SENATE FILE 2146
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 1118)

(As Amended and Passed by the Senate March 2, 2026)

[= New Language by the Senate

A BILL FOR

An Act relating to the responsibility and liability of property owners for public places in cities, prohibiting fines, and including effective date and retroactive applicability provisions.

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

Section 1. Section 364.12, subsection 2, paragraphs b, c, and e, Code 2026, are amended to read as follows:

b. The abutting property owner is responsible for the removal of the natural accumulations of snow and ice from the sidewalks within a reasonable amount of time and may be liable for damages caused by the failure of the abutting property owner to use reasonable care in the removal of the snow or ice. If damages are to be awarded under this section against the abutting property owner, the claimant has the burden of proving the amount of the damages. To authorize recovery of more than a nominal amount, facts must exist and be shown by the evidence ~~which~~ that afford a reasonable basis for measuring the amount of the claimant's actual damages, and the amount of actual damages shall not be determined by speculation, conjecture, or surmise. All legal or equitable defenses are available to the abutting property owner in an action brought pursuant to this paragraph. The city's general duty under this subsection does not include a duty to remove natural accumulations of snow or ice from the sidewalks. However, when the city is the abutting property owner it has the specific duty of the abutting property owner set forth in this paragraph. A city shall not assess a fine against an abutting property owner for failure to comply with this paragraph.

c. The abutting property owner may be required by ordinance to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. The abutting property owner may be liable for damages caused by the failure to use reasonable care in maintaining such property if required by ordinance. A city shall not assess a fine against an abutting property owner for failure to comply with this paragraph.

e. If the abutting property owner does not perform an action required under this subsection within a reasonable time, a

city may perform the required action and assess the material costs, direct labor costs, and an administrative fee not to exceed twenty dollars against the abutting property owner for collection in the same manner as a property tax. A city shall not assess a fine against an abutting property owner for failure to comply with paragraph "b" or "c". A city shall not assess costs or fees under this paragraph unless the city has provided the abutting property owner with notice of the violation and an opportunity to appeal or demonstrate hardship pursuant to a process established by ordinance. This ~~power~~ paragraph does not relieve the abutting property owner of liability imposed under paragraph "b" or "c".

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 3. RETROACTIVE APPLICABILITY. This Act applies retroactively to June 13, 2024.