

CHAPTER 166**MORTGAGE FORECLOSURE AND
INSTALLMENT CONTRACT PROTECTIONS
FOR NATIONAL GUARD AND ARMED FORCES MEMBERS***H.F. 706*

AN ACT relating to and publicizing mortgage foreclosure and real estate obligation protections for members of the national guard, and the reserve or regular component of the armed forces of the United States in active duty service, and providing a penalty.

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

Section 1. Section 29A.102, subsection 3, Code 2009, is amended to read as follows:

3. A person who knowingly repossesses property which is the subject of this section, other than as provided in subsection 1, commits a ~~simple~~ serious misdemeanor.

Sec. 2. Section 29A.103, subsection 4, Code 2009, is amended to read as follows:

4. A person who knowingly forecloses on property that is the subject of this section, other than as provided in subsection 1, commits a ~~simple~~ serious misdemeanor.

Sec. 3. NEW SECTION. 654.17B MILITARY FORECLOSURE PROTECTION — NOTICE.

1. Except as provided under chapter 29A, or the federal Servicemembers Civil Relief Act of 2003, 50 U.S.C. app. 532 and 533, a creditor shall not initiate a proceeding to enforce an obligation payable under its terms in installments under a contract for the purchase of real estate, or secured by a mortgage or other instrument in the nature of a mortgage upon real estate, against a borrower, or a borrower's dependents, who is a member of the national guard or a member of the reserve or regular component of the armed forces of the United States in active duty service. Enforcement of an obligation shall not be permitted under the following circumstances:

a. The borrower is a member of the national guard and has been afforded protection under the Iowa national guard civil relief provisions contained in chapter 29A, subchapter VI. A creditor who enforces an obligation in violation of chapter 29A, subchapter VI, is subject to applicable penalty provisions contained in sections 29A.102 and 29A.103.

b. The borrower is a member of the reserve or regular component of the armed forces of the United States in active duty service and has been afforded protection under the federal Servicemembers Civil Relief Act of 2003, 50 U.S.C. app 532 and 533. A creditor who enforces an obligation in violation of the federal Act is subject to applicable penalty provisions contained in the federal Act.

2. The department of veterans affairs and the department of commerce shall coordinate to develop a procedure to inform or notify members of the national guard, reserve, or regular component of the armed forces of the United States, and financial institutions as defined in section 12C.1, of the protections referenced in subsection 1. The notification procedure shall include, at a minimum, posting the information on an official internet site maintained by each department.

Approved May 26, 2009