one year prior to the alleged
14 act of retaliation creates a presumption that the landlord's
15 conduct was in retaliation. The presumption does not arise
16 if the tenant made the complaint after notice of termination
17 of the rental agreement. For the purpose of this subsection,
18 "*presumption*" means that the trier of fact must find the
19 existence of the fact presumed unless and until evidence is
20 introduced which would support a finding of its nonexistence.

21 DIVISION II
22 RENTAL AGREEMENTS

23 Sec. 3. Section 562B.7, subsection 10, Code 2022, is amended
24 to read as follows:

25 10. "*Rent*" means a payment to be made to the landlord under
26 the rental agreement, including base rent, utilities, late
27 fees, and other payments made by the tenant to the landlord
28 under the rental agreement.

29 Sec. 4. Section 562B.10, subsection 5, Code 2022, is amended
30 to read as follows:

31 5. Rental agreements shall be for a term of one year unless
32 otherwise specified in the rental agreement. Rental agreements
33 shall be canceled by at least ~~sixty~~ ninety days' written notice
34 given by either party. A landlord shall not cancel a rental
35 agreement solely for the purpose of making the tenant's mobile

1 home space available for another mobile home.

2 Sec. 5. Section 562B.14, subsection 7, Code 2022, is amended
3 to read as follows:

4 7. Each tenant shall be notified, in writing, of any rent
5 increase at least ~~sixty~~ ninety days before the effective date.
6 Such effective date shall not be sooner than the expiration
7 date of the original rental agreement or any renewal or
8 extension thereof.

9 Sec. 6. EFFECTIVE DATE. This division of this Act, being
10 deemed of immediate importance, takes effect upon enactment.

11 Sec. 7. APPLICABILITY. This division of this Act applies to
12 rent increases first noticed under chapter 562B occurring on or
13 after the effective date of this division of this Act.

14 DIVISION III

15 DISCLOSURE OF UTILITY CHARGES

16 Sec. 8. Section 562B.14, subsection 6, Code 2022, is amended
17 to read as follows:

18 6. a. The landlord or any person authorized to enter into
19 a rental agreement on the landlord's behalf shall provide a
20 written explanation of utility rates, charges and services to
21 the prospective tenant before the rental agreement is signed
22 unless the utility charges are paid by the tenant directly to
23 the utility company.

24 b. Tenants shall be notified of any increase in utility
25 rates or charges in the manner set forth in subsection 7, for
26 rent increases, unless the landlord obtains the utility service
27 from a utility provider and does not receive at least ninety
28 days prior notice of such increase from the utility provider in
29 which case no prior notice of the increase from the landlord to
30 the tenant is required for the increase to be effective.

31 DIVISION IV

32 WRONGFUL FAILURE TO PROVIDE ESSENTIAL SERVICES

33 Sec. 9. NEW SECTION. **562B.23A Wrongful failure to supply**
34 **running water or essential services.**

35 1. If contrary to the rental agreement or section 562B.16

1 sixty days. If the landlord does not approve the purchaser as
2 a tenant, the landlord shall provide the purchaser with written
3 notice of such denial and the general reason for the denial,
4 but the landlord shall not be required to provide a specific
5 reason for the denial.

6 DIVISION VI

7 PROHIBITED RENTAL AGREEMENT PROVISION — HOME EQUIPMENT

8 Sec. 12. Section 562B.11, subsection 1, Code 2022, is
9 amended by adding the following new paragraph:

10 NEW PARAGRAPH. e. Agrees to modify the mobile home,
11 manufactured home, or modular home in a way that would
12 substantially impair the ability of the tenant to move the
13 home from the mobile home space, unless such modification is
14 required by federal law, including but not limited to the
15 model manufactured home installation standards, 24 C.F.R. pt.
16 3285, the manufactured home construction and safety standards,
17 24 C.F.R. pt. 3280, or the manufactured home procedural and
18 enforcement regulations, 24 C.F.R. pt. 3282, or by state or
19 local law, the manufacturer's installation instructions, any
20 requirement arising from the landlord's financing of the home
21 or of the mobile home park or manufactured home community in
22 which the home is located, or unless such modification is
23 otherwise necessary for the safe and proper installation of the
24 home.

25 DIVISION VII

26 LANDLORD SALES

27 Sec. 13. NEW SECTION. 562B.17A Sale of mobile home by
28 landlord.

29 1. Any sale of a mobile home located in a manufactured home
30 community or mobile home park by a landlord or landlord's agent
31 shall be by written agreement and the landlord shall, upon the
32 buyer's fulfillment of all payment and other terms under the
33 agreement, produce and assign the current certificate of title
34 obtained from the department of transportation. The agreement
35 shall state the basic terms of sale, including the total

1 cost of the mobile home, and, in the case of an installment
2 contract, finance charges, annual percentage rate, and the
3 frequency and amount of each installment payment.

4 2. If such sale does not comply with this section, the
5 court may award monetary or equitable relief, including voiding
6 the sale, and the buyer may recover damages incurred, amounts
7 paid as a rental deposit in excess of two months' rent, and
8 reasonable attorney fees.

9 3. A claim under subsection 2 may be combined with an action
10 under chapter 648.

11 Sec. 14. Section 648.19, subsection 1, Code 2022, is amended
12 to read as follows:

13 1. An action under **this chapter** shall not be filed in
14 connection with any other action, with the exception of a claim
15 for rent or recovery as provided in **section 555B.3, 562A.24,**
16 **562A.32, 562B.17A, 562B.22, 562B.25, or 562B.27,** nor shall it
17 be made the subject of counterclaim.

18 DIVISION VIII

19 SALE OF MANUFACTURED HOME COMMUNITY OR MOBILE HOME PARK

20 Sec. 15. **NEW SECTION. 562B.16A Sale of manufactured home**
21 **community or mobile home park — notices.**

22 Upon termination of the landlord's interest in the
23 manufactured home community or mobile home park, the landlord's
24 successor in interest shall have the same legal obligations,
25 rights, and remedies of the landlord, including with respect to
26 all rental agreements.

27 Sec. 16. **APPLICABILITY.** This division of this Act applies
28 to manufactured home community or mobile home park sale
29 transactions made on or after the effective date of this
30 division of this Act.

31 DIVISION IX

32 MANUFACTURED HOME AND MOBILE HOME TAX

33 Sec. 17. Section 29C.24, subsection 3, paragraph a,
34 subparagraph (6), Code 2022, is amended to read as follows:

35 (6) The assessment of property taxes by the department

1 of revenue under sections 428.24 through 428.26, 428.28, and
2 428.29, or chapters 433, 434, ~~435~~, and 437 through 438, or by
3 a local assessor under another provision of law, on property
4 brought into the state to aid in the performance of disaster
5 or emergency-related work during a disaster response period if
6 such property does not remain in the state after the conclusion
7 of the disaster response period.

8 Sec. 18. Section 321.24, subsection 1, Code 2022, is amended
9 to read as follows:

10 1. Upon receipt of the application for title and payment of
11 the required fees for a motor vehicle, trailer, or semitrailer,
12 the county treasurer or the department shall, when satisfied
13 as to the application's genuineness and regularity, and, in
14 the case of a mobile home or manufactured home, that taxes
15 are not owing under chapter 423 or ~~435~~, issue a certificate
16 of title and, except for a mobile home or manufactured home,
17 a registration receipt, and shall file the application, the
18 manufacturer's or importer's certificate, the certificate of
19 title, or other evidence of ownership, as prescribed by the
20 department. The registration receipt shall be delivered to the
21 owner and shall contain upon its face the date issued, the name
22 and address of the owner, the registration number assigned to
23 the vehicle, the amount of the fee paid, the type of fuel used,
24 a description of the vehicle as determined by the department,
25 and a form for notice of transfer of the vehicle. The name
26 and address of any lessee of the vehicle shall not be printed
27 on the registration receipt or certificate of title. Up to
28 three owners may be listed on the registration receipt and
29 certificate of title.

30 Sec. 19. Section 321.30, subsection 1, paragraph j, Code
31 2022, is amended by striking the paragraph.

32 Sec. 20. Section 321.46, subsection 2, Code 2022, is amended
33 to read as follows:

34 2. Upon filing the application for a new registration and
35 a new title, the applicant shall pay a title fee of twenty

1 dollars, an annual registration fee prorated for the remaining
2 unexpired months of the registration year, and a fee for new
3 registration if applicable. A manufacturer applying for a
4 certificate of title pursuant to [section 322G.12](#) shall pay a
5 title fee of ten dollars. However, a title fee shall not be
6 charged to a manufactured or mobile home retailer applying for
7 a certificate of title for a used mobile home or manufactured
8 home, titled in Iowa, as required under section 321.45,
9 subsection 4. The county treasurer, if satisfied of the
10 genuineness and regularity of the application, ~~and in the case~~
11 ~~of a mobile home or manufactured home, that taxes are not owing~~
12 ~~under [chapter 435](#)~~, and that the applicant has complied with all
13 the requirements of [this chapter](#), shall issue a new certificate
14 of title and, except for a mobile home, manufactured home,
15 or a vehicle returned to and accepted by a manufacturer as
16 described in [section 322G.12](#), a registration card to the
17 purchaser or transferee, shall cancel the prior registration
18 for the vehicle, and shall forward the necessary copies to the
19 department on the date of issuance, as prescribed in section
20 321.24. Mobile homes or manufactured homes titled under
21 chapter 448 that have been subject under [section 446.18](#) to a
22 public bidder sale in a county shall be titled in the county's
23 name, with no fee, and the county treasurer shall issue the
24 title.

25 Sec. 21. Section 321.101, subsection 2, Code 2022, is
26 amended to read as follows:

27 2. The department shall cancel a certificate of title that
28 appears to have been improperly issued or fraudulently obtained
29 ~~or, in the case of a mobile home or manufactured home, if taxes~~
30 ~~were owing under [chapter 435](#) at the time the certificate was~~
31 ~~issued and have not been paid. However, before the certificate~~
32 ~~to a mobile home or manufactured home for which taxes were~~
33 ~~owing can be canceled, notice and opportunity to pay the taxes~~
34 ~~must be given to the person to whom the certificate was issued.~~
35 ~~Upon cancellation of a certificate of title, the department~~

1 ~~shall notify the county treasurer who issued it, who shall~~
2 ~~enter the cancellation upon the records.~~ The department shall
3 also notify the person to whom the certificate of title was
4 issued, as well as each lienholder who has a perfected lien,
5 of the cancellation and shall demand the surrender of the
6 certificate of title, but the cancellation shall not affect the
7 validity of any perfected lien.

8 Sec. 22. Section 321.123, subsection 2, paragraph b, Code
9 2022, is amended to read as follows:

10 b. A travel trailer may be stored under [section 321.134](#),
11 provided the travel trailer is not used for human habitation
12 for any period during storage and is not moved upon the
13 highways of the state. ~~A travel trailer stored under section~~
14 ~~321.134 is not subject to a manufactured or mobile home tax~~
15 ~~assessed under [chapter 435](#).~~

16 Sec. 23. Section 331.429, subsection 1, paragraphs a and b,
17 Code 2022, are amended to read as follows:

18 a. Transfers from the general fund not to exceed in any year
19 the dollar equivalent of a tax of sixteen and seven-eighths
20 cents per thousand dollars of assessed value on all taxable
21 property in the county multiplied by the ratio of current
22 taxes actually collected and apportioned for the general basic
23 levy to the total general basic levy for the current year,
24 and an amount equivalent to the moneys derived by the general
25 fund from military service tax credits under [chapter 426A](#),
26 ~~manufactured or mobile home taxes under [section 435.22](#),~~ and
27 delinquent taxes for prior years collected and apportioned to
28 the general basic fund in the current year, multiplied by the
29 ratio of sixteen and seven-eighths cents to three dollars and
30 fifty cents. The limit on transfers in this paragraph applies
31 only to property tax revenue and is not a limit on transfers of
32 revenue generated from sources other than property taxes.

33 b. Transfers from the rural services fund not to exceed
34 in any year the dollar equivalent of a tax of three dollars
35 and three-eighths cents per thousand dollars of assessed value

1 on all taxable property not located within the corporate
2 limits of a city in the county multiplied by the ratio of
3 current taxes actually collected and apportioned for the rural
4 services basic levy to the total rural services basic levy
5 for the current year and an amount equivalent to the moneys
6 derived by the rural services fund from military service tax
7 credits under [chapter 426A](#), ~~manufactured or mobile home taxes~~
8 ~~under [section 435.22](#)~~, and delinquent taxes for prior years
9 collected and apportioned to the rural services basic fund in
10 the current year, multiplied by the ratio of three dollars and
11 three-eighths cents to three dollars and ninety-five cents.
12 The limit on transfers in this paragraph applies only to
13 property tax revenue and is not a limit on transfers of revenue
14 generated from sources other than property taxes.

15 Sec. 24. Section 331.559, subsection 1, Code 2022, is
16 amended by striking the subsection.

17 Sec. 25. Section 331.653, subsection 17, Code 2022, is
18 amended by striking the subsection.

19 Sec. 26. Section 335.30A, subsection 2, Code 2022, is
20 amended to read as follows:

21 2. "*Land-leased community*" means any site, lot, field,
22 or tract of land under common ownership upon which ten or
23 more occupied manufactured homes are harbored, either free of
24 charge or for revenue purposes, and shall include any building,
25 structure, or enclosure used or intended for use as part of the
26 equipment of the land-leased community. The term "*land-leased*
27 *community*" shall not be construed to include homes, buildings,
28 or other structures temporarily maintained by any individual,
29 educational institution, or company on their own premises and
30 used exclusively to house their own labor or students. A
31 ~~manufactured home located in a land-leased community shall be~~
32 ~~taxed under [section 435.22](#) as if the manufactured home were~~
33 ~~located in a mobile home park.~~

34 Sec. 27. Section 414.28A, subsection 3, Code 2022, is
35 amended by striking the subsection.

1 Sec. 28. Section 427A.1, subsection 1, paragraph c, Code
2 2022, is amended to read as follows:

3 c. Buildings, structures, or improvements, any of which are
4 constructed on or in the land, attached to the land, or placed
5 upon a foundation whether or not attached to the foundation.
6 However, ~~property taxed under chapter 435,~~ property that is a
7 concrete batch plant as that term is defined in subsection 4,
8 and to the extent provided in subsection 7, property that is
9 transmission property shall not be assessed and taxed as real
10 property.

11 Sec. 29. Section 435.2, Code 2022, is amended to read as
12 follows:

13 **435.2 Placement and taxation.**

14 1. If a mobile home is placed outside a mobile home park
15 or manufactured home community, the home is to be assessed and
16 taxed as real estate. If and while a mobile home is placed
17 inside a mobile home park or manufactured home community, the
18 home, as well as any and all garages, accessory buildings, and
19 appurtenances to the home, are exempt from property tax.

20 2. If a manufactured home is placed in a manufactured home
21 community or a mobile home park, the home must be titled, and
22 ~~is subject to the manufactured or mobile home square foot tax~~
23 the home, as well as any and all garages, accessory buildings,
24 and appurtenances to the home, are exempt from property tax.
25 If a manufactured home is placed outside a manufactured home
26 community or a mobile home park, the home must be titled and is
27 to be assessed and taxed as real estate.

28 3. For the purposes of ~~this chapter~~, a modular home shall
29 not be construed to be a mobile home or manufactured home. If
30 a modular home is placed ~~inside or~~ outside a manufactured home
31 community or a mobile home park, the home shall be considered
32 real property and is to be assessed and taxed as real estate.
33 ~~However, if~~ If a modular home is placed in a manufactured home
34 community or mobile home park ~~which was in existence on or~~
35 before January 1, 1998, that modular home, as well as any and

1 all garages, accessory buildings, and appurtenances to the
2 home, shall be subject to property tax pursuant to section
3 435.22 exempt from property tax. ~~This subsection shall not~~
4 ~~prohibit the location of a modular home within a manufactured~~
5 ~~home community or mobile home park.~~

6 Sec. 30. Section 435.23, Code 2022, is amended to read as
7 follows:

8 **435.23 Exemptions — ~~prorating tax.~~**

9 ~~1.~~ The manufacturer's and retailer's inventory of mobile
10 homes, manufactured homes, or modular homes not in use as a
11 place of human habitation shall be exempt from ~~the annual~~
12 property tax and any personal property tax. ~~All travel~~
13 ~~trailers, fifth-wheel travel trailers, and towable recreational~~
14 ~~vehicles shall be exempt from this tax. The homes, travel~~
15 ~~trailers, fifth-wheel travel trailers, and towable recreational~~
16 ~~vehicles in the inventory of manufacturers and retailers shall~~
17 ~~be exempt from personal property tax.~~

18 ~~2.~~ ~~The homes coming into Iowa from out of state and located~~
19 ~~in a manufactured home community or mobile home park shall~~
20 ~~be liable for the tax computed pro rata to the nearest whole~~
21 ~~month, for the time the home is actually situated in Iowa.~~

22 Sec. 31. Section 435.24, Code 2022, is amended by striking
23 the section and inserting in lieu thereof the following:

24 **435.24 Location of homes and reporting.**

25 1. Upon issuance of a certificate of title or upon
26 transporting the home to a new site or to a location outside
27 of a manufactured home community or mobile home park, the home
28 owner shall file the address, township, and school district
29 of the location where the home is parked with the county
30 assessor's office. Failure to comply is punishable as set out
31 in section 435.18.

32 2. Each manufactured home community or mobile home park
33 owner or manager shall notify monthly the county assessor
34 concerning any home arriving in or departing from the
35 manufactured home community or mobile home park. The records

1 of the community or park owner shall be open to inspection by a
2 duly authorized representative of any law enforcement agency.
3 The manufactured home community or mobile home park owner or
4 manager shall make an annual report to the county assessor due
5 June 1 of the homes sited in the manufactured home community or
6 mobile home park, listing the owner and mailing address of each
7 home located in the manufactured home community or mobile home
8 park. The report is delinquent if not filed with the county
9 assessor by June 30.

10 Sec. 32. Section 435.26A, subsection 3, Code 2022, is
11 amended to read as follows:

12 3. After the surrender of a manufactured home's certificate
13 of title under [this section](#), the manufactured home shall
14 ~~continue to be taxed under [section 435.22](#) and~~ is not eligible
15 for the homestead tax credit or the military service tax
16 exemption. A foreclosure action on a manufactured home
17 whose title has been surrendered under [this section](#) shall be
18 conducted as a real estate foreclosure. A tax lien and its
19 priority shall remain the same on a manufactured home after its
20 certificate of title has been surrendered.

21 Sec. 33. Section 435.27, subsections 1 and 3, Code 2022, are
22 amended to read as follows:

23 1. A mobile home or manufactured home converted to real
24 estate under [section 435.26](#) may be reconverted to a home as
25 provided in [this section](#) when it is moved to a manufactured
26 home community or mobile home park or a manufactured or mobile
27 home retailer's inventory. When the home is located within
28 a manufactured home community or mobile home park, the home,
29 as well as any and all garages, accessory buildings, and
30 appurtenances to the home, shall be ~~taxed pursuant to section~~
31 ~~435.22, subsection 1, paragraph "a"~~ exempt from property tax as
32 provided in this chapter.

33 3. After compliance with [subsection 2](#) and receipt of the
34 title, the owner shall notify the assessor of the reconversion.
35 The assessor shall remove the assessed valuation of the home

1 from assessment rolls as of the succeeding January 1 when the
2 home ~~becomes subject to taxation as provided under section~~
3 ~~435.24~~, as well as any and all garages, accessory buildings,
4 and appurtenances to the home, become exempt from property tax
5 as provided in this chapter.

6 Sec. 34. Section 435.33, Code 2022, is amended to read as
7 follows:

8 **435.33 Rent reimbursement.**

9 A home owner who qualifies for ~~a reduced tax rate provided~~
10 ~~in [section 435.22](#)~~ the exemption under this chapter and who
11 rents a space upon which to set the home shall be entitled to
12 the protections provided in [sections 425.33 through 425.36](#)
13 and if the home owner who qualifies for ~~a reduced tax rate~~
14 the exemption believes that a landlord has increased the home
15 owner's rent because the home owner is eligible for ~~a reduced~~
16 ~~tax rate~~ the exemption, the provisions of [sections 425.33](#) and
17 [425.36](#) shall be applicable.

18 Sec. 35. Section 445.1, subsection 8, Code 2022, is amended
19 to read as follows:

20 8. "*Taxes*" means an annual ad valorem tax, a special
21 assessment, a drainage tax, and a rate or charge, ~~and taxes~~
22 ~~on homes pursuant to [chapter 435](#)~~ which are collectible by the
23 county treasurer.

24 Sec. 36. Section 445.5, subsection 6, Code 2022, is amended
25 to read as follows:

26 6. The county treasurer shall deliver to the taxpayer a
27 receipt stating the year of tax, date of payment, a description
28 of the parcel, and the amount of taxes, interest, fees, and
29 costs paid when payment is made by cash tender. A receipt
30 for other payment tender types shall only be delivered upon
31 request. The receipt shall be in full for the first half,
32 second half, or full year amounts unless a payment is made
33 under [section 445.36A](#) ~~or [435.24](#), subsection 6.~~

34 Sec. 37. Section 445.57, subsection 1, Code 2022, is amended
35 to read as follows:

1 1. On or before the tenth day of each month, the county
2 treasurer shall apportion all taxes collected during the
3 preceding month, except partial payment amounts collected
4 pursuant to [section 445.36A, subsection 1](#), partial payments
5 collected and not yet designated by the county treasurer
6 for apportionment pursuant to [section 445.36A, subsection](#)
7 ~~2, partial payments collected pursuant to [section 435.24,](#)~~
8 ~~subsection 6, paragraph "a", and partial payments collected and~~
9 ~~not yet designated by the county treasurer for apportionment~~
10 ~~pursuant to [section 435.24, subsection 6,](#) paragraph "b",~~ among
11 the several funds to which they belong according to the amount
12 levied for each fund, and shall apportion the interest, fees,
13 and costs on the taxes to the general fund, and shall enter
14 those amounts upon the treasurer's cash account, and report the
15 amounts to the county auditor.

16 Sec. 38. Section 555B.2, subsection 1, Code 2022, is amended
17 to read as follows:

18 1. A real property owner may remove or cause to be removed
19 a mobile home and other personal property which is unlawfully
20 parked, placed, or abandoned on that real property, and may
21 cause the mobile home and personal property to be placed in
22 storage until the owner of the personal property pays a fair
23 and reasonable charge for removal, storage, or other expense
24 incurred, including reasonable attorney fees, or until a
25 judgment of abandonment is entered pursuant to [section 555B.8](#)
26 provided that there is no lien on the mobile home or personal
27 property ~~other than a tax lien pursuant to [chapter 435](#).~~ For
28 purposes of [this chapter](#), a lien other than a tax lien exists
29 only if the real property owner receives notice of a lien
30 on the standardized registration form completed by a tenant
31 pursuant to [section 562B.27, subsection 3](#), or a lien has been
32 filed in state or county records on a date before the mobile
33 home is considered to be abandoned. The real property owner
34 or the real property owner's agent is not liable for damages
35 caused to the mobile home and personal property by the removal

1 or storage unless the damage is caused willfully or by gross
2 negligence.

3 Sec. 39. Section 555C.1, subsection 5, paragraph b, Code
4 2022, is amended to read as follows:

5 *b.* A lien of record, ~~other than a tax lien as provided in~~
6 ~~chapter 435,~~ does not exist against the home. A lien exists
7 only if the real property owner receives notice of a lien on
8 the standardized registration form completed by an owner or
9 occupant pursuant to [chapter 562B](#), or a lien has been filed
10 in the state or county records on a date before the home is
11 considered to be valueless.

12 Sec. 40. Section 555C.3, Code 2022, is amended to read as
13 follows:

14 **555C.3 New title — third party.**

15 If a new title to a valueless home is to be issued to a
16 third party, the county treasurer shall issue a new title, upon
17 receipt of the affidavit required in [section 555C.2](#) and payment
18 of a fee pursuant to [section 321.47](#). ~~Any tax lien levied~~
19 ~~pursuant to [chapter 435](#) is canceled and the~~ The ownership
20 interest of the previous owner or occupant of the valueless
21 home is terminated as of the date of issuance of the new title.
22 The new title owner shall take the title free of all rights and
23 interests even though the manufactured home community or mobile
24 home park owner fails to comply with the requirements of this
25 chapter or any judicial proceedings, if the new title owner
26 acts in good faith.

27 Sec. 41. REPEAL. Sections 435.22, 435.25, and 435.29, Code
28 2022, are repealed.

29 Sec. 42. SAVINGS PROVISION. This division of this Act,
30 pursuant to section 4.13, does not affect the operation of,
31 or prohibit the application of, prior provisions of chapter
32 435, or rules adopted under chapter 17A to administer prior
33 provisions of chapter 435, for taxes due and payable under
34 chapter 435 in fiscal years beginning before July 1, 2022, and
35 for duties, powers, protests, appeals, proceedings, actions, or

1 remedies attributable to taxes due and payable under chapter
2 435 in fiscal years beginning before July 1, 2022.

3 Sec. 43. APPLICABILITY. This division of this Act applies
4 to taxes due and payable under chapter 435 in fiscal years
5 beginning on or after July 1, 2022.

6 DIVISION X

7 FORCIBLE ENTRY AND DETAINER

8 Sec. 44. Section 648.5, subsections 1 and 3, Code 2022, are
9 amended to read as follows:

10 1. a. An action for forcible entry and detainer shall
11 be brought in a county where all or part of the premises is
12 located. Such an action shall be tried as an equitable action.
13 Upon receipt of the petition, the court shall set a date, time,
14 and place for hearing. The court shall set the date of hearing
15 no later than eight days from the filing date, except that the
16 court shall set a later hearing date no later than fifteen days
17 from the date of filing if the plaintiff requests or consents
18 to the later date of hearing.

19 b. The requirement regarding the setting of the initial
20 hearing in paragraph "a" is not a jurisdictional requirement and
21 does not affect the court's subject matter jurisdiction to hear
22 the action for forcible entry and detainer.

23 3. Service of original notice by mail is deemed completed
24 four days after the notice is deposited in the mail and
25 postmarked for delivery, whether or not the recipient signs a
26 receipt for the original notice. In computing the time for
27 completion of service, the first day shall be excluded and the
28 final day shall be included regardless of whether the fourth
29 day is a Saturday, Sunday, or federal holiday.

30 Sec. 45. Section 648.18, Code 2022, is amended to read as
31 follows:

32 **648.18 Possession — bar.**

33 1. Thirty Except for actions governed by subsection 2,
34 thirty days' peaceable possession with the knowledge of the
35 plaintiff after the cause of action accrues is a bar to this

1 proceeding.

2 2. For an action based upon the nonpayment of rent, ninety
3 days' peaceable possession with the knowledge of the plaintiff
4 after the cause of action accrues is a bar to such action.

5 DIVISION XI

6 ABANDONED MOBILE HOMES

7 Sec. 46. Section 555B.3, Code 2022, is amended to read as
8 follows:

9 **555B.3 Action for abandonment — jurisdiction.**

10 A real property owner not requesting notification by the
11 sheriff as provided in [section 555B.2](#) may bring an action
12 alleging abandonment in the court within the county where the
13 real property is located ~~provided that there is no lien on~~
14 ~~the mobile home or personal property other than a tax lien~~
15 ~~pursuant to [chapter 435](#).~~ The action shall be tried as an
16 equitable action. Unless commenced as a small claim, the
17 petition shall be presented to a district judge. Upon receipt
18 of the petition, either the court or the clerk of the district
19 court shall set a date for a hearing not later than fourteen
20 days from the date of the receipt of the petition, except where
21 there is a lien on the mobile home or personal property other
22 than a tax lien, the court or the clerk of the district court
23 shall set a date for a hearing no sooner than twenty-five days
24 from the date of the receipt of the petition so as to allow for
25 service on the lienholder.

26 Sec. 47. Section 555B.4, Code 2022, is amended by adding the
27 following new subsections:

28 NEW SUBSECTION. 4. If a lien other than a tax lien exists
29 on the mobile home or personal property at the time an action
30 for abandonment is initiated, the personal service pursuant
31 to the Iowa rules of civil procedure shall be made upon the
32 lienholder no less than twenty days before the hearing. The
33 notice to the lienholder shall describe the mobile home and
34 shall state the docket, case number, date, and time at which
35 the hearing is scheduled, and the lienholder's right to assert

1 a claim to the mobile home at the hearing. The notice shall
2 state that failure to assert a claim to the mobile home within
3 the judicial proceedings is deemed a waiver of all rights,
4 title, claims, and interest in the mobile home and deemed to
5 be consent to the sale or disposal of the mobile home. If
6 personal service cannot be completed in time to give the
7 lienholder the minimum notice required by this subsection, the
8 court may set a new hearing date.

9 NEW SUBSECTION. 5. In the event a tenant who was sole owner
10 of a mobile home dies during the term of the rental agreement
11 resulting in the mobile home being abandoned, service shall be
12 made in accordance with section 562B.10, subsection 7.

13 Sec. 48. Section 555B.8, subsections 2 and 3, Code 2022, are
14 amended to read as follows:

15 2. If Except as otherwise ordered by the court, if the
16 mobile home owner or other claimant asserts a claim to the
17 property, the judgment shall be satisfied before the mobile
18 home owner or other claimant may take possession of the mobile
19 home or personal property.

20 3. If no claim is asserted to the mobile home or personal
21 property or if the judgment is not satisfied at the time of
22 entry, an order shall be entered allowing the real property
23 owner to sell or otherwise dispose of the mobile home and
24 personal property pursuant to [section 555B.9](#). If Except as
25 otherwise ordered by the court, if a claimant satisfies the
26 judgment at the time of entry, the court shall enter an order
27 permitting and directing the claimant to remove the mobile home
28 or personal property from its location within a reasonable time
29 to be fixed by the court. The court shall also determine the
30 amount of further rent or storage charges to be paid by the
31 claimant to the real property owner at the time of removal.

32 Sec. 49. Section 555B.9, subsections 1, 2, and 4, Code 2022,
33 are amended to read as follows:

34 1. Pursuant to an order for disposal under section 555B.8,
35 subsection 3, the real property owner shall dispose of the

1 mobile home and personal property by public or private sale in
2 a commercially reasonable manner. If the personal property
3 owner, lienholder, or other claimant has asserted a claim
4 to the mobile home or personal property within the judicial
5 proceedings, that person shall be notified of the sale by
6 restricted certified mail not less than five days before the
7 sale. The notice is deemed given upon the mailing. The real
8 property owner may buy at any public sale, and if the mobile
9 home or personal property is of a type customarily sold in
10 a recognized market or is the subject of widely distributed
11 standard price quotations, the real property owner may buy at a
12 private sale.

13 2. A sale pursuant to [subsection 1](#) transfers to the
14 purchaser for value, all of the mobile home owner's rights
15 in the mobile home and personal property, and discharges the
16 real property owner's interest in the mobile home and personal
17 property, and any tax lien, and any other lien. The purchaser
18 takes free of all rights and interests even though the real
19 property owner fails to comply with the requirements of this
20 chapter or of any judicial proceedings, if the purchaser acts
21 in good faith.

22 4. Notwithstanding [subsections 1 through 3](#), the real
23 property owner may propose to retain the mobile home and
24 personal property in satisfaction of the judgment obtained
25 pursuant to [section 555B.8](#). Written notice of the proposal
26 shall be sent to the mobile home owner, lienholder, or other
27 claimant, if that person has asserted a claim to the mobile
28 home or personal property in the judicial proceedings. If
29 the real property owner receives objection in writing from
30 the mobile home owner, lienholder, or other claimant within
31 twenty-one days after the notice was sent, the real property
32 owner shall dispose of the mobile home and personal property
33 pursuant to [subsection 1](#). If no written objection is received
34 by the real property owner within twenty-one days after the
35 notice was sent, the mobile home and personal property may be

1 retained. Retention of the mobile home and personal property
2 discharges the judgment of the real property owner, ~~and~~ any tax
3 lien, and any other lien.

4 Sec. 50. Section 555B.9, subsection 3, Code 2022, is amended
5 by adding the following new paragraph:

6 NEW PARAGRAPH. Oc. Third, to satisfy any other lien
7 for which a claim was asserted pursuant to section 555B.4,
8 subsection 4.

9 Sec. 51. Section 562B.10, subsection 7, Code 2022, is
10 amended to read as follows:

11 7. a. If a tenant who was sole owner of a mobile home dies
12 during the term of a rental agreement then that person's heirs
13 at law or ~~legal~~ the personal representative of the decedent's
14 estate, or the landlord shall have the right to cancel the
15 tenant's lease by giving sixty days' written notice to the
16 person's heirs at law or ~~legal~~ the personal representative
17 of the decedent's estate, or to the landlord, whichever
18 is appropriate, and the heirs at law or the ~~legal~~ personal
19 representative of the decedent's estate, shall have the same
20 rights, privileges and liabilities of the original tenant,
21 provided that such heirs at law and personal representative
22 of the estate shall not have the right to occupy or otherwise
23 use the home or mobile home space as a tenant unless approved
24 by the landlord as a tenant. In the event the landlord,
25 after such a written notice is given and the tenant's lease
26 is canceled, brings an action for forcible entry and detainer
27 or action for abandonment, the estate of the tenant and the
28 person's located heirs at law or personal representative shall
29 be named as defendants in the action. The landlord may serve
30 notice upon such defendants pursuant to the method set forth
31 in section 562B.27A, subsection 1, paragraph "c", or by mailing
32 notice by both regular mail and certified mail, as defined in
33 section 618.15, to the defendant's last known address.

34 b. (1) If a tenant who was sole owner of a mobile home dies
35 during the term of a rental agreement resulting in the mobile

1 home being abandoned as provided in section 562B.27, subsection
2 1, and the landlord cannot, despite due diligence, locate such
3 a tenant's heirs at law or personal representative, then the
4 landlord may bring an action for abandonment as provided in
5 section 555B.3, naming as defendants the estate of the tenant
6 and all unknown heirs at law of the tenant, and, upon the
7 landlord's filing of an affidavit that personal service cannot
8 be had on any heirs at law, personal representative, or estate
9 of the tenant, the court shall permit original notice of such
10 action to be served by publication pursuant to subparagraph
11 (2).

12 (2) Publication of original notice shall be made once each
13 week for three consecutive weeks in a newspaper of general
14 circulation published in the county where the petition is
15 filed, pursuant to the Iowa rules of civil procedure. Service
16 is complete after the third consecutive weekly publication.

17 (3) In the event any tax lien or other liens exist on
18 the mobile home, the landlord may proceed with an action for
19 abandonment as provided in section 555B.3, except that the
20 notice shall be provided to the county treasurer as provided
21 in section 555B.4, subsection 3, if a tax lien exists, and
22 personal service pursuant to the Iowa rules of civil procedure
23 shall be made upon any lienholder no less than twenty days
24 before the hearing. Any notice to a lienholder shall state
25 that failure to assert a claim to the mobile home is deemed a
26 waiver of all rights, title, claims, and interest in the mobile
27 home and is deemed consent to the sale or disposal of the
28 mobile home. If personal service upon the lienholder cannot
29 be completed in time to give the lienholder the minimum notice
30 required by this subsection, the court may set a new hearing
31 date.

32 EXPLANATION

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

35 This bill relates to property law, including mobile homes

1 and manufactured housing, rental agreements, landlord and
2 tenant remedies for retaliation, wrongful failure to provide
3 essential services, rent increases, the sale of manufactured
4 home community or mobile home park, the repeal of the
5 manufactured home community and mobile home tax, forcible entry
6 and detainer actions, and abandoned mobile homes.

7 DIVISION I — RETALIATION. The bill provides that a landlord
8 cannot retaliate against a tenant for exercising the rights and
9 remedies under Code chapter 216 (civil rights commission). In
10 an action by or against the tenant, evidence of a complaint
11 within one year prior to the alleged act of retaliation creates
12 a presumption that the landlord's conduct was in retaliation.

13 DIVISION II — RENTAL AGREEMENTS. The bill defines "rent"
14 to include base rent, utilities, late fees, and other payments
15 made by the tenant to the landlord under the rental agreement.
16 Written notice to cancel a rental agreement by either party
17 must be provided 90 days prior to cancellation. The landlord
18 must provide written notice 90 days prior to a rent increase
19 effective date. This division is effective upon enactment and
20 applies to rent increase first noticed under Code chapter 562B
21 (manufactured home communities or mobile home parks residential
22 landlord and tenant law) occurring on or after the effective
23 date of the division.

24 DIVISION III — DISCLOSURE OF UTILITY CHARGES. The bill
25 provides that tenants shall be notified of any increase
26 in utility rates or charges in writing 60 days before the
27 effective date of the increase, unless the landlord obtains the
28 utility service from a utility provider and does not receive at
29 least 90 days' prior notice of such increase from the utility
30 provider.

31 DIVISION IV — WRONGFUL FAILURE TO PROVIDE ESSENTIAL
32 SERVICES. The bill provides that if the landlord deliberately
33 or negligently fails to supply running water or other essential
34 services, the tenant may give written notice to the landlord
35 specifying the breach and may do one of the following: (1)

1 procure reasonable amounts of water or other essential
2 services, (2) recover damages based upon the diminution
3 in the fair market value of the mobile home space, or (3)
4 recover any rent already paid for the period of the landlord's
5 noncompliance unless the condition was caused by the deliberate
6 or negligent act or omission of the tenant, a member of
7 the tenant's family, or other person on the premises with
8 the consent of the tenant. This division is effective upon
9 enactment.

10 DIVISION V — DENIAL OF RENTAL OR REFUSAL OF SALE. Current
11 law allows a landlord the right to approve the purchaser of
12 a mobile home as a tenant when a current mobile home park
13 resident sells the mobile home, so long as permission is not
14 unreasonably withheld. The bill provides that if the landlord
15 does not approve a purchaser as a tenant, the landlord shall
16 provide the purchaser with written notice of such denial and
17 the general reason for the denial.

18 DIVISION VI — PROHIBITED RENTAL AGREEMENT PROVISION — HOME
19 EQUIPMENT. The bill provides that a rental agreement shall
20 not allow a landlord to modify the mobile home, manufactured
21 home, or modular home in a way that would substantially
22 impair the ability of the tenant to move the home from the
23 mobile home space, unless such modification is required
24 by federal law, by state or local law, the manufacturer's
25 installation instructions, any requirement arising from the
26 landlord's financing of the home or of the mobile home park or
27 manufactured home community in which the home is located, or
28 unless such modification is otherwise necessary for the safe
29 and proper installation of the home.

30 DIVISION VII — LANDLORD SALES. The bill provides that any
31 sale of a mobile home located in a manufactured home community
32 or mobile home park by a landlord or landlord's agent shall be
33 by written agreement and the landlord shall, upon the buyer's
34 fulfillment of all payment and other terms under the agreement,
35 produce and assign the current certificate of title obtained

1 from the department of transportation. The agreement shall
2 state the basic terms of sale. If a sale does not comply, the
3 court may award monetary or equitable relief, including voiding
4 the sale, and the buyer may recover damages incurred, amounts
5 paid as a rental deposit in excess of two months' rent, and
6 reasonable attorney fees.

7 DIVISION VIII — SALE OF MANUFACTURED HOME COMMUNITY
8 OR MOBILE HOME PARK. The bill provides that in a sale of
9 a manufactured home community or mobile home park, upon
10 termination of the landlord's interest in the manufactured
11 home community or mobile home park, the landlord's successor
12 in interest shall have the same legal obligations, rights,
13 and remedies of the landlord, including with respect to all
14 rental agreements. This division applies to manufactured
15 home community or mobile home park sales made on or after the
16 effective date of the bill.

17 DIVISION IX — MANUFACTURED AND MOBILE HOME TAX. Code
18 chapter 435 imposes a square footage tax on mobile homes and
19 manufactured homes placed in a mobile home park or manufactured
20 home community. Division IX strikes the portions of Code
21 chapter 435 imposing the square footage tax and provides
22 instead that such homes are exempt from property tax. However,
23 the bill does not modify the provisions of law governing
24 the taxation of mobile homes and manufactured homes placed
25 outside of manufactured home communities and mobile home parks,
26 which are assessed and taxed in the same manner as other real
27 property.

28 Division IX also makes corresponding changes to several
29 other provisions of law that relate to Code chapter 435.

30 Division IX of the bill applies to taxes due and payable
31 under Code chapter 435 in fiscal years beginning on or after
32 July 1, 2022. Division IX of the bill does not affect the
33 operation of, or prohibit the application of, prior provisions
34 of Code chapter 435, or rules adopted to administer prior
35 provisions of Code chapter 435, for taxes due and payable in

1 fiscal years beginning before July 1, 2022, and for duties,
2 powers, protests, appeals, proceedings, actions, or remedies
3 attributable to taxes due and payable under Code chapter 435 in
4 fiscal years beginning before July 1, 2022.

5 DIVISION X — FORCIBLE ENTRY AND DETAINER. The bill provides
6 the setting of the initial hearing in a forcible entry and
7 detainer action is not a jurisdictional requirement and does
8 not affect the court's subject matter jurisdiction to hear the
9 action for forcible entry and detainer. In computing time for
10 completion of service for a forcible detainer and entry action,
11 the first day shall be excluded and the final day shall be
12 included regardless of whether the fourth day is a Saturday,
13 Sunday, or federal holiday.

14 The bill provides that for an action based upon the
15 nonpayment of rent, 90 days' peaceable possession with the
16 knowledge of the plaintiff after the cause of action accrues
17 is a bar to such action.

18 DIVISION XI — ABANDONED MOBILE HOMES. The bill provides
19 that in an action for abandonment, except when there is a lien
20 on the property other than a tax lien, the court shall set a
21 hearing no sooner than 25 days of the date of receipt of the
22 petition to allow service on the lienholder.

23 The bill provides that if a lien other than a tax lien
24 exists on the mobile home or personal property at the time
25 an action for abandonment is initiated, the personal service
26 shall be made upon the lienholder no less than 20 days before
27 the hearing. The notice to the lienholder shall describe the
28 mobile home and shall state the docket, case number, date, and
29 time at which the hearing is scheduled, and the lienholder's
30 right to assert a claim to the mobile home at the hearing.
31 The notice shall state that failure to assert a claim to the
32 mobile home within the judicial proceedings is deemed a waiver
33 of all rights, title, claims, and interest in the mobile home
34 and deemed to be consent to the sale or disposal of the mobile
35 home. If personal service cannot be completed in time to give

1 the lienholder the minimum notice, the court may set a new
2 hearing date.

3 The bill provides that in the event a tenant who was sole
4 owner of a mobile home dies during the term of the rental
5 agreement resulting in the mobile home being abandoned, then
6 that person's heirs or legal representative or the landlord
7 shall have the right to cancel the tenant's lease by giving
8 60 days' written notice to the person's heirs or legal
9 representative or to the landlord, whichever is appropriate,
10 and the heirs or the legal representative shall have the same
11 rights, privileges and liabilities of the original tenant.

12 The bill provides that if a claimant that asserts a claim
13 to the property, the judgment shall be satisfied before
14 the claimant may take possession of the property except as
15 otherwise ordered by the court. Unless the court otherwise
16 provides, if a claimant satisfies the judgment at the time of
17 entry, the court shall enter an order allowing the claimant
18 to remove the property from its location, and the court shall
19 direct the amount of rent or storage charged.

20 The bill provides that in a proceeding for disposal of
21 property, if a lienholder or other claimant asserts a claim to
22 the property within a judicial proceeding, that person shall
23 be notified of the sale by restricted certified mail not less
24 than five days before the sale. A sale made after the notice
25 is provided shall discharge any lien. The real property owner
26 may propose to retain the mobile home and personal property in
27 satisfaction of the judgment by written notice of the proposal
28 sent to the mobile home owner, lienholder, or other claimant,
29 if that person has asserted a claim to the mobile home or
30 personal property in the judicial proceedings. If the real
31 property owner receives objection in writing from the mobile
32 home owner, lienholder, or other claimant within 21 days after
33 the notice was sent, the real property owner shall dispose of
34 the mobile home and personal property. If no written objection
35 is received by the real property owner, the mobile home and

1 personal property may be retained. Retention of the mobile
2 home and personal property discharges the judgment of the real
3 property owner, any tax lien, and any other lien.

4 Current law provides that any proceeds in a proceeding for
5 the disposal of a mobile home and personal property shall be
6 distributed in the following order: (1) to satisfy the real
7 property owner's judgment, (2) to satisfy any tax lien, and (3)
8 into a surplus which is held by the real property owner for
9 six months to be reclaimed by the mobile home owner, and if
10 the mobile home owner fails to claim the surplus, the surplus
11 may be retained by the real property owner. The bill provides
12 that after using proceeds to satisfy a tax lien, the proceeds
13 must be used to satisfy any other lien, and then any remaining
14 amounts are the surplus.

15 The bill provides that if a tenant who was sole owner of a
16 mobile home dies during the term of a rental agreement, then
17 that person's heirs at law or the personal representative
18 of the decedent's estate, or the landlord shall have the
19 right to cancel the tenant's lease by giving 60 days'
20 written notice to the person's heirs at law or the personal
21 representative of the decedent's estate, or to the landlord,
22 whichever is appropriate, and the heirs at law or the personal
23 representative of the decedent's estate shall have the same
24 rights, privileges, and liabilities of the original tenant,
25 provided that such heirs at law or personal representative of
26 the estate shall not have the right to occupy or otherwise
27 use the home or mobile home space as a tenant unless approved
28 by the landlord as a tenant. In the event the landlord,
29 after such a written notice is given and the tenant's lease
30 is canceled, brings an action for forcible entry and detainer
31 or action for abandonment, the estate of the tenant and the
32 person's located heirs at law or personal representative shall
33 be named as defendants in the action. The landlord may serve
34 notice upon such defendants pursuant to the method set forth in
35 Code section 562B.27A or by mailing notice by both regular mail

1 and certified mail to the defendant's last known address.

2 The bill provides that if a tenant who was sole owner of
3 a mobile home dies during the term of a rental agreement
4 resulting in the mobile home being abandoned and the landlord
5 cannot locate such a tenant's heirs at law or personal
6 representative, then the landlord may bring an action for
7 abandonment naming as defendants the estate of the tenant
8 and all unknown heirs at law of the tenant, and, upon the
9 landlord's filing of an affidavit that personal service cannot
10 be had on any heirs at law, personal representative, or estate
11 of the tenant, the court shall permit original notice of
12 such action to be served by publication once each week for
13 three consecutive weeks in a newspaper of general circulation
14 published in the county where the petition is filed. Service
15 is complete after the third consecutive weekly publication.

16 The bill provides in the event any tax lien or other liens
17 exist on the mobile home, the landlord may proceed with an
18 action for abandonment with notice provided to the county
19 treasurer if a tax lien exists, and personal service upon any
20 lienholder no less than 20 days before the hearing. Any notice
21 to a lienholder shall state that failure to assert a claim
22 to the mobile home is deemed a waiver of all rights, title,
23 claims, and interest in the mobile home and is deemed consent
24 to the sale or disposal of the mobile home. If personal
25 service upon the lienholder cannot be completed in time to give
26 the lienholder the minimum notice required by the bill, the
27 court may set a new hearing date.