

Indian child as defined in section 232B.3 and the proceeding is subject to the Iowa Indian child welfare Act under chapter 232B, the proceeding and other actions taken in connection with the proceeding or this chapter shall comply with chapter 232B. In any proceeding held or action taken under this chapter involving an Indian child, the applicable requirements of the federal Adoption and Safe Families Act of 1999, Pub. L. No. 105-89, shall be applied to the proceeding or action in a manner that complies with chapter 232B and the federal Indian Child Welfare Act, Pub. L. No. 95-608.

Sec. 18. COMPLIANCE ACTIVITIES. The initial review of compliance with the requirements of chapter 232B made pursuant to section 232B.14, as enacted by this Act, shall be completed by June 30, 2004.

Approved May 30, 2003

CHAPTER 154

LANDLORDS AND TENANTS — LEASE OR RENTAL AGREEMENT TERMINATIONS — FORCIBLE ENTRY OR DETENTION ACTIONS

S.F. 359

AN ACT relating to landlords, tenants, and actions for forcible entry or detention and providing a penalty.

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

Section 1. **NEW SECTION. 29A.101A TERMINATION OF LEASE OR RENTAL AGREEMENT BY SERVICE MEMBER.**

1. As used in this section, “lease” or “rental agreement” means any lease or rental agreement covering premises occupied for dwelling, professional, business, agricultural, or similar purposes if both of the following conditions are met:

a. The lease or rental agreement was executed by or on behalf of a service member who, after the execution of the lease or rental agreement, entered military service.

b. The service member or the service member’s dependents occupy the premises for the purposes set forth in this subsection.

2. a. A service member may terminate a lease or rental agreement by providing written notice to the lessor or the lessor’s agent at any time following the date of the beginning of the service member’s period of military service. The notice may be delivered by placing it in an envelope properly stamped and addressed to the lessor or the lessor’s agent and depositing the notice in the United States mail.

b. Termination of a month-to-month lease or rental agreement shall not be effective until thirty days after the first day on which the next rental payment is due and payable after the date when notice is delivered or mailed. As to all other leases or rental agreements, termination shall be effective on the last day of the month following the month in which notice is delivered or mailed. Any unpaid rent for the period preceding the termination in such cases shall be computed on a pro rata basis and any rent paid in advance after termination shall be refunded by the lessor or the lessor’s agent.

c. Upon application by the lessor and prior to the termination period provided in the notice,

a court may modify or restrict any relief granted in this subsection as the interests of justice and equity require.

3. A person who knowingly seizes, holds, or detains the personal effects, clothing, furniture, or other property of any person who has lawfully terminated a lease or rental agreement covered under this section or who interferes in any manner with the removal of property from the premises for the purposes of subjecting the property to a claim for rent accruing subsequent to the date of termination of the lease or rental agreement commits a simple misdemeanor.

Sec. 2. Section 562A.27, Code 2003, is amended by adding the following new subsection: NEW SUBSECTION. 5. Notwithstanding any other provisions of this chapter, a municipal housing agency established pursuant to chapter 403A may issue a thirty-day notice of lease termination for a violation of a rental agreement by the tenant when the violation is a violation of a federal regulation governing the tenant's eligibility for or continued participation in a public housing program. The municipal housing agency shall not be required to provide the tenant with a right or opportunity to remedy the violation or to give any notice that the tenant has such a right or opportunity when the notice cites the federal regulation as authority.

Sec. 3. NEW SECTION. 648.1A NONPROFIT TRANSITIONAL HOUSING EXEMPTED. This chapter shall not apply to occupancy in housing owned by a nonprofit organization whose purpose is to provide transitional housing for persons released from drug or alcohol treatment facilities or to provide housing for homeless persons. Absent an applicable provision in a lease, contract, or other agreement, a person who unlawfully remains on the premises of such housing may be subject to criminal trespass penalties pursuant to section 716.8.

Sec. 4. Section 648.6, Code 2003, is amended to read as follows:
648.6 ~~DELAYED VACATION— NOTICE TO LIENHOLDERS.~~
In cases covered by chapter 562B, a plaintiff ~~may preserve the option of consenting to delayed vacation of a premises as provided in section 648.22A, by sending~~ shall send a copy of the petition, prior to the date set for hearing, by regular, certified, or restricted certified mail to the county treasurer and to each lienholder whose name and address are of record in the office of the county treasurer of the county where the mobile home or manufactured home is located.

Sec. 5. Section 648.22A, Code 2003, is amended to read as follows:
648.22A EXECUTIONS INVOLVING MOBILE HOMES AND MANUFACTURED HOMES.
1. In cases covered by chapter 562B, ~~upon prior to the~~ expiration of three days from the date the judgment is entered pursuant to section 648.22, the plaintiff or defendant may elect to leave a mobile home or manufactured home and its contents in the manufactured home community or mobile home park for up to ~~thirty~~ sixty days after the date of the judgment provided all of the following occur:
a. The plaintiff consents and the plaintiff has complied with the provisions of section 648.6.
b. The party making the election files a written notice of such election with the court and sends a copy of the notice of election with a copy of the judgment to the sheriff, the other party at the other party's last known address, each record lienholder, and the county treasurer in the same manner as in section 648.6.
~~b.~~ c. All utilities to the mobile home or manufactured home are disconnected prior to expiration of three days from the ~~entry of judgment~~ filing of the election. Payment of any reasonable costs incurred in disconnecting utilities and protecting the home from damage is the responsibility of the defendant.
2. During the ~~thirty-day~~ sixty-day period the defendant may have reasonable access to the home site to show the home to prospective purchasers, prepare the home for removal, remove any personal property, or remove the home, provided that the defendant gives the plaintiff and sheriff at least twenty-four hours' notice prior to each exercise of the defendant's right of

access. The plaintiff may also have reasonable access to the home site to disconnect utilities and to show the home to prospective purchasers sent by the defendant. The plaintiff shall not have the right to sell the home during the sixty-day period unless the defendant enters into a written agreement for the plaintiff to sell the home.

3. During the ~~thirty-day~~ sixty-day period the defendant shall not occupy the home or be present on the premises between the hours of seven p.m. and seven a.m. A violation of this subsection shall be punishable as contempt.

4. If the plaintiff or defendant finds a purchaser of the home, who is a prospective tenant of the manufactured home community or mobile home park, the provisions of section 562B.19, subsection 3, paragraph "c", shall apply.

5. If, within the ~~thirty-day~~ sixty-day period, the home is not sold to an approved purchaser or removed from the manufactured home community or mobile home park, the plaintiff may sell or dispose of the home in accordance with the provisions of section 555B.9 without an order for disposal, or chapter 555C, and may do so free and clear of all liens, claims, or encumbrances of third parties except any tax lien, at which time all of the following shall occur:

a. The home, its contents, and any other property of the defendant remaining on the premises shall become the property of the plaintiff free and clear of all rights of the defendant to the property and of all liens, claims, or encumbrances of third parties, and any tax levied pursuant to chapter 435 may be abated by the board of supervisors. The proceeds from the sale shall first be applied to any judgments against the defendant obtained by the plaintiff, any unpaid rent or additional costs incurred by plaintiff, and reasonable attorney fees. Any remaining proceeds shall next be applied to any tax lien with the remainder to be held in accordance with section 555B.9, subsection 3, paragraph "c".

b. Any money judgment against the defendant and in favor of the plaintiff relating to the previous tenancy shall be deemed satisfied, except those arising from independent torts.

c. The ~~If~~ plaintiff elects to retain the home pursuant to section 555B.9, the county treasurer, upon receipt of a fee equal to the fee specified in section 321.42 for replacement of certificates of title for motor vehicles, and upon receipt of an affidavit submitted by the plaintiff verifying that the home was not sold to an approved purchaser or removed within the time specified in this subsection, shall issue to the plaintiff a new title for the home.

6. A purchaser of the home shall be liable for any unpaid sums due the plaintiff, sheriff, or county treasurer. For the purposes of this section, "purchaser" includes a lienholder or other claimant acquiring title to the home in whole or in part by reason of a lien or other claim.

7. A Nothing in this section shall prevent the defendant from removing the mobile home or manufactured home prior to the expiration of three days after entry of judgment, after which time a mobile home or manufactured home shall not be removed without the prior payment to the plaintiff of all sums owing at the time of entry of judgment, interest accrued on such sums as provided by law, and per diem rent for that portion of the ~~thirty-day~~ sixty-day period which has expired prior to removal, and payment of any taxes due on the home which are not abated pursuant to subsection 5.

8. In any case where this section has become operative, section 648.18 does not apply.

9. This section does not preclude the exercise of a lienholder's rights under 648.22B.

Approved May 30, 2003