

**House File 701 - Reprinted**

HOUSE FILE 701  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 100)

(As Amended and Passed by the House April 3, 2019)

**A BILL FOR**

1 An Act relating to the continuance of lawful preexisting  
2 nonconforming uses by manufactured, modular, and mobile  
3 homes and site-built dwelling units.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 335.3, Code 2019, is amended to read as  
2 follows:

3 **335.3 Powers.**

4 1. Subject to [section 335.2](#), the board of supervisors  
5 may by ordinance regulate and restrict the height, number of  
6 structures, and size of buildings and other structures, the  
7 percentage of lot that may be occupied, the size of yards,  
8 courts, and other open spaces, the density of population,  
9 and the location and use of buildings, structures, and land  
10 for trade, industry, residence, or other purposes, and may  
11 regulate, restrict, and prohibit the use for residential  
12 purposes of tents, trailers, and portable or potentially  
13 portable structures. However, such powers shall be exercised  
14 only with reference to land and structures located within the  
15 county but lying outside of the corporate limits of any city.

16 2. When there is a replacement of a preexisting  
17 manufactured, modular, or mobile home with another  
18 manufactured, modular, or mobile home containing no more than  
19 the original number of dwelling units, or a replacement of  
20 a preexisting site-built dwelling unit with a manufactured,  
21 modular, or mobile home or site-built dwelling unit, within a  
22 manufactured home community or a mobile home park, the board  
23 of supervisors shall not adopt or enforce any ordinance,  
24 regulation, or restriction that would prevent the continuance  
25 of the property owner's lawful nonconforming use that had  
26 existed relating to the preexisting home unless any of the  
27 following apply:

28 a. A discontinuance is necessary for the safety of life or  
29 property.

30 b. The nonconforming use has been discontinued for  
31 the period of time established by ordinance, unless such  
32 discontinuance is caused by circumstances outside the control  
33 of the property owner. The period of time so established shall  
34 be not less than one year.

35 c. The replacement results in the overall nature and

1 character of the present use being substantially or entirely  
2 different from the original lawful preexisting nonconforming  
3 use.

4 d. The replacement results in an obstruction to a shared  
5 driveway or shared sidewalk providing vehicular or pedestrian  
6 access to other homes and uses unless the property owner  
7 makes modifications to such shared driveway or sidewalk  
8 that extinguishes such obstruction or the effects of such  
9 obstruction.

10 Sec. 2. Section 414.1, subsection 1, Code 2019, is amended  
11 by adding the following new paragraph:

12 NEW PARAGRAPH. c. When there is a replacement of a  
13 preexisting manufactured, modular, or mobile home with another  
14 manufactured, modular, or mobile home containing no more than  
15 the original number of dwelling units, or a replacement of  
16 a preexisting site-built dwelling unit with a manufactured,  
17 modular, or mobile home or site-built dwelling unit, within a  
18 manufactured home community or a mobile home park, the city  
19 shall not adopt or enforce any ordinance, regulation, or  
20 restriction that would prevent the continuance of the property  
21 owner's lawful nonconforming use that had existed relating to  
22 the preexisting home unless any of the following apply:

23 (1) A discontinuance is necessary for the safety of life or  
24 property.

25 (2) The nonconforming use has been discontinued for  
26 the period of time established by ordinance, unless such  
27 discontinuance is caused by circumstances outside the control  
28 of the property owner. The period of time so established shall  
29 be not less than one year.

30 (3) The replacement results in the overall nature and  
31 character of the present use being substantially or entirely  
32 different from the original lawful preexisting nonconforming  
33 use.

34 (4) The replacement results in an obstruction to a shared  
35 driveway or shared sidewalk providing vehicular or pedestrian

H.F. 701

1 access to other homes and uses unless the property owner  
2 makes modifications to such shared driveway or sidewalk  
3 that extinguishes such obstruction or the effects of such  
4 obstruction.