

House Study Bill 253 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOLT)

A BILL FOR

1 An Act relating to landlords and tenants, including service
2 animal requirements, rent late fees, forcible entry and
3 detainer property disposal, and peaceable possession, and
4 including applicability provisions.

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

1 Section 1. Section 216.8C, Code 2021, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7. A request for accommodation made by
4 a person under this section must be reasonable under the
5 circumstances. A landlord may make other accommodations to the
6 person making the request including but not limited to offering
7 to relocate the person to another housing unit managed by the
8 landlord.

9 Sec. 2. Section 562A.9, subsection 4, Code 2021, is amended
10 to read as follows:

11 4. For rental agreements in which the rent does not exceed
12 seven hundred dollars per month, a rental agreement shall not
13 provide for a late fee that exceeds twelve dollars per day or a
14 total amount of sixty dollars per month. For rental agreements
15 in which the rent is greater than seven hundred dollars per
16 month but less than one thousand four hundred dollars per
17 month, a rental agreement shall not provide for a late fee
18 that exceeds twenty dollars per day or a total amount of one
19 hundred dollars per month. For rental agreements in which the
20 rent is at least one thousand four hundred dollars per month, a
21 rental agreement shall not provide for a late fee that exceeds
22 two percent of the rent per day or ten percent of the rent per
23 month.

24 Sec. 3. Section 562A.11, subsection 2, Code 2021, is amended
25 to read as follows:

26 2. A provision prohibited by **subsection 1** included in a
27 rental agreement is unenforceable. If a landlord willfully
28 ~~uses enforces provisions in~~ a rental agreement ~~containing~~
29 ~~provisions~~ known by the landlord to be prohibited, a tenant may
30 recover actual damages sustained by the tenant and not more
31 than three months' periodic rent and reasonable attorney fees.

32 Sec. 4. Section 648.18, Code 2021, is amended to read as
33 follows:

34 **648.18 Possession — bar.**

35 Thirty days' peaceable possession with the knowledge of the

1 plaintiff after the cause of action accrues is a bar to this
2 proceeding. However, this section does not apply to a landlord
3 that notifies a tenant in a writing of a breach of a financial
4 obligation under a rental agreement entered into under chapter
5 562A and the landlord's intent to enforce such provision.

6 Sec. 5. Section 648.22, Code 2021, is amended to read as
7 follows:

8 **648.22 Judgment — execution — costs — disposal of personal**
9 **property.**

10 1. If the defendant is found guilty, judgment shall be
11 entered that the defendant be removed from the premises, and
12 that the plaintiff be put in possession of the premises, and
13 an execution for the defendant's removal within three days
14 from the judgment shall issue accordingly, to which shall be
15 added a clause commanding the officer to collect the costs as
16 in ordinary cases.

17 2. Any personal property of the defendant remaining on the
18 plaintiff's real property after the defendant's removal under
19 this section may be disposed of by the plaintiff.

20 Sec. 6. APPLICABILITY. The following applies to rental
21 agreements whose lease terms begin on or after January 1, 2022:
22 The section of this Act amending section 562A.9.

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 relates to landlord-tenant law. The bill provides
27 that the request of a person for an accommodation of a service
28 animal must be reasonable under the circumstances and that the
29 landlord can accommodate the person by relocating the person to
30 another housing unit managed by the landlord.

31 The bill provides that for rental agreements where rent is
32 more than \$700 but less than \$1,400 per month, late fees shall
33 not exceed \$20 per month. Late fees for rental agreements
34 where rent is at least \$1,400 or more per month shall not
35 exceed 2 percent of the rent per day or 10 percent of the

1 rent per month. This provision of the bill applies to rental
2 agreements whose lease terms begin on or after January 1, 2022.

3 The bill provides that if a landlord willfully enforces
4 provisions prohibited by Code section 562A.11(1) in a rental
5 agreement, the tenant may recover actual damages. Under
6 current law, a tenant may recover actual damages if the
7 landlord willfully uses prohibited provisions.

8 The bill provides that any personal property left on the
9 landlord's property after the defendant's removal from a
10 forcible entry and detainer disposition may be disposed of by
11 the landlord.

12 The bill provides that a bar to a proceeding from a tenant's
13 peaceful possession with landlord notice does not apply to
14 landlords who have notified a tenant in writing of a breach
15 of financial obligation under the rental agreement and the
16 landlord's intent to enforce the obligation.