

Eichhorn, Chair

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JUDICIARY
SUCC:
SF 11-1656

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON LARSON)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the licensing and regulation of manufactured
2 or mobile homes and providing coordinating amendments.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 322B.1, Code 2001, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 322B.1 SHORT TITLE.

5 This chapter may be cited as the "Manufactured or Mobile
6 Home Retailers Licensing Act".

7 Sec. 2. Section 322B.2, Code 2001, is amended by striking
8 the section and inserting in lieu thereof the following:

9 322B.2 DEFINITIONS.

10 As used in this chapter, unless the context otherwise
11 requires:

12 1. "Department" means the state department of
13 transportation.

14 2. "Home" means a manufactured home, mobile home, or
15 modular home.

16 3. "Manufactured home" means is a factory-built structure
17 built under the authority of 42 U.S.C. § 5403, that is
18 required by federal law to display a seal required by the
19 United States department of housing and urban development, and
20 was constructed on or after June 15, 1976.

21 4. "Manufactured or mobile home distributor" means a
22 person who sells or distributes manufactured or mobile homes
23 to manufactured home retailers.

24 5. "Manufactured or mobile home manufacturer" means a
25 person engaged in the business of fabricating or assembling
26 manufactured or mobile homes.

27 6. "Manufactured or mobile home retailer" means a person
28 who, for a commission or other thing of value, sells,
29 exchanges, or offers or attempts to negotiate a sale or
30 exchange of an interest in a home or who is engaged wholly or
31 in part in the business of selling homes, whether or not the
32 homes are owned by the retailer. "Manufactured or mobile home
33 retailer" does not include any of the following:

34 a. A receiver, trustee, administrator, executor, guardian,
35 attorney, or other person appointed by or acting under the

1 judgment or order of a court to transfer an interest in a
2 home.

3 b. A person transferring a home registered in the person's
4 name and used for personal, family, or household purposes, if
5 the transfer is an occasional sale and is not part of the
6 business of the transferor.

7 c. A person who transfers an interest in a home only as an
8 incident to engaging in the business of financing new or used
9 homes.

10 d. A person who exclusively sells modular homes.

11 7. "Mobile home" means a structure, transportable in one
12 or more sections, which exceeds eight feet in width and
13 thirty-two feet in length, and which is built on a permanent
14 chassis and designed to be used as a dwelling with or without
15 a permanent foundation when connected to one or more
16 utilities. A "mobile home" is not built to a mandatory
17 building code, contains no state or federal seals, and was
18 built before June 15, 1976.

19 8. "Modular home" means a factory-built structure which is
20 manufactured to be used as a place of human habitation, is
21 constructed to comply with the Iowa state building code for
22 modular factory-built structures, and displays a seal issued
23 by the state building code commissioner.

24 9. "New home" means a home that has not been sold at
25 retail.

26 10. "Preowned home" means a home that has been previously
27 sold at retail.

28 11. "Retailer's inventory" means homes offered for sale at
29 the retailer's licensed address or at any mobile home park or
30 land-lease community so long as the title of the home is in
31 the retailer's name and the home is not being occupied.

32 12. "Sell at retail" means to sell a home to a person who
33 will devote it to a consumer use.

34 Sec. 3. Section 322B.3, Code 2001, is amended to read as
35 follows:

1 322B.3. MANUFACTURED OR MOBILE HOME DEALER RETAILER LICENSE
2 -- PROCEDURE.

3 1. LICENSE APPLICATION. A manufactured or mobile home
4 dealer retailer shall file in the office of the department an
5 application for license as a manufactured or mobile home
6 dealer retailer in the same manner as a motor vehicle dealer
7 applicant under section 322.4 or as the department may
8 prescribe. A manufactured or mobile home dealer retailer
9 license may be issued in the same manner as a motor vehicle
10 dealer license pursuant to section 322.7.

11 2. LICENSE FEES. The license fee for a manufactured or
12 mobile home dealer retailer is seventy dollars for a two-year
13 license, one hundred forty dollars for a four-year license, or
14 two hundred ten dollars for a six-year license. If the
15 application is denied, the department shall refund the fee.
16 Fees and funds accruing from the administration of this
17 chapter shall be accounted for and paid by the department to
18 the treasurer of state monthly for deposit in the road use tax
19 fund of the state.

20 3. SURETY BOND. Before the issuance of a manufactured or
21 mobile home dealer's retailer's license, an applicant for a
22 license shall file with the department a surety bond executed
23 by the applicant as principal and executed by a corporate
24 surety company, licensed and qualified to do business within
25 this state, which bond shall run to the state of Iowa, be in
26 the amount of fifty thousand dollars and be conditioned upon
27 the faithful compliance by the applicant as a dealer retailer
28 with all of the statutes of this state regulating the business
29 of the dealer retailer and indemnifying any person dealing or
30 transacting business with the dealer retailer in connection
31 with a manufactured or mobile home, from a loss or damage
32 occasioned by the failure of the dealer retailer to comply
33 with this chapter, including, but not limited to, the
34 furnishing of a proper and valid document of title to the
35 manufactured or mobile home involved in the transaction.

1 4. PERMITS FOR FAIRS, SHOWS, AND EXHIBITIONS. Mobile
2 Manufactured or mobile home dealers retailers, in addition to
3 selling mobile homes at their principal place of business and
4 lots, may, upon receipt of a temporary permit approved by the
5 department, display and offer new mobile manufactured homes
6 for sale and negotiate sales of new mobile manufactured homes
7 at fairs, shows, and exhibitions which are approved by the
8 department. Application for temporary permits shall be made
9 upon forms provided by the department and shall be accompanied
10 by a ten dollar permit fee. Temporary permits shall be issued
11 for a period not to exceed fourteen days.

12 5. MANUFACTURED OR MOBILE HOME HOOKUPS. A manufactured or
13 mobile home dealer retailer or an employee of a manufactured
14 or mobile home dealer retailer may perform water, gas,
15 electrical, and other utility service connections in a
16 manufactured or mobile home space, or within ten feet of such
17 space, located in a manufactured home community or mobile home
18 park, and the dealer retailer or an employee of the dealer
19 retailer may install a tie-down system on a manufactured or
20 mobile home located in a manufactured home community or mobile
21 home park. The connections are subject to inspection and
22 approval by local building code officials and the manufactured
23 or mobile home dealer retailer shall pay the inspection fee,
24 if any.

25 Sec. 4. Section 322B.4, Code 2001, is amended to read as
26 follows:

27 322B.4 LICENSE APPLICATION AND FEES.

28 Upon application and payment of a thirty-five dollar fee, a
29 person may be licensed as a manufacturer or distributor of
30 manufactured or mobile homes. The application shall be in the
31 form and shall contain information as the department
32 prescribes. The license shall be granted or refused within
33 thirty days after application. The license expires, unless
34 sooner revoked or suspended by the department, on December 31
35 of the calendar year for which the license was granted. A

1 licensee shall have the month of December of the calendar year
2 for which the license was granted and the following month of
3 January to renew the license. A person who fails to renew a
4 license by the end of this time period and desires to hold a
5 license shall file a new license application and pay the
6 required fee.

7 Sec. 5. Section 322B.5, Code 2001, is amended to read as
8 follows:

9 322B.5 NOTIFICATION.

10 The department shall notify the state building code
11 commissioner of each license issued to a manufactured or
12 mobile home dealer retailer.

13 Sec. 6. Section 322B.6, Code 2001, is amended to read as
14 follows:

15 322B.6 REVOCATION, SUSPENSION, AND DENIAL OF LICENSE.

16 The department may revoke, suspend, or refuse the license
17 of a manufactured or mobile home dealer retailer, manufactured
18 or mobile home manufacturer, or manufactured or mobile home
19 distributor, as applicable, if the department finds that the
20 manufactured or mobile home dealer retailer, manufacturer, or
21 distributor is guilty of any of the following acts or
22 offenses:

23 1. Fraud in procuring a license.

24 2. Knowingly making misleading, deceptive, untrue or
25 fraudulent representations in the business of a manufactured
26 or mobile home dealer retailer, manufacturer, or distributor
27 or engaging in unethical conduct or practice harmful or
28 detrimental to the public.

29 3. Conviction of a felony related to the business of a
30 manufactured or mobile home dealer retailer, manufacturer, or
31 distributor. A copy of the record of conviction or plea of
32 guilty shall be sufficient evidence for the purposes of this
33 section.

34 4. Failing upon the sale or transfer of a manufactured or
35 mobile home to deliver to the purchaser or transferee of the

1 manufactured or mobile home sold or transferred, a
2 manufacturer's or importer's certificate, or a certificate of
3 title duly assigned, as provided in chapter 321.

4 5. Failing upon the purchasing or otherwise acquiring of a
5 manufactured or mobile home to obtain a manufacturer's or
6 importer's certificate, a new certificate of title or a
7 certificate of title duly assigned as provided in chapter 321.

8 6. Failing to apply for and obtain from a county treasurer
9 a certificate of title for a used manufactured or mobile home,
10 titled in Iowa, acquired by the dealer retailer within thirty
11 days from the date of acquisition, as required under section
12 321.45, subsection 4.

13 In accordance with chapters 10A and 17A, each person whose
14 license or application is revoked, suspended, or refused shall
15 be provided an opportunity for a hearing before the department
16 of inspections and appeals.

17 Sec. 7. Section 322B.8, Code 2001, is amended to read as
18 follows:

19 322B.8 UNLAWFUL PRACTICE.

20 It is unlawful for a person to engage in business as a
21 manufactured or mobile home dealer retailer, manufactured or
22 mobile home manufacturer, or manufactured or mobile home
23 distributor in this state without first acquiring and
24 maintaining a license in accordance with this chapter. A
25 person convicted of violating the provisions of this section
26 is guilty of a serious misdemeanor.

27 Sec. 8. Section 322B.9, Code 2001, is amended to read as
28 follows:

29 322B.9 MANUFACTURED HOME, MOBILE HOME, AND MODULAR HOME
30 RETAIL INSTALLMENT CONTRACT -- FINANCE CHARGE.

31 A retail installment contract or agreement for the sale of
32 a manufactured home, mobile home, or modular home may include
33 a finance charge not in excess of an amount equivalent to one
34 and three-fourths percent per month simple interest on the
35 declining balance of the amount financed.

1 "Amount financed" shall be as defined in section 537.1301.

2 The limitations contained in this section do not apply in a
3 transaction referred to in section 535.2, subsection 2. With
4 respect to a consumer credit sale, as defined in section
5 537.1301, the limitations contained in this section supersede
6 conflicting provisions of chapter 537, article 2, part 2.

7 Sec. 9. Section 331.301, subsection 15, Code 2001, is
8 amended to read as follows:

9 15. a. A county may adopt and enforce an ordinance
10 requiring the construction of a storm shelter at a
11 manufactured home community or mobile home park which is
12 constructed after July 1, 1999. In lieu of requiring
13 construction of a storm shelter, a county may require a
14 community or park owner to provide a plan for the evacuation
15 of community or park residents to a safe place of shelter in
16 times of severe weather including tornadoes and high winds if
17 the county determines that a safe place of shelter is
18 available within a reasonable distance of the manufactured
19 home community or mobile home park for use by community or
20 park residents. Each evacuation plan prepared pursuant to
21 this subsection shall be filed with, and approved by, the
22 local emergency management agency. If construction of a storm
23 shelter is required, an ordinance adopted or enforced pursuant
24 to this subsection shall not include any of the following
25 requirements:

26 (1) That the size of the storm shelter be larger than the
27 equivalent of seven square feet for each manufactured or
28 mobile home space in the manufactured home community or mobile
29 home park.

30 (2) That the storm shelter include a restroom if the
31 shelter is used exclusively as a storm shelter.

32 (3) That the storm shelter exceed the construction
33 specifications approved by a licensed professional engineer
34 and presented by the owner of the manufactured home community
35 or mobile home park.

1 (4) That the shelter be located any closer than one
2 thousand three hundred twenty feet from any manufactured or
3 mobile home in the manufactured home community or mobile home
4 park.

5 b. For the purposes of this subsection:

6 (1) "Manufactured home community" means the same as land-
7 leased community defined in sections 335.30A and 414.28A.

8 ~~(1)~~ (2) "Mobile home park" means a mobile home park as
9 defined in section 562B.7.

10 ~~(2)~~ (3) "Storm shelter" means a single structure or
11 multiple structures designed to provide persons with temporary
12 protection from a storm.

13 Sec. 10. Section 364.3, subsections 5 and 8, Code 2001,
14 are amended to read as follows:

15 5. A city shall not adopt or enforce any ordinance
16 imposing any registration or licensing system or registration
17 or license fees for owner-occupied manufactured or mobile
18 homes including the lots or lands upon which they are located.
19 A city shall not adopt or enforce any ordinance imposing any
20 registration or licensing system, or registration or license
21 fees, or safety or sanitary standards for rental manufactured
22 or mobile homes unless similar registration or licensing
23 system, or registration or license fees, or safety or sanitary
24 standards are required for other rental properties intended
25 for human habitation. This subsection does not preclude the
26 investigation and abatement of a nuisance or the enforcement
27 of a tiedown system, or the enforcement of any regulations of
28 the state or local board of health if those regulations apply
29 to other rental properties or to owner-occupied housing
30 intended for human habitation.

31 8. a. A city may adopt and enforce an ordinance requiring
32 the construction of a storm shelter at a manufactured home
33 community or mobile home park which is constructed after July
34 1, 1999. In lieu of requiring construction of a storm
35 shelter, a city may require a community or park owner to

1 provide a plan for the evacuation of community or park
2 residents to a safe place of shelter in times of severe
3 weather including tornadoes and high winds if the city
4 determines that a safe place of shelter is available within a
5 reasonable distance of the manufactured home community or
6 mobile home park for use by community or park residents. Each
7 evacuation plan prepared pursuant to this subsection shall be
8 filed with, and approved by, the local emergency management
9 agency. If construction of a storm shelter is required, an
10 ordinance adopted or enforced pursuant to this subsection
11 shall not include any of the following requirements:

12 (1) That the size of the storm shelter be larger than the
13 equivalent of seven square feet for each manufactured or
14 mobile home space in the manufactured home community or mobile
15 home park.

16 (2) That the storm shelter include a restroom if the
17 shelter is used exclusively as a storm shelter.

18 (3) That the storm shelter exceed the construction
19 specifications approved by a licensed professional engineer
20 and presented by the owner of the manufactured home community
21 or mobile home park.

22 (4) That the shelter be located any closer than one
23 thousand three hundred twenty feet from any manufactured or
24 mobile home in the community.

25 b. For the purposes of this subsection:

26 (1) "Manufactured home community" means the same as land-
27 leased community defined in sections 335.30A and 414.28A.

28 ~~(1)~~ (2) "Mobile home park" means a mobile home park as
29 defined in section 562B.7.

30 ~~(2)~~ (3) "Storm shelter" means a single structure or
31 multiple structures designed to provide persons with temporary
32 protection from a storm.

33 Sec. 11. Section 435.1, Code 2001, is amended to read as
34 follows:

35 435.1 DEFINITIONS.

1 The following definitions shall apply to this chapter:

2 1. Unless the context otherwise requires, "book", "list",
3 "record", or "schedule" kept by a county auditor, assessor,
4 treasurer, recorder, sheriff, or other county officer means
5 the county system as defined in section 445.1.

6 2. "Home" means a mobile home or a manufactured home.

7 3. "Manufactured home" means a factory-built structure
8 built under authority of 42 U.S.C. § 5403, that is required by
9 federal law to display a seal from the United States
10 department of housing and urban development, and was
11 constructed on or after June 15, 1976. If a manufactured home
12 is placed in a manufactured home community or a mobile home
13 park, the home must be titled and is subject to the
14 manufactured or mobile home square foot tax. If a
15 manufactured home is placed outside a manufactured home
16 community or a mobile home park, the home must be titled and
17 is to be assessed and taxed as real estate.

18 3A. "Manufactured home community" means the same as land-
19 leased community defined in sections 335.30A and 414.28A.

20 4. "Mobile home" means any vehicle without motive power
21 used or so manufactured or constructed as to permit its being
22 used as a conveyance upon the public streets and highways and
23 so designed, constructed, or reconstructed as will permit the
24 vehicle to be used as a place for human habitation by one or
25 more persons; but shall also include any such vehicle with
26 motive power not registered as a motor vehicle in Iowa. A
27 "mobile home" is not built to a mandatory building code,
28 contains no state or federal seals, and was built before June
29 15, 1976. If a mobile home is placed outside a mobile home
30 park, the home is to be assessed and taxed as real estate.

31 5. "Mobile home park" means a site, lot, field, or tract
32 of land upon which three or more mobile homes or manufactured
33 homes, or a combination of any of these homes are placed on
34 developed spaces and operated as a for-profit enterprise with
35 water, sewer or septic, and electrical services available.

1 The term "manufactured home community" or "mobile home
2 park" shall not be construed to include manufactured or mobile
3 homes, buildings, tents or other structures temporarily
4 maintained by any individual, educational institution, or
5 company on their own premises and used exclusively to house
6 their own labor or students.

7 A manufactured home community or a mobile home park must be
8 classified as to whether it is a residential manufactured home
9 community or a mobile home park or a recreational manufactured
10 home community or a mobile home park or both. The
11 manufactured home community or mobile home park residential
12 landlord and tenant Act only applies to residential
13 manufactured home communities or mobile home parks.

14 6. "Modular home" means a factory-built structure which is
15 manufactured to be used as a place of human habitation, is
16 constructed to comply with the Iowa state building code for
17 modular factory-built structures, and must display the seal
18 issued by the state building code commissioner. If a modular
19 home is placed in a manufactured home community or mobile home
20 park, the home is subject to the annual tax as required by
21 section 435.22. If a modular home is placed outside a
22 manufactured home community or a mobile home park, the home
23 shall be considered real property and is to be assessed and
24 taxed as real estate.

25 Sec. 12. Section 555C.1, Code 2001, is amended to read as
26 follows:

27 555C.1 DEFINITIONS.

28 As used in this chapter, unless the context otherwise
29 requires:

30 1. "Home" means a mobile home, modular home, or a
31 manufactured home as defined in section 435.1.

32 1A. "Manufactured home community" means a manufactured
33 home community as defined in section 435.1.

34 2. "Mobile home park" means a mobile home park as defined
35 in section 435.1.

1 3. "Personal property" includes personal property of the
2 owner or other occupant of the home, which is located in the
3 home, on the lot where the home is located, in the immediate
4 vicinity of the home or lot, or in any storage area provided
5 by the real property owner for use of the home owner or
6 occupant.

7 4. "Valueless home" means a home located in a manufactured
8 home community or a mobile home park including all other
9 personal property, where all of the following conditions
10 exist:

11 a. The home has been abandoned as defined in section
12 562B.27, subsection 1, and the home has not been removed after
13 the right to possession of the underlying real estate has been
14 terminated pursuant to chapter 648.

15 b. A lien of record, other than a tax lien as provided in
16 chapter 435, does not exist against the home. A lien exists
17 only if the real property owner receives notice of a lien on
18 the standardized registration form completed by an owner or
19 occupant pursuant to chapter 562B, or a lien has been filed in
20 the state or county records on a date before the home is
21 considered to be valueless.

22 c. The value of the home and other personal property is
23 equal to or less than the reasonable cost of disposal plus all
24 sums owing to the real property owner pertaining to the home.

25 Sec. 13. Section 562B.7, Code 2001, is amended to read as
26 follows:

27 562B.7 GENERAL DEFINITIONS.

28 Subject to additional definitions contained in subsequent
29 sections of this chapter which apply to specific sections
30 thereof, and unless the context otherwise requires, in this
31 chapter:

32 1. "Building and housing codes" include any law,
33 ordinance, or governmental regulation concerning fitness for
34 habitation, or the construction, maintenance, operation,
35 occupancy, use, or appearance of any manufactured home

1 community or mobile home park, dwelling unit, or manufactured
2 or mobile home space.

3 2. "Business" includes a corporation, government,
4 governmental subdivision or agency, business trust, estate,
5 trust, partnership or association, two or more persons having
6 a joint or common interest, and any other legal or commercial
7 entity which is a landlord, owner, manager, or constructive
8 agent pursuant to section 562B.14.

9 3. "Dwelling unit" excludes real property used to
10 accommodate a manufactured or mobile home.

11 4. "Landlord" means the owner, lessor, or sublessor of a
12 manufactured home community or a mobile home park and it also
13 means a manager of the manufactured home community or a mobile
14 home park who fails to disclose as required by section
15 562B.14.

16 4A. "Manufactured home community" means the same as land-
17 leased community defined in sections 335.30A and 414.28A.

18 5. "Mobile home" means any vehicle without motive power
19 used or so manufactured or constructed as to permit its being
20 used as a conveyance upon the public streets and highways and
21 so designed, constructed, or reconstructed as will permit the
22 vehicle to be used as a place for human habitation by one or
23 more persons; but shall also include any such vehicle with
24 motive power not registered as a motor vehicle in Iowa.
25 References in this chapter to "mobile home" include
26 "manufactured homes" and "modular homes" as those terms are
27 defined in section 435.1, if the manufactured homes or modular
28 homes are located in a manufactured home community or a mobile
29 home park.

30 6. "Mobile home park" shall mean any site, lot, field or
31 tract of land upon which three or more mobile homes,
32 manufactured homes, or modular homes or a combination of any
33 of these homes are placed on developed spaces and operated as
34 a for-profit enterprise with water, sewer or septic, and
35 electrical services available.

1 7. "Mobile home space" means a parcel of land for rent
2 which has been designed to accommodate a mobile home and
3 provide the required sewer and utility connections.

4 8. "Owner" means one or more persons, jointly or
5 severally, in whom is vested all or part of the legal title to
6 property or all or part of the beneficial ownership and a
7 right to present use and enjoyment of the manufactured home
8 community or the mobile home park. The term includes a
9 mortgagee in possession.

10 9. "Rent" means a payment to be made to the landlord under
11 the rental agreement.

12 10. "Rental agreement" means agreements, written or those
13 implied by law, and valid rules and regulations adopted under
14 section 562B.19 embodying the terms and conditions concerning
15 the use and occupancy of a mobile home space.

16 11. "Rental deposit" means a deposit of money to secure
17 performance of a mobile home space rental agreement under this
18 chapter other than a deposit which is exclusively in advance
19 payment of rent.

20 12. "Tenant" means a person entitled under a rental
21 agreement to occupy a mobile home space to the exclusion of
22 others.

23 Sec. 14. Section 562B.9, unnumbered paragraph 2, Code
24 2001, is amended to read as follows:

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

34 Sec. 15. Section 648.19, subsection 3, Code 2001, is
35 amended to read as follows:

1 3. An action under this chapter that is filed in
2 connection with another action in accordance with this section
3 ~~shall~~ may be treated as a merged case or may be treated only
4 as a joint filing of separate cases. If the action is merged,
5 both actions shall follow the rules applicable to a forcible
6 entry and detention action. If a merger of actions is not
7 requested, the actions shall be treated as a joint filing of
8 separate cases and assigned separate case numbers, but with a
9 single filing fee. ~~The court shall not merge the causes of~~
10 ~~action.~~ The court shall consider the jointly filed cases
11 separately and shall consider each case according to the rules
12 applicable to that type of case.

13 Sec. 16. Sections 103A.3, 103A.30, 103A.31, 321.1, 321.47,
14 321.123, 321.251, 321.284A, 321.457, 321E.28, 321E.31,
15 331.429, 331.653, 422.43, 422A.1, 425.17, 426A.11, 427.11,
16 435.22, 441.17, 445.1, 445.36A, 445.37, 445.38, 515C.1,
17 534.605, 562B.2, 562B.13, 631.1, 631.4, and 648.3, Code 2001,
18 are amended by inserting before the words "mobile home" the
19 words "manufactured or".

20 Sec. 17. Sections 103A.9, 135I.4, 306C.10, 321.251,
21 331.301, 335.30, 414.28, 422.42, 427.1, 435.22, 435.23,
22 435.24, 435.26, 435.27, 435.28, 435.34, 435.35, 441.17,
23 555B.1, 555C.2, 555C.3, 555C.4, 557B.1, 562B.1, 562B.13,
24 562B.14, 562B.15, 562B.16, 562B.17, 562B.18, 562B.19, 562B.22,
25 562B.23, 562B.24, 562B.32, 648.22A, and 648.22B, Code 2001,
26 are amended by inserting before the words "mobile home park"
27 or "park" the words "manufactured home community or".

28 Sec. 18. Sections 321.1, 321.18, 321.20, 321.24, 321.30,
29 321.45, 321.46, 321.49, 321.50, 321.57, 321.101, 321.104,
30 321.123, and 423.4, Code 2001, are amended by striking the
31 words "manufactured housing" and inserting in lieu thereof the
32 words "manufactured home".

33 Sec. 19. Sections 321.46, 321.49, 321.57, 321.58, and
34 435.27, Code 2001, are amended by the striking the words
35 "mobile home dealer" or "dealer" and inserting in lieu thereof

1 the words "manufactured home retailer".

2 EXPLANATION

3 This bill amends Code chapter 322B to make it apply to
4 licensing of manufactured home or mobile home retailers.

5 The bill also amends Code section 364.3 to specify the
6 power of cities to adopt certain ordinances imposing
7 registration or licensing on manufactured or mobile homes.

8 The bill also amends provisions of Code chapter 562B, the
9 mobile home parks residential landlord and tenant law, to
10 specify that the law applies to manufactured or mobile homes.

11 The bill also amends Code section 648.19, which relates to
12 forcible entry and detention actions, to provide that actions
13 for rent recovery under various Code chapters, including Code
14 chapter 562B, and actions for forcible entry and detention do
15 not have to be treated as a merged case.

16 The bill also amends numerous provisions in the Code to
17 specify that laws that relate to mobile homes also relate to
18 manufactured homes and that laws relating to mobile home parks
19 also relate to manufactured home communities.

20 A "manufactured home" is defined as a factory-built
21 structure built under the authority of federal law, that
22 displays a seal required by the United States department of
23 housing and urban development and that was constructed on or
24 after June 15, 1976.

25 A "mobile home" is defined as a transportable structure
26 that exceeds eight feet in width and 32 feet in length, built
27 on a permanent chassis and designed to be used as a dwelling
28 with or without a permanent foundation when connected to one
29 or more utilities. A "mobile home" is not built to a
30 mandatory building code, contains no state or federal seals,
31 and was built before June 15, 1976.

32 The bill also adds a new definition of "manufactured home
33 community" that means the same as "land-leased community"
34 defined in Code sections 335.30A and 414.28A. A land-leased
35 community is any site, lot, field, or tract of land under

1 common ownership upon which 10 or more occupied manufactured
2 homes are harbored, either free of charge or for revenue
3 purposes.

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Substitutes for SF 478
4-25-01

REPRINTED

MAR 19 2001
Place On Calendar

HOUSE FILE 656
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 225)

Passed House, Date (P.960) 3-28-01 Passed Senate, Date (P.1321) 4/25/01
Vote: Ayes 83 Nays 11 Vote: Ayes 47 Nays 1

Approved May 21, 2001

(P.1623) Re-Passed 4-27-01
Vote 92-0

A BILL FOR

1 An Act relating to the licensing and regulation of manufactured
2 or mobile homes and providing coordinating amendments.

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

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HF 656

1 Section 1. Section 322B.1, Code 2001, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 322B.1 SHORT TITLE.

5 This chapter may be cited as the "Manufactured or Mobile
6 Home Retailers Licensing Act".

7 Sec. 2. Section 322B.2, Code 2001, is amended by striking
8 the section and inserting in lieu thereof the following:

9 322B.2 DEFINITIONS.

10 As used in this chapter, unless the context otherwise
11 requires:

12 1. "Department" means the state department of
13 transportation.

14 2. "Home" means a manufactured home, mobile home, or
15 modular home.

16 3. "Manufactured home" means is a factory-built structure
17 built under the authority of 42 U.S.C. § 5403, that is
18 required by federal law to display a seal required by the
19 United States department of housing and urban development, and
20 was constructed on or after June 15, 1976.

21 4. "Manufactured or mobile home distributor" means a
22 person who sells or distributes manufactured or mobile homes
23 to manufactured home retailers.

24 5. "Manufactured or mobile home manufacturer" means a
25 person engaged in the business of fabricating or assembling
26 manufactured or mobile homes.

27 6. "Manufactured or mobile home retailer" means a person
28 who, for a commission or other thing of value, sells,
29 exchanges, or offers or attempts to negotiate a sale or
30 exchange of an interest in a home or who is engaged wholly or
31 in part in the business of selling homes, whether or not the
32 homes are owned by the retailer. "Manufactured or mobile home
33 retailer" does not include any of the following:

34 a. A receiver, trustee, administrator, executor, guardian,
35 attorney, or other person appointed by or acting under the

1 judgment or order of a court to transfer an interest in a
2 home.

3 b. A person transferring a home registered in the person's
4 name and used for personal, family, or household purposes, if
5 the transfer is an occasional sale and is not part of the
6 business of the transferor.

7 c. A person who transfers an interest in a home only as an
8 incident to engaging in the business of financing new or used
9 homes.

10 d. A person who exclusively sells modular homes.

11 7. "Mobile home" means a structure, transportable in one
12 or more sections, which exceeds eight feet in width and
13 thirty-two feet in length, and which is built on a permanent
14 chassis and designed to be used as a dwelling with or without
15 a permanent foundation when connected to one or more
16 utilities. A "mobile home" is not built to a mandatory
17 building code, contains no state or federal seals, and was
18 built before June 15, 1976.

19 8. "Modular home" means a factory-built structure which is
20 manufactured to be used as a place of human habitation, is
21 constructed to comply with the Iowa state building code for
22 modular factory-built structures, and displays a seal issued
23 by the state building code commissioner.

24 9. "New home" means a home that has not been sold at
25 retail.

26 10. "Preowned home" means a home that has been previously
27 sold at retail.

28 11. "Retailer's inventory" means homes offered for sale at
29 the retailer's licensed address or at any mobile home park or
30 land-lease community so long as the title of the home is in
31 the retailer's name and the home is not being occupied.

32 12. "Sell at retail" means to sell a home to a person who
33 will devote it to a consumer use.

34 Sec. 3. Section 322B.3, Code 2001, is amended to read as
35 follows:

1 322B.3 MANUFACTURED OR MOBILE HOME DEALER RETAILER LICENSE
2 -- PROCEDURE.

3 1. LICENSE APPLICATION. A manufactured or mobile home
4 dealer retailer shall file in the office of the department an
5 application for license as a manufactured or mobile home
6 dealer retailer in the same manner as a motor vehicle dealer
7 applicant under section 322.4 or as the department may
8 prescribe. A manufactured or mobile home dealer retailer
9 license may be issued in the same manner as a motor vehicle
10 dealer license pursuant to section 322.7.

11 2. LICENSE FEES. The license fee for a manufactured or
12 mobile home dealer retailer is seventy dollars for a two-year
13 license, one hundred forty dollars for a four-year license, or
14 two hundred ten dollars for a six-year license. If the
15 application is denied, the department shall refund the fee.
16 Fees and funds accruing from the administration of this
17 chapter shall be accounted for and paid by the department to
18 the treasurer of state monthly for deposit in the road use tax
19 fund of the state.

20 3. SURETY BOND. Before the issuance of a manufactured or
21 mobile home dealer's retailer's license, an applicant for a
22 license shall file with the department a surety bond executed
23 by the applicant as principal and executed by a corporate
24 surety company, licensed and qualified to do business within
25 this state, which bond shall run to the state of Iowa, be in
26 the amount of fifty thousand dollars and be conditioned upon
27 the faithful compliance by the applicant as a dealer retailer
28 with all of the statutes of this state regulating the business
29 of the dealer retailer and indemnifying any person dealing or
30 transacting business with the dealer retailer in connection
31 with a manufactured or mobile home, from a loss or damage
32 occasioned by the failure of the dealer retailer to comply
33 with this chapter, including, but not limited to, the
34 furnishing of a proper and valid document of title to the
35 manufactured or mobile home involved in the transaction.

1 4. PERMITS FOR FAIRS, SHOWS, AND EXHIBITIONS. Mobile
2 Manufactured or mobile home dealers retailers, in addition to
3 selling mobile homes at their principal place of business and
4 lots, may, upon receipt of a temporary permit approved by the
5 department, display and offer new mobile manufactured homes
6 for sale and negotiate sales of new mobile manufactured homes
7 at fairs, shows, and exhibitions which are approved by the
8 department. Application for temporary permits shall be made
9 upon forms provided by the department and shall be accompanied
10 by a ten dollar permit fee. Temporary permits shall be issued
11 for a period not to exceed fourteen days.

12 5. MANUFACTURED OR MOBILE HOME HOOKUPS. A manufactured or
13 mobile home dealer retailer or an employee of a manufactured
14 or mobile home dealer retailer may perform water, gas,
15 electrical, and other utility service connections in a
16 manufactured or mobile home space, or within ten feet of such
17 space, located in a manufactured home community or mobile home
18 park, and the dealer retailer or an employee of the dealer
19 retailer may install a tie-down system on a manufactured or
20 mobile home located in a manufactured home community or mobile
21 home park. The connections are subject to inspection and
22 approval by local building code officials and the manufactured
23 or mobile home dealer retailer shall pay the inspection fee,
24 if any.

25 Sec. 4. Section 322B.4, Code 2001, is amended to read as
26 follows:

27 322B.4 LICENSE APPLICATION AND FEES.

28 Upon application and payment of a thirty-five dollar fee, a
29 person may be licensed as a manufacturer or distributor of
30 manufactured or mobile homes. The application shall be in the
31 form and shall contain information as the department
32 prescribes. The license shall be granted or refused within
33 thirty days after application. The license expires, unless
34 sooner revoked or suspended by the department, on December 31
35 of the calendar year for which the license was granted. A

1 licensee shall have the month of December of the calendar year
2 for which the license was granted and the following month of
3 January to renew the license. A person who fails to renew a
4 license by the end of this time period and desires to hold a
5 license shall file a new license application and pay the
6 required fee.

7 Sec. 5. Section 322B.5, Code 2001, is amended to read as
8 follows:

9 322B.5 NOTIFICATION.

10 The department shall notify the state building code
11 commissioner of each license issued to a manufactured or
12 mobile home ~~dealer~~ retailer.

13 Sec. 6. Section 322B.6, Code 2001, is amended to read as
14 follows:

15 322B.6 REVOCATION, SUSPENSION, AND DENIAL OF LICENSE.

16 The department may revoke, suspend, or refuse the license
17 of a manufactured or mobile home dealer retailer, manufactured
18 or mobile home manufacturer, or manufactured or mobile home
19 distributor, as applicable, if the department finds that the
20 manufactured or mobile home dealer retailer, manufacturer, or
21 distributor is guilty of any of the following acts or
22 offenses:

23 1. Fraud in procuring a license.

24 2. Knowingly making misleading, deceptive, untrue or
25 fraudulent representations in the business of a manufactured
26 or mobile home dealer retailer, manufacturer, or distributor
27 or engaging in unethical conduct or practice harmful or
28 detrimental to the public.

29 3. Conviction of a felony related to the business of a
30 manufactured or mobile home dealer retailer, manufacturer, or
31 distributor. A copy of the record of conviction or plea of
32 guilty shall be sufficient evidence for the purposes of this
33 section.

34 4. Failing upon the sale or transfer of a manufactured or
35 mobile home to deliver to the purchaser or transferee of the

1 manufactured or mobile home sold or transferred, a
2 manufacturer's or importer's certificate, or a certificate of
3 title duly assigned, as provided in chapter 321.

4 5. Failing upon the purchasing or otherwise acquiring of a
5 manufactured or mobile home to obtain a manufacturer's or
6 importer's certificate, a new certificate of title or a
7 certificate of title duly assigned as provided in chapter 321.

8 6. Failing to apply for and obtain from a county treasurer
9 a certificate of title for a used manufactured or mobile home,
10 titled in Iowa, acquired by the ~~dealer~~ retailer within thirty
11 days from the date of acquisition, as required under section
12 321.45, subsection 4.

13 In accordance with chapters 10A and 17A, each person whose
14 license or application is revoked, suspended, or refused shall
15 be provided an opportunity for a hearing before the department
16 of inspections and appeals.

17 Sec. 7. Section 322B.8, Code 2001, is amended to read as
18 follows:

19 322B.8 UNLAWFUL PRACTICE.

20 It is unlawful for a person to engage in business as a
21 manufactured or mobile home dealer retailer, manufactured or
22 mobile home manufacturer, or manufactured or mobile home
23 distributor in this state without first acquiring and
24 maintaining a license in accordance with this chapter. A
25 person convicted of violating the provisions of this section
26 is guilty of a serious misdemeanor.

27 Sec. 8. Section 322B.9, Code 2001, is amended to read as
28 follows:

29 322B.9 MANUFACTURED HOME, MOBILE HOME, AND MODULAR HOME
30 RETAIL INSTALLMENT CONTRACT -- FINANCE CHARGE.

31 A retail installment contract or agreement for the sale of
32 a manufactured home, mobile home, or modular home may include
33 a finance charge not in excess of an amount equivalent to one
34 and three-fourths percent per month simple interest on the
35 declining balance of the amount financed.

1 "Amount financed" shall be as defined in section 537.1301.
2 The limitations contained in this section do not apply in a
3 transaction referred to in section 535.2, subsection 2. With
4 respect to a consumer credit sale, as defined in section
5 537.1301, the limitations contained in this section supersede
6 conflicting provisions of chapter 537, article 2, part 2.

7 Sec. 9. Section 331.301, subsection 15, Code 2001, is
8 amended to read as follows:

9 15. a. A county may adopt and enforce an ordinance
10 requiring the construction of a storm shelter at a
11 manufactured home community or mobile home park which is
12 constructed after July 1, 1999. In lieu of requiring
13 construction of a storm shelter, a county may require a
14 community or park owner to provide a plan for the evacuation
15 of community or park residents to a safe place of shelter in
16 times of severe weather including tornadoes and high winds if
17 the county determines that a safe place of shelter is
18 available within a reasonable distance of the manufactured
19 home community or mobile home park for use by community or
20 park residents. Each evacuation plan prepared pursuant to
21 this subsection shall be filed with, and approved by, the
22 local emergency management agency. If construction of a storm
23 shelter is required, an ordinance adopted or enforced pursuant
24 to this subsection shall not include any of the following
25 requirements:

26 (1) That the size of the storm shelter be larger than the
27 equivalent of seven square feet for each manufactured or
28 mobile home space in the manufactured home community or mobile
29 home park.

30 (2) That the storm shelter include a restroom if the
31 shelter is used exclusively as a storm shelter.

32 (3) That the storm shelter exceed the construction
33 specifications approved by a licensed professional engineer
34 and presented by the owner of the manufactured home community
35 or mobile home park.

1 (4) That the shelter be located any closer than one
2 thousand three hundred twenty feet from any manufactured or
3 mobile home in the manufactured home community or mobile home
4 park.

5 b. For the purposes of this subsection:

6 (1) "Manufactured home community" means the same as land-
7 leased community defined in sections 335.30A and 414.28A.

8 ~~(1)~~ (2) "Mobile home park" means a mobile home park as
9 defined in section 562B.7.

10 ~~(2)~~ (3) "Storm shelter" means a single structure or
11 multiple structures designed to provide persons with temporary
12 protection from a storm.

13 Sec. 10. Section 364.3, subsections 5 and 8, Code 2001,
14 are amended to read as follows:

15 5. A city shall not adopt or enforce any ordinance
16 imposing any registration or licensing system or registration
17 or license fees for owner-occupied manufactured or mobile
18 homes including the lots or lands upon which they are located.
19 A city shall not adopt or enforce any ordinance imposing any
20 registration or licensing system, or registration or license
21 fees, or safety or sanitary standards for rental manufactured
22 or mobile homes unless similar registration or licensing
23 system, or registration or license fees, or safety or sanitary
24 standards are required for other rental properties intended
25 for human habitation. This subsection does not preclude the
26 investigation and abatement of a nuisance or the enforcement
27 of a tiedown system, or the enforcement of any regulations of
28 the state or local board of health if those regulations apply
29 to other rental properties or to owner-occupied housing
30 intended for human habitation.

31 8. a. A city may adopt and enforce an ordinance requiring
32 the construction of a storm shelter at a manufactured home
33 community or mobile home park which is constructed after July
34 1, 1999. In lieu of requiring construction of a storm
35 shelter, a city may require a community or park owner to

1 provide a plan for the evacuation of community or park
2 residents to a safe place of shelter in times of severe
3 weather including tornadoes and high winds if the city
4 determines that a safe place of shelter is available within a
5 reasonable distance of the manufactured home community or
6 mobile home park for use by community or park residents. Each
7 evacuation plan prepared pursuant to this subsection shall be
8 filed with, and approved by, the local emergency management
9 agency. If construction of a storm shelter is required, an
10 ordinance adopted or enforced pursuant to this subsection
11 shall not include any of the following requirements:

12 (1) That the size of the storm shelter be larger than the
13 equivalent of seven square feet for each manufactured or
14 mobile home space in the manufactured home community or mobile
15 home park.

16 (2) That the storm shelter include a restroom if the
17 shelter is used exclusively as a storm shelter.

18 (3) That the storm shelter exceed the construction
19 specifications approved by a licensed professional engineer
20 and presented by the owner of the manufactured home community
21 or mobile home park.

22 (4) That the shelter be located any closer than one
23 thousand three hundred twenty feet from any manufactured or
24 mobile home in the community.

25 b. For the purposes of this subsection:

26 (1) "Manufactured home community" means the same as land-
27 leased community defined in sections 335.30A and 414.28A.

28 ~~(1)~~ (2) "Mobile home park" means a mobile home park as
29 defined in section 562B.7.

30 ~~(2)~~ (3) "Storm shelter" means a single structure or
31 multiple structures designed to provide persons with temporary
32 protection from a storm.

33 Sec. 11. Section 435.1, Code 2001, is amended to read as
34 follows:

35 435.1 DEFINITIONS.

1 The following definitions shall apply to this chapter:

2 1. Unless the context otherwise requires, "book", "list",
3 "record", or "schedule" kept by a county auditor, assessor,
4 treasurer, recorder, sheriff, or other county officer means
5 the county system as defined in section 445.1.

6 2. "Home" means a mobile home or a manufactured home.

7 3. "Manufactured home" means a factory-built structure
8 built under authority of 42 U.S.C. § 5403, that is required by
9 federal law to display a seal from the United States
10 department of housing and urban development, and was
11 constructed on or after June 15, 1976. If a manufactured home
12 is placed in a manufactured home community or a mobile home
13 park, the home must be titled and is subject to the
14 manufactured or mobile home square foot tax. If a
15 manufactured home is placed outside a manufactured home
16 community or a mobile home park, the home must be titled and
17 is to be assessed and taxed as real estate.

18 3A. "Manufactured home community" means the same as land-
19 leased community defined in sections 335.30A and 414.28A.

20 4. "Mobile home" means any vehicle without motive power
21 used or so manufactured or constructed as to permit its being
22 used as a conveyance upon the public streets and highways and
23 so designed, constructed, or reconstructed as will permit the
24 vehicle to be used as a place for human habitation by one or
25 more persons; but shall also include any such vehicle with
26 motive power not registered as a motor vehicle in Iowa. A
27 "mobile home" is not built to a mandatory building code,
28 contains no state or federal seals, and was built before June
29 15, 1976. If a mobile home is placed outside a mobile home
30 park, the home is to be assessed and taxed as real estate.

31 5. "Mobile home park" means a site, lot, field, or tract
32 of land upon which three or more mobile homes or manufactured
33 homes, or a combination of any of these homes are placed on
34 developed spaces and operated as a for-profit enterprise with
35 water, sewer or septic, and electrical services available.

1 The term "manufactured home community" or "mobile home
2 park" shall not be construed to include manufactured or mobile
3 homes, buildings, tents or other structures temporarily
4 maintained by any individual, educational institution, or
5 company on their own premises and used exclusively to house
6 their own labor or students.

7 A manufactured home community or a mobile home park must be
8 classified as to whether it is a residential manufactured home
9 community or a mobile home park or a recreational manufactured
10 home community or a mobile home park or both. The
11 manufactured home community or mobile home park residential
12 landlord and tenant Act only applies to residential
13 manufactured home communities or mobile home parks.

14 6. "Modular home" means a factory-built structure which is
15 manufactured to be used as a place of human habitation, is
16 constructed to comply with the Iowa state building code for
17 modular factory-built structures, and must display the seal
18 issued by the state building code commissioner. If a modular
19 home is placed in a manufactured home community or mobile home
20 park, the home is subject to the annual tax as required by
21 section 435.22. If a modular home is placed outside a
22 manufactured home community or a mobile home park, the home
23 shall be considered real property and is to be assessed and
24 taxed as real estate.

25 Sec. 12. Section 555C.1, Code 2001, is amended to read as
26 follows:

27 555C.1 DEFINITIONS.

28 As used in this chapter, unless the context otherwise
29 requires:

30 1. "Home" means a mobile home, modular home, or a
31 manufactured home as defined in section 435.1.

32 1A. "Manufactured home community" means a manufactured
33 home community as defined in section 435.1.

34 2. "Mobile home park" means a mobile home park as defined
35 in section 435.1.

1 3. "Personal property" includes personal property of the
2 owner or other occupant of the home, which is located in the
3 home, on the lot where the home is located, in the immediate
4 vicinity of the home or lot, or in any storage area provided
5 by the real property owner for use of the home owner or
6 occupant.

7 4. "Valueless home" means a home located in a manufactured
8 home community or a mobile home park including all other
9 personal property, where all of the following conditions
10 exist:

11 a. The home has been abandoned as defined in section
12 562B.27, subsection 1, and the home has not been removed after
13 the right to possession of the underlying real estate has been
14 terminated pursuant to chapter 648.

15 b. A lien of record, other than a tax lien as provided in
16 chapter 435, does not exist against the home. A lien exists
17 only if the real property owner receives notice of a lien on
18 the standardized registration form completed by an owner or
19 occupant pursuant to chapter 562B, or a lien has been filed in
20 the state or county records on a date before the home is
21 considered to be valueless.

22 c. The value of the home and other personal property is
23 equal to or less than the reasonable cost of disposal plus all
24 sums owing to the real property owner pertaining to the home.

25 Sec. 13. Section 562B.7, Code 2001, is amended to read as
26 follows:

27 562B.7 GENERAL DEFINITIONS.

28 Subject to additional definitions contained in subsequent
29 sections of this chapter which apply to specific sections
30 thereof, and unless the context otherwise requires, in this
31 chapter:

32 1. "Building and housing codes" include any law,
33 ordinance, or governmental regulation concerning fitness for
34 habitation, or the construction, maintenance, operation,
35 occupancy, use, or appearance of any manufactured home

1 community or mobile home park, dwelling unit, or manufactured
2 or mobile home space.

3 2. "Business" includes a corporation, government,
4 governmental subdivision or agency, business trust, estate,
5 trust, partnership or association, two or more persons having
6 a joint or common interest, and any other legal or commercial
7 entity which is a landlord, owner, manager, or constructive
8 agent pursuant to section 562B.14.

9 3. "Dwelling unit" excludes real property used to
10 accommodate a manufactured or mobile home.

11 4. "Landlord" means the owner, lessor, or sublessor of a
12 manufactured home community or a mobile home park and it also
13 means a manager of the manufactured home community or a mobile
14 home park who fails to disclose as required by section
15 562B.14.

16 4A. "Manufactured home community" means the same as land-
17 leased community defined in sections 335.30A and 414.28A.

18 5. "Mobile home" means any vehicle without motive power
19 used or so manufactured or constructed as to permit its being
20 used as a conveyance upon the public streets and highways and
21 so designed, constructed, or reconstructed as will permit the
22 vehicle to be used as a place for human habitation by one or
23 more persons; but shall also include any such vehicle with
24 motive power not registered as a motor vehicle in Iowa.
25 References in this chapter to "mobile home" include
26 "manufactured homes" and "modular homes" as those terms are
27 defined in section 435.1, if the manufactured homes or modular
28 homes are located in a manufactured home community or a mobile
29 home park.

30 6. "Mobile home park" shall mean any site, lot, field or
31 tract of land upon which three or more mobile homes,
32 manufactured homes, or modular homes or a combination of any
33 of these homes are placed on developed spaces and operated as
34 a for-profit enterprise with water, sewer or septic, and
35 electrical services available.

1 7. "Mobile home space" means a parcel of land for rent
2 which has been designed to accommodate a mobile home and
3 provide the required sewer and utility connections.

4 8. "Owner" means one or more persons, jointly or
5 severally, in whom is vested all or part of the legal title to
6 property or all or part of the beneficial ownership and a
7 right to present use and enjoyment of the manufactured home
8 community or the mobile home park. The term includes a
9 mortgagee in possession.

10 9. "Rent" means a payment to be made to the landlord under
11 the rental agreement.

12 10. "Rental agreement" means agreements, written or those
13 implied by law, and valid rules and regulations adopted under
14 section 562B.19 embodying the terms and conditions concerning
15 the use and occupancy of a mobile home space.

16 11. "Rental deposit" means a deposit of money to secure
17 performance of a mobile home space rental agreement under this
18 chapter other than a deposit which is exclusively in advance
19 payment of rent.

20 12. "Tenant" means a person entitled under a rental
21 agreement to occupy a mobile home space to the exclusion of
22 others.

23 Sec. 14. Section 562B.9, unnumbered paragraph 2, Code
24 2001, is amended to read as follows:

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

34 Sec. 15. Section 648.19, subsection 3, Code 2001, is
35 amended to read as follows:

1 3. An action under this chapter that is filed in
2 connection with another action in accordance with this section
3 ~~shall~~ may be treated as a merged case or may be treated only
4 as a joint filing of separate cases. If the action is merged,
5 both actions shall follow the rules applicable to a forcible
6 entry and detention action. If a merger of actions is not
7 requested, the actions shall be treated as a joint filing of
8 separate cases and assigned separate case numbers, but with a
9 single filing fee. ~~The court shall not merge the causes of~~
10 ~~action.~~ The court shall consider the jointly filed cases
11 separately and shall consider each case according to the rules
12 applicable to that type of case.

13 Sec. 16. Sections 103A.3, 103A.30, 103A.31, 321.1, 321.47,
14 321.123, 321.251, 321.284A, 321.457, 321E.28, 321E.31,
15 331.429, 331.653, 422.43, 422A.1, 425.17, 426A.11, 427.11,
16 435.22, 441.17, 445.1, 445.36A, 445.37, 445.38, 515C.1,
17 534.605, 562B.2, 562B.13, 631.1, 631.4, and 648.3, Code 2001,
18 are amended by inserting before the words "mobile home" the
19 words "manufactured or".

20 Sec. 17. Sections 103A.9, 135I.4, 306C.10, 321.251,
21 331.301, 335.30, 414.28, 422.42, 427.1, 435.22, 435.23,
22 435.24, 435.26, 435.27, 435.28, 435.34, 435.35, 441.17,
23 555B.1, 555C.2, 555C.3, 555C.4, 557B.1, 562B.1, 562B.13,
24 562B.14, 562B.15, 562B.16, 562B.17, 562B.18, 562B.19, 562B.22,
25 562B.23, 562B.24, 562B.32, 648.22A, and 648.22B, Code 2001,
26 are amended by inserting before the words "mobile home park"
27 or "park" the words "manufactured home community or".

28 Sec. 18. Sections 321.1, 321.18, 321.20, 321.24, 321.30,
29 321.45, 321.46, 321.49, 321.50, 321.57, 321.101, 321.104,
30 321.123, and 423.4, Code 2001, are amended by striking the
31 words "manufactured housing" and inserting in lieu thereof the
32 words "manufactured home".

33 Sec. 19. Sections 321.46, 321.49, 321.57, 321.58, and
34 435.27, Code 2001, are amended by the striking the words
35 "mobile home dealer" or "dealer" and inserting in lieu thereof

1 the words "manufactured home retailer".

2 EXPLANATION

3 This bill amends Code chapter 322B to make it apply to
4 licensing of manufactured home or mobile home retailers.

5 The bill also amends Code section 364.3 to specify the
6 power of cities to adopt certain ordinances imposing
7 registration or licensing on manufactured or mobile homes.

8 The bill also amends provisions of Code chapter 562B, the
9 mobile home parks residential landlord and tenant law, to
10 specify that the law applies to manufactured or mobile homes.

11 The bill also amends Code section 648.19, which relates to
12 forcible entry and detention actions, to provide that actions
13 for rent recovery under various Code chapters, including Code
14 chapter 562B, and actions for forcible entry and detention do
15 not have to be treated as a merged case.

16 The bill also amends numerous provisions in the Code to
17 specify that laws that relate to mobile homes also relate to
18 manufactured homes and that laws relating to mobile home parks
19 also relate to manufactured home communities.

20 A "manufactured home" is defined as a factory-built
21 structure built under the authority of federal law, that
22 displays a seal required by the United States department of
23 housing and urban development and that was constructed on or
24 after June 15, 1976.

25 A "mobile home" is defined as a transportable structure
26 that exceeds eight feet in width and 32 feet in length, built
27 on a permanent chassis and designed to be used as a dwelling
28 with or without a permanent foundation when connected to one
29 or more utilities. A "mobile home" is not built to a
30 mandatory building code, contains no state or federal seals,
31 and was built before June 15, 1976.

32 The bill also adds a new definition of "manufactured home
33 community" that means the same as "land-leased community"
34 defined in Code sections 335.30A and 414.28A. A land-leased
35 community is any site, lot, field, or tract of land under

1 common ownership upon which 10 or more occupied manufactured
2 homes are harbored, either free of charge or for revenue
3 purposes.

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HOUSE FILE 656**H-1265**

- 1 Amend House File 656 as follows:
 2 1. Page 14, lines 25 and 26, by striking the
 3 words "~~given to all tenants of a mobile home park~~" and
 4 inserting the following: "given to all tenants of a
 5 mobile home park".

By RICHARDSON of Warren**H-1265** FILED MARCH 20, 2001

W/D
3/28/01 (P. 959)

HOUSE FILE 656**H-1266**

- 1 Amend House File 656 as follows:
 2 1. Page 8, by striking lines 1 through 4.
 3 2. Page 9, by striking lines 22 through 24.

By RICHARDSON of Warren**H-1266** FILED MARCH 20, 2001

W/D
3/28/01 (P. 959)

HOUSE FILE 656**H-1268**

- 1 Amend House File 656 as follows:
 2 1. Page 8, line 2, by striking the words "three
 3 hundred twenty".
 4 2. Page 9, line 23, by striking the words "three
 5 hundred twenty".

By RICHARDSON of Warren**H-1268** FILED MARCH 20, 2001

Adopt 3/28/01
(P. 959)

HOUSE FILE 656**H-1269**

- 1 Amend House File 656 as follows:
 2 1. Page 1, line 16, by striking the word "is".
 3 2. Title page, line 2, by inserting after the
 4 word "homes" the following: ", providing that actions
 5 for rent recovery and for forcible entry and detention
 6 of real property may be merged,".

By EICHHORN of Hamilton**H-1269** FILED MARCH 20, 2001

Adopted
3-28-01
(P. 958)

HOUSE FILE 656

H-1264

- 1 Amend House File 656 as follows:
- 2 1. Page 6, by inserting after line 12 the
- 3 following:
- 4 " Set-ups of manufactured or mobile homes by a
- 5 manufactured or mobile home retailer, manufacturer, or
- 6 distributor which cause numerous complaints from the
- 7 purchaser or transferee of a manufactured or mobile
- 8 home to the department concerning the set-ups."

By RICHARDSON of Warren

H-1264 FILED MARCH 20, 2001

Last 3/28/01 (p. 958)

HOUSE FILE 656

H-1315

- 1 Amend House File 656 as follows:
- 2 1. Page 9, line 24, by inserting after the word
- 3 "community." the following: "However, this
- 4 restriction shall not prohibit the adoption or
- 5 enforcement of an ordinance that requires a minimum of
- 6 one shelter to be located in a manufactured home
- 7 community or mobile home park."

By RICHARDSON of Warren

H-1315 FILED MARCH 22, 2001

*Adopted
3/28/01 (p. 959)*

HOUSE FILE 656

H-1316

- 1 Amend House File 656 as follows:
- 2 1. Page 8, line 30, by inserting after the word
- 3 "habitation." the following: "This section shall not
- 4 preclude a city from adopting or enforcing any
- 5 ordinance imposing any registration or licensing
- 6 system, or registration or license fees, or safety or
- 7 sanitary standards for a vehicle or structure that is
- 8 not a manufactured home as defined in 42 U.S.C. §
- 9 5402."

By RICHARDSON of Warren

H-1316 FILED MARCH 22, 2001

W/D 3/28/01 (p. 959)

HOUSE FILE 656

H-1338

1 Amend House File 656 as follows:
2 1. Page 15, line 9, by inserting after the word
3 "fee." the following: "In the event that a counter-
4 claim is filed by a defendant, the action for money
5 damages shall be scheduled for hearing separate from
6 the forcible entry and detention action. In the event
7 that a defendant defaults or fails to appear in a
8 merged action pursuant to this section, the court
9 shall not enter a judgment on the action for money
10 damages until twenty days after service of process."

By EICHHORN of Hamilton

H-1338 FILED MARCH 26, 2001

Adopted

3/28/01

(P. 959)

HOUSE FILE 656
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 225)

(As Amended and Passed by the House March 28, 2001)

Passed House, Date ^(P.960) 3-28-01 Passed Senate, Date ^(P.1321) 4/25/01
Vote: Ayes 83 Nays 11 Vote: Ayes 47 Nays 1

Approved May 21, 2001

^(P.1623) Re Passed 4-27-01
Vote 92-0

A BILL FOR

1 An Act relating to the licensing and regulation of manufactured
2 or mobile homes, providing that actions for rent recovery and
3 for forcible entry and detention of real property may be
4 merged, and providing coordinating amendments.

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

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House Amendments _____
Deleted Language *

1 Section 1. Section 322B.1, Code 2001, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 322B.1 SHORT TITLE.

5 This chapter may be cited as the "Manufactured or Mobile
6 Home Retailers Licensing Act".

7 Sec. 2. Section 322B.2, Code 2001, is amended by striking
8 the section and inserting in lieu thereof the following:

9 322B.2 DEFINITIONS.

10 As used in this chapter, unless the context otherwise
11 requires:

12 1. "Department" means the state department of
13 transportation.

14 2. "Home" means a manufactured home, mobile home, or
15 modular home.

*16 3. "Manufactured home" means a factory-built structure
17 built under the authority of 42 U.S.C. § 5403, that is
18 required by federal law to display a seal required by the
19 United States department of housing and urban development, and
20 was constructed on or after June 15, 1976.

21 4. "Manufactured or mobile home distributor" means a
22 person who sells or distributes manufactured or mobile homes
23 to manufactured home retailers.

24 5. "Manufactured or mobile home manufacturer" means a
25 person engaged in the business of fabricating or assembling
26 manufactured or mobile homes.

27 6. "Manufactured or mobile home retailer" means a person
28 who, for a commission or other thing of value, sells,
29 exchanges, or offers or attempts to negotiate a sale or
30 exchange of an interest in a home or who is engaged wholly or
31 in part in the business of selling homes, whether or not the
32 homes are owned by the retailer. "Manufactured or mobile home
33 retailer" does not include any of the following:

34 a. A receiver, trustee, administrator, executor, guardian,
35 attorney, or other person appointed by or acting under the

1 judgment or order of a court to transfer an interest in a
2 home.

3 b. A person transferring a home registered in the person's
4 name and used for personal, family, or household purposes, if
5 the transfer is an occasional sale and is not part of the
6 business of the transferor.

7 c. A person who transfers an interest in a home only as an
8 incident to engaging in the business of financing new or used
9 homes.

10 d. A person who exclusively sells modular homes.

11 7. "Mobile home" means a structure, transportable in one
12 or more sections, which exceeds eight feet in width and
13 thirty-two feet in length, and which is built on a permanent
14 chassis and designed to be used as a dwelling with or without
15 a permanent foundation when connected to one or more
16 utilities. A "mobile home" is not built to a mandatory
17 building code, contains no state or federal seals, and was
18 built before June 15, 1976.

19 8. "Modular home" means a factory-built structure which is
20 manufactured to be used as a place of human habitation, is
21 constructed to comply with the Iowa state building code for
22 modular factory-built structures, and displays a seal issued
23 by the state building code commissioner.

24 9. "New home" means a home that has not been sold at
25 retail.

26 10. "Preowned home" means a home that has been previously
27 sold at retail.

28 11. "Retailer's inventory" means homes offered for sale at
29 the retailer's licensed address or at any mobile home park or
30 land-lease community so long as the title of the home is in
31 the retailer's name and the home is not being occupied.

32 12. "Sell at retail" means to sell a home to a person who
33 will devote it to a consumer use.

34 Sec. 3. Section 322B.3, Code 2001, is amended to read as
35 follows:

1 322B.3 MANUFACTURED OR MOBILE HOME DEALER RETAILER LICENSE
2 -- PROCEDURE.

3 1. LICENSE APPLICATION. A manufactured or mobile home
4 dealer retailer shall file in the office of the department an
5 application for license as a manufactured or mobile home
6 dealer retailer in the same manner as a motor vehicle dealer
7 applicant under section 322.4 or as the department may
8 prescribe. A manufactured or mobile home dealer retailer
9 license may be issued in the same manner as a motor vehicle
10 dealer license pursuant to section 322.7.

11 2. LICENSE FEES. The license fee for a manufactured or
12 mobile home dealer retailer is seventy dollars for a two-year
13 license, one hundred forty dollars for a four-year license, or
14 two hundred ten dollars for a six-year license. If the
15 application is denied, the department shall refund the fee.
16 Fees and funds accruing from the administration of this
17 chapter shall be accounted for and paid by the department to
18 the treasurer of state monthly for deposit in the road use tax
19 fund of the state.

20 3. SURETY BOND. Before the issuance of a manufactured or
21 mobile home dealer's retailer's license, an applicant for a
22 license shall file with the department a surety bond executed
23 by the applicant as principal and executed by a corporate
24 surety company, licensed and qualified to do business within
25 this state, which bond shall run to the state of Iowa, be in
26 the amount of fifty thousand dollars and be conditioned upon
27 the faithful compliance by the applicant as a dealer retailer
28 with all of the statutes of this state regulating the business
29 of the dealer retailer and indemnifying any person dealing or
30 transacting business with the dealer retailer in connection
31 with a manufactured or mobile home, from a loss or damage
32 occasioned by the failure of the dealer retailer to comply
33 with this chapter, including, but not limited to, the
34 furnishing of a proper and valid document of title to the
35 manufactured or mobile home involved in the transaction.

1 4. PERMITS FOR FAIRS, SHOWS, AND EXHIBITIONS. Mobile
2 Manufactured or mobile home dealers retailers, in addition to
3 selling mobile homes at their principal place of business and
4 lots, may, upon receipt of a temporary permit approved by the
5 department, display and offer new mobile manufactured homes
6 for sale and negotiate sales of new mobile manufactured homes
7 at fairs, shows, and exhibitions which are approved by the
8 department. Application for temporary permits shall be made
9 upon forms provided by the department and shall be accompanied
10 by a ten dollar permit fee. Temporary permits shall be issued
11 for a period not to exceed fourteen days.

12 5. MANUFACTURED OR MOBILE HOME HOOKUPS. A manufactured or
13 mobile home dealer retailer or an employee of a manufactured
14 or mobile home dealer retailer may perform water, gas,
15 electrical, and other utility service connections in a
16 manufactured or mobile home space, or within ten feet of such
17 space, located in a manufactured home community or mobile home
18 park, and the dealer retailer or an employee of the dealer
19 retailer may install a tie-down system on a manufactured or
20 mobile home located in a manufactured home community or mobile
21 home park. The connections are subject to inspection and
22 approval by local building code officials and the manufactured
23 or mobile home dealer retailer shall pay the inspection fee,
24 if any.

25 Sec. 4. Section 322B.4, Code 2001, is amended to read as
26 follows:

27 322B.4 LICENSE APPLICATION AND FEES.

28 Upon application and payment of a thirty-five dollar fee, a
29 person may be licensed as a manufacturer or distributor of
30 manufactured or mobile homes. The application shall be in the
31 form and shall contain information as the department
32 prescribes. The license shall be granted or refused within
33 thirty days after application. The license expires, unless
34 sooner revoked or suspended by the department, on December 31
35 of the calendar year for which the license was granted. A

1 licensee shall have the month of December of the calendar year
2 for which the license was granted and the following month of
3 January to renew the license. A person who fails to renew a
4 license by the end of this time period and desires to hold a
5 license shall file a new license application and pay the
6 required fee.

7 Sec. 5. Section 322B.5, Code 2001, is amended to read as
8 follows:

9 322B.5 NOTIFICATION.

10 The department shall notify the state building code
11 commissioner of each license issued to a manufactured or
12 mobile home ~~dealer~~ retailer.

13 Sec. 6. Section 322B.6, Code 2001, is amended to read as
14 follows:

15 322B.6 REVOCATION, SUSPENSION, AND DENIAL OF LICENSE.

16 The department may revoke, suspend, or refuse the license
17 of a manufactured or mobile home ~~dealer~~ retailer, manufactured
18 or mobile home manufacturer, or manufactured or mobile home
19 distributor, as applicable, if the department finds that the
20 manufactured or mobile home ~~dealer~~ retailer, manufacturer, or
21 distributor is guilty of any of the following acts or
22 offenses:

23 1. Fraud in procuring a license.

24 2. Knowingly making misleading, deceptive, untrue or
25 fraudulent representations in the business of a manufactured
26 or mobile home ~~dealer~~ retailer, manufacturer, or distributor
27 or engaging in unethical conduct or practice harmful or
28 detrimental to the public.

29 3. Conviction of a felony related to the business of a
30 manufactured or mobile home ~~dealer~~ retailer, manufacturer, or
31 distributor. A copy of the record of conviction or plea of
32 guilty shall be sufficient evidence for the purposes of this
33 section.

34 4. Failing upon the sale or transfer of a manufactured or
35 mobile home to deliver to the purchaser or transferee of the

1 manufactured or mobile home sold or transferred, a
2 manufacturer's or importer's certificate, or a certificate of
3 title duly assigned, as provided in chapter 321.

4 5. Failing upon the purchasing or otherwise acquiring of a
5 manufactured or mobile home to obtain a manufacturer's or
6 importer's certificate, a new certificate of title or a
7 certificate of title duly assigned as provided in chapter 321.

8 6. Failing to apply for and obtain from a county treasurer
9 a certificate of title for a used manufactured or mobile home,
10 titled in Iowa, acquired by the ~~dealer~~ retailer within thirty
11 days from the date of acquisition, as required under section
12 321.45, subsection 4.

13 In accordance with chapters 10A and 17A, each person whose
14 license or application is revoked, suspended, or refused shall
15 be provided an opportunity for a hearing before the department
16 of inspections and appeals.

17 Sec. 7. Section 322B.8, Code 2001, is amended to read as
18 follows:

19 322B.8 UNLAWFUL PRACTICE.

20 It is unlawful for a person to engage in business as a
21 manufactured or mobile home ~~dealer~~ retailer, manufactured or
22 mobile home manufacturer, or manufactured or mobile home
23 distributor in this state without first acquiring and
24 maintaining a license in accordance with this chapter. A
25 person convicted of violating the provisions of this section
26 is guilty of a serious misdemeanor.

27 Sec. 8. Section 322B.9, Code 2001, is amended to read as
28 follows:

29 322B.9 MANUFACTURED HOME, MOBILE HOME, AND MODULAR HOME
30 RETAIL INSTALLMENT CONTRACT -- FINANCE CHARGE.

31 A retail installment contract or agreement for the sale of
32 a manufactured home, mobile home, or modular home may include
33 a finance charge not in excess of an amount equivalent to one
34 and three-fourths percent per month simple interest on the
35 declining balance of the amount financed.

1 "Amount financed" shall be as defined in section 537.1301.
2 The limitations contained in this section do not apply in a
3 transaction referred to in section 535.2, subsection 2. With
4 respect to a consumer credit sale, as defined in section
5 537.1301, the limitations contained in this section supersede
6 conflicting provisions of chapter 537, article 2, part 2.

7 Sec. 9. Section 331.301, subsection 15, Code 2001, is
8 amended to read as follows:

9 15. a. A county may adopt and enforce an ordinance
10 requiring the construction of a storm shelter at a
11 manufactured home community or mobile home park which is
12 constructed after July 1, 1999. In lieu of requiring
13 construction of a storm shelter, a county may require a
14 community or park owner to provide a plan for the evacuation
15 of community or park residents to a safe place of shelter in
16 times of severe weather including tornadoes and high winds if
17 the county determines that a safe place of shelter is
18 available within a reasonable distance of the manufactured
19 home community or mobile home park for use by community or
20 park residents. Each evacuation plan prepared pursuant to
21 this subsection shall be filed with, and approved by, the
22 local emergency management agency. If construction of a storm
23 shelter is required, an ordinance adopted or enforced pursuant
24 to this subsection shall not include any of the following
25 requirements:

26 (1) That the size of the storm shelter be larger than the
27 equivalent of seven square feet for each manufactured or
28 mobile home space in the manufactured home community or mobile
29 home park.

30 (2) That the storm shelter include a restroom if the
31 shelter is used exclusively as a storm shelter.

32 (3) That the storm shelter exceed the construction
33 specifications approved by a licensed professional engineer
34 and presented by the owner of the manufactured home community
35 or mobile home park.

1 (4) That the shelter be located any closer than one
2 thousand three hundred twenty feet from any manufactured or
3 mobile home in the manufactured home community or mobile home
4 park.

5 b. For the purposes of this subsection:

6 (1) "Manufactured home community" means the same as land-
7 leased community defined in sections 335.30A and 414.28A.

8 ~~(1)~~ (2) "Mobile home park" means a mobile home park as
9 defined in section 562B.7.

10 ~~(2)~~ (3) "Storm shelter" means a single structure or
11 multiple structures designed to provide persons with temporary
12 protection from a storm.

13 Sec. 10. Section 364.3, subsections 5 and 8, Code 2001,
14 are amended to read as follows:

15 5. A city shall not adopt or enforce any ordinance
16 imposing any registration or licensing system or registration
17 or license fees for owner-occupied manufactured or mobile
18 homes including the lots or lands upon which they are located.
19 A city shall not adopt or enforce any ordinance imposing any
20 registration or licensing system, or registration or license
21 fees, or safety or sanitary standards for rental manufactured
22 or mobile homes unless similar registration or licensing
23 system, or registration or license fees, or safety or sanitary
24 standards are required for other rental properties intended
25 for human habitation. This subsection does not preclude the
26 investigation and abatement of a nuisance or the enforcement
27 of a tiedown system, or the enforcement of any regulations of
28 the state or local board of health if those regulations apply
29 to other rental properties or to owner-occupied housing
30 intended for human habitation.

31 8. a. A city may adopt and enforce an ordinance requiring
32 the construction of a storm shelter at a manufactured home
33 community or mobile home park which is constructed after July
34 1, 1999. In lieu of requiring construction of a storm
35 shelter, a city may require a community or park owner to

1 provide a plan for the evacuation of community or park
2 residents to a safe place of shelter in times of severe
3 weather including tornadoes and high winds if the city
4 determines that a safe place of shelter is available within a
5 reasonable distance of the manufactured home community or
6 mobile home park for use by community or park residents. Each
7 evacuation plan prepared pursuant to this subsection shall be
8 filed with, and approved by, the local emergency management
9 agency. If construction of a storm shelter is required, an
10 ordinance adopted or enforced pursuant to this subsection
11 shall not include any of the following requirements:

12 (1) That the size of the storm shelter be larger than the
13 equivalent of seven square feet for each manufactured or
14 mobile home space in the manufactured home community or mobile
15 home park.

16 (2) That the storm shelter include a restroom if the
17 shelter is used exclusively as a storm shelter.

18 (3) That the storm shelter exceed the construction
19 specifications approved by a licensed professional engineer
20 and presented by the owner of the manufactured home community
21 or mobile home park.

22 (4) That the shelter be located any closer than one
23 thousand three hundred twenty feet from any manufactured or
24 mobile home in the community. However, this restriction shall
25 not prohibit the adoption or enforcement of an ordinance that
26 requires a minimum of one shelter to be located in a
27 manufactured home community or mobile home park.

28 b. For the purposes of this subsection:

29 (1) "Manufactured home community" means the same as land-
30 leased community defined in sections 335.30A and 414.28A.

31 (2) "Mobile home park" means a mobile home park as
32 defined in section 562B.7.

33 (3) "Storm shelter" means a single structure or
34 multiple structures designed to provide persons with temporary
35 protection from a storm.

1 Sec. 11. Section 435.1, Code 2001, is amended to read as
2 follows:

3 435.1 DEFINITIONS.

4 The following definitions shall apply to this chapter:

5 1. Unless the context otherwise requires, "book", "list",
6 "record", or "schedule" kept by a county auditor, assessor,
7 treasurer, recorder, sheriff, or other county officer means
8 the county system as defined in section 445.1.

9 2. "Home" means a mobile home or a manufactured home.

10 3. "Manufactured home" means a factory-built structure
11 built under authority of 42 U.S.C. § 5403, that is required by
12 federal law to display a seal from the United States
13 department of housing and urban development, and was
14 constructed on or after June 15, 1976. If a manufactured home
15 is placed in a manufactured home community or a mobile home
16 park, the home must be titled and is subject to the
17 manufactured or mobile home square foot tax. If a
18 manufactured home is placed outside a manufactured home
19 community or a mobile home park, the home must be titled and
20 is to be assessed and taxed as real estate.

21 3A. "Manufactured home community" means the same as land-
22 leased community defined in sections 335.30A and 414.28A.

23 4. "Mobile home" means any vehicle without motive power
24 used or so manufactured or constructed as to permit its being
25 used as a conveyance upon the public streets and highways and
26 so designed, constructed, or reconstructed as will permit the
27 vehicle to be used as a place for human habitation by one or
28 more persons; but shall also include any such vehicle with
29 motive power not registered as a motor vehicle in Iowa. A
30 "mobile home" is not built to a mandatory building code,
31 contains no state or federal seals, and was built before June
32 15, 1976. If a mobile home is placed outside a mobile home
33 park, the home is to be assessed and taxed as real estate.

34 5. "Mobile home park" means a site, lot, field, or tract
35 of land upon which three or more mobile homes or manufactured

1 homes, or a combination of any of these homes are placed on
2 developed spaces and operated as a for-profit enterprise with
3 water, sewer or septic, and electrical services available.

4 The term "manufactured home community" or "mobile home
5 park" shall not be construed to include manufactured or mobile
6 homes, buildings, tents or other structures temporarily
7 maintained by any individual, educational institution, or
8 company on their own premises and used exclusively to house
9 their own labor or students.

10 A manufactured home community or a mobile home park must be
11 classified as to whether it is a residential manufactured home
12 community or a mobile home park or a recreational manufactured
13 home community or a mobile home park or both. The
14 manufactured home community or mobile home park residential
15 landlord and tenant Act only applies to residential
16 manufactured home communities or mobile home parks.

17 6. "Modular home" means a factory-built structure which is
18 manufactured to be used as a place of human habitation, is
19 constructed to comply with the Iowa state building code for
20 modular factory-built structures, and must display the seal
21 issued by the state building code commissioner. If a modular
22 home is placed in a manufactured home community or mobile home
23 park, the home is subject to the annual tax as required by
24 section 435.22. If a modular home is placed outside a
25 manufactured home community or a mobile home park, the home
26 shall be considered real property and is to be assessed and
27 taxed as real estate.

28 Sec. 12. Section 555C.1, Code 2001, is amended to read as
29 follows:

30 555C.1 DEFINITIONS.

31 As used in this chapter, unless the context otherwise
32 requires:

33 1. "Home" means a mobile home, modular home, or a
34 manufactured home as defined in section 435.1.

35 1A. "Manufactured home community" means a manufactured

1 home community as defined in section 435.1.

2 2. "Mobile home park" means a mobile home park as defined
3 in section 435.1.

4 3. "Personal property" includes personal property of the
5 owner or other occupant of the home, which is located in the
6 home, on the lot where the home is located, in the immediate
7 vicinity of the home or lot, or in any storage area provided
8 by the real property owner for use of the home owner or
9 occupant.

10 4. "Valueless home" means a home located in a manufactured
11 home community or a mobile home park including all other
12 personal property, where all of the following conditions
13 exist:

14 a. The home has been abandoned as defined in section
15 562B.27, subsection 1, and the home has not been removed after
16 the right to possession of the underlying real estate has been
17 terminated pursuant to chapter 648.

18 b. A lien of record, other than a tax lien as provided in
19 chapter 435, does not exist against the home. A lien exists
20 only if the real property owner receives notice of a lien on
21 the standardized registration form completed by an owner or
22 occupant pursuant to chapter 562B, or a lien has been filed in
23 the state or county records on a date before the home is
24 considered to be valueless.

25 c. The value of the home and other personal property is
26 equal to or less than the reasonable cost of disposal plus all
27 sums owing to the real property owner pertaining to the home.

28 Sec. 13. Section 562B.7, Code 2001, is amended to read as
29 follows:

30 562B.7 GENERAL DEFINITIONS.

31 Subject to additional definitions contained in subsequent
32 sections of this chapter which apply to specific sections
33 thereof, and unless the context otherwise requires, in this
34 chapter:

35 1. "Building and housing codes" include any law,

1 ordinance, or governmental regulation concerning fitness for
2 habitation, or the construction, maintenance, operation,
3 occupancy, use, or appearance of any manufactured home
4 community or mobile home park, dwelling unit, or manufactured
5 or mobile home space.

6 2. "Business" includes a corporation, government,
7 governmental subdivision or agency, business trust, estate,
8 trust, partnership or association, two or more persons having
9 a joint or common interest, and any other legal or commercial
10 entity which is a landlord, owner, manager, or constructive
11 agent pursuant to section 562B.14.

12 3. "Dwelling unit" excludes real property used to
13 accommodate a manufactured or mobile home.

14 4. "Landlord" means the owner, lessor, or sublessor of a
15 manufactured home community or a mobile home park and it also
16 means a manager of the manufactured home community or a mobile
17 home park who fails to disclose as required by section
18 562B.14.

19 4A. "Manufactured home community" means the same as land-
20 leased community defined in sections 335.30A and 414.28A.

21 5. "Mobile home" means any vehicle without motive power
22 used or so manufactured or constructed as to permit its being
23 used as a conveyance upon the public streets and highways and
24 so designed, constructed, or reconstructed as will permit the
25 vehicle to be used as a place for human habitation by one or
26 more persons; but shall also include any such vehicle with
27 motive power not registered as a motor vehicle in Iowa.
28 References in this chapter to "mobile home" include
29 "manufactured homes" and "modular homes" as those terms are
30 defined in section 435.1, if the manufactured homes or modular
31 homes are located in a manufactured home community or a mobile
32 home park.

33 6. "Mobile home park" shall mean any site, lot, field or
34 tract of land upon which three or more mobile homes,
35 manufactured homes, or modular homes or a combination of any

1 of these homes are placed on developed spaces and operated as
2 a for-profit enterprise with water, sewer or septic, and
3 electrical services available.

4 7. "Mobile home space" means a parcel of land for rent
5 which has been designed to accommodate a mobile home and
6 provide the required sewer and utility connections.

7 8. "Owner" means one or more persons, jointly or
8 severally, in whom is vested all or part of the legal title to
9 property or all or part of the beneficial ownership and a
10 right to present use and enjoyment of the manufactured home
11 community or the mobile home park. The term includes a
12 mortgagee in possession.

13 9. "Rent" means a payment to be made to the landlord under
14 the rental agreement.

15 10. "Rental agreement" means agreements, written or those
16 implied by law, and valid rules and regulations adopted under
17 section 562B.19 embodying the terms and conditions concerning
18 the use and occupancy of a mobile home space.

19 11. "Rental deposit" means a deposit of money to secure
20 performance of a mobile home space rental agreement under this
21 chapter other than a deposit which is exclusively in advance
22 payment of rent.

23 12. "Tenant" means a person entitled under a rental
24 agreement to occupy a mobile home space to the exclusion of
25 others.

26 Sec. 14. Section 562B.9, unnumbered paragraph 2, Code
27 2001, is amended to read as follows:

28 Any notice required under this chapter ~~given-to-all-tenants~~
29 ~~of-a-mobile-home-park~~, except a written notice of termination
30 required by section 562B.25, subsection 1 or 2, a notice of
31 termination and notice to quit under section 562B.25A, a
32 notice to quit as required by section 648.3, or a petition for
33 forcible entry and detainer pursuant to chapter 648, shall be
34 deemed legally sufficient notice if made by posting at or
35 delivering to each manufactured or mobile home space. The

1 date of posting of the notice shall be written on the notice.

2 Sec. 15. Section 648.19, subsection 3, Code 2001, is
3 amended to read as follows:

4 3. An action under this chapter that is filed in
5 connection with another action in accordance with this section
6 ~~shall~~ may be treated as a merged case or may be treated only
7 as a joint filing of separate cases. If the action is merged,
8 both actions shall follow the rules applicable to a forcible
9 entry and detention action. If a merger of actions is not
10 requested, the actions shall be treated as a joint filing of
11 separate cases and assigned separate case numbers, but with a
12 single filing fee. In the event that a counter-claim is filed
13 by a defendant, the action for money damages shall be
14 scheduled for hearing separate from the forcible entry and
15 detention action. In the event that a defendant defaults or
16 fails to appear in a merged action pursuant to this section,
17 the court shall not enter a judgment on the action for money
18 damages until twenty days after service of process. The court
19 ~~shall not merge the causes of action.~~ The court shall
20 consider the jointly filed cases separately and shall consider
21 each case according to the rules applicable to that type of
22 case.

23 Sec. 16. Sections 103A.3, 103A.30, 103A.31, 321.1, 321.47,
24 321.123, 321.251, 321.284A, 321.457, 321E.28, 321E.31,
25 331.429, 331.653, 422.43, 422A.1, 425.17, 426A.11, 427.11,
26 435.22, 441.17, 445.1, 445.36A, 445.37, 445.38, 515C.1,
27 534.605, 562B.2, 562B.13, 631.1, 631.4, and 648.3, Code 2001,
28 are amended by inserting before the words "mobile home" the
29 words "manufactured or".

30 Sec. 17. Sections 103A.9, 135I.4, 306C.10, 321.251,
31 331.301, 335.30, 414.28, 422.42, 427.1, 435.22, 435.23,
32 435.24, 435.26, 435.27, 435.28, 435.34, 435.35, 441.17,
33 555B.1, 555C.2, 555C.3, 555C.4, 557B.1, 562B.1, 562B.13,
34 562B.14, 562B.15, 562B.16, 562B.17, 562B.18, 562B.19, 562B.22,
35 562B.23, 562B.24, 562B.32, 648.22A, and 648.22B, Code 2001,

1 are amended by inserting before the words "mobile home park"
2 or "park" the words "manufactured home community or".

3 Sec. 18. Sections 321.1, 321.18, 321.20, 321.24, 321.30,
4 321.45, 321.46, 321.49, 321.50, 321.57, 321.101, 321.104,
5 321.123, and 423.4, Code 2001, are amended by striking the
6 words "manufactured housing" and inserting in lieu thereof the
7 words "manufactured home".

8 Sec. 19. Sections 321.46, 321.49, 321.57, 321.58, and
9 435.27, Code 2001, are amended by the striking the words
10 "mobile home dealer" or "dealer" and inserting in lieu thereof
11 the words "manufactured home retailer".

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SENATE AMENDMENT TO HOUSE FILE 656

H-1716

- 1 Amend House File 656, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 15, by striking lines 2 through 22.
- 4 2. Title page, by striking lines 2 through 4, and
- 5 inserting the following: "or mobile homes, and
- 6 providing coordinating amendments."
- 7 3. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-1716 FILED APRIL 25, 2001

House Concurred
4-27-01 P. 1622

HOUSE FILE 656

S-3337

- 1 Amend House File 656, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 8, line 2, by striking the words "three
4 hundred twenty".
5 2. Page 9, line 23, by striking the words "three
6 hundred twenty".

By JOHN W. JENSEN

S-3337 FILED APRIL 11, 2001

lost 4/25/01
(P. 1320)

HOUSE FILE 656

S-3338

- 1 Amend House File 656, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, line 27 by striking the word "seven"
4 and inserting the following: "seven twenty-two".
5 2. Page 7, by striking lines 32 through 35 and
6 inserting the following:
7 "(3) That the storm shelter exceed the
8 ~~construction specifications approved by a licensed~~
9 ~~professional engineer and presented by the owner of~~
10 ~~the mobile home park minimum standards published in~~
11 Federal Energy Management Agency Publication 361
12 Design and Construction Guidance for Community
13 Shelters."
14 3. Page 9, line 13 by striking the word "seven"
15 and inserting the following: "seven twenty-two".
16 4. Page 9, by striking lines 18 through 21 and
17 inserting the following:
18 "(3) That the storm shelter exceed the
19 ~~construction specifications approved by a licensed~~
20 ~~professional engineer and presented by the owner of~~
21 ~~the mobile home park minimum standards published in~~
22 Federal Energy Management Agency Publication 361
23 Design and Construction Guidance for Community
24 Shelters."

By JOHN W. JENSEN

S-3338 FILED APRIL 11, 2001

lost
4/25/01
(P. 1320)

HOUSE FILE 656**S-3370**

1 Amend House File 656, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 7, by striking lines 12 through 22 and
4 inserting the following: "constructed after July 1,
5 1999. ~~In lieu of requiring construction of a storm
6 shelter, a county may require a park owner to provide
7 a plan for the evacuation of park residents to a safe
8 place of shelter in times of severe weather including
9 tornadoes and high winds if the county determines that
10 a safe place of shelter is available within a
11 reasonable distance of the mobile home park for use by
12 park residents. Each evacuation plan prepared
13 pursuant to this subsection shall be filed with, and
14 approved by, the local emergency management agency.
15 If construction of a storm"~~

16 2. By striking page 8, line 34, through page 9,
17 line 9, and inserting the following: "1, 1999. ~~In
18 lieu of requiring construction of a storm shelter, a
19 city may require a park owner to provide a plan for
20 the evacuation of park residents to a safe place of
21 shelter in times of severe weather including tornadoes
22 and high winds if the city determines that a safe
23 place of shelter is available within a reasonable
24 distance of the mobile home park for use by park
25 residents. Each evacuation plan prepared pursuant to
26 this subsection shall be filed with, and approved by,
27 the local emergency management agency. If
28 construction of a storm shelter is required, an".~~

By O. GENE MADDOX

S-3370 FILED APRIL 17, 2001

*W/D
4/25/01 (P.1319)*

HOUSE FILE 656**S-3390**

1 Amend House File 656, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 15, by striking lines 2 through 22.
4 2. Title page, by striking lines 2 through 4, and
5 inserting the following: "or mobile homes, and
6 providing coordinating amendments."
7 3. By renumbering as necessary.

**By JACK HOLVECK
ANDY McKEAN**

Adopted 4/25/01 (P.1320)

S-3390 FILED APRIL 18, 2001

HOUSE FILE 656

AN ACT

RELATING TO THE LICENSING AND REGULATION OF MANUFACTURED
OR MOBILE HOMES, AND PROVIDING COORDINATING AMENDMENTS.

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

Section 1. Section 322B.1, Code 2001, is amended by striking the section and inserting in lieu thereof the following:

322B.1 SHORT TITLE.

This chapter may be cited as the "Manufactured or Mobile Home Retailers Licensing Act".

Sec. 2. Section 322B.2, Code 2001, is amended by striking the section and inserting in lieu thereof the following:

322B.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Department" means the state department of transportation.
2. "Home" means a manufactured home, mobile home, or modular home.
3. "Manufactured home" means a factory-built structure built under the authority of 42 U.S.C. § 5403, that is required by federal law to display a seal required by the United States department of housing and urban development, and was constructed on or after June 15, 1976.
4. "Manufactured or mobile home distributor" means a person who sells or distributes manufactured or mobile homes to manufactured home retailers.
5. "Manufactured or mobile home manufacturer" means a person engaged in the business of fabricating or assembling manufactured or mobile homes.

6. "Manufactured or mobile home retailer" means a person who, for a commission or other thing of value, sells, exchanges, or offers or attempts to negotiate a sale or exchange of an interest in a home or who is engaged wholly or in part in the business of selling homes, whether or not the homes are owned by the retailer. "Manufactured or mobile home retailer" does not include any of the following:

- a. A receiver, trustee, administrator, executor, guardian, attorney, or other person appointed by or acting under the judgment or order of a court to transfer an interest in a home.
- b. A person transferring a home registered in the person's name and used for personal, family, or household purposes, if the transfer is an occasional sale and is not part of the business of the transferor.
- c. A person who transfers an interest in a home only as an incident to engaging in the business of financing new or used homes.
- d. A person who exclusively sells modular homes.
7. "Mobile home" means a structure, transportable in one or more sections, which exceeds eight feet in width and thirty-two feet in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to one or more utilities. A "mobile home" is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976.
8. "Modular home" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, and displays a seal issued by the state building code commissioner.
9. "New home" means a home that has not been sold at retail.

10. "Preowned home" means a home that has been previously sold at retail.

11. "Retailer's inventory" means homes offered for sale at the retailer's licensed address or at any mobile home park or land-lease community so long as the title of the home is in the retailer's name and the home is not being occupied.

12. "Sell at retail" means to sell a home to a person who will devote it to a consumer use.

Sec. 3. Section 322B.3, Code 2001, is amended to read as follows:

322B.3 MANUFACTURED OR MOBILE HOME DEALER RETAILER LICENSE
-- PROCEDURE.

1. LICENSE APPLICATION. A manufactured or mobile home dealer retailer shall file in the office of the department an application for license as a manufactured or mobile home dealer retailer in the same manner as a motor vehicle dealer applicant under section 322.4 or as the department may prescribe. A manufactured or mobile home dealer retailer license may be issued in the same manner as a motor vehicle dealer license pursuant to section 322.7.

2. LICENSE FEES. The license fee for a manufactured or mobile home dealer retailer is seventy dollars for a two-year license, one hundred forty dollars for a four-year license, or two hundred ten dollars for a six-year license. If the application is denied, the department shall refund the fee. Fees and funds accruing from the administration of this chapter shall be accounted for and paid by the department to the treasurer of state monthly for deposit in the road use tax fund of the state.

3. SURETY BOND. Before the issuance of a manufactured or mobile home dealer's retailer's license, an applicant for a license shall file with the department a surety bond executed by the applicant as principal and executed by a corporate surety company, licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in

the amount of fifty thousand dollars and be conditioned upon the faithful compliance by the applicant as a dealer retailer with all of the statutes of this state regulating the business of the dealer retailer and indemnifying any person dealing or transacting business with the dealer retailer in connection with a manufactured or mobile home, from a loss or damage occasioned by the failure of the dealer retailer to comply with this chapter, including, but not limited to, the furnishing of a proper and valid document of title to the manufactured or mobile home involved in the transaction.

4. PERMITS FOR FAIRS, SHOWS, AND EXHIBITIONS. Mobile Manufactured or mobile home dealers retailers, in addition to selling mobile homes at their principal place of business and lots, may, upon receipt of a temporary permit approved by the department, display and offer new mobile manufactured homes for sale and negotiate sales of new mobile manufactured homes at fairs, shows, and exhibitions which are approved by the department. Application for temporary permits shall be made upon forms provided by the department and shall be accompanied by a ten dollar permit fee. Temporary permits shall be issued for a period not to exceed fourteen days.

5. MANUFACTURED OR MOBILE HOME HOOKUPS. A manufactured or mobile home dealer retailer or an employee of a manufactured or mobile home dealer retailer may perform water, gas, electrical, and other utility service connections in a manufactured or mobile home space, or within ten feet of such space, located in a manufactured home community or mobile home park, and the dealer retailer or an employee of the dealer retailer may install a tie-down system on a manufactured or mobile home located in a manufactured home community or mobile home park. The connections are subject to inspection and approval by local building code officials and the manufactured or mobile home dealer retailer shall pay the inspection fee, if any.

Sec. 4. Section 322B.4, Code 2001, is amended to read as follows:

322B.4 LICENSE APPLICATION AND FEES.

Upon application and payment of a thirty-five dollar fee, a person may be licensed as a manufacturer or distributor of manufactured or mobile homes. The application shall be in the form and shall contain information as the department prescribes. The license shall be granted or refused within thirty days after application. The license expires, unless sooner revoked or suspended by the department, on December 31 of the calendar year for which the license was granted. A licensee shall have the month of December of the calendar year for which the license was granted and the following month of January to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee.

Sec. 5. Section 322B.5, Code 2001, is amended to read as follows:

322B.5 NOTIFICATION.

The department shall notify the state building code commissioner of each license issued to a manufactured or mobile home dealer retailer.

Sec. 6. Section 322B.6, Code 2001, is amended to read as follows:

322B.6 REVOCATION, SUSPENSION, AND DENIAL OF LICENSE.

The department may revoke, suspend, or refuse the license of a manufactured or mobile home dealer retailer, manufactured or mobile home manufacturer, or manufactured or mobile home distributor, as applicable, if the department finds that the manufactured or mobile home dealer retailer, manufacturer, or distributor is guilty of any of the following acts or offenses:

1. Fraud in procuring a license.

2. Knowingly making misleading, deceptive, untrue or fraudulent representations in the business of a manufactured or mobile home dealer retailer, manufacturer, or distributor or engaging in unethical conduct or practice harmful or detrimental to the public.

3. Conviction of a felony related to the business of a manufactured or mobile home dealer retailer, manufacturer, or distributor. A copy of the record of conviction or plea of guilty shall be sufficient evidence for the purposes of this section.

4. Failing upon the sale or transfer of a manufactured or mobile home to deliver to the purchaser or transferee of the manufactured or mobile home sold or transferred, a manufacturer's or importer's certificate, or a certificate of title duly assigned, as provided in chapter 321.

5. Failing upon the purchasing or otherwise acquiring of a manufactured or mobile home to obtain a manufacturer's or importer's certificate, a new certificate of title or a certificate of title duly assigned as provided in chapter 321.

6. Failing to apply for and obtain from a county treasurer a certificate of title for a used manufactured or mobile home, titled in Iowa, acquired by the dealer retailer within thirty days from the date of acquisition, as required under section 321.45, subsection 4.

In accordance with chapters 10A and 17A, each person whose license or application is revoked, suspended, or refused shall be provided an opportunity for a hearing before the department of inspections and appeals.

Sec. 7. Section 322B.8, Code 2001, is amended to read as follows:

322B.8 UNLAWFUL PRACTICE.

It is unlawful for a person to engage in business as a manufactured or mobile home dealer retailer, manufactured or mobile home manufacturer, or manufactured or mobile home distributor in this state without first acquiring and

maintaining a license in accordance with this chapter. A person convicted of violating the provisions of this section is guilty of a serious misdemeanor.

Sec. 8. Section 322B.9, Code 2001, is amended to read as follows:

322B.9 MANUFACTURED HOME, MOBILE HOME, AND MODULAR HOME RETAIL INSTALLMENT CONTRACT -- FINANCE CHARGE.

A retail installment contract or agreement for the sale of a manufactured home, mobile home, or modular home may include a finance charge not in excess of an amount equivalent to one and three-fourths percent per month simple interest on the declining balance of the amount financed.

"Amount financed" shall be as defined in section 537.1301.

The limitations contained in this section do not apply in a transaction referred to in section 535.2, subsection 2. With respect to a consumer credit sale, as defined in section 537.1301, the limitations contained in this section supersede conflicting provisions of chapter 537, article 2, part 2.

Sec. 9. Section 331.301, subsection 15, Code 2001, is amended to read as follows:

15. a. A county may adopt and enforce an ordinance requiring the construction of a storm shelter at a manufactured home community or mobile home park which is constructed after July 1, 1999. In lieu of requiring construction of a storm shelter, a county may require a community or park owner to provide a plan for the evacuation of community or park residents to a safe place of shelter in times of severe weather including tornadoes and high winds if the county determines that a safe place of shelter is available within a reasonable distance of the manufactured home community or mobile home park for use by community or park residents. Each evacuation plan prepared pursuant to this subsection shall be filed with, and approved by, the local emergency management agency. If construction of a storm shelter is required, an ordinance adopted or enforced pursuant

to this subsection shall not include any of the following requirements:

(1) That the size of the storm shelter be larger than the equivalent of seven square feet for each manufactured or mobile home space in the manufactured home community or mobile home park.

(2) That the storm shelter include a restroom if the shelter is used exclusively as a storm shelter.

(3) That the storm shelter exceed the construction specifications approved by a licensed professional engineer and presented by the owner of the manufactured home community or mobile home park.

(4) That the shelter be located any closer than one thousand three hundred twenty feet from any manufactured or mobile home in the manufactured home community or mobile home park.

b. For the purposes of this subsection:

(1) "Manufactured home community" means the same as land-leased community defined in sections 335.30A and 414.28A.

{1} (2) "Mobile home park" means a mobile home park as defined in section 562B.7.

{2} (3) "Storm shelter" means a single structure or multiple structures designed to provide persons with temporary protection from a storm.

Sec. 10. Section 364.3, subsections 5 and 8, Code 2001, are amended to read as follows:

5. A city shall not adopt or enforce any ordinance imposing any registration or licensing system or registration or license fees for owner-occupied manufactured or mobile homes including the lots or lands upon which they are located. A city shall not adopt or enforce any ordinance imposing any registration or licensing system, or registration or license fees, or safety or sanitary standards for rental manufactured or mobile homes unless similar registration or licensing system, or registration or license fees, or safety or sanitary

standards are required for other rental properties intended for human habitation. This subsection does not preclude the investigation and abatement of a nuisance or the enforcement of a tiedown system, or the enforcement of any regulations of the state or local board of health if those regulations apply to other rental properties or to owner-occupied housing intended for human habitation.

8. a. A city may adopt and enforce an ordinance requiring the construction of a storm shelter at a manufactured home community or mobile home park which is constructed after July 1, 1999. In lieu of requiring construction of a storm shelter, a city may require a community or park owner to provide a plan for the evacuation of community or park residents to a safe place of shelter in times of severe weather including tornadoes and high winds if the city determines that a safe place of shelter is available within a reasonable distance of the manufactured home community or mobile home park for use by community or park residents. Each evacuation plan prepared pursuant to this subsection shall be filed with, and approved by, the local emergency management agency. If construction of a storm shelter is required, an ordinance adopted or enforced pursuant to this subsection shall not include any of the following requirements:

(1) That the size of the storm shelter be larger than the equivalent of seven square feet for each manufactured or mobile home space in the manufactured home community or mobile home park.

(2) That the storm shelter include a restroom if the shelter is used exclusively as a storm shelter.

(3) That the storm shelter exceed the construction specifications approved by a licensed professional engineer and presented by the owner of the manufactured home community or mobile home park.

(4) That the shelter be located any closer than one thousand three hundred twenty feet from any manufactured or

mobile home in the community. However, this restriction shall not prohibit the adoption or enforcement of an ordinance that requires a minimum of one shelter to be located in a manufactured home community or mobile home park.

b. For the purposes of this subsection:

(1) "Manufactured home community" means the same as land-leased community defined in sections 335.30A and 414.28A.

(2) "Mobile home park" means a mobile home park as defined in section 562B.7.

(3) "Storm shelter" means a single structure or multiple structures designed to provide persons with temporary protection from a storm.

Sec. 11. Section 435.1, Code 2001, is amended to read as follows:

435.1 DEFINITIONS.

The following definitions shall apply to this chapter:

1. Unless the context otherwise requires, "book", "list", "record", or "schedule" kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2. "Home" means a mobile home or a manufactured home.

3. "Manufactured home" means a factory-built structure built under authority of 42 U.S.C. § 5403, that is required by federal law to display a seal from the United States department of housing and urban development, and was constructed on or after June 15, 1976. If a manufactured home is placed in a manufactured home community or a mobile home park, the home must be titled and is subject to the manufactured or mobile home square foot tax. If a manufactured home is placed outside a manufactured home community or a mobile home park, the home must be titled and is to be assessed and taxed as real estate.

3A. "Manufactured home community" means the same as land-leased community defined in sections 335.30A and 414.28A.

4. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A "mobile home" is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976. If a mobile home is placed outside a mobile home park, the home is to be assessed and taxed as real estate.

5. "Mobile home park" means a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term "manufactured home community" or "mobile home park" shall not be construed to include manufactured or mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.

A manufactured home community or a mobile home park must be classified as to whether it is a residential manufactured home community or a mobile home park or a recreational manufactured home community or a mobile home park or both. The manufactured home community or mobile home park residential landlord and tenant Act only applies to residential manufactured home communities or mobile home parks.

6. "Modular home" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, and must display the seal issued by the state building code commissioner. If a modular home is placed in a manufactured home community or mobile home

park, the home is subject to the annual tax as required by section 435.22. If a modular home is placed outside a manufactured home community or a mobile home park, the home shall be considered real property and is to be assessed and taxed as real estate.

Sec. 12. Section 555C.1, Code 2001, is amended to read as follows:

555C.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Home" means a mobile home, modular home, or a manufactured home as defined in section 435.1.

1A. "Manufactured home community" means a manufactured home community as defined in section 435.1.

2. "Mobile home park" means a mobile home park as defined in section 435.1.

3. "Personal property" includes personal property of the owner or other occupant of the home, which is located in the home, on the lot where the home is located, in the immediate vicinity of the home or lot, or in any storage area provided by the real property owner for use of the home owner or occupant.

4. "Valueless home" means a home located in a manufactured home community or a mobile home park including all other personal property, where all of the following conditions exist:

a. The home has been abandoned as defined in section 562B.27, subsection 1, and the home has not been removed after the right to possession of the underlying real estate has been terminated pursuant to chapter 648.

b. A lien of record, other than a tax lien as provided in chapter 435, does not exist against the home. A lien exists only if the real property owner receives notice of a lien on the standardized registration form completed by an owner or occupant pursuant to chapter 562B, or a lien has been filed in

the state or county records on a date before the home is considered to be valueless.

c. The value of the home and other personal property is equal to or less than the reasonable cost of disposal plus all sums owing to the real property owner pertaining to the home.

Sec. 13. Section 562B.7, Code 2001, is amended to read as follows:

562B.7 GENERAL DEFINITIONS.

Subject to additional definitions contained in subsequent sections of this chapter which apply to specific sections thereof, and unless the context otherwise requires, in this chapter:

1. "Building and housing codes" include any law, ordinance, or governmental regulation concerning fitness for habitation, or the construction, maintenance, operation, occupancy, use, or appearance of any manufactured home community or mobile home park, dwelling unit, or manufactured or mobile home space.

2. "Business" includes a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity which is a landlord, owner, manager, or constructive agent pursuant to section 562B.14.

3. "Dwelling unit" excludes real property used to accommodate a manufactured or mobile home.

4. "Landlord" means the owner, lessor, or sublessor of a manufactured home community or a mobile home park and it also means a manager of the manufactured home community or a mobile home park who fails to disclose as required by section 562B.14.

4A. "Manufactured home community" means the same as land-leased community defined in sections 335.30A and 414.28A.

5. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being

used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. References in this chapter to "mobile home" include "manufactured homes" and "modular homes" as those terms are defined in section 435.1, if the manufactured homes or modular homes are located in a manufactured home community or a mobile home park.

6. "Mobile home park" shall mean any site, lot, field or tract of land upon which three or more mobile homes, manufactured homes, or modular homes or a combination of any of these homes are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

7. "Mobile home space" means a parcel of land for rent which has been designed to accommodate a mobile home and provide the required sewer and utility connections.

8. "Owner" means one or more persons, jointly or severally, in whom is vested all or part of the legal title to property or all or part of the beneficial ownership and a right to present use and enjoyment of the manufactured home community or the mobile home park. The term includes a mortgagee in possession.

9. "Rent" means a payment to be made to the landlord under the rental agreement.

10. "Rental agreement" means agreements, written or those implied by law, and valid rules and regulations adopted under section 562B.19 embodying the terms and conditions concerning the use and occupancy of a mobile home space.

11. "Rental deposit" means a deposit of money to secure performance of a mobile home space rental agreement under this chapter other than a deposit which is exclusively in advance payment of rent.

12. "Tenant" means a person entitled under a rental agreement to occupy a mobile home space to the exclusion of others.

Sec. 14. Section 562B.9, unnumbered paragraph 2, Code 2001, is amended to read as follows:

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 manufactured or mobile home space. The date of posting of the notice shall be written on the notice.

Sec. 15. Sections 103A.3, 103A.30, 103A.31, 321.1, 321.47, 321.123, 321.251, 321.284A, 321.457, 321E.28, 321E.31, 331.429, 331.653, 422.43, 422A.1, 425.17, 426A.11, 427.11, 435.22, 441.17, 445.1, 445.36A, 445.37, 445.38, 515C.1, 534.605, 562B.2, 562B.13, 631.1, 631.4, and 648.3, Code 2001, are amended by inserting before the words "mobile home" the words "manufactured or".

Sec. 16. Sections 103A.9, 135I.4, 306C.10, 321.251, 331.301, 335.30, 414.28, 422.42, 427.1, 435.22, 435.23, 435.24, 435.26, 435.27, 435.28, 435.34, 435.35, 441.17, 555B.1, 555C.2, 555C.3, 555C.4, 557B.1, 562B.1, 562B.13, 562B.14, 562B.15, 562B.16, 562B.17, 562B.18, 562B.19, 562B.22, 562B.23, 562B.24, 562B.32, 648.22A, and 648.22B, Code 2001, are amendeded by inserting before the words "mobile home park" or "park" the words "manufactured home community or".

Sec. 17. Sections 321.1, 321.18, 321.20, 321.24, 321.30, 321.45, 321.46, 321.49, 321.50, 321.57, 321.101, 321.104, 321.123, and 423.4, Code 2001, are amended by striking the words "manufactured housing" and inserting in lieu thereof the words "manufactured home".

Sec. 18. Sections 321.46, 321.49, 321.57, 321.58, and 435.27, Code 2001, are amended by the striking the words "mobile home dealer" or "dealer" and inserting in lieu thereof the words "manufactured home retailer".

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 656, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved May 21, 2001

THOMAS J. VILSACK
Governor