

House Study Bill 261 - Introduced

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

A BILL FOR

1 An Act relating to property law by modifying provisions related
2 to landlord and tenant law and forcible entry and detainer
3 actions, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 562A.6, subsection 10, Code 2025, is
2 amended to read as follows:

3 10. "Rent" means a payment to be made to the landlord under
4 the rental agreement, including base rent, utilities, late fees,
5 and other payments made by the tenant to the landlord under the
6 rental agreement.

7 Sec. 2. Section 562A.8, 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. 3. Section 562A.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 willfully ~~uses~~
20 enforces a provision in a rental agreement containing provisions
21 known by the landlord to be prohibited, a tenant may recover
22 actual damages sustained by the tenant and not more than three
23 months' periodic rent and reasonable attorney fees.

24 Sec. 4. Section 562A.29A, subsection 1, paragraph c, Code
25 2025, is amended to read as follows:

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

1 the premises.

2 Sec. 5. Section 562B.9, subsection 2, Code 2025, is amended
3 to read as follows:

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

11 Sec. 6. Section 562B.11, subsection 3, Code 2025, is amended
12 to read as follows:

13 3. A provision prohibited by this section included in a
14 rental agreement is unenforceable. If a landlord or tenant
15 knowingly ~~uses~~ enforces a provision in a rental agreement
16 ~~containing provisions~~ known to be prohibited by this chapter, the
17 other party may recover actual damages sustained.

18 Sec. 7. Section 562B.27A, subsection 1, paragraph c, Code
19 2025, is amended to read as follows:

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

31 Sec. 8. Section 648.3, subsection 2, paragraphs a and c, Code
32 2025, are amended to read as follows:

33 a. Delivery evidenced by an acknowledgment of delivery that
34 is signed and dated by a resident of the premises who is at least
35 eighteen years of age. ~~Delivery~~ A notice delivered under this

1 paragraph that is addressed to all tenants and unknown parties in
2 possession shall be deemed to provide notice to the defendant all
3 tenants, occupants, and parties in possession of the premises.

4 c. Posting on the primary entrance door of the premises and
5 mailing by both regular mail and certified mail, as defined
6 in section 618.15, to the address of the premises or to the
7 defendant's last known address, if different from the address of
8 the premises. A notice posted according to this paragraph shall
9 be posted within the applicable time period for serving notice
10 and shall include the date the notice was posted. A notice
11 delivered under this paragraph that is addressed to all tenants
12 and unknown parties in possession shall be deemed to provide
13 notice to all tenants, occupants, and parties in possession of
14 the premises.

15 Sec. 9. Section 648.5, subsection 2, paragraph c, Code 2025,
16 is amended to read as follows:

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

29 Sec. 10. Section 648.18, Code 2025, is amended to read as
30 follows:

31 **648.18 Possession — bar.**

32 Thirty Nine days' peaceable possession with the knowledge of
33 the plaintiff after the cause of action accrues is a bar to this
34 proceeding.

35 Sec. 11. Section 648.22, Code 2025, is amended to read as

1 follows:

2 **648.22 Judgment — execution — costs — sealing of court**
3 **records.**

4 1. If the defendant is found guilty, judgment shall be
5 entered that the defendant be removed from the premises, and
6 that the plaintiff be put in possession of the premises, and
7 an execution for the defendant's removal within three days from
8 the judgment shall issue accordingly, to which judgment for costs
9 shall be entered in the judgment docket and lien index, and to
10 which shall be added a clause commanding the officer to collect
11 the costs as in ordinary cases.

12 2. In a residential forcible entry and detainer action, the
13 court records of the action shall be sealed not later than three
14 days from the date of the order, if any of the following occurs:

15 a. The defendant is found not guilty.

16 b. The case is dismissed.

17 c. The plaintiff does not appear for the hearing.

18 3. In a residential forcible entry and detainer action, the
19 court shall enter an order sealing the court records of the
20 action not later than three days from the date of the order if,
21 by motion or upon the court's own determination, the court finds
22 there is no genuine issue of material fact between the parties.

23 4. Upon application of a defendant found guilty in a
24 residential forcible entry and detainer action for nonpayment
25 of rent, the court shall enter an order sealing the record
26 of the action, the existence of the petition, all filings and
27 documentation within the case file, and any associated writs of
28 execution, if all of the following conditions are met:

29 a. More than seven years have passed since the date of the
30 finding of guilt.

31 b. The applicant has not been found guilty in a subsequent
32 forcible entry and detainer action in the five-year period
33 directly preceding the application.

34 c. The applicant has not previously been granted a sealing of
35 a finding of guilt under this chapter within ten years prior to

1 the application.

2 d. The applicant has paid all court costs, fees, fines, and
3 any other financial obligation ordered by the court or assessed
4 by the clerk of the district court in the case.

5 5. The application to seal the record of the action shall be
6 included in the record the defendant wishes to seal, using a form
7 prescribed by the supreme court.

8 6. In a residential forcible entry and detainer action for
9 nonpayment of rent in which the defendant is found guilty, the
10 court shall enter an order sealing the record of the action, the
11 existence of the petition, all filings and documentation within
12 the case file, and any associated writs of execution, if all of
13 the following conditions are met:

14 a. The application is filed jointly by the plaintiff and
15 defendant.

16 b. The defendant applicant has paid all court costs, fees,
17 fines, and any other financial obligation ordered by the court or
18 assessed by the clerk of the district court in the case.

19 7. Upon sealing, the existence of the petition, all filings
20 and documentation within the case file, and any associated
21 writs of execution shall be removed from any publicly accessible
22 location under the direction of the judicial branch or county,
23 as applicable. The clerk of court shall enter satisfaction of
24 judgment in the judgment docket and lien index. Notwithstanding
25 chapter 22, records sealed upon satisfaction of the requirements
26 specified in this section shall not be available for public
27 inspection except in one of the following manners:

28 a. Upon request by the defendant or the attorney for the
29 defendant by filing a motion in the sealed case.

30 b. Upon application to the judicial branch using a form
31 prescribed by the supreme court for scholarly, educational,
32 journalistic, or governmental purposes only, provided that in all
33 cases, the names of minor children shall remain sealed at all
34 times, and that the names and personally identifiable information
35 of all persons named as defendants or included in the plaintiff's

1 petition shall be redacted and remain sealed unless the court
2 determines that release of such information is necessary to
3 fulfill the scholarly, educational, journalistic, or governmental
4 purpose of the request.

5 c. State court administration shall maintain a record in
6 the aggregate of all filings and the final disposition of any
7 such actions, to include dismissal, default judgment, and writs
8 associated with disposition. State court administration shall
9 make available to the public and report annually such aggregate
10 information in such a manner prescribed by the supreme court as
11 to protect the identity of the parties while still providing the
12 public with information regarding eviction proceedings.

13 8. Subsections 4 through 7 do not apply to a money judgment
14 awarded for an action that was filed with a forcible entry
15 and detainer action or arising from the same set of facts and
16 circumstances.

17 9. Subsections 3 through 5 do not create an independent cause
18 of action by a tenant for use of lawfully obtained information.

19 **Sec. 12. NEW SECTION. 648.22C Removal of personal**
20 **property.**

21 Any personal property of the defendant remaining on the
22 premises after the defendant's removal under section 648.22 may
23 be immediately disposed of by the plaintiff. Personal property
24 under this section does not include a mobile home as defined in
25 section 562B.7, or the contents therein, unless the mobile home
26 is the premises.

27 **Sec. 13. EFFECTIVE DATE.** The following takes effect July 1,
28 2026:

29 The section of this Act amending section 648.22.

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 defines the term "rent" for purposes of Code chapter
35 562A (uniform residential landlord and tenant law) to include

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

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

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

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

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

31 The bill provides that 90 days' peaceable possession with the
32 knowledge of the plaintiff after the cause of action accrues is
33 a bar to a forcible entry and detainer proceeding. This is a
34 change from 30 days in current law.

35 The bill provides that in a forcible entry and detainer

1 action, any personal property of the defendant remaining after
2 removal from the premises may be disposed of by the plaintiff.
3 This does not include a mobile home or its contents unless the
4 mobile home is the premises.

5 The bill provides that the defendant's personal property
6 remaining on the premises after the defendant's removal may be
7 disposed of by the plaintiff.

8 The bill requires a court to seal the court records of an
9 eviction action not later than three days from the date of the
10 order if any of the following have occurred: the defendant is
11 found not guilty, the case is dismissed, the plaintiff does not
12 appear for the hearing, or if, by motion or upon the court's
13 own determination, the court finds there is no genuine issue of
14 material fact between the parties.

15 The bill provides that upon application of a defendant found
16 guilty in an eviction action for nonpayment of rent, the court
17 shall seal the court records if more than seven years have passed
18 since disposition, the applicant has not been found guilty in a
19 subsequent eviction action in the five-year period preceding the
20 application, the applicant within the last 10 years has not been
21 granted a sealing of eviction court records, and the applicant
22 has paid all costs. The application to seal shall be included in
23 the sealed court records.

24 The bill requires the court in an eviction action for
25 nonpayment of rent in which the defendant is found guilty to
26 enter an order sealing the court records if the application to
27 seal is filed jointly by the plaintiff and defendant and the
28 defendant has paid all court costs, fees, fines, and any other
29 fees ordered by the court or clerk of the district court in the
30 case.

31 The bill provides that upon sealing the court records, all
32 filings, documentation, and writs of association shall be removed
33 from any publicly accessible location. Sealed court records
34 shall not be available for public inspection except upon request
35 by the defendant or the attorney for the defendant by filing a

1 motion in the sealed case or application to the judicial branch
2 using a form to be prescribed by the supreme court for scholarly,
3 educational, journalistic, or governmental purposes. The bill
4 requires the state court administrator to maintain a record
5 in the aggregate of all filings and to make such information
6 available to the public in such a manner prescribed by the
7 supreme court as to protect the identity of the parties while
8 still providing the public with information relating to eviction
9 actions.

10 Under the bill, certain provisions do not apply to an
11 application to seal a record for an eviction action by a
12 defendant found guilty when a money judgment has been awarded to
13 the plaintiff.

14 Certain provisions of the bill relating to an application to
15 seal do not create an independent cause of action by a tenant for
16 use of lawfully obtained information.

17 The provisions of the bill relating to the sealing of court
18 records take effect July 1, 2026.