

**Senate File 2353 - Introduced**

SENATE FILE 2353  
BY WESTRICH

**A BILL FOR**

1 An Act relating to residential tenant responsibility for  
2 utility charges, providing civil penalties, and including  
3 applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 384.84, Code 2026, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 9A. A city or city utility shall not assess,  
4 certify, or collect unpaid utility charges as a lien against real  
5 property if the utility service was provided to a tenant who,  
6 under a rental agreement, was responsible for payment of the  
7 utility charges.

8 Sec. 2. NEW SECTION. **562A.9A Tenant responsibility for**  
9 **utility charges — enforcement.**

10 1. For purposes of this section, "utility" means a public,  
11 municipal, or cooperative owned system that provides water,  
12 sewer, sanitary sewer, storm water, electric, natural gas, or  
13 other similar utility service to residential rental property.

14 2. If a utility service account is established in the name of  
15 a tenant, or if a rental agreement provides that the tenant is  
16 responsible for payment of utility charges, the landlord shall  
17 not be liable for any unpaid utility charges incurred by the  
18 tenant.

19 3. A utility shall not do any of the following to collect  
20 unpaid utility charges incurred by a tenant:

21 a. Bill, charge, or seek payment from the landlord.

22 b. Transfer or attempt to transfer an unpaid balance to an  
23 account of the landlord.

24 c. Condition the initiation, continuation, or restoration of  
25 utility service to the premises on payment by the landlord.

26 d. File, record, certify, or threaten to file, record, or  
27 certify a lien, assessment, or other encumbrance against the  
28 landlord's real property.

29 e. Use any indirect act or practice intended to compel  
30 payment by the landlord.

31 4. A utility shall maintain separate billing and collection  
32 accounts for tenants who are responsible for payment of utility  
33 charges and shall pursue collection solely against the tenant.

34 5. A utility that violates this section is subject to a  
35 civil penalty of not less than five hundred dollars and not more

1 than five thousand dollars for each violation. Each billing  
2 statement, collection notice, lien filing, certification, or  
3 other collection attempt constitutes a separate violation.

4 6. A landlord aggrieved by a violation of this section may  
5 bring a civil action to recover any of the following:

6 a. Actual damages.

7 b. Statutory damages of one thousand dollars for each  
8 violation.

9 c. Injunctive or declaratory relief.

10 d. Reasonable attorney fees and court costs.

11 7. If a lien, assessment, or certification is filed or  
12 recorded in violation of this section, the utility shall release  
13 the lien or assessment within ten days after receipt of written  
14 notice from the landlord. Failure to timely release the lien or  
15 assessment constitutes a separate violation of this section.

16 8. The attorney general may enforce this section as an  
17 unlawful practice under section 714.16 and may seek civil  
18 penalties, restitution, and injunctive relief.

19 Sec. 3. APPLICABILITY. This Act applies to utility billing,  
20 collection activity, lien filings, certifications, and  
21 enforcement actions occurring on or after the effective date of  
22 this Act, regardless of when the rental agreement was executed.

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 the responsibility for payment of utility  
27 charges incurred by tenants of residential units and provides  
28 enforcement mechanisms and penalties.

29 The bill prohibits a city or city utility from assessing,  
30 certifying, or collecting unpaid utility charges as a lien  
31 against real property when the utility service was provided to a  
32 tenant who, under a rental agreement, was responsible for payment  
33 of the utility charges under the bill.

34 The bill provides that when a utility service account is  
35 established in the name of a tenant of a residential unit,

1 or when a rental agreement assigns responsibility for utility  
2 payments to the tenant, the landlord is not liable for unpaid  
3 utility charges incurred by the tenant.

4 The bill prohibits a utility company from engaging in  
5 specified practices to collect a tenant's unpaid utility charges,  
6 including billing or charging the landlord, transferring unpaid  
7 balances to a landlord's account, conditioning utility service to  
8 the premises on payment by the landlord, filing or threatening  
9 to file a lien or other encumbrance against the landlord's real  
10 property, or using indirect practices to compel payment by the  
11 landlord.

12 The bill requires utilities to maintain separate billing and  
13 collection accounts for tenants who are responsible for payment  
14 of utility charges and requires utility companies to pursue  
15 collection solely against the tenant.

16 The bill establishes civil penalties for violations in an  
17 amount of not less than \$500 and not more than \$5,000 per  
18 violation, with each billing statement, collection notice, lien  
19 filing, certification, or other collection attempt constituting a  
20 separate violation.

21 The bill authorizes a landlord aggrieved by a violation to  
22 bring a civil action to recover actual damages, statutory damages  
23 of \$1,000 per violation, injunctive or declaratory relief, and  
24 reasonable attorney fees and court costs.

25 The bill requires a utility company that files or records  
26 a lien, assessment, or certification in violation of the bill  
27 to release the lien or assessment within 10 days of receipt of  
28 written notice from the landlord. Failure to timely release the  
29 lien or assessment constitutes a separate violation.

30 The bill authorizes the attorney general to enforce the bill  
31 as an unlawful practice under Code section 714.16 (consumer  
32 fraud) and to seek civil penalties, restitution, and injunctive  
33 relief.

34 The bill applies to utility billing, collection activity, lien  
35 filings, certifications, and enforcement actions occurring on or

1 after the effective date of the bill, regardless of when the  
2 rental agreement was executed.

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