

Senate File 2352 - Introduced

SENATE FILE 2352

BY WESTRICH

A BILL FOR

1 An Act relating to eviction procedures, including tenants
2 who pose a clear and present danger, maximum durations
3 for forcible entry and detainer actions, and including
4 applicability provisions.

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

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1 Section 1. Section 562A.27A, subsection 1, Code 2026, is
2 amended to read as follows:

3 1. Notwithstanding section 562A.27 or 648.3, if a tenant
4 has created or maintained a threat constituting a clear and
5 present danger to the health or safety of other tenants, the
6 landlord, the landlord's employee or agent, or other persons
7 on or within one thousand feet of the landlord's property, the
8 landlord, after the service of a single three days' written
9 notice of termination and notice to quit stating the specific
10 activity causing the clear and present danger, and setting forth
11 the language of subsection 3 which includes certain exemption
12 provisions available to the tenant, may file suit against the
13 tenant for recovery of possession of the premises pursuant to
14 chapter 648 or recover possession of the premises pursuant to
15 subsection 4, in either case except as otherwise provided in
16 subsection 3. The If the landlord files suit pursuant to chapter
17 648, the petition shall state the incident or incidents giving
18 rise to the notice of termination and notice to quit.—The,
19 and the tenant shall be given the opportunity to contest the
20 termination in the court proceedings by notice thereof at least
21 three days prior to the hearing.

22 Sec. 2. Section 562A.27A, Code 2026, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 4. a. If a peace officer determines that
25 the tenant has presented a clear and present danger to the
26 health or safety of other tenants, the landlord, the landlord's
27 employees or agents, or other persons on or within one thousand
28 feet of the landlord's property as described under subsection 2,
29 and that an exception under subsection 3 does not exist, the
30 peace officer shall, in writing, swear and affirm such facts
31 under penalty of providing false information. The peace officer
32 shall provide the written affirmation to the landlord.

33 b. If after the three-day notice period described under
34 subsection 1 the tenant is still in possession of the premises,
35 the landlord may request that a peace officer remove the tenant

1 and any other persons occupying the premises, and the peace
2 officer shall do so as if an order for removal had been ordered
3 by a court. A court order shall not be required for the peace
4 officer to take action pursuant to this paragraph.

5 c. A peace officer shall be immune from civil liability for
6 any action taken in good faith pursuant to this subsection.

7 d. For purposes of this subsection, "peace officer" means the
8 same as defined in section 801.4.

9 Sec. 3. NEW SECTION. **648.5A Residential property — maximum**
10 **duration of action.**

11 1. a. In an action for forcible entry and detainer
12 brought under this chapter relating to residential property,
13 notwithstanding any other provision of law to the contrary, no
14 more than thirty days shall pass between the date the notice
15 to quit is served and the issuance of the order to quit, if
16 applicable.

17 b. A court shall not toll or extend the time period described
18 in paragraph "a" unless expressly authorized by statute.

19 c. Procedural defects in a forcible entry and detainer action
20 that do not materially prejudice a tenant shall not invalidate
21 such action.

22 d. The supreme court shall adopt court rules to ensure
23 that forcible entry and detainer actions are conducted in a
24 streamlined manner that limit continuances and procedural delays
25 that are not required by due process.

26 2. This section shall be construed to prioritize the prompt
27 return of residential property to lawful occupancy and productive
28 use.

29 Sec. 4. **APPLICABILITY.** This Act applies to actions commenced
30 on or after July 1, 2026.

31 **EXPLANATION**

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

34 This bill relates to eviction procedures involving tenants
35 who pose a clear and present danger and establishes a maximum

1 duration for certain residential forcible entry and detainer
2 actions.

3 Under current law, if a tenant creates or maintains a
4 threat constituting a clear and present danger to the health
5 or safety of others, a landlord may file a forcible entry and
6 detainer action after serving a single three-day written notice
7 of termination and notice to quit. The tenant is entitled to
8 contest the termination in court.

9 The bill provides that, following service of the three-day
10 notice, the landlord may either file suit under Code chapter 648
11 (forcible entry and detainer), or recover possession upon a sworn
12 affidavit by a peace officer that the tenant poses a clear and
13 present danger and that an exception does not apply.

14 The bill provides that if a peace officer determines that
15 a tenant has presented a clear and present danger and that
16 an exception does not exist, the peace officer must provide a
17 written, sworn affirmation of those facts to the landlord. If
18 the tenant remains in possession after the expiration of the
19 three-day notice period, the landlord may request that a peace
20 officer remove the tenant and other occupants. The peace officer
21 must remove the occupants as if acting pursuant to a court order,
22 and no court order is required for such removal. The bill
23 provides that a peace officer who does so while acting in good
24 faith is immune from civil liability.

25 The bill creates a maximum duration for forcible entry and
26 detainer actions involving residential property. The bill
27 provides that not more than 30 days may pass between service
28 of the notice to quit and issuance of the order to quit, if
29 applicable.

30 The bill prohibits a court from tolling or extending the
31 30-day period unless expressly authorized by statute. The
32 bill further provides that procedural defects that do not
33 materially prejudice a tenant do not invalidate the action. The
34 supreme court is directed to adopt court rules to ensure that
35 residential forcible entry and detainer actions are conducted

1 in a streamlined manner that limits continuances and procedural
2 delays not required by due process.

3 The bill applies to actions commenced on or after July 1,
4 2026.

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