

**House File 2562 - Reprinted**

HOUSE FILE 2562

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2441)

(SUCCESSOR TO HF 833)

(SUCCESSOR TO HF 442)

(As Amended and Passed by the House April 5, 2022)

**A BILL FOR**

1 An Act relating to property law, including mobile homes and  
2 manufactured housing, rental agreements, landlord and  
3 tenant remedies for retaliation, wrongful failure to provide  
4 essential services, rent increases, the sale of manufactured  
5 home community or mobile home park, regulation by counties  
6 and cities of continuing nonconforming uses of manufactured,  
7 modular, and mobile homes, forcible entry and detainer  
8 actions, abandoned mobile homes, and including effective  
9 date and applicability provisions.  
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I  
RETALIATION

Section 1. Section 562B.32, subsection 1, paragraph d, Code 2022, is amended to read as follows:

d. For exercising any of the rights and remedies pursuant to this chapter or chapter 216.

Sec. 2. Section 562B.32, subsection 2, Code 2022, is amended to read as follows:

2. If the landlord acts in violation of subsection 1 of this section, the tenant is entitled to the remedies provided in section 562B.24 and has a defense in an action for possession. In an action by or against the tenant, evidence of a complaint within ~~six months~~ one year prior to the alleged act of retaliation creates a presumption that the landlord's conduct was in retaliation. The presumption does not arise if the tenant made the complaint after notice of termination of the rental agreement. For the purpose of this subsection, "presumption" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.

DIVISION II  
RENTAL AGREEMENTS

Sec. 3. Section 562B.7, subsection 10, Code 2022, is amended to read as follows:

10. "Rent" means a payment to be made to the landlord under the rental agreement, including base rent, utilities, late fees, and other payments made by the tenant to the landlord under the rental agreement.

Sec. 4. Section 562B.10, subsection 5, Code 2022, is amended to read as follows:

5. Rental agreements shall be for a term of one year unless otherwise specified in the rental agreement. Rental agreements shall be canceled by at least ~~sixty~~ ninety days' written notice given by either party. A landlord shall not cancel a rental agreement solely for the purpose of making the tenant's mobile

1 home space available for another mobile home.

2 Sec. 5. Section 562B.14, subsection 7, Code 2022, is amended  
3 to read as follows:

4 7. Each tenant shall be notified, in writing, of any rent  
5 increase at least ~~sixty~~ ninety days before the effective date.  
6 Such effective date shall not be sooner than the expiration  
7 date of the original rental agreement or any renewal or  
8 extension thereof.

9 Sec. 6. EFFECTIVE DATE. This division of this Act, being  
10 deemed of immediate importance, takes effect upon enactment.

11 Sec. 7. APPLICABILITY. This division of this Act applies to  
12 rent increases first noticed under chapter 562B occurring on or  
13 after the effective date of this division of this Act.

14 DIVISION III

15 DISCLOSURE OF UTILITY CHARGES

16 Sec. 8. Section 562B.14, subsection 6, Code 2022, is amended  
17 to read as follows:

18 6. a. The landlord or any person authorized to enter into  
19 a rental agreement on the landlord's behalf shall provide a  
20 written explanation of utility rates, charges and services to  
21 the prospective tenant before the rental agreement is signed  
22 unless the utility charges are paid by the tenant directly to  
23 the utility company.

24 b. Tenants shall be notified of any increase in utility  
25 rates or charges in the manner set forth in subsection 7 for  
26 rent increases, unless the landlord does not receive at least  
27 ninety days prior notice of such increase from the utility  
28 provider, in which case no prior notice of the increase from  
29 the landlord to the tenant is required for the increase to be  
30 effective.

31 c. Nothing in this chapter shall authorize a landlord to  
32 meter a premises contrary to applicable law, rule, or tariff,  
33 or assess a utility charge to the tenant contrary to applicable  
34 law, rule, or tariff.

35 DIVISION IV



1 sale to a third party, in order to upgrade the quality of  
2 the manufactured home community or mobile home park, require  
3 that any mobile home in a rundown condition or in disrepair be  
4 removed from the manufactured home community or park within  
5 sixty days. If the landlord does not approve the purchaser as  
6 a tenant, the landlord shall provide the purchaser with written  
7 notice of such denial and the general reason for the denial,  
8 but the landlord shall not be required to provide a specific  
9 reason for the denial.

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DIVISION VI

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PROHIBITED RENTAL AGREEMENT PROVISION — HOME EQUIPMENT

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Sec. 12. Section 562B.11, subsection 1, Code 2022, is

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amended by adding the following new paragraph:

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NEW PARAGRAPH. e. Agrees to modify the mobile home,

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manufactured home, or modular home in a way that would

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substantially impair the ability of the tenant to move the

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home from the mobile home space, unless such modification is

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required by federal law, including but not limited to the

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model manufactured home installation standards, 24 C.F.R. pt.

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3285, the manufactured home construction and safety standards,

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24 C.F.R. pt. 3280, or the manufactured home procedural and

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enforcement regulations, 24 C.F.R. pt. 3282, or by state or

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local law, the manufacturer's installation instructions, any

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requirement arising from the landlord's financing of the home

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or of the mobile home park or manufactured home community in

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which the home is located, or unless such modification is

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otherwise necessary for the safe and proper installation of the

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home.

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DIVISION VII

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LANDLORD SALES

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Sec. 13. NEW SECTION. 562B.17A Sale of mobile home by

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landlord.

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1. Any sale of a mobile home located in a manufactured home

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community or mobile home park by a landlord or landlord's agent

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shall be by written agreement and the landlord shall, upon the

1 buyer's fulfillment of all payment and other terms under the  
2 agreement, produce and assign the current certificate of title  
3 obtained from the department of transportation. The agreement  
4 shall state the basic terms of sale, including the total  
5 cost of the mobile home, and, in the case of an installment  
6 contract, finance charges, annual percentage rate, and the  
7 frequency and amount of each installment payment.

8 2. If such sale does not comply with this section, the  
9 court may award monetary or equitable relief, including voiding  
10 the sale, and the buyer may recover damages incurred, amounts  
11 paid as a rental deposit in excess of two months' rent, and  
12 reasonable attorney fees.

13 3. A claim under subsection 2 may be combined with an action  
14 under chapter 648.

15 Sec. 14. Section 648.19, subsection 1, Code 2022, is amended  
16 to read as follows:

17 1. An action under [this chapter](#) shall not be filed in  
18 connection with any other action, with the exception of a claim  
19 for rent or recovery as provided in [section 555B.3](#), [562A.24](#),  
20 [562A.32](#), [562B.17A](#), [562B.22](#), [562B.25](#), or [562B.27](#), nor shall it  
21 be made the subject of counterclaim.

22 DIVISION VIII

23 SALE OF MANUFACTURED HOME COMMUNITY OR MOBILE HOME PARK

24 Sec. 15. NEW SECTION. 562B.16A Sale of manufactured home  
25 community or mobile home park — notices.

26 Upon termination of the landlord's interest in the  
27 manufactured home community or mobile home park, the landlord's  
28 successor in interest shall have the same legal obligations,  
29 rights, and remedies of the landlord, including with respect to  
30 all rental agreements.

31 Sec. 16. APPLICABILITY. This division of this Act applies  
32 to manufactured home community or mobile home park sale  
33 transactions made on or after the effective date of this  
34 division of this Act.

35 DIVISION IX

1 REGULATION BY COUNTIES AND CITIES — CONTINUING NONCONFORMING  
2 USES

3 Sec. 17. Section 335.3, subsection 2, Code 2022, is amended  
4 to read as follows:

5 2. a. ~~When~~ Except as provided in paragraph "b", when there  
6 is a replacement of a preexisting manufactured, modular, or  
7 mobile home with ~~another~~ any other manufactured, modular, or  
8 mobile home containing no more than the original number of  
9 dwelling units, or a replacement of a preexisting site-built  
10 dwelling unit with a manufactured, modular, or mobile home or  
11 site-built dwelling unit, within a manufactured home community  
12 or a mobile home park, the board of supervisors shall not  
13 adopt or enforce any ordinance, regulation, or restriction,  
14 or impose any conditions on the replacement home, home site  
15 upon which the home sits, or the owner's property that were not  
16 required of the preexisting home, home site, or property, that  
17 would prevent the continuance of the property owner's lawful  
18 nonconforming use that had existed relating to the preexisting  
19 home ~~unless any of the following apply:~~ home site upon which  
20 the home sat, or the owner's property.

21 b. Paragraph "a" does not apply if any of the following  
22 conditions exist:

23 a. (1) A discontinuance is necessary for The replacement  
24 of the preexisting home with the replacement home would  
25 substantially increase the risk to the safety of life or  
26 property.

27 b. (2) The property owner has discontinued and abandoned  
28 the nonconforming use has been discontinued for the period  
29 of time established by ordinance, unless such discontinuance  
30 is caused by circumstances outside the control of the  
31 property owner. The period of time so established shall be  
32 not less than one year. For purposes of this subparagraph,  
33 circumstances outside the control of the property owner  
34 include floods, fires, destructive thunderstorm events such  
35 as derechos and tornadoes, and similar catastrophic events

1 causing widespread or localized severe property damage. For  
2 purposes of this subparagraph, a property owner shall not be  
3 considered to have discontinued and abandoned the nonconforming  
4 use if the property owner demonstrates that the applicable home  
5 site continues to be available for use as a home site for a  
6 replacement home.

7 ~~c.~~ (3) The replacement results in the overall nature and  
8 character of the present use being substantially or entirely  
9 different from the original lawful preexisting nonconforming  
10 use.

11 ~~d.~~ (4) The replacement results in an obstruction to a  
12 shared driveway or shared sidewalk providing vehicular or  
13 pedestrian access to other homes and uses unless the property  
14 owner makes modifications to such shared driveway or sidewalk  
15 that extinguishes such obstruction or the effects of such  
16 obstruction.

17 Sec. 18. Section 414.1, subsection 1, paragraph c, Code  
18 2022, is amended to read as follows:

19 c. (1) ~~When~~ Except when provided in subparagraph (2), when  
20 there is a replacement of a preexisting manufactured, modular,  
21 or mobile home with ~~another~~ any other manufactured, modular,  
22 or mobile home containing no more than the original number of  
23 dwelling units, or a replacement of a preexisting site-built  
24 dwelling unit with a manufactured, modular, or mobile home or  
25 site-built dwelling unit, within a manufactured home community  
26 or a mobile home park, the city shall not adopt or enforce any  
27 ordinance, regulation, or restriction, or impose any conditions  
28 on the replacement home, home site upon which the home  
29 sits, or the owner's property that were not required of the  
30 preexisting home, home site, or property, that would prevent  
31 the continuance of the property owner's lawful nonconforming  
32 use that had existed relating to the preexisting home ~~unless~~  
33 ~~any of the following apply:~~ home site upon which the home sat,  
34 or the owner's property.

35 (2) Subparagraph (1) does not apply if any of the following

1 conditions exist:

2 ~~{1}~~ (a) A discontinuance is necessary for The replacement  
3 of the preexisting home with the replacement home would  
4 substantially increase the risk to the safety of life or  
5 property.

6 ~~{2}~~ (b) The property owner has discontinued and abandoned  
7 the nonconforming use has been discontinued for the period of  
8 time established by ordinance, unless such discontinuance is  
9 caused by circumstances outside the control of the property  
10 owner. The period of time so established shall be not less  
11 than one year. For purposes of this subparagraph division,  
12 circumstances outside the control of the property owner  
13 include floods, fires, destructive thunderstorm events such as  
14 derechos and tornadoes, and similar catastrophic events causing  
15 widespread or localized severe property damage. For purposes  
16 of this subparagraph division, a property owner shall not be  
17 considered to have discontinued and abandoned the nonconforming  
18 use if the property owner demonstrates that the applicable home  
19 site continues to be available for use as a home site for a  
20 replacement home.

21 ~~{3}~~ (c) The replacement results in the overall nature and  
22 character of the present use being substantially or entirely  
23 different from the original lawful preexisting nonconforming  
24 use.

25 ~~{4}~~ (d) The replacement results in an obstruction to a  
26 shared driveway or shared sidewalk providing vehicular or  
27 pedestrian access to other homes and uses unless the property  
28 owner makes modifications to such shared driveway or sidewalk  
29 that extinguishes such obstruction or the effects of such  
30 obstruction.

31 DIVISION X

32 FORCIBLE ENTRY AND DETAINER

33 Sec. 19. Section 648.5, subsections 1 and 3, Code 2022, are  
34 amended to read as follows:

35 1. a. An action for forcible entry and detainer shall

1 be brought in a county where all or part of the premises is  
2 located. Such an action shall be tried as an equitable action.  
3 Upon receipt of the petition, the court shall set a date, time,  
4 and place for hearing. The court shall set the date of hearing  
5 no later than eight days from the filing date, except that the  
6 court shall set a later hearing date no later than fifteen days  
7 from the date of filing if the plaintiff requests or consents  
8 to the later date of hearing.

9 b. The requirement regarding the setting of the initial  
10 hearing in paragraph "a" is not a jurisdictional requirement and  
11 does not affect the court's subject matter jurisdiction to hear  
12 the action for forcible entry and detainer.

13 3. Service of original notice by mail is deemed completed  
14 four days after the notice is deposited in the mail and  
15 postmarked for delivery, whether or not the recipient signs a  
16 receipt for the original notice. In computing the time for  
17 completion of service, the first day shall be excluded and the  
18 final day shall be included regardless of whether the fourth  
19 day is a Saturday, Sunday, or federal holiday.

20 DIVISION XI

21 ABANDONED MOBILE HOMES

22 Sec. 20. Section 555B.3, Code 2022, is amended to read as  
23 follows:

24 **555B.3 Action for abandonment — jurisdiction.**

25 A real property owner not requesting notification by the  
26 sheriff as provided in [section 555B.2](#) may bring an action  
27 alleging abandonment in the court within the county where the  
28 real property is located ~~provided that there is no lien on~~  
29 ~~the mobile home or personal property other than a tax lien~~  
30 ~~pursuant to [chapter 435](#).~~ The action shall be tried as an  
31 equitable action. Unless commenced as a small claim, the  
32 petition shall be presented to a district judge. Upon receipt  
33 of the petition, either the court or the clerk of the district  
34 court shall set a date for a hearing not later than fourteen  
35 days from the date of the receipt of the petition, except where

1 there is a lien on the mobile home or personal property other  
2 than a tax lien, the court or the clerk of the district court  
3 shall set a date for a hearing no sooner than twenty-five days  
4 from the date of the receipt of the petition so as to allow for  
5 service on the lienholder.

6 Sec. 21. Section 555B.4, Code 2022, is amended by adding the  
7 following new subsections:

8 NEW SUBSECTION. 4. If a lien other than a tax lien exists  
9 on the mobile home or personal property at the time an action  
10 for abandonment is initiated, the personal service pursuant  
11 to the Iowa rules of civil procedure shall be made upon the  
12 lienholder no less than twenty days before the hearing. The  
13 notice to the lienholder shall describe the mobile home and  
14 shall state the docket, case number, date, and time at which  
15 the hearing is scheduled, and the lienholder's right to assert  
16 a claim to the mobile home at the hearing. The notice shall  
17 state that failure to assert a claim to the mobile home within  
18 the judicial proceedings is deemed a waiver of all rights,  
19 title, claims, and interest in the mobile home and deemed to  
20 be consent to the sale or disposal of the mobile home. If  
21 personal service cannot be completed in time to give the  
22 lienholder the minimum notice required by this subsection, the  
23 court may set a new hearing date.

24 NEW SUBSECTION. 5. In the event a tenant who was sole owner  
25 of a mobile home dies during the term of the rental agreement  
26 resulting in the mobile home being abandoned, service shall be  
27 made in accordance with section 562B.10, subsection 7.

28 Sec. 22. Section 555B.8, subsections 2 and 3, Code 2022, are  
29 amended to read as follows:

30 2. ~~If~~ Except as otherwise ordered by the court, if the  
31 mobile home owner or other claimant asserts a claim to the  
32 property, the judgment shall be satisfied before the mobile  
33 home owner or other claimant may take possession of the mobile  
34 home or personal property.

35 3. If no claim is asserted to the mobile home or personal

1 property or if the judgment is not satisfied at the time of  
2 entry, an order shall be entered allowing the real property  
3 owner to sell or otherwise dispose of the mobile home and  
4 personal property pursuant to [section 555B.9](#). ~~If~~ Except as  
5 otherwise ordered by the court, if a claimant satisfies the  
6 judgment at the time of entry, the court shall enter an order  
7 permitting and directing the claimant to remove the mobile home  
8 or personal property from its location within a reasonable time  
9 to be fixed by the court. The court shall also determine the  
10 amount of further rent or storage charges to be paid by the  
11 claimant to the real property owner at the time of removal.

12 Sec. 23. Section 555B.9, subsections 1, 2, and 4, Code 2022,  
13 are amended to read as follows:

14 1. Pursuant to an order for disposal under section 555B.8,  
15 subsection 3, the real property owner shall dispose of the  
16 mobile home and personal property by public or private sale in  
17 a commercially reasonable manner. If the personal property  
18 owner, lienholder, or other claimant has asserted a claim  
19 to the mobile home or personal property within the judicial  
20 proceedings, that person shall be notified of the sale by  
21 restricted certified mail not less than five days before the  
22 sale. The notice is deemed given upon the mailing. The real  
23 property owner may buy at any public sale, and if the mobile  
24 home or personal property is of a type customarily sold in  
25 a recognized market or is the subject of widely distributed  
26 standard price quotations, the real property owner may buy at a  
27 private sale.

28 2. A sale pursuant to [subsection 1](#) transfers to the  
29 purchaser for value, all of the mobile home owner's rights  
30 in the mobile home and personal property, and discharges the  
31 real property owner's interest in the mobile home and personal  
32 property, and any tax lien, and any other lien. The purchaser  
33 takes free of all rights and interests even though the real  
34 property owner fails to comply with the requirements of this  
35 chapter or of any judicial proceedings, if the purchaser acts

1 in good faith.

2 4. Notwithstanding subsections 1 through 3, the real  
3 property owner may propose to retain the mobile home and  
4 personal property in satisfaction of the judgment obtained  
5 pursuant to section 555B.8. Written notice of the proposal  
6 shall be sent to the mobile home owner, lienholder, or other  
7 claimant, if that person has asserted a claim to the mobile  
8 home or personal property in the judicial proceedings. If  
9 the real property owner receives objection in writing from  
10 the mobile home owner, lienholder, or other claimant within  
11 twenty-one days after the notice was sent, the real property  
12 owner shall dispose of the mobile home and personal property  
13 pursuant to subsection 1. If no written objection is received  
14 by the real property owner within twenty-one days after the  
15 notice was sent, the mobile home and personal property may be  
16 retained. Retention of the mobile home and personal property  
17 discharges the judgment of the real property owner, and any tax  
18 lien, and any other lien.

19 Sec. 24. Section 555B.9, subsection 3, Code 2022, is amended  
20 by adding the following new paragraph:

21 NEW PARAGRAPH. *0c*. Third, to satisfy any other lien  
22 for which a claim was asserted pursuant to section 555B.4,  
23 subsection 4.

24 Sec. 25. Section 562B.10, subsection 7, Code 2022, is  
25 amended to read as follows:

26 7. a. If a tenant who was sole owner of a mobile home dies  
27 during the term of a rental agreement then that person's heirs  
28 at law or legal the personal representative of the decedent's  
29 estate, or the landlord shall have the right to cancel the  
30 tenant's lease by giving sixty days' written notice to the  
31 person's heirs at law or legal the personal representative  
32 of the decedent's estate, or to the landlord, whichever  
33 is appropriate, and the heirs at law or the legal personal  
34 representative of the decedent's estate, shall have the same  
35 rights, privileges and liabilities of the original tenant,

1 provided that such heirs at law and personal representative  
2 of the estate shall not have the right to occupy or otherwise  
3 use the home or mobile home space as a tenant unless approved  
4 by the landlord as a tenant. In the event the landlord,  
5 after such a written notice is given and the tenant's lease  
6 is canceled, brings an action for forcible entry and detainer  
7 or action for abandonment, the estate of the tenant and the  
8 person's located heirs at law or personal representative shall  
9 be named as defendants in the action. The landlord may serve  
10 notice upon such defendants pursuant to the method set forth  
11 in section 562B.27A, subsection 1, paragraph "c", or by mailing  
12 notice by both regular mail and certified mail, as defined in  
13 section 618.15, to the defendant's last known address.

14 b. (1) If a tenant who was sole owner of a mobile home dies  
15 during the term of a rental agreement resulting in the mobile  
16 home being abandoned as provided in section 562B.27, subsection  
17 1, and the landlord cannot, despite due diligence, locate such  
18 a tenant's heirs at law or personal representative, then the  
19 landlord may bring an action for abandonment as provided in  
20 section 555B.3, naming as defendants the estate of the tenant  
21 and all unknown heirs at law of the tenant, and, upon the  
22 landlord's filing of an affidavit that personal service cannot  
23 be had on any heirs at law, personal representative, or estate  
24 of the tenant, the court shall permit original notice of such  
25 action to be served by publication pursuant to subparagraph  
26 (2).

27 (2) Publication of original notice shall be made once each  
28 week for three consecutive weeks in a newspaper of general  
29 circulation published in the county where the petition is  
30 filed, pursuant to the Iowa rules of civil procedure. Service  
31 is complete after the third consecutive weekly publication.

32 (3) In the event any tax lien or other liens exist on  
33 the mobile home, the landlord may proceed with an action for  
34 abandonment as provided in section 555B.3, except that the  
35 notice shall be provided to the county treasurer as provided

1 in section 555B.4, subsection 3, if a tax lien exists, and  
2 personal service pursuant to the Iowa rules of civil procedure  
3 shall be made upon any lienholder no less than twenty days  
4 before the hearing. Any notice to a lienholder shall state  
5 that failure to assert a claim to the mobile home is deemed a  
6 waiver of all rights, title, claims, and interest in the mobile  
7 home and is deemed consent to the sale or disposal of the  
8 mobile home. If personal service upon the lienholder cannot  
9 be completed in time to give the lienholder the minimum notice  
10 required by this subsection, the court may set a new hearing  
11 date.