

**Senate File 2106 - Introduced**

SENATE FILE 2106

BY SHIPLEY

(COMPANION TO 5770HH BY  
SIEGRIST)

**A BILL FOR**

1 An Act relating to landlords and tenants, including rental  
2 property utilities, the definition of rent, and forcible  
3 entry and detainer actions.

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

1 Section 1. Section 384.84, subsection 4, paragraph d,  
2 subparagraphs (1) and (2), Code 2022, are amended to read as  
3 follows:

4 (1) Residential or commercial rental property where  
5 a charge for water service is separately metered and paid  
6 directly to the city utility or enterprise by the tenant is  
7 exempt from a lien for delinquent rates or charges associated  
8 with such water service if the landlord gives written notice to  
9 the city utility or enterprise that the property is residential  
10 or commercial rental property and that the tenant is liable  
11 for the rates or charges. A city utility or enterprise may  
12 require a deposit not exceeding the usual cost of ninety days  
13 of water service to be paid to the utility or enterprise. Upon  
14 receipt, the utility or enterprise shall acknowledge the notice  
15 and deposit. A written notice shall contain the ~~name of the~~  
16 ~~tenant responsible for charges,~~ address of the residential or  
17 commercial rental property that the tenant is to occupy, and  
18 the date that the occupancy begins.

19 (2) ~~A change in tenant for a residential rental property~~  
20 ~~shall require a new written notice to be given to the city~~  
21 ~~utility or enterprise within thirty business days of the change~~  
22 ~~in tenant. A change in tenant for a commercial rental property~~  
23 ~~shall require a new written notice to be given to the city~~  
24 ~~utility or enterprise within ten business days of the change~~  
25 ~~in tenant.~~ When the tenant moves from the rental property,  
26 the city utility or enterprise shall return the deposit if the  
27 water service charges are paid in full.

28 Sec. 2. Section 384.84, subsection 4, paragraph e, Code  
29 2022, is amended to read as follows:

30 e. Residential rental property where a charge for any of the  
31 services of sewer systems, storm water drainage systems, sewage  
32 treatment, solid waste collection, and solid waste disposal  
33 is paid directly to the city utility or enterprise by the  
34 tenant is exempt from a lien for delinquent rates or charges  
35 associated with such services if the landlord gives written

1 notice to the city utility or enterprise that the property is  
2 residential rental property and that the tenant is liable for  
3 the rates or charges. A city utility or enterprise may require  
4 a deposit not exceeding the usual cost of ninety days of the  
5 services of sewer systems, storm water drainage systems, sewage  
6 treatment, solid waste collection, and solid waste disposal  
7 to be paid to the utility or enterprise. A city utility or  
8 enterprise may require a deposit not exceeding the usual cost  
9 of sixty days of the services of gas and electric to be paid  
10 to the utility or enterprise. Upon receipt, the utility or  
11 enterprise shall acknowledge the notice and deposit. A written  
12 notice shall contain ~~the name of the tenant responsible for~~  
13 ~~the charges,~~ the address of the residential rental property  
14 that the tenant is to occupy, and the date that the occupancy  
15 begins. ~~A change in tenant shall require a new written notice~~  
16 ~~to be given to the city utility or enterprise within thirty~~  
17 ~~business days of the change in tenant.~~ When the tenant moves  
18 from the rental property, the city utility or enterprise shall  
19 return the deposit if the charges for the services of gas,  
20 electric, sewer systems, storm water drainage systems, sewage  
21 treatment, solid waste collection, and solid waste disposal are  
22 paid in full. A change in the ownership of the residential  
23 rental property shall require written notice of such change  
24 to be given to the city utility or enterprise within thirty  
25 business days of the completion of the change of ownership.  
26 The lien exemption for rental property does not apply to  
27 charges for repairs related to a service of sewer systems,  
28 storm water drainage systems, sewage treatment, solid waste  
29 collection, and solid waste disposal if the repair charges  
30 become delinquent.

31 Sec. 3. Section 562A.6, subsection 10, Code 2022, is amended  
32 to read as follows:

33 10. "Rent" means a payment to be made to the landlord under  
34 the rental agreement, including base rent, utilities, late  
35 fees, and other payments made by the tenant to the landlord

1 under the rental agreement.

2 Sec. 4. Section 562A.12, subsection 3, paragraph a, Code  
3 2022, is amended by adding the following new subparagraph:

4 NEW SUBPARAGRAPH. (4) To satisfy debts for a tenant's  
5 delinquent utility account.

6 Sec. 5. Section 562B.7, subsection 10, Code 2022, is amended  
7 to read as follows:

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

12 Sec. 6. Section 648.5, subsections 1 and 3, Code 2022, are  
13 amended to read as follows:

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

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

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

34

EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1           the explanation's substance by the members of the general assembly.

2       This bill relates to landlords and tenants, including  
3 utilities at rental properties, usage of security deposits,  
4 the definition of rent, and service and initial hearing dates  
5 for forcible entry and detainer actions. Under current law,  
6 for a residential or commercial rental property to be exempt  
7 from a lien for delinquent rates or charges imposed by a city  
8 utility or enterprise, a landlord must provide the name of a  
9 tenant who is responsible for charges to the city utility or  
10 enterprise when the tenant is delinquent in paying rates or  
11 charges. A landlord must provide a new notice if a tenant that  
12 is responsible for a delinquency moves out.

13       The bill removes the requirement that a landlord provide  
14 the name of a tenant that is responsible for a delinquency in  
15 a notice to a city utility or enterprise. The bill removes  
16 the requirement that a landlord provide a new notice to a  
17 city utility or enterprise if the tenant responsible for a  
18 delinquency moves out.

19       The bill expands the definition of "rent" to include base  
20 rent, utilities, late fees, and other payments made by the  
21 tenant to the landlord under the rental agreement for purposes  
22 of Code chapters 562A (residential landlord and tenant law) and  
23 562B (mobile home park landlord and tenant law).

24       The bill provides that the landlord may withhold from a  
25 tenant's security deposit amounts as reasonably necessary to  
26 pay for delinquent utility accounts the tenant was responsible  
27 to pay during the tenancy.

28       Under current law, a court is required to set the date  
29 of hearing for a forcible entry and detainer no later than  
30 eight days from the filing date, except that the court shall  
31 set a later hearing date no later than 15 days from the date  
32 of filing if the plaintiff requests or consents to the later  
33 date of hearing. The bill provides that the time requirements  
34 for the setting of an initial hearing in a forcible entry  
35 and detainer action are not jurisdictional and do not affect

1 subject matter jurisdiction of a court to hear the action. The  
2 bill also provides that in computing time for completion of  
3 service of the original notice by mail in a forcible entry and  
4 detainer action, the first day shall be excluded and the final  
5 day shall be included regardless of whether the day falls on  
6 a weekend or federal holiday.