

**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:

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  
15 2025, 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  
20 service of notice using electronic mail for purposes of this  
21 chapter.

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

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

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

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

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

35 (2) The landlord has delivered the notice to the tenant

1 at the electronic mail address provided by the tenant in the  
2 separate addendum described in subparagraph (1).

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

6 Sec. 4. Section 562B.9, subsection 1, paragraph a, Code  
7 2025, is amended by adding the following new subparagraph:

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

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

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

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

19 Sec. 5. Section 562B.9, subsection 1, paragraph b, Code  
20 2025, is amended by adding the following new subparagraph:

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

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

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

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

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

35 NEW PARAGRAPH. d. Service by electronic mail provided that

1 all of the following are true:

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

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

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

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

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

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

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

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

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

27 a. An action for forcible entry and detainer shall be  
28 brought in a county where all or part of the premises is  
29 located. Such an action shall be tried as an equitable action.  
30 Upon receipt of the petition, the court shall set a date,  
31 time, and place for hearing. All hearings, including any  
32 court-ordered pretrial mediation, shall be held using remote  
33 or virtual technology, unless any party files with the court  
34 a request for an in-person hearing. The court shall grant a  
35 request for an in-person hearing. The court shall set the

1 date of hearing no later than eight days from the filing date,  
2 except that the court shall set a later hearing date no later  
3 than fifteen days from the date of filing if the plaintiff  
4 requests or consents to the later date of hearing.

5     Sec. 9. NEW SECTION.   **648.24 Expungement — sealing of court**  
6 **records.**

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

10     *a.* The defendant is found not guilty.

11     *b.* The case is dismissed.

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

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

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

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

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

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

1 consider all of the following evidence:

2     *a.* The testimony of the plaintiff and defendant.

3     *b.* Documentation related to the action for forcible entry  
4 and detainer, including the lease agreement, notices, and court  
5 filings.

6     *c.* Evidence of alleged error or retaliatory conduct,  
7 including correspondence, maintenance requests, and city,  
8 county, or state code violation reports.

9     *d.* Any other relevant evidence.

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

14     *a.* Direct the court clerk to seal the action for forcible  
15 entry and detainer record.

16     *b.* Prohibit any party from disclosing the existence of the  
17 sealed record.

18     *c.* Provide that the sealed record shall not be considered  
19 in any future legal proceedings, including applications for  
20 housing.

21     5. Except as provided in subsection 2, paragraph “*d*”, this  
22 section shall not apply to an action for forcible entry and  
23 detainer where the judgment for possession was entered against  
24 the defendant due to nonpayment of rent, unless the tenant  
25 can demonstrate by clear and convincing evidence that the  
26 nonpayment of rent was the direct result of the plaintiff’s  
27 retaliatory conduct.

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

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

35

EXPLANATION

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

3           This bill relates to property law and modifies provisions  
4 related to forcible entry and detainer actions and landlord and  
5 tenant law.

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

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

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

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

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

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

15 The bill does not apply to an action arising from the  
16 nonpayment of rent unless the nonpayment of rent was the  
17 direct result of the landlord's retaliatory conduct except as  
18 otherwise provided in the bill.

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

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