

CHAPTER 155**LANDLORD AND TENANT RELATIONS — ABANDONED
AND VALUELESS PROPERTY**

S.F. 337

AN ACT relating to landlords' and tenants' relations, by providing notice requirements, establishing a tenant's duty to properly maintain utility facilities, issuing new titles for valueless homes to third parties, and providing for other properly related matters and an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 555B.1, subsection 2, Code 1999, is amended to read as follows:

2. "Claimant" includes but is not limited to any government subdivision with authority to levy a tax on abandoned personal property. "Claimant" also includes a holder of a lien as defined in section 555B.2.

Sec. 2. Section 555C.2, Code 1999, is amended to read as follows:

555C.2 REMOVAL OR TRANSFER OF TITLE OF VALUELESS HOME — PRESUMPTION OF VALUE.

1. An owner of a mobile home park may remove, or cause to be removed, from the mobile home park a valueless home and personal property associated with the home at any time following a determination of abandonment by the mobile home park owner in accordance with section 562B.27, subsection 1, and an order of removal pursuant to chapter 648 without further notice to the owner or occupant of the valueless home. Within ten days of the removal or transfer of title, the mobile home park owner shall give written notice to the county treasurer for the county in which the mobile home park is located by affidavit which shall include a description of the valueless home, its owner or occupant, if known, the date of removal or transfer of title, and if applicable, the name and address of any third party to whom a new title shall be issued.

2. A valueless home and any personal property associated with the valueless home shall be conclusively deemed in value to be equal to or less than the reasonable cost of disposal plus all sums owing to the mobile home park owner pertaining to the valueless home, if the mobile home park owner or an agent of the owner removes the home and personal property to a demolisher, sanitary landfill, or other lawful disposal site or if the mobile home park owner allows a disinterested third party to remove the valueless home and personal property or to leave the home in the mobile home park in a transaction in which the mobile home park owner receives no consideration.

Sec. 3. Section 555C.3, Code 1999, is amended to read as follows:

555C.3 NEW TITLE — THIRD PARTY.

If a new title to a valueless home is to be issued to a third party ~~who is removing a valueless home~~, the county treasurer shall issue, upon receipt of the affidavit required in section 555C.2, a new title upon payment of a fee equal to the fee specified in section 321.42 for replacement certificates of title for vehicles. Any tax lien levied pursuant to chapter 435 is canceled and the ownership interest of the previous owner or occupant of the valueless home is terminated as of the date of issuance of the new title. The new title owner shall take the title free of all rights and interests even though the mobile home park owner fails to comply with the requirements of this chapter or any judicial proceedings, if the new title owner acts in good faith.

Sec. 4. Section 555C.5, Code 1999, is amended to read as follows:

555C.5 LIABILITY LIMITED.

A person who removes or allows the removal of a valueless home or transfers title or allows the transfer of title of a valueless home as provided in this chapter is not liable to the previous owner of the valueless home due to the removal or transfer of title of the valueless home.

Sec. 5. Section 562A.8, Code 1999, is amended to read as follows:

562A.8 NOTICE.

A person "notifies" or "gives" a notice or notification to another by taking steps reasonably calculated to inform the other in ordinary course whether or not the other actually comes to know of it. ~~A person "receives" a notice or notification when it comes to that person's attention or in~~ In the case of the landlord, notice is received when it comes to the landlord's attention or when it is delivered in hand or mailed by certified mail or restricted certified mail, as defined in section 618.15, whether or not the landlord signs a receipt for the notice, to the place of business of the landlord through which the rental agreement was made or at a place held out by the landlord as the place for receipt of the communication or delivered to any individual who is designated as an agent of the landlord ~~or, when in,~~ In the case of the tenant, notice is received when it comes to the tenant's attention or when it is delivered in hand to the tenant or mailed by certified mail or restricted certified mail, as defined in section 618.15, whether or not the tenant signs a receipt for the notice, to such person at the place held out by such person as the place for receipt of the communication, or in the absence of such designation, to such person's last known place of residence.

Any notice required under this chapter, except a written notice of termination required by section 562A.27, subsection 1 or 2, a notice of termination and notice to quit under section 562A.27A, a notice to quit as required by section 648.3, or a petition for forcible entry and detainer pursuant to chapter 648, shall be deemed legally sufficient notice if made by posting at or delivering to the dwelling unit. The date of posting of the notice shall be written on the notice.

Sec. 6. NEW SECTION. 562A.8A COMPUTATION OF TIME.

The calculation of all time periods required under this chapter shall be made in accordance with section 4.1, subsection 34.

Sec. 7. Section 562A.29A, subsection 2, Code 1999, is amended to read as follows:

2. By sending notice by certified or restricted certified mail, as defined in section 618.15, whether or not the tenant signs a receipt for the notice.

Sec. 8. Section 562B.9, Code 1999, is amended to read as follows:

562B.9 NOTICE.

A person "notifies" or "gives" a notice or notification to another by taking steps reasonably calculated to inform the other in ordinary course whether or not the other actually comes to know of it. ~~A person "receives" a notice or notification when it comes to that person's attention, or in~~ In the case of the landlord, notice is received when it comes to the landlord's attention or when it is delivered in hand or mailed by certified mail or restricted certified mail, as defined in section 618.15, whether or not the landlord signs a receipt for the notice, to the place of business of the landlord through which the rental agreement was made or at any place held out by the landlord as the place for receipt of the communication or delivered to any individual who is designated as an agent by section 562B.14 ~~or, in,~~ In the case of the tenant, notice is received when it comes to the tenant's attention or when it is delivered in hand to the tenant or mailed by certified mail or restricted certified mail, as defined in section 618.15, whether or not the tenant signs a receipt for the notice, to the tenant at the place held out by the tenant as the place for receipt of the communication or, in the absence of such designation, to the tenant's last known place of residence other than the landlord's mobile home or space.

Any notice required under this chapter given to all tenants of a mobile home park, except a written notice of termination required by section 562B.25, subsection 1 or 2, a notice of termination and notice to quit under section 562B.25A, a notice to quit as required by section 648.3, or a petition for forcible entry and detainer pursuant to chapter 648, shall be deemed legally sufficient notice if made by posting at or delivering to each mobile home space. The date of posting of the notice shall be written on the notice.

Sec. 9. NEW SECTION. 562B.9A COMPUTATION OF TIME.

The calculation of all time periods required under this chapter shall be made in accordance with section 4.1, subsection 34.

Sec. 10. Section 562B.18, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Maintain in good and safe working order all utility lines, pipes, and cables extending from the mobile home to outlets provided by the landlord for electric, water, sewer, and other services. This subsection shall not apply to a tenant who does not own the mobile home.

Sec. 11. Section 562B.27, subsection 2, paragraph a, Code 1999, is amended to read as follows:

a. If a tenant abandons a mobile home on a mobile home space, the landlord shall notify the mobile home owner or other claimant of the mobile home and communicate to that person that the person is liable for any costs incurred for the mobile home space, including rent and utilities due and owing. A claimant includes a holder of a lien as defined in section 555B.2. However, the person is only liable for costs incurred ninety days before the landlord's communication. After the landlord's communication, costs for which liability is incurred shall then become the responsibility of the mobile home owner or other claimant of the mobile home. The mobile home shall not be removed from the mobile home space without a signed written agreement from the landlord showing clearance for removal, and that all debts are paid in full, or an agreement reached with the mobile home owner or other claimant and the landlord.

Sec. 12. Section 562B.27A, subsection 2, Code 1999, is amended to read as follows:

2. By sending notice by certified or restricted certified mail, as defined in section 618.15, whether or not the tenant signs a receipt for the notice.

Sec. 13. Section 631.4, subsection 2, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. If personal service cannot be made upon each defendant in an action for forcible entry or detention of real property joined with an action for rent or recovery pursuant to section 648.19, service may be made pursuant to paragraph "c".

Sec. 14. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 20, 1999