

Senate Study Bill 1204 - Introduced

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

A BILL FOR

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

unofficial

1 Section 1. Section 562A.8, subsection 1, paragraph a, Code
2 2025, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (7) Service by electronic mail provided
4 that all of the following are true:

5 (a) In a separate addendum to the rental agreement executed
6 by the tenant, the tenant has expressly consented to service of
7 notice using electronic mail for purposes of this chapter.

8 (b) The landlord has delivered the notice to the tenant
9 at the electronic mail address provided by the tenant in the
10 separate addendum described in subparagraph division (a).

11 (c) The tenant has not revoked, in writing, the consent for
12 service by electronic mail, with the burden of proving such
13 revocation being on the tenant.

14 Sec. 2. Section 562A.7, subsection 1, paragraph b, Code 2025,
15 is amended by adding the following new subparagraph:

16 NEW SUBPARAGRAPH. (7) Service by electronic mail provided
17 that all of the following are true:

18 (a) In a separate addendum to the rental agreement executed
19 by the landlord, the landlord has expressly consented to service
20 of notice using electronic mail for purposes of this chapter.

21 (b) The tenant has delivered the notice to the landlord at
22 the electronic mail address provided by the landlord in the
23 separate addendum described in subparagraph division (a).

24 (c) The landlord has not revoked, in writing, the consent
25 for service by electronic mail, with the burden of proving such
26 revocation being on the landlord.

27 Sec. 3. Section 562A.29A, subsection 1, Code 2025, is amended
28 by adding the following new paragraph:

29 NEW PARAGRAPH. d. Service by electronic mail provided that
30 all of the following are true:

31 (1) In a separate addendum to the rental agreement executed
32 by the tenant, the tenant has expressly consented to service of
33 notice using electronic mail for purposes of this section.

34 (2) The landlord has delivered the notice to the tenant
35 at the electronic mail address provided by the tenant in the

1 separate addendum described in subparagraph (1).

2 (3) The tenant has not revoked, in writing, the consent for
3 service by electronic mail, with the burden of proving such
4 revocation being on the tenant.

5 Sec. 4. Section 562B.9, subsection 1, paragraph a, Code 2025,
6 is amended by adding the following new subparagraph:

7 NEW SUBPARAGRAPH. (7) Service by electronic mail provided
8 that all of the following are true:

9 (a) In a separate addendum to the rental agreement executed
10 by the tenant, the tenant has expressly consented to service of
11 notice using electronic mail for purposes of this chapter.

12 (b) The landlord has delivered the notice to the tenant
13 at the electronic mail address provided by the tenant in the
14 separate addendum described in subparagraph division (a).

15 (c) The tenant has not revoked, in writing, the consent for
16 service by electronic mail, with the burden of proving such
17 revocation being on the tenant.

18 Sec. 5. Section 562B.9, subsection 1, paragraph b, Code 2025,
19 is amended by adding the following new subparagraph:

20 NEW SUBPARAGRAPH. (7) Service by electronic mail provided
21 that all of the following are true:

22 (a) In a separate addendum to the rental agreement executed
23 by the landlord, the landlord has expressly consented to service
24 of notice using electronic mail for purposes of this chapter.

25 (b) The tenant has delivered the notice to the landlord at
26 the electronic mail address provided by the landlord in the
27 separate addendum described in subparagraph division (a).

28 (c) The landlord has not revoked, in writing, the consent
29 for service by electronic mail, with the burden of proving such
30 revocation being on the landlord.

31 Sec. 6. Section 562B.27A, subsection 1, Code 2025, is amended
32 by adding the following new paragraph:

33 NEW PARAGRAPH. d. Service by electronic mail provided that
34 all of the following are true:

35 (1) In a separate addendum to the rental agreement executed

1 by the tenant, the tenant has expressly consented to service of
2 notice using electronic mail for purposes of this section.

3 (2) The landlord has delivered the notice to the tenant
4 at the electronic mail address provided by the tenant in the
5 separate addendum described in subparagraph (1).

6 (3) The tenant has not revoked, in writing, the consent for
7 service by electronic mail, with the burden of proving such
8 revocation being on the tenant.

9 Sec. 7. NEW SECTION. **648.3A Service by electronic mail.**

10 All notices required or permitted to be served pursuant to
11 sections 648.3, 648.4, and 648.5 may be served upon the tenant by
12 electronic mail provided that all of the following are true:

13 1. In a separate addendum to the rental agreement executed
14 by the tenant, the tenant has expressly consented to service of
15 notice using electronic mail for purposes of this section and
16 sections 648.3, 648.4, and 648.5.

17 2. The landlord has delivered the notice to the tenant at the
18 electronic mail address provided by the tenant in the separate
19 addendum identified in subsection 1.

20 3. The tenant has not revoked, in writing, the consent for
21 service by electronic mail, with the burden of proving such
22 revocation being on the tenant.

23 Sec. 8. Section 648.5, subsection 1, paragraph a, Code 2025,
24 is amended to read as follows:

25 a. An action for forcible entry and detainer shall be brought
26 in a county where all or part of the premises is located. Such
27 an action shall be tried as an equitable action. Upon receipt
28 of the petition, the court shall set a date, time, and place
29 for hearing. All hearings, including any court-ordered pretrial
30 mediation, shall be held using remote or virtual technology,
31 unless any party files with the court a request for an in-person
32 hearing. The court shall grant a request for an in-person
33 hearing. The court shall set the date of hearing no later than
34 eight days from the filing date, except that the court shall set
35 a later hearing date no later than fifteen days from the date of

1 filing if the plaintiff requests or consents to the later date of
2 hearing.

3 Sec. 9. NEW SECTION. **648.24 Expungement — sealing of court**
4 **records.**

5 1. In a forcible entry and detainer action, the court records
6 of the action shall be sealed if any of the following occurs:

7 a. The defendant is found not guilty.

8 b. The case is dismissed.

9 2. Upon application of a defendant in an action for forcible
10 entry and detainer, the court shall enter an order sealing
11 the court records of the action under any of the following
12 circumstances:

13 a. The action for forcible entry and detainer was filed
14 against the defendant that was not in violation of the lease
15 due to a clerical error, mistaken identity, or other demonstrable
16 error of the plaintiff.

17 b. The action for forcible entry and detainer was filed in
18 violation of section 562A.36 or 562B.32.

19 c. Seven or more years have passed since the defendant was
20 found guilty in an action for forcible entry and detainer.

21 d. The defendant was found guilty in an action for forcible
22 entry and detainer arising from nonpayment of rent, the tenant
23 has subsequently repaid all rent, fees, and legal costs to the
24 landlord, the landlord consents to the expungement, and the
25 tenant has not been granted relief under this paragraph in the
26 prior seven years.

27 3. Upon application by the defendant of an action for
28 forcible entry and detainer, the court shall hold an evidentiary
29 hearing to determine if the court records should be sealed. The
30 burden of proof shall be on the defendant to demonstrate that
31 the defendant is eligible for expungement pursuant to subsection
32 2. In making the finding, the court may consider all of the
33 following evidence:

34 a. The testimony of the plaintiff and defendant.

35 b. Documentation related to the action for forcible entry

1 and detainer, including the lease agreement, notices, and court
2 filings.

3 c. Evidence of alleged error or retaliatory conduct,
4 including correspondence, maintenance requests, and city, county,
5 or state code violation reports.

6 d. Any other relevant evidence.

7 4. If the court finds that the defendant has met the burden
8 of proof under subsection 3, the court shall issue an order
9 requiring sealing of the action for forcible entry and detainer
10 record. The order to seal shall do all of the following:

11 a. Direct the court clerk to seal the action for forcible
12 entry and detainer record.

13 b. Prohibit any party from disclosing the existence of the
14 sealed record.

15 c. Provide that the sealed record shall not be considered in
16 any future legal proceedings, including applications for housing.

17 5. Except as provided in subsection 2, paragraph "d", this
18 section shall not apply to an action for forcible entry and
19 detainer where the judgment for possession was entered against
20 the defendant due to nonpayment of rent, unless the tenant can
21 demonstrate by clear and convincing evidence that the nonpayment
22 of rent was the direct result of the plaintiff's retaliatory
23 conduct.

24 6. This section does not preclude a landlord from pursuing
25 other legal remedies available to the landlord, including filing
26 a subsequent action for forcible entry and detainer.

27 7. This section does not create an independent cause of
28 action by a tenant for use of lawfully obtained information by
29 a landlord, including information that the court should have but
30 failed to expunge.

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 property law and modifies provisions
35 related to forcible entry and detainer actions and landlord and

1 tenant law.

2 The bill permits tenants and landlords to consent to notice
3 by electronic mail by executing a separate addendum to rental
4 agreements under Code chapters 562A (uniform residential landlord
5 and tenant law) and 562B (manufactured home communities or mobile
6 home parks residential landlord and tenant law). The bill also
7 provides that notice for a forcible entry and detainer action may
8 be served by electronic mail if consented to by the tenant.

9 The bill requires that all hearings in a forcible entry
10 and detainer action, unless the parties file a request for
11 an in-person hearing, shall be held using remote or virtual
12 technology.

13 The bill requires the court to seal the court records of a
14 forcible entry and detainer if the defendant is found not guilty
15 or the case was dismissed.

16 The bill allows the court to seal a forcible entry and
17 detainer action court record upon application by the defendant
18 if any of the following circumstances occur: (1) the action was
19 filed against a tenant that was not in violation of the lease
20 due to a clerical error, mistaken identity, or other demonstrable
21 error made by the landlord, (2) the action was filed in violation
22 of Code section 562A.36 (retaliatory conduct prohibited) or Code
23 section 562B.32 (retaliatory conduct prohibited), (3) seven or
24 more years have passed since the tenant was found guilty in the
25 action, or (4) the tenant was found guilty in an action arising
26 from nonpayment of rent, the tenant subsequently repaid all rent,
27 fees, and legal costs to the landlord, the landlord consents to
28 the expungement, and the tenant has not been granted such relief
29 in the prior seven years.

30 The bill requires the court to hold an evidentiary hearing
31 to determine whether the court records for the forcible entry
32 and detainer action should be sealed. The court may consider
33 the following as evidence: (1) the testimony of the plaintiff
34 and defendant, (2) documentation related to the action, (3)
35 evidence of alleged error or retaliatory conduct, and (4) any

1 other relevant evidence.

2 The bill provides that if the court finds that the defendant
3 has met the burden of proof, the court shall issue an order
4 requiring sealing the record. The order to seal is required to
5 do the following: (1) direct the court clerk to seal the court
6 record, (2) prohibit any party from disclosing the existence of
7 the sealed record, and (3) provide that the sealed record shall
8 not be considered in any future legal proceedings.

9 The bill does not apply to an action arising from the
10 nonpayment of rent unless the nonpayment of rent was the direct
11 result of the landlord's retaliatory conduct except as otherwise
12 provided in the bill.

13 The bill does not prohibit a landlord from pursuing other
14 legal remedies available to the landlord.

15 The bill does not create an independent cause of action by
16 a tenant for use of lawfully obtained information, including
17 information that the court should have but failed to expunge.