

FILED FEB 24 2005

SENATE FILE 212
BY LUNDBY

JUDICIARY

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

A BILL FOR

1 An Act relating to the notice requirements to terminate a rental
2 agreement at a mobile home park or manufactured home
3 community.

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

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SP 212
JUDICIARY

1 Section 1. Section 562B.10, subsection 4, Code 2005, is
2 amended to read as follows:

3 4. Rental agreements shall be for a term of one year
4 unless otherwise specified in the rental agreement. Rental
5 agreements shall be canceled by at least sixty days' written
6 notice given by either party. A landlord shall not cancel a
7 rental agreement solely for the purpose of making the tenant's
8 mobile home space available for another mobile home. If a
9 landlord gives a sixty-day written notice to cancel a rental
10 agreement, the landlord shall state in the notice the reason
11 or reasons for cancellation of the rental agreement.

12 Sec. 2. Section 562B.25, subsections 1 and 2, Code 2005,
13 are amended to read as follows:

14 1. Except as provided in this chapter, if there is a
15 material noncompliance by the tenant with the rental
16 agreement, the landlord ~~may~~ shall deliver a written notice to
17 the tenant specifying the acts and omissions constituting the
18 breach and that the rental agreement will terminate upon a
19 date not less than thirty days after receipt of the notice if
20 the breach is not remedied in fourteen days. If there is a
21 noncompliance by the tenant with section 562B.18 materially
22 affecting health and safety, the landlord ~~may~~ shall deliver a
23 written notice to the tenant specifying the acts and omissions
24 constituting the breach and that the rental agreement will
25 terminate upon a date not less than thirty days after receipt
26 of the notice if the breach is not remedied in fourteen days.
27 However, if the breach is remediable by repair or the payment
28 of damages or otherwise, and the tenant adequately remedies
29 the breach prior to the date specified in the notice, the
30 rental agreement will not terminate. If substantially the
31 same act or omission, which constituted a prior noncompliance
32 of which notice was given, recurs within six months, the
33 landlord may terminate the rental agreement upon at least
34 fourteen thirty days' written notice specifying the breach and
35 the date of termination of the rental agreement.

1 2. If rent is unpaid when due and the tenant fails to pay
2 rent within ~~three~~ thirty days after written notice by the
3 landlord specifying the amount of nonpayment and of the
4 landlord's intention to terminate the rental agreement if the
5 rent is not paid within that period of time, the landlord may
6 terminate the rental agreement.

7 Sec. 3. Section 648.3, Code 2005, is amended to read as
8 follows:

9 648.3 NOTICE TO QUIT.

10 Before action can be brought in any except the first of the
11 above classes, three days' notice to quit must be given to the
12 defendant in writing. However, a landlord who has given a
13 tenant three days' notice to pay rent ~~and has terminated the~~
14 ~~tenancy~~ as provided in section 562A.27, subsection 2, or
15 thirty days' notice to pay rent as provided in section
16 562B.25, subsection 2, and has terminated the tenancy, if the
17 tenant is renting the manufactured or mobile home or the land
18 from the landlord may commence the action without giving a
19 three-day notice to quit.

20 EXPLANATION

21 This bill relates to the notice requirements for a landlord
22 of a mobile home park or manufactured home community when
23 canceling or terminating a rental agreement with a tenant
24 occupying a mobile home space.

25 The bill requires landlords who wish to cancel a rental
26 agreement to provide the reason or reasons for canceling the
27 rental agreement in the 60-day written notice required under
28 Code section 562B.10.

29 Under current Code section 562B.25, a landlord of a mobile
30 home park who wants to terminate a rental agreement with a
31 tenant for noncompliance with the rental agreement "may" give
32 a written notice to the tenant describing the reason for the
33 termination. The bill provides that the landlord "shall" give
34 a written notice describing the reason for the termination.

35 Under current law, if the rental agreement is not

1 terminated after the termination notice because the tenant
2 corrected the reason for termination and the tenant commits
3 the same act of noncompliance with the rental agreement within
4 six months, the landlord may terminate the rental agreement
5 after 14 days' notice. The bill requires a landlord to give
6 at least 30 days' notice after a reoccurring noncompliance.

7 Under current Code section 648.3, if rent is unpaid at the
8 time the rent is due, a landlord of a mobile home park or
9 manufactured home community may terminate a rental agreement
10 after giving the tenant a notice that the unpaid rent must be
11 paid within three days or the lease will be terminated. The
12 bill requires the landlord to give the tenant 30 days instead
13 of three to pay the rent due prior to terminating the
14 agreement.

15 The bill does not change the ability to terminate a tenant
16 who has created or maintained a threat constituting a clear
17 and present danger to the health or safety of other tenants or
18 the landlord after only a three day written notice.

19 The bill makes other corresponding changes.

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