

FILED FEB 23 2005

JUDICIARY

SENATE FILE 208

BY TINSMAN, DVORSKY, and WARD

(COMPANION TO LSB 2616HH

BY HUSER)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to a landlord's retaliatory actions against a
2 tenant for summoning or receiving police or emergency
3 assistance in response to a domestic abuse situation.

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

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SF 208 JUDICIARY

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1 Section 1. Section 562A.36, subsection 1, Code 2005, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. d. The tenant has summoned or received
4 police or emergency assistance in response to a situation
5 involving domestic abuse as defined in section 236.2.

6 Sec. 2. Section 562B.32, subsection 1, Code 2005, is
7 amended by adding the following new paragraph:

8 NEW PARAGRAPH. cc. The tenant has summoned or received
9 police or emergency assistance in response to a situation
10 involving domestic abuse as defined in section 236.2.

11 EXPLANATION

12 This bill relates to residential landlord-tenant law, by
13 making certain changes related to family violence and domestic
14 abuse.

15 The bill provides that a landlord under Code chapter 562A
16 (uniform residential landlord-tenant law) or Code chapter 562B
17 (mobile home parks residential landlord-tenant law) may not
18 retaliate against a tenant by increasing rent, decreasing
19 services, or by bringing or threatening to bring an action for
20 possession after the tenant has summoned or received police or
21 emergency assistance in response to a domestic abuse situation
22 as defined in Code section 236.2. Domestic abuse is defined
23 as an assault committed between persons who are married or
24 have been married and who are not currently living together,
25 persons who are the parents of the same minor child, family or
26 household members 18 or older who are currently living
27 together or who have lived together in the past year, and
28 persons who are in an intimate relationship and have had
29 contact within the past year of the assault.

30 If a landlord acts in violation of the bill, a tenant's
31 remedies may include the recovery of actual damages,
32 reasonable attorney fees, and possession of the dwelling under
33 Code chapter 562A or 562B.

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