

Senate Study Bill 1220 - Introduced

SENATE FILE _____
BY COMMITTEE ON WAYS AND MEANS

A BILL FOR

1 An Act relating to property law, including manufactured or
2 mobile home retailer licenses, rent, rental agreements,
3 notice requirements, and possession of property.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 103A.52, subsection 2, Code 2023, is
2 amended to read as follows:

3 2. *License fee.* The license fee for a manufactured or
4 mobile home retailer is an annual fee of one hundred twenty
5 dollars. If the application is denied, the commissioner shall
6 refund the fee.

7 Sec. 2. Section 562A.6, subsection 10, Code 2023, is amended
8 to read as follows:

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

13 Sec. 3. Section 562A.8, subsection 2, Code 2023, is amended
14 to read as follows:

15 2. Notice served by mail under **this section** is deemed
16 completed four days after the notice is deposited in the mail
17 and postmarked for delivery, whether or not the recipient signs
18 a receipt for the notice. In computing the time for completion
19 of service, the first day shall be excluded and the final day
20 shall be included regardless of whether the fourth day is a
21 Saturday, Sunday, or federal holiday.

22 Sec. 4. Section 562A.11, subsection 3, Code 2023, is amended
23 to read as follows:

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

30 Sec. 5. Section 562A.29A, subsection 1, paragraph c, Code
31 2023, is amended to read as follows:

32 c. Posting on the primary entrance door of the dwelling
33 unit and mailing by both regular mail and certified mail, as
34 defined in **section 618.15**, to the address of the dwelling
35 unit or to the tenant's last known address, if different from

1 the address of the dwelling unit. A notice posted according
2 to this paragraph shall be posted within the applicable time
3 period for serving notice and shall include the date the notice
4 was posted. A notice delivered under this paragraph that is
5 addressed to all tenants and unknown parties in possession
6 shall be deemed to provide notice to all tenants, occupants,
7 and parties in possession of the premises.

8 Sec. 6. Section 562B.9, subsection 2, Code 2023, is amended
9 to read as follows:

10 2. Notice served by mail under **this section** is deemed
11 completed four days after the notice is deposited in the mail
12 and postmarked for delivery, whether or not the recipient signs
13 a receipt for the notice. In computing the time for completion
14 of service, the first day shall be excluded and the final day
15 shall be included regardless of whether the fourth day is a
16 Saturday, Sunday, or federal holiday.

17 Sec. 7. Section 562B.11, subsection 3, Code 2023, is amended
18 to read as follows:

19 3. A provision prohibited by **this section** included in a
20 rental agreement is unenforceable. If a landlord or tenant
21 knowingly ~~uses~~ enforces a provision in a rental agreement
22 ~~containing provisions~~ known to be prohibited by **this chapter**,
23 the other party may recover actual damages sustained.

24 Sec. 8. Section 562B.27A, subsection 1, paragraph c, Code
25 2023, is amended to read as follows:

26 c. Posting on the primary entrance door of the dwelling
27 unit and mailing by both regular mail and certified mail, as
28 defined in **section 618.15**, to the address of the dwelling
29 unit or to the tenant's last known address, if different from
30 the address of the dwelling unit. A notice posted according
31 to this paragraph shall be posted within the applicable time
32 period for serving notice and shall include the date the notice
33 was posted. A notice delivered under this paragraph that is
34 addressed to all tenants and unknown parties in possession
35 shall be deemed to provide notice to all tenants, occupants,

1 and parties in possession of the premises.

2 Sec. 9. Section 648.3, subsection 2, paragraphs a and c,
3 Code 2023, are amended to read as follows:

4 a. Delivery evidenced by an acknowledgment of delivery that
5 is signed and dated by a resident of the premises who is at
6 least eighteen years of age. Delivery A notice delivered under
7 this paragraph that is addressed to all tenants and unknown
8 parties in possession shall be deemed to provide notice to the
9 defendant all tenants, occupants, and parties in possession of
10 the premises.

11 c. Posting on the primary entrance door of the premises and
12 mailing by both regular mail and certified mail, as defined
13 in [section 618.15](#), to the address of the premises or to the
14 defendant's last known address, if different from the address
15 of the premises. A notice posted according to this paragraph
16 shall be posted within the applicable time period for serving
17 notice and shall include the date the notice was posted. A
18 notice delivered under this paragraph that is addressed to
19 all tenants and unknown parties in possession shall be deemed
20 to provide notice to all tenants, occupants, and parties in
21 possession of the premises.

22 Sec. 10. Section 648.5, subsection 2, paragraph c, Code
23 2023, is amended to read as follows:

24 c. If service cannot be made following two attempts using
25 a method specified under paragraph "a" or "b", by posting on
26 the primary entrance door of the premises and mailing by both
27 regular mail and certified mail, as defined in [section 618.15](#),
28 to the address of the premises or to the defendant's last known
29 address, if different from the address of the premises. An
30 original notice posted according to this paragraph shall be
31 posted not less than three days prior to the hearing and shall
32 include the date the original notice was posted. Service of
33 original notice by mailing shall occur not less than three days
34 prior to the hearing, but may otherwise occur prior to the two
35 attempts using a method specified under paragraph "a" or "b".

1 Sec. 11. Section 648.18, Code 2023, is amended to read as
2 follows:

3 **648.18 Possession — bar.**

4 ~~Thirty~~ Ninety days' peaceable possession with the knowledge
5 of the plaintiff after the cause of action accrues is a bar to
6 this proceeding.

7 Sec. 12. Section 648.22, Code 2023, is amended to read as
8 follows:

9 **648.22 Judgment — execution — costs.**

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 premises after the defendant's removal under this section may
19 be immediately disposed of by the plaintiff. Personal property
20 under this subsection does not include a mobile home as defined
21 in section 562B.7, or the contents therein, unless the mobile
22 home is the premises.

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 property law.

27 The bill increases the annual fee for a manufactured or
28 mobile home retailer license from \$100 to \$120.

29 The bill defines the term "rent" for purposes of Code chapter
30 562A (uniform residential landlord and tenant law) to include
31 base rent, utilities, late fees, and other payments made by
32 the tenant to the landlord under the rental agreement. The
33 general assembly made an identical change to the term "rent" in
34 Code chapter 562B (manufactured home communities or mobile home
35 parks residential landlord and tenant law) in 2022.

1 The bill provides that in computing time for completion of
2 service under Code chapters 562A and 562B, the first day shall
3 be excluded and the final day shall be included regardless of
4 whether it is a weekend or federal holiday.

5 Under current law, a landlord (Code chapter 562A) or a
6 landlord or tenant (Code chapter 562B) is prohibited from
7 willfully (Code chapter 562A) or knowingly (Code chapter
8 562B) using a rental agreement containing provisions that are
9 prohibited by current law. The bill alters these provisions to
10 instead prohibit enforcing a provision of a rental agreement
11 that is prohibited by current law.

12 The bill provides that for Code chapters 562A, 562B, and 648
13 (forcible entry and detainer), notices delivered by posting on
14 the primary entrance door and mailing to the premises that are
15 addressed to all tenants and unknown parties in possession are
16 deemed to have provided notice to all tenants, occupants, and
17 parties in possession of the premises. For Code chapter 648,
18 this also applies to delivery to a resident of the premises
19 that is at least 18 years old.

20 The bill allows service of notice by mail in a forcible
21 entry and detainer case to occur prior to the two attempts of
22 personal service and delivery evidenced by an acknowledgment
23 of service.

24 The bill provides that 90 days' peaceable possession with
25 the knowledge of the plaintiff after the cause of action
26 accrues is a bar to a forcible entry and detainer proceeding.

27 The bill provides that in a forcible entry and detainer
28 action, any personal property of the defendant remaining after
29 removal from the premises may be disposed of by the plaintiff.
30 This does not include a mobile home or its contents unless the
31 mobile home is the premises.