

House Study Bill 234 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON WAYS
AND MEANS BILL BY CHAIRPERSON
KAUFMANN)

A BILL FOR

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

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1 Section 1. Section 103A.52, subsection 2, Code 2025, is
2 amended to read as follows:

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

6 Sec. 2. Section 562A.6, subsection 10, Code 2025, 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 fees,
10 and other payments made by the tenant to the landlord under the
11 rental agreement.

12 Sec. 3. Section 562A.8, subsection 2, Code 2025, is amended
13 to read as follows:

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

21 Sec. 4. Section 562A.11, subsection 3, Code 2025, is amended
22 to read as follows:

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

29 Sec. 5. Section 562A.29A, subsection 1, paragraph c, Code
30 2025, is amended to read as follows:

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

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

7 Sec. 6. Section 562B.9, subsection 2, Code 2025, is amended
8 to read as follows:

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

16 Sec. 7. Section 562B.11, subsection 3, Code 2025, is amended
17 to read as follows:

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

23 Sec. 8. Section 562B.20, subsection 1, Code 2025, is amended
24 to read as follows:

25 1. A landlord shall not have the right of access to a mobile
26 home owned by a tenant unless such access is necessary to
27 prevent damage to the mobile home space, ~~or~~ is in response to
28 an emergency situation, or, after entry of an order of removal of
29 the tenant, is for the purpose of making safe the mobile home or
30 mobile home space, including securing or winterizing the mobile
31 home or mobile home space.

32 Sec. 9. Section 562B.27A, subsection 1, paragraph c, Code
33 2025, is amended to read as follows:

34 c. Posting on the primary entrance door of the dwelling unit
35 and mailing by both regular mail and certified mail, as defined

1 in section 618.15, to the address of the dwelling unit or to the
2 tenant's last known address, if different from the address of the
3 dwelling unit. A notice posted according to this paragraph shall
4 be posted within the applicable time period for serving notice
5 and shall include the date the notice was posted. A notice
6 delivered under this paragraph that is addressed to all tenants
7 and unknown parties in possession shall be deemed to provide
8 notice to all tenants, occupants, and parties in possession of
9 the premises.

10 Sec. 10. Section 648.3, subsection 2, paragraphs a and c,
11 Code 2025, are amended to read as follows:

12 a. Delivery evidenced by an acknowledgment of delivery that
13 is signed and dated by a resident of the premises who is at least
14 eighteen years of age. Delivery A notice delivered under this
15 paragraph that is addressed to all tenants and unknown parties in
16 possession shall be deemed to provide notice to ~~the defendant~~ all
17 tenants, occupants, and parties in possession of the premises.

18 c. Posting on the primary entrance door of the premises and
19 mailing by both regular mail and certified mail, as defined
20 in section 618.15, to the address of the premises or to the
21 defendant's last known address, if different from the address of
22 the premises. A notice posted according to this paragraph shall
23 be posted within the applicable time period for serving notice
24 and shall include the date the notice was posted. A notice
25 delivered under this paragraph that is addressed to all tenants
26 and unknown parties in possession shall be deemed to provide
27 notice to all tenants, occupants, and parties in possession of
28 the premises.

29 Sec. 11. Section 648.5, subsection 2, paragraph c, Code 2025,
30 is amended to read as follows:

31 c. If service cannot be made following two attempts using a
32 method specified under paragraph "a" or "b", by posting on the
33 primary entrance door of the premises and mailing by both regular
34 mail and certified mail, as defined in section 618.15, to the
35 address of the premises or to the defendant's last known address,

1 if different from the address of the premises. An original
2 notice posted according to this paragraph shall be posted not
3 less than three days prior to the hearing and shall include the
4 date the original notice was posted. Service of original notice
5 by mailing shall occur not less than three days prior to the
6 hearing, but may otherwise occur prior to the two attempts using
7 a method specified under paragraph "a" or "b".

8 Sec. 12. Section 648.18, Code 2025, is amended to read as
9 follows:

10 **648.18 Possession — bar.**

11 ~~Thirty~~ Ninety days' peaceable possession with the knowledge of
12 the plaintiff after the cause of action accrues is a bar to this
13 proceeding.

14 Sec. 13. Section 648.22, Code 2025, is amended to read as
15 follows:

16 **648.22 Judgment — execution — costs.**

17 1. If the defendant is found guilty, judgment shall be
18 entered that the defendant be removed from the premises, and
19 that the plaintiff be put in possession of the premises, and
20 an execution for the defendant's removal within three days from
21 the judgment shall issue accordingly, to which shall be added a
22 clause commanding the officer to collect the costs as in ordinary
23 cases.

24 2. Any personal property of the defendant remaining on the
25 premises after the defendant's removal under this section may
26 be immediately disposed of by the plaintiff. Personal property
27 under this subsection does not include a mobile home as defined
28 in section 562B.7, or the contents therein, unless the mobile
29 home is the premises.

30 EXPLANATION

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

33 This bill relates to property law.

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

1 The bill defines the term "rent" for purposes of Code chapter
2 562A (uniform residential landlord and tenant law) to include
3 base rent, utilities, late fees, and other payments made by the
4 tenant to the landlord under the rental agreement. The general
5 assembly made an identical change to the term "rent" in Code
6 chapter 562B (manufactured home communities or mobile home parks
7 residential landlord and tenant law) in 2022.

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

12 Under current law, a landlord (Code chapter 562A) or a
13 landlord or tenant (Code chapter 562B) is prohibited from
14 willfully (Code chapter 562A) or knowingly (Code chapter
15 562B) using a rental agreement containing provisions that are
16 prohibited by current law. The bill alters these provisions to
17 instead prohibit a landlord from willfully (Code chapter 562A) or
18 knowingly (Code chapter 562B) enforcing a provision of a rental
19 agreement that is prohibited by current law. The bill allows a
20 landlord access to a mobile home owned by a tenant, after entry
21 of an order of removal of the tenant, to secure the mobile home
22 or mobile home space.

23 The bill provides that for Code chapters 562A, 562B, and 648
24 (forcible entry and detainer), notices delivered by posting on
25 the primary entrance door and mailing to the premises that are
26 addressed to all tenants and unknown parties in possession are
27 deemed to have provided notice to all tenants, occupants, and
28 parties in possession of the premises. For Code chapter 648,
29 this also applies to delivery to a resident of the premises that
30 is at least 18 years old.

31 The bill allows service of notice by mail in a forcible entry
32 and detainer case to occur prior to the two attempts of personal
33 service and delivery evidenced by an acknowledgment of service.

34 The bill provides that 90 days' peaceable possession with the
35 knowledge of the plaintiff after the cause of action accrues is

1 a bar to a forcible entry and detainer proceeding. This is a
2 change from 30 days in current law.

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

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