HOUSE FILE 866
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 843)
(SUCCESSOR TO HSB 253)

(As Amended and Passed by the House April 14, 2021)
ALL New Language by the House

A BILL FOR

An Act relating to landlords and tenants, including service animal requirements, rent late fees, forcible entry and detainer court records and property disposal, and peaceable possession, and including applicability provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 216.8C, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A request for accommodation made by a person under this section must be reasonable under the circumstances. A landlord may make other accommodations to the person making the request including but not limited to offering to relocate the person to another housing unit managed by the landlord.

Sec. 2. Section 562A.9, subsection 4, Code 2021, is amended to read as follows:

4. For rental agreements in which the rent does not exceed seven hundred dollars per month, a rental agreement shall not provide for a late fee that exceeds twelve dollars per day or a total amount of sixty dollars per month. For rental agreements in which the rent is greater than seven hundred dollars per month but less than one thousand four hundred dollars per month, a rental agreement shall not provide for a late fee that exceeds twenty dollars per day or a total amount of one hundred dollars per month. For rental agreements in which the rent is at least one thousand four hundred dollars per month, a rental agreement shall not provide for a late fee that exceeds two percent of the rent per day or ten percent of the rent per month.

Sec. 3. Section 562A.11, subsection 2, Code 2021, is amended to read as follows:

2. A provision prohibited by subsection 1 included in a rental agreement is unenforceable. If a landlord willfully ~~uses~~ enforces provisions in a rental agreement ~~containing provisions~~ known by the landlord to be prohibited, a tenant may recover actual damages sustained by the tenant and not more than three months' periodic rent and reasonable attorney fees.

Sec. 4. Section 648.18, Code 2021, is amended to read as follows:

648.18 Possession —— bar.

Thirty days' peaceable possession with the knowledge of the

plaintiff after the cause of action accrues is a bar to this proceeding. However, this section does not apply to a landlord that notifies a tenant in a writing of a breach of a financial obligation under a rental agreement entered into under chapter 562A and the landlord's intent to enforce such provision.

Sec. 5. Section 648.22, Code 2021, is amended to read as follows:

648.22 Judgment — execution — costs — disposal of personal property — sealing of court records.

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

2. Any personal property of the defendant remaining on the plaintiff's real property after the defendant's removal under this section may be disposed of by the plaintiff.

3. In a residential forcible entry and detainer action the court shall enter an order sealing the court records of the action not later than three days from the date of the hearing, or from the date the hearing would have been held as provided by law, if any of the following occurs:

a. The defendant is found not guilty.

b. By motion or upon the court's own determination, the court finds there is no genuine issue of material fact between the parties.

c. The case is dismissed.

d. The plaintiff does not appear for the hearing.

4. Upon application of a defendant found guilty in a residential forcible entry and detainer action for nonpayment of rent, the court shall enter an order sealing the record of the action, the existence of the petition, all filings and

documentation within the case file, and any associated writs of execution, if all of the following conditions are met:

a. More than five years have passed since the date of the finding of guilt.

b. The applicant has not been found guilty in a subsequent forcible entry and detainer action in the five-year period directly preceding the application.

c. The applicant has not previously been granted a sealing of a finding of guilt under this chapter within ten years prior to the application.

d. The applicant has paid all court costs, fees, fines, and any other financial obligation ordered by the court or assessed by the clerk of the district court in the case.

5. The application to seal the record of the action shall be included in the record the defendant wishes to seal, using a form prescribed by the supreme court.

6. Upon sealing, the existence of the petition, all filings and documentation within the case file, and any associated writs of execution shall be removed from any publicly accessible location under the direction of the judicial branch or county, as applicable. Notwithstanding chapter 22, records sealed upon satisfaction of the requirements specified in this section shall not be available for public inspection except in one of the following manners:

a. Upon request by the defendant or the attorney for the defendant by filing a motion in the sealed case.

b. Upon application to the judicial branch using a form prescribed by the supreme court for scholarly, educational, journalistic, or governmental purposes only, provided that in all cases, the names of minor children shall remain sealed at all times, and that the names and personally identifiable information of all persons named as defendants or included in the plaintiff's petition shall be redacted and remain sealed unless the court determines that release of such information is necessary to fulfill the scholarly, educational, journalistic,

or governmental purpose of the request.

c. The clerk of court in the county in which an action is originated shall maintain a record in the aggregate of all filings and the final disposition of any such actions, to include dismissal, default judgment, and writs associated with disposition. The clerk of court shall make available to the public and report annually such aggregate information in such a manner prescribed by the supreme court as to protect the identity of the parties while still providing the public with information regarding eviction proceedings in the county.

7. Upon sealing, a consumer reporting agency shall not disclose the existence of, or information regarding, an eviction action or other civil action sealed or made confidential under this section or use such action as a factor to determine any score or recommendation to be included in a consumer report regarding any person named in such case.

8. Subsections 3 through 7 shall not apply to a money judgment awarded for an action that was filed with a forcible entry and detainer action or arising from the same set of facts and circumstances.

Sec. 6. APPLICABILITY. The following applies to rental agreements whose lease terms begin on or after January 1, 2022:

The section of this Act amending section 562A.9.