

Senate Study Bill 1176 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON SCHULTZ)

A BILL FOR

1 An Act relating to nonconforming uses when there is a
2 replacement of a preexisting manufactured, modular, or
3 mobile home or site-built dwelling unit, and including
4 retroactive applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 335.3, subsection 2, paragraph b,
2 subparagraph (2), Code 2023, is amended to read as follows:

3 (2) The property owner has, subsequent to July 1, 2022,
4 discontinued and abandoned the nonconforming use upon the
5 entirety of the owner's property for the period of time
6 established by ordinance, unless such discontinuance is caused
7 by circumstances outside the control of the property owner.
8 The period of time so established shall be not less than one
9 year. For purposes of this subparagraph, circumstances outside
10 the control of the property owner include floods, fires,
11 destructive thunderstorm events such as derechos and tornadoes,
12 and similar catastrophic events causing widespread or localized
13 severe property damage. For purposes of this subparagraph, a
14 property owner shall not be considered to have discontinued
15 and abandoned the nonconforming use if the property owner
16 demonstrates that the applicable home site continues to be
17 available for use as a home site for a replacement home.

18 Sec. 2. Section 414.1, subsection 1, paragraph c,
19 subparagraph (2), subparagraph division (b), Code 2023, is
20 amended to read as follows:

21 (b) The property owner has, subsequent to July 1, 2022,
22 discontinued and abandoned the nonconforming use upon the
23 entirety of the owner's property for the period of time
24 established by ordinance, unless such discontinuance is
25 caused by circumstances outside the control of the property
26 owner. The period of time so established shall be not less
27 than one year. For purposes of this subparagraph division,
28 circumstances outside the control of the property owner
29 include floods, fires, destructive thunderstorm events such as
30 derechos and tornadoes, and similar catastrophic events causing
31 widespread or localized severe property damage. For purposes
32 of this subparagraph division, a property owner shall not be
33 considered to have discontinued and abandoned the nonconforming
34 use if the property owner demonstrates that the applicable home
35 site continues to be available for use as a home site for a

1 replacement home.

2 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
3 retroactively to July 1, 2022.

4 EXPLANATION

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

7 This bill relates to nonconforming uses when there is a
8 replacement of a preexisting manufactured, modular, or mobile
9 home or site-built dwelling unit. Under current law, when
10 there is a replacement of a preexisting manufactured, modular,
11 or mobile home with any other manufactured, modular, or mobile
12 home containing no more than the original number of dwelling
13 units, or a replacement of a preexisting site-built dwelling
14 unit with a manufactured, modular, or mobile home or site-built
15 dwelling unit, within a manufactured home community or a
16 mobile home park, a county or city is generally prohibited
17 from adopting or enforcing any ordinance, regulation, or
18 restriction, or imposing any conditions on the replacement
19 home, home site upon which the home sits, or the owner's
20 property that were not required of the preexisting home, home
21 site, or property, that would prevent the continuance of the
22 property owner's lawful nonconforming use that had existed
23 relating to the preexisting home, home site upon which the
24 home sat, or the owner's property. A county or city may
25 generally adopt or enforce such an ordinance, regulation,
26 or restriction or impose such conditions when the property
27 owner has discontinued and abandoned the nonconforming use
28 for the period of time established by ordinance. The bill
29 specifies that a county or city may generally adopt or enforce
30 such an ordinance, regulation, or restriction or impose such
31 conditions when the property owner has, subsequent to July 1,
32 2022, discontinued and abandoned the nonconforming use upon
33 the entirety of the owner's property for the period of time
34 established by ordinance. The bill is retroactively applicable
35 to July 1, 2022.