

Senate Study Bill 1047 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY CHAIRPERSON
BOUSSELOT)

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:

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.20, subsection 1, Code 2025, is amended
19 to read as follows:

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

27 Sec. 8. Section 562B.27A, subsection 1, paragraph c, Code
28 2025, is amended to read as follows:

29 c. Posting on the primary entrance door of the dwelling unit
30 and mailing by both regular mail and certified mail, as defined
31 in section 618.15, to the address of the dwelling unit or to the
32 tenant's last known address, if different from the address of the
33 dwelling unit. A notice posted according to this paragraph shall
34 be posted within the applicable time period for serving notice
35 and shall include the date the notice was posted. A notice

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

5 Sec. 9. Section 648.3, subsection 2, paragraphs a and c, Code
6 2025, are amended to read as follows:

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

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

24 Sec. 10. Section 648.5, subsection 2, paragraph c, Code 2025,
25 is amended to read as follows:

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

1 hearing, but may otherwise occur prior to the two attempts using
2 a method specified under paragraph "a" or "b".

3 Sec. 11. Section 648.18, Code 2025, is amended to read as
4 follows:

5 **648.18 Possession — bar.**

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

9 Sec. 12. Section 648.22, Code 2025, is amended to read as
10 follows:

11 **648.22 Judgment — execution — costs.**

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

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

25 EXPLANATION

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

28 This bill relates to property law.

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 the
32 tenant to the landlord under the rental agreement. The general
33 assembly made an identical change to the term "rent" in Code
34 chapter 562B (manufactured home communities or mobile home parks
35 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 that
11 is prohibited by current law. The bill allows a landlord access
12 to a mobile home owned by a tenant, after entry of an order of
13 removal of the tenant, to secure the mobile home or mobile home
14 space.

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

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

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

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