

House File 443 - Introduced

HOUSE FILE 443

BY LOHSE

A BILL FOR

1 An Act relating to the use of inventory checklists upon
2 commencement and termination of residential tenancies and
3 including applicability provisions.

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

1 Section 1. NEW SECTION. 562A.11A Landlord and tenant
2 inventory checklist.

3 1. A landlord and tenant may agree to use a checklist to
4 determine the condition of the dwelling unit upon commencement
5 of and termination of a lease.

6 2. If a landlord and tenant agree to use a checklist under
7 this section, all of the following shall apply:

8 a. The landlord shall provide the checklist to the tenant
9 at the commencement of the tenancy. The landlord shall detail
10 the condition of the dwelling unit and shall provide the tenant
11 with a copy of the checklist. The checklist shall include
12 all items that affect the habitability of the dwelling unit
13 provided by the landlord at the commencement of the tenancy,
14 including but not limited to flooring, window coverings,
15 appliances, windows, furniture, walls, closets, shelves, paint,
16 doors, plumbing fixtures, and electrical fixtures.

17 b. The tenant may review the checklist, evaluate the
18 condition of each item, record a description of each item
19 on the checklist, and return the checklist to the landlord
20 within five days of receipt. A tenant that does not return
21 the checklist within five days of receipt shall be deemed to
22 have forfeited all rights under this section. The landlord
23 and tenant may extend this deadline by mutual agreement. A
24 tenant's provision of proof of mailing or other return of the
25 checklist to the landlord shall be sufficient proof of receipt
26 by the landlord.

27 c. A checklist used under this section shall contain the
28 following notice using not less than twelve point bold face
29 type at the top of the first page:

30 You should complete this inventory checklist, record a
31 description of the condition of each item, and return it to the
32 landlord within five days. Failure to do so will result in the
33 forfeiture of your rights under Iowa Code section 562A.11A.

34 d. At the termination of the tenancy, the landlord shall
35 complete a termination inventory checklist by evaluating the

1 condition of each item, recording a description of each item's
2 condition, and delivering one copy of the checklist to the
3 tenant as provided in section 562A.12, subsection 3, paragraph
4 "a".

5 e. A landlord shall complete a termination checklist if
6 a properly executed commencement checklist exists unless
7 the tenant waives this requirement in writing prior to the
8 termination of the tenancy.

9 3. This section shall not apply to the rental of land upon
10 which a mobile home, as defined in section 562B.7, may be
11 placed.

12 4. This section shall not be construed to create an
13 obligation on a landlord to repair, replace, upgrade, or
14 otherwise improve the dwelling unit or any item within the
15 dwelling unit.

16 5. A tenant is deemed to be in possession of a checklist if
17 the checklist is hand delivered or electronically delivered to
18 the tenant at the commencement of the tenancy.

19 6. A subsequent checklist shall not be required for a
20 renewal or extension of an existing tenancy.

21 7. A landlord shall keep a copy of all commencement and
22 termination checklists entered into under this section for a
23 period of one year following the termination of the tenancy,
24 or for such longer period as the landlord may be required to
25 retain lease documents as may be required by law.

26 Sec. 2. Section 562A.12, subsection 3, paragraph a,
27 unnumbered paragraph 1, Code 2021, is amended to read as
28 follows:

29 A landlord shall, within thirty days from ~~the date of~~
30 ~~termination of the tenancy and receipt of the tenant's mailing~~
31 ~~address or delivery instructions~~ the end of the lease contract
32 or whenever the unit is re-rented, whichever is first, return
33 the rental deposit to the tenant or furnish to the tenant a
34 copy of any termination inventory checklist required to be
35 completed by the landlord under section 562A.11A, subsection

1 2, paragraph "d", and a written statement showing the specific
2 reason for withholding of the rental deposit or any portion
3 thereof. If the rental deposit or any portion of the rental
4 deposit is withheld for the restoration of the dwelling unit,
5 the statement shall specify the nature of the damages. The
6 landlord may withhold from the rental deposit only such amounts
7 as are reasonably necessary for the following reasons:

8 Sec. 3. Section 562A.12, subsection 4, Code 2021, is amended
9 to read as follows:

10 4. A landlord who fails to provide a written statement
11 and a copy of any termination inventory checklist required
12 to be completed by the landlord under section 562A.11A,
13 subsection 2, paragraph "d", within thirty days of termination
14 of the tenancy and receipt of the tenant's mailing address or
15 delivery instructions shall forfeit all rights to withhold
16 any portion of the rental deposit. If no mailing address or
17 instructions are provided to the landlord within one year from
18 the termination of the tenancy the rental deposit shall revert
19 to the landlord and the tenant will be deemed to have forfeited
20 all rights to the rental deposit.

21 Sec. 4. APPLICABILITY. This Act applies to tenancies
22 commenced under chapter 562A on or after January 1, 2022.

23 EXPLANATION

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

26 This bill amends Iowa's "Uniform Residential Landlord and
27 Tenant Act" to allow a landlord to use inventory checklists
28 both at the commencement and termination of tenancy for
29 each dwelling unit. Inventory checklists are not required
30 for a renewal or extension of an existing tenancy and the
31 requirements of the bill do not apply to the rental of land
32 upon which a mobile home, as defined in Code section 562B.7(6),
33 may be placed. The checklist must include all items in
34 the dwelling unit or on the premises owned by the landlord
35 including but not limited to flooring, window coverings,

1 appliances, windows, furniture, walls, closets, shelves, paint,
2 doors, plumbing fixtures, and electrical fixtures. The tenant
3 then reviews the checklist, evaluates the condition of each
4 item, records a description of each item's condition on the
5 checklist, and returns the checklist to the landlord within
6 five days after receiving the checklist.

7 Under the bill, inventory checklists must be retained by the
8 landlord for a period of one year following termination of the
9 tenancy or as otherwise required by law. At the termination of
10 the tenancy, the landlord is required to complete a termination
11 inventory checklist by evaluating the condition of each
12 item, recording a description of each item's condition on the
13 checklist, and delivering a copy of the checklist to the tenant
14 if the tenant had initially completed a checklist.

15 A landlord who fails to provide a copy of a termination
16 inventory checklist if required by the bill forfeits the right
17 to withhold any portion of the tenant's rental deposit.

18 The bill applies to tenancies commenced under Code chapter
19 562A on or after January 1, 2022.