

House File 833

1 Amend House File 833 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <DIVISION I  
5 RETALIATION

6 Section 1. Section 562B.32, subsection 1, paragraph d, Code  
7 2022, is amended to read as follows:

8 *d.* For exercising any of the rights and remedies pursuant  
9 to this chapter or chapter 216.

10 Sec. 2. Section 562B.32, subsection 2, Code 2022, is amended  
11 to read as follows:

12 2. If the landlord acts in violation of subsection 1  
13 of this section, the tenant is entitled to the remedies  
14 provided in section 562B.24 and has a defense in an action for  
15 possession. In an action by or against the tenant, evidence  
16 of a complaint within ~~six months~~ one year prior to the alleged  
17 act of retaliation creates a presumption that the landlord's  
18 conduct was in retaliation. The presumption does not arise  
19 if the tenant made the complaint after notice of termination  
20 of the rental agreement. For the purpose of this subsection,  
21 "*presumption*" means that the trier of fact must find the  
22 existence of the fact presumed unless and until evidence is  
23 introduced which would support a finding of its nonexistence.

24 DIVISION II

25 RENTAL AGREEMENTS

26 Sec. 3. Section 562B.7, subsection 10, Code 2022, is amended  
27 to read as follows:

28 10. "*Rent*" means a payment to be made to the landlord under  
29 the rental agreement, including base rent, utilities, late  
30 fees, and other payments made by the tenant to the landlord  
31 under the rental agreement.

32 Sec. 4. Section 562B.10, subsection 5, Code 2022, is amended  
33 to read as follows:

34 5. Rental agreements shall be for a term of one year unless  
35 otherwise specified in the rental agreement. Rental agreements

1 shall be canceled by at least ~~sixty~~ ninety days' written notice  
2 given by either party. A landlord shall not cancel a rental  
3 agreement solely for the purpose of making the tenant's mobile  
4 home space available for another mobile home.

5 Sec. 5. Section 562B.14, subsection 7, Code 2022, is amended  
6 to read as follows:

7 7. Each tenant shall be notified, in writing, of any rent  
8 increase at least ~~sixty~~ ninety days before the effective date.  
9 Such effective date shall not be sooner than the expiration  
10 date of the original rental agreement or any renewal or  
11 extension thereof.

12 Sec. 6. EFFECTIVE DATE. This division of this Act, being  
13 deemed of immediate importance, takes effect upon enactment.

14 Sec. 7. APPLICABILITY. This division of this Act applies to  
15 rent increases first noticed under chapter 562B occurring on or  
16 after the effective date of this division of this Act.

#### 17 DIVISION III

#### 18 DISCLOSURE OF UTILITY CHARGES

19 Sec. 8. Section 562B.14, subsection 6, Code 2022, is amended  
20 to read as follows:

21 6. a. The landlord or any person authorized to enter into  
22 a rental agreement on the landlord's behalf shall provide a  
23 written explanation of utility rates, charges and services to  
24 the prospective tenant before the rental agreement is signed  
25 unless the utility charges are paid by the tenant directly to  
26 the utility company.

27 b. Tenants shall be notified of any increase in utility  
28 rates or charges in the manner set forth in subsection 7, for  
29 rent increases, unless the landlord obtains the utility service  
30 from a utility provider and does not receive at least ninety  
31 days prior notice of such increase from the utility provider in  
32 which case no prior notice of the increase from the landlord to  
33 the tenant is required for the increase to be effective.

#### 34 DIVISION IV

#### 35 WRONGFUL FAILURE TO PROVIDE ESSENTIAL SERVICES



1 the manufactured home community or mobile home park, require  
2 that any mobile home in a rundown condition or in disrepair be  
3 removed from the manufactured home community or park within  
4 sixty days. If the landlord does not approve the purchaser as  
5 a tenant, the landlord shall provide the purchaser with written  
6 notice of such denial and the general reason for the denial,  
7 but the landlord shall not be required to provide a specific  
8 reason for the denial.

9

#### DIVISION VI

10 PROHIBITED RENTAL AGREEMENT PROVISION — HOME EQUIPMENT

11 Sec. 12. Section 562B.11, subsection 1, Code 2022, is  
12 amended by adding the following new paragraph:

13 NEW PARAGRAPH. e. Agrees to modify the mobile home,  
14 manufactured home, or modular home in a way that would  
15 substantially impair the ability of the tenant to move the  
16 home from the mobile home space, unless such modification is  
17 required by federal law, including but not limited to the  
18 model manufactured home installation standards, 24 C.F.R. pt.  
19 3285, the manufactured home construction and safety standards,  
20 24 C.F.R. pt. 3280, or the manufactured home procedural and  
21 enforcement regulations, 24 C.F.R. pt. 3282, or by state or  
22 local law, the manufacturer's installation instructions, any  
23 requirement arising from the landlord's financing of the home  
24 or of the mobile home park or manufactured home community in  
25 which the home is located, or unless such modification is  
26 otherwise necessary for the safe and proper installation of the  
27 home.

28

#### DIVISION VII

29

#### LANDLORD SALES

30 Sec. 13. NEW SECTION. 562B.17A Sale of mobile home by  
31 landlord.

32 1. Any sale of a mobile home located in a manufactured home  
33 community or mobile home park by a landlord or landlord's agent  
34 shall be by written agreement and the landlord shall, upon the  
35 buyer's fulfillment of all payment and other terms under the

1 agreement, produce and assign the current certificate of title  
2 obtained from the department of transportation. The agreement  
3 shall state the basic terms of sale, including the total  
4 cost of the mobile home, and, in the case of an installment  
5 contract, finance charges, annual percentage rate, and the  
6 frequency and amount of each installment payment.

7 2. If such sale does not comply with this section, the  
8 court may award monetary or equitable relief, including voiding  
9 the sale, and the buyer may recover damages incurred, amounts  
10 paid as a rental deposit in excess of two months' rent, and  
11 reasonable attorney fees.

12 3. A claim under subsection 2 may be combined with an action  
13 under chapter 648.

14 Sec. 14. Section 648.19, subsection 1, Code 2022, is amended  
15 to read as follows:

16 1. An action under this chapter shall not be filed in  
17 connection with any other action, with the exception of a claim  
18 for rent or recovery as provided in section 555B.3, 562A.24,  
19 562A.32, 562B.17A, 562B.22, 562B.25, or 562B.27, nor shall it  
20 be made the subject of counterclaim.

21 DIVISION VIII

22 SALE OF MANUFACTURED HOME COMMUNITY OR MOBILE HOME PARK

23 Sec. 15. NEW SECTION. 562B.16A Sale of manufactured home  
24 community or mobile home park — notices.

25 Upon termination of the landlord's interest in the  
26 manufactured home community or mobile home park, the landlord's  
27 successor in interest shall have the same legal obligations,  
28 rights, and remedies of the landlord, including with respect to  
29 all rental agreements.

30 Sec. 16. APPLICABILITY. This division of this Act applies  
31 to manufactured home community or mobile home park sale  
32 transactions made on or after the effective date of this  
33 division of this Act.

34 DIVISION IX

35 MANUFACTURED HOME AND MOBILE HOME TAX

1     Sec. 17. Section 29C.24, subsection 3, paragraph a,  
2 subparagraph (6), Code 2022, is amended to read as follows:

3     (6) The assessment of property taxes by the department  
4 of revenue under sections 428.24 through 428.26, 428.28, and  
5 428.29, or chapters 433, 434, ~~435~~, and 437 through 438, or by  
6 a local assessor under another provision of law, on property  
7 brought into the state to aid in the performance of disaster  
8 or emergency-related work during a disaster response period if  
9 such property does not remain in the state after the conclusion  
10 of the disaster response period.

11    Sec. 18. Section 321.24, subsection 1, Code 2022, is amended  
12 to read as follows:

13    1. Upon receipt of the application for title and payment of  
14 the required fees for a motor vehicle, trailer, or semitrailer,  
15 the county treasurer or the department shall, when satisfied  
16 as to the application's genuineness and regularity, and, in  
17 the case of a mobile home or manufactured home, that taxes  
18 are not owing under chapter 423 ~~or 435~~, issue a certificate  
19 of title and, except for a mobile home or manufactured home,  
20 a registration receipt, and shall file the application, the  
21 manufacturer's or importer's certificate, the certificate of  
22 title, or other evidence of ownership, as prescribed by the  
23 department. The registration receipt shall be delivered to the  
24 owner and shall contain upon its face the date issued, the name  
25 and address of the owner, the registration number assigned to  
26 the vehicle, the amount of the fee paid, the type of fuel used,  
27 a description of the vehicle as determined by the department,  
28 and a form for notice of transfer of the vehicle. The name  
29 and address of any lessee of the vehicle shall not be printed  
30 on the registration receipt or certificate of title. Up to  
31 three owners may be listed on the registration receipt and  
32 certificate of title.

33    Sec. 19. Section 321.30, subsection 1, paragraph j, Code  
34 2022, is amended by striking the paragraph.

35    Sec. 20. Section 321.46, subsection 2, Code 2022, is amended

1 to read as follows:

2 2. Upon filing the application for a new registration and  
3 a new title, the applicant shall pay a title fee of twenty  
4 dollars, an annual registration fee prorated for the remaining  
5 unexpired months of the registration year, and a fee for new  
6 registration if applicable. A manufacturer applying for a  
7 certificate of title pursuant to section 322G.12 shall pay a  
8 title fee of ten dollars. However, a title fee shall not be  
9 charged to a manufactured or mobile home retailer applying for  
10 a certificate of title for a used mobile home or manufactured  
11 home, titled in Iowa, as required under section 321.45,  
12 subsection 4. The county treasurer, if satisfied of the  
13 genuineness and regularity of the application, ~~and in the case~~  
14 ~~of a mobile home or manufactured home, that taxes are not owing~~  
15 ~~under chapter 435,~~ and that the applicant has complied with all  
16 the requirements of this chapter, shall issue a new certificate  
17 of title and, except for a mobile home, manufactured home,  
18 or a vehicle returned to and accepted by a manufacturer as  
19 described in section 322G.12, a registration card to the  
20 purchaser or transferee, shall cancel the prior registration  
21 for the vehicle, and shall forward the necessary copies to the  
22 department on the date of issuance, as prescribed in section  
23 321.24. Mobile homes or manufactured homes titled under  
24 chapter 448 that have been subject under section 446.18 to a  
25 public bidder sale in a county shall be titled in the county's  
26 name, with no fee, and the county treasurer shall issue the  
27 title.

28 Sec. 21. Section 321.101, subsection 2, Code 2022, is  
29 amended to read as follows:

30 2. The department shall cancel a certificate of title that  
31 appears to have been improperly issued or fraudulently obtained  
32 ~~or, in the case of a mobile home or manufactured home, if taxes~~  
33 ~~were owing under chapter 435 at the time the certificate was~~  
34 ~~issued and have not been paid. However, before the certificate~~  
35 ~~to a mobile home or manufactured home for which taxes were~~

1 ~~owing can be canceled, notice and opportunity to pay the taxes~~  
2 ~~must be given to the person to whom the certificate was issued.~~  
3 ~~Upon cancellation of a certificate of title, the department~~  
4 ~~shall notify the county treasurer who issued it, who shall~~  
5 ~~enter the cancellation upon the records. The department shall~~  
6 also notify the person to whom the certificate of title was  
7 issued, as well as each lienholder who has a perfected lien,  
8 of the cancellation and shall demand the surrender of the  
9 certificate of title, but the cancellation shall not affect the  
10 validity of any perfected lien.

11 Sec. 22. Section 321.123, subsection 2, paragraph b, Code  
12 2022, is amended to read as follows:

13 *b.* A travel trailer may be stored under section 321.134,  
14 provided the travel trailer is not used for human habitation  
15 for any period during storage and is not moved upon the  
16 highways of the state. ~~A travel trailer stored under section~~  
17 ~~321.134 is not subject to a manufactured or mobile home tax~~  
18 ~~assessed under chapter 435.~~

19 Sec. 23. Section 331.429, subsection 1, paragraphs a and b,  
20 Code 2022, are amended to read as follows:

21 *a.* Transfers from the general fund not to exceed in any year  
22 the dollar equivalent of a tax of sixteen and seven-eighths  
23 cents per thousand dollars of assessed value on all taxable  
24 property in the county multiplied by the ratio of current  
25 taxes actually collected and apportioned for the general basic  
26 levy to the total general basic levy for the current year,  
27 and an amount equivalent to the moneys derived by the general  
28 fund from military service tax credits under chapter 426A~~7~~  
29 ~~manufactured or mobile home taxes under section 435.227~~, and  
30 delinquent taxes for prior years collected and apportioned to  
31 the general basic fund in the current year, multiplied by the  
32 ratio of sixteen and seven-eighths cents to three dollars and  
33 fifty cents. The limit on transfers in this paragraph applies  
34 only to property tax revenue and is not a limit on transfers of  
35 revenue generated from sources other than property taxes.

1     **b.** Transfers from the rural services fund not to exceed  
2 in any year the dollar equivalent of a tax of three dollars  
3 and three-eighths cents per thousand dollars of assessed value  
4 on all taxable property not located within the corporate  
5 limits of a city in the county multiplied by the ratio of  
6 current taxes actually collected and apportioned for the rural  
7 services basic levy to the total rural services basic levy  
8 for the current year and an amount equivalent to the moneys  
9 derived by the rural services fund from military service tax  
10 credits under chapter 426A, ~~manufactured or mobile home taxes~~  
11 ~~under section 435.22~~, and delinquent taxes for prior years  
12 collected and apportioned to the rural services basic fund in  
13 the current year, multiplied by the ratio of three dollars and  
14 three-eighths cents to three dollars and ninety-five cents.  
15 The limit on transfers in this paragraph applies only to  
16 property tax revenue and is not a limit on transfers of revenue  
17 generated from sources other than property taxes.

18     Sec. 24. Section 331.559, subsection 1, Code 2022, is  
19 amended by striking the subsection.

20     Sec. 25. Section 331.653, subsection 17, Code 2022, is  
21 amended by striking the subsection.

22     Sec. 26. Section 335.30A, subsection 2, Code 2022, is  
23 amended to read as follows:

24     2. *"Land-leased community"* means any site, lot, field,  
25 or tract of land under common ownership upon which ten or  
26 more occupied manufactured homes are harbored, either free of  
27 charge or for revenue purposes, and shall include any building,  
28 structure, or enclosure used or intended for use as part of the  
29 equipment of the land-leased community. The term *"land-leased*  
30 *community"* shall not be construed to include homes, buildings,  
31 or other structures temporarily maintained by any individual,  
32 educational institution, or company on their own premises and  
33 used exclusively to house their own labor or students. A  
34 ~~manufactured home located in a land-leased community shall be~~  
35 ~~taxed under section 435.22 as if the manufactured home were~~

1 ~~located in a mobile home park.~~

2 Sec. 27. Section 414.28A, subsection 3, Code 2022, is  
3 amended by striking the subsection.

4 Sec. 28. Section 427A.1, subsection 1, paragraph c, Code  
5 2022, is amended to read as follows:

6 c. Buildings, structures, or improvements, any of which are  
7 constructed on or in the land, attached to the land, or placed  
8 upon a foundation whether or not attached to the foundation.  
9 However, ~~property taxed under chapter 435,~~ property that is a  
10 concrete batch plant as that term is defined in subsection 4,  
11 and to the extent provided in subsection 7, property that is  
12 transmission property shall not be assessed and taxed as real  
13 property.

14 Sec. 29. Section 435.2, Code 2022, is amended to read as  
15 follows:

16 **435.2 Placement and taxation.**

17 1. If a mobile home is placed outside a mobile home park  
18 or manufactured home community, the home is to be assessed and  
19 taxed as real estate. If and while a mobile home is placed  
20 inside a mobile home park or manufactured home community, the  
21 home, as well as any and all garages, accessory buildings, and  
22 appurtenances to the home, are exempt from property tax.

23 2. If a manufactured home is placed in a manufactured home  
24 community or a mobile home park, the home must be titled, and  
25 ~~is subject to the manufactured or mobile home square foot tax~~  
26 the home, as well as any and all garages, accessory buildings,  
27 and appurtenances to the home, are exempt from property tax.  
28 If a manufactured home is placed outside a manufactured home  
29 community or a mobile home park, the home must be titled and is  
30 to be assessed and taxed as real estate.

31 3. For the purposes of this chapter, a modular home shall  
32 not be construed to be a mobile home or manufactured home. If  
33 a modular home is placed ~~inside or~~ outside a manufactured home  
34 community or a mobile home park, the home shall be considered  
35 real property and is to be assessed and taxed as real estate.

1 ~~However, if~~ If a modular home is placed in a manufactured home  
2 community or mobile home park ~~which was in existence on or~~  
3 ~~before January 1, 1998,~~ that modular home, as well as any and  
4 all garages, accessory buildings, and appurtenances to the  
5 home, shall be ~~subject to property tax pursuant to section~~  
6 ~~435.22 exempt from property tax.~~ ~~This subsection shall not~~  
7 ~~prohibit the location of a modular home within a manufactured~~  
8 ~~home community or mobile home park.~~

9       Sec. 30. Section 435.23, Code 2022, is amended to read as  
10 follows:

11       **435.23 Exemptions — ~~prorating tax.~~**

12       ~~1.~~ The manufacturer's and retailer's inventory of mobile  
13 homes, manufactured homes, or modular homes not in use as a  
14 place of human habitation shall be exempt from ~~the annual~~  
15 property tax and any personal property tax. ~~All travel~~  
16 ~~trailers, fifth-wheel travel trailers, and towable recreational~~  
17 ~~vehicles shall be exempt from this tax.~~ ~~The homes, travel~~  
18 ~~trailers, fifth-wheel travel trailers, and towable recreational~~  
19 ~~vehicles in the inventory of manufacturers and retailers shall~~  
20 ~~be exempt from personal property tax.~~

21       ~~2.~~ ~~The homes coming into Iowa from out of state and located~~  
22 ~~in a manufactured home community or mobile home park shall~~  
23 ~~be liable for the tax computed pro rata to the nearest whole~~  
24 ~~month, for the time the home is actually situated in Iowa.~~

25       Sec. 31. Section 435.24, Code 2022, is amended by striking  
26 the section and inserting in lieu thereof the following:

27       **435.24 Location of homes and reporting.**

28       1. Upon issuance of a certificate of title or upon  
29 transporting the home to a new site or to a location outside  
30 of a manufactured home community or mobile home park, the home  
31 owner shall file the address, township, and school district  
32 of the location where the home is parked with the county  
33 assessor's office. Failure to comply is punishable as set out  
34 in section 435.18.

35       2. Each manufactured home community or mobile home park

1 owner or manager shall notify monthly the county assessor  
2 concerning any home arriving in or departing from the  
3 manufactured home community or mobile home park. The records  
4 of the community or park owner shall be open to inspection by a  
5 duly authorized representative of any law enforcement agency.  
6 The manufactured home community or mobile home park owner or  
7 manager shall make an annual report to the county assessor due  
8 June 1 of the homes sited in the manufactured home community or  
9 mobile home park, listing the owner and mailing address of each  
10 home located in the manufactured home community or mobile home  
11 park. The report is delinquent if not filed with the county  
12 assessor by June 30.

13 Sec. 32. Section 435.26A, subsection 3, Code 2022, is  
14 amended to read as follows:

15 3. After the surrender of a manufactured home's certificate  
16 of title under this section, the manufactured home shall  
17 ~~continue to be taxed under section 435.22~~ and is not eligible  
18 for the homestead tax credit or the military service tax  
19 exemption. A foreclosure action on a manufactured home  
20 whose title has been surrendered under this section shall be  
21 conducted as a real estate foreclosure. A tax lien and its  
22 priority shall remain the same on a manufactured home after its  
23 certificate of title has been surrendered.

24 Sec. 33. Section 435.27, subsections 1 and 3, Code 2022, are  
25 amended to read as follows:

26 1. A mobile home or manufactured home converted to real  
27 estate under section 435.26 may be reconverted to a home as  
28 provided in this section when it is moved to a manufactured  
29 home community or mobile home park or a manufactured or mobile  
30 home retailer's inventory. When the home is located within  
31 a manufactured home community or mobile home park, the home,  
32 as well as any and all garages, accessory buildings, and  
33 appurtenances to the home, shall be ~~taxed pursuant to section~~  
34 ~~435.22, subsection 1, paragraph "a"~~ exempt from property tax as  
35 provided in this chapter.

1 3. After compliance with subsection 2 and receipt of the  
2 title, the owner shall notify the assessor of the reconversion.  
3 The assessor shall remove the assessed valuation of the home  
4 from assessment rolls as of the succeeding January 1 when the  
5 home ~~becomes subject to taxation as provided under section~~  
6 435.24, as well as any and all garages, accessory buildings,  
7 and appurtenances to the home, become exempt from property tax  
8 as provided in this chapter.

9 Sec. 34. Section 435.33, Code 2022, is amended to read as  
10 follows:

11 **435.33 Rent reimbursement.**

12 A home owner who qualifies for a ~~reduced tax rate provided~~  
13 ~~in section 435.22~~ the exemption under this chapter and who  
14 rents a space upon which to set the home shall be entitled to  
15 the protections provided in sections 425.33 through 425.36  
16 and if the home owner who qualifies for a ~~reduced tax rate~~  
17 the exemption believes that a landlord has increased the home  
18 owner's rent because the home owner is eligible for a ~~reduced~~  
19 ~~tax rate~~ the exemption, the provisions of sections 425.33 and  
20 425.36 shall be applicable.

21 Sec. 35. Section 445.1, subsection 8, Code 2022, is amended  
22 to read as follows:

23 8. "*Taxes*" means an annual ad valorem tax, a special  
24 assessment, a drainage tax, and a rate or charge, ~~and taxes~~  
25 ~~on homes pursuant to chapter 435~~ which are collectible by the  
26 county treasurer.

27 Sec. 36. Section 445.5, subsection 6, Code 2022, is amended  
28 to read as follows:

29 6. The county treasurer shall deliver to the taxpayer a  
30 receipt stating the year of tax, date of payment, a description  
31 of the parcel, and the amount of taxes, interest, fees, and  
32 costs paid when payment is made by cash tender. A receipt  
33 for other payment tender types shall only be delivered upon  
34 request. The receipt shall be in full for the first half,  
35 second half, or full year amounts unless a payment is made

1 under section 445.36A ~~or 435.24, subsection 6.~~

2 Sec. 37. Section 445.57, subsection 1, Code 2022, is amended  
3 to read as follows:

4 1. On or before the tenth day of each month, the county  
5 treasurer shall apportion all taxes collected during the  
6 preceding month, except partial payment amounts collected  
7 pursuant to section 445.36A, subsection 1, partial payments  
8 collected and not yet designated by the county treasurer  
9 for apportionment pursuant to section 445.36A, subsection  
10 2, ~~partial payments collected pursuant to section 435.24,~~  
11 ~~subsection 6, paragraph "a", and partial payments collected and~~  
12 ~~not yet designated by the county treasurer for apportionment~~  
13 ~~pursuant to section 435.24, subsection 6, paragraph "b",~~ among  
14 the several funds to which they belong according to the amount  
15 levied for each fund, and shall apportion the interest, fees,  
16 and costs on the taxes to the general fund, and shall enter  
17 those amounts upon the treasurer's cash account, and report the  
18 amounts to the county auditor.

19 Sec. 38. Section 555B.2, subsection 1, Code 2022, is amended  
20 to read as follows:

21 1. A real property owner may remove or cause to be removed  
22 a mobile home and other personal property which is unlawfully  
23 parked, placed, or abandoned on that real property, and may  
24 cause the mobile home and personal property to be placed in  
25 storage until the owner of the personal property pays a fair  
26 and reasonable charge for removal, storage, or other expense  
27 incurred, including reasonable attorney fees, or until a  
28 judgment of abandonment is entered pursuant to section 555B.8  
29 provided that there is no lien on the mobile home or personal  
30 property ~~other than a tax lien pursuant to chapter 435.~~ For  
31 purposes of this chapter, a lien other than a tax lien exists  
32 only if the real property owner receives notice of a lien  
33 on the standardized registration form completed by a tenant  
34 pursuant to section 562B.27, subsection 3, or a lien has been  
35 filed in state or county records on a date before the mobile

1 home is considered to be abandoned. The real property owner  
2 or the real property owner's agent is not liable for damages  
3 caused to the mobile home and personal property by the removal  
4 or storage unless the damage is caused willfully or by gross  
5 negligence.

6 Sec. 39. Section 555C.1, subsection 5, paragraph b, Code  
7 2022, is amended to read as follows:

8 *b.* A lien of record, ~~other than a tax lien as provided in~~  
9 ~~chapter 435,~~ does not exist against the home. A lien exists  
10 only if the real property owner receives notice of a lien on  
11 the standardized registration form completed by an owner or  
12 occupant pursuant to chapter 562B, or a lien has been filed  
13 in the state or county records on a date before the home is  
14 considered to be valueless.

15 Sec. 40. Section 555C.3, Code 2022, is amended to read as  
16 follows:

17 **555C.3 New title — third party.**

18 If a new title to a valueless home is to be issued to a  
19 third party, the county treasurer shall issue a new title, upon  
20 receipt of the affidavit required in section 555C.2 and payment  
21 of a fee pursuant to section 321.47. ~~Any tax lien levied~~  
22 ~~pursuant to chapter 435 is canceled and the~~ The ownership  
23 interest of the previous owner or occupant of the valueless  
24 home is terminated as of the date of issuance of the new title.  
25 The new title owner shall take the title free of all rights and  
26 interests even though the manufactured home community or mobile  
27 home park owner fails to comply with the requirements of this  
28 chapter or any judicial proceedings, if the new title owner  
29 acts in good faith.

30 Sec. 41. REPEAL. Sections 435.22, 435.25, and 435.29, Code  
31 2022, are repealed.

32 Sec. 42. SAVINGS PROVISION. This division of this Act,  
33 pursuant to section 4.13, does not affect the operation of,  
34 or prohibit the application of, prior provisions of chapter  
35 435, or rules adopted under chapter 17A to administer prior

1 provisions of chapter 435, for taxes due and payable under  
2 chapter 435 in fiscal years beginning before July 1, 2022, and  
3 for duties, powers, protests, appeals, proceedings, actions, or  
4 remedies attributable to taxes due and payable under chapter  
5 435 in fiscal years beginning before July 1, 2022.

6 Sec. 43. APPLICABILITY. This division of this Act applies  
7 to taxes due and payable under chapter 435 in fiscal years  
8 beginning on or after July 1, 2022.

9 DIVISION X

10 FORCIBLE ENTRY AND DETAINER

11 Sec. 44. Section 648.5, subsections 1 and 3, Code 2022, are  
12 amended to read as follows:

13 1. a. An action for forcible entry and detainer shall  
14 be brought in a county where all or part of the premises is  
15 located. Such an action shall be tried as an equitable action.  
16 Upon receipt of the petition, the court shall set a date, time,  
17 and place for hearing. The court shall set the date of hearing  
18 no later than eight days from the filing date, except that the  
19 court shall set a later hearing date no later than fifteen days  
20 from the date of filing if the plaintiff requests or consents  
21 to the later date of hearing.

22 b. The requirement regarding the setting of the initial  
23 hearing in paragraph "a" is not a jurisdictional requirement and  
24 does not affect the court's subject matter jurisdiction to hear  
25 the action for forcible entry and detainer.

26 3. Service of original notice by mail is deemed completed  
27 four days after the notice is deposited in the mail and  
28 postmarked for delivery, whether or not the recipient signs a  
29 receipt for the original notice. In computing the time for  
30 completion of service, the first day shall be excluded and the  
31 final day shall be included regardless of whether the fourth  
32 day is a Saturday, Sunday, or federal holiday.

33 Sec. 45. Section 648.18, Code 2022, is amended to read as  
34 follows:

35 **648.18 Possession — bar.**



1 notice to the lienholder shall describe the mobile home and  
2 shall state the docket, case number, date, and time at which  
3 the hearing is scheduled, and the lienholder's right to assert  
4 a claim to the mobile home at the hearing. The notice shall  
5 state that failure to assert a claim to the mobile home within  
6 the judicial proceedings is deemed a waiver of all rights,  
7 title, claims, and interest in the mobile home and deemed to  
8 be consent to the sale or disposal of the mobile home. If  
9 personal service cannot be completed in time to give the  
10 lienholder the minimum notice required by this subsection, the  
11 court may set a new hearing date.

12 NEW SUBSECTION. 5. In the event a tenant who was sole owner  
13 of a mobile home dies during the term of the rental agreement  
14 resulting in the mobile home being abandoned, service shall be  
15 made in accordance with section 562B.10, subsection 7.

16 Sec. 48. Section 555B.8, subsections 2 and 3, Code 2022, are  
17 amended to read as follows:

18 2. ~~If~~ Except as otherwise ordered by the court, if the  
19 mobile home owner or other claimant asserts a claim to the  
20 property, the judgment shall be satisfied before the mobile  
21 home owner or other claimant may take possession of the mobile  
22 home or personal property.

23 3. If no claim is asserted to the mobile home or personal  
24 property or if the judgment is not satisfied at the time of  
25 entry, an order shall be entered allowing the real property  
26 owner to sell or otherwise dispose of the mobile home and  
27 personal property pursuant to section 555B.9. ~~If~~ Except as  
28 otherwise ordered by the court, if a claimant satisfies the  
29 judgment at the time of entry, the court shall enter an order  
30 permitting and directing the claimant to remove the mobile home  
31 or personal property from its location within a reasonable time  
32 to be fixed by the court. The court shall also determine the  
33 amount of further rent or storage charges to be paid by the  
34 claimant to the real property owner at the time of removal.

35 Sec. 49. Section 555B.9, subsections 1, 2, and 4, Code 2022,

1 are amended to read as follows:

2 1. Pursuant to an order for disposal under section 555B.8,  
3 subsection 3, the real property owner shall dispose of the  
4 mobile home and personal property by public or private sale in  
5 a commercially reasonable manner. If the personal property  
6 owner, lienholder, or other claimant has asserted a claim  
7 to the mobile home or personal property within the judicial  
8 proceedings, that person shall be notified of the sale by  
9 restricted certified mail not less than five days before the  
10 sale. The notice is deemed given upon the mailing. The real  
11 property owner may buy at any public sale, and if the mobile  
12 home or personal property is of a type customarily sold in  
13 a recognized market or is the subject of widely distributed  
14 standard price quotations, the real property owner may buy at a  
15 private sale.

16 2. A sale pursuant to subsection 1 transfers to the  
17 purchaser for value, all of the mobile home owner's rights  
18 in the mobile home and personal property, and discharges the  
19 real property owner's interest in the mobile home and personal  
20 property, and any tax lien, and any other lien. The purchaser  
21 takes free of all rights and interests even though the real  
22 property owner fails to comply with the requirements of this  
23 chapter or of any judicial proceedings, if the purchaser acts  
24 in good faith.

25 4. Notwithstanding subsections 1 through 3, the real  
26 property owner may propose to retain the mobile home and  
27 personal property in satisfaction of the judgment obtained  
28 pursuant to section 555B.8. Written notice of the proposal  
29 shall be sent to the mobile home owner, lienholder, or other  
30 claimant, if that person has asserted a claim to the mobile  
31 home or personal property in the judicial proceedings. If  
32 the real property owner receives objection in writing from  
33 the mobile home owner, lienholder, or other claimant within  
34 twenty-one days after the notice was sent, the real property  
35 owner shall dispose of the mobile home and personal property

1 pursuant to subsection 1. If no written objection is received  
2 by the real property owner within twenty-one days after the  
3 notice was sent, the mobile home and personal property may be  
4 retained. Retention of the mobile home and personal property  
5 discharges the judgment of the real property owner, and any tax  
6 lien, and any other lien.

7 Sec. 50. Section 555B.9, subsection 3, Code 2022, is amended  
8 by adding the following new paragraph:

9 NEW PARAGRAPH. *0c.* Third, to satisfy any other lien  
10 for which a claim was asserted pursuant to section 555B.4,  
11 subsection 4.

12 Sec. 51. Section 562B.10, subsection 7, Code 2022, is  
13 amended to read as follows:

14 7. a. If a tenant who was sole owner of a mobile home dies  
15 during the term of a rental agreement then that person's heirs  
16 at law or legal the personal representative of the decedent's  
17 estate, or the landlord shall have the right to cancel the  
18 tenant's lease by giving sixty days' written notice to the  
19 person's heirs at law or legal the personal representative  
20 of the decedent's estate, or to the landlord, whichever  
21 is appropriate, and the heirs at law or the legal personal  
22 representative of the decedent's estate, shall have the same  
23 rights, privileges and liabilities of the original tenant,  
24 provided that such heirs at law and personal representative  
25 of the estate shall not have the right to occupy or otherwise  
26 use the home or mobile home space as a tenant unless approved  
27 by the landlord as a tenant. In the event the landlord,  
28 after such a written notice is given and the tenant's lease  
29 is canceled, brings an action for forcible entry and detainer  
30 or action for abandonment, the estate of the tenant and the  
31 person's located heirs at law or personal representative shall  
32 be named as defendants in the action. The landlord may serve  
33 notice upon such defendants pursuant to the method set forth  
34 in section 562B.27A, subsection 1, paragraph "c", or by mailing  
35 notice by both regular mail and certified mail, as defined in

1 section 618.15, to the defendant's last known address.

2 b. (1) If a tenant who was sole owner of a mobile home dies  
3 during the term of a rental agreement resulting in the mobile  
4 home being abandoned as provided in section 562B.27, subsection  
5 1, and the landlord cannot, despite due diligence, locate such  
6 a tenant's heirs at law or personal representative, then the  
7 landlord may bring an action for abandonment as provided in  
8 section 555B.3, naming as defendants the estate of the tenant  
9 and all unknown heirs at law of the tenant, and, upon the  
10 landlord's filing of an affidavit that personal service cannot  
11 be had on any heirs at law, personal representative, or estate  
12 of the tenant, the court shall permit original notice of such  
13 action to be served by publication pursuant to subparagraph  
14 (2).

15 (2) Publication of original notice shall be made once each  
16 week for three consecutive weeks in a newspaper of general  
17 circulation published in the county where the petition is  
18 filed, pursuant to the Iowa rules of civil procedure. Service  
19 is complete after the third consecutive weekly publication.

20 (3) In the event any tax lien or other liens exist on  
21 the mobile home, the landlord may proceed with an action for  
22 abandonment as provided in section 555B.3, except that the  
23 notice shall be provided to the county treasurer as provided  
24 in section 555B.4, subsection 3, if a tax lien exists, and  
25 personal service pursuant to the Iowa rules of civil procedure  
26 shall be made upon any lienholder no less than twenty days  
27 before the hearing. Any notice to a lienholder shall state  
28 that failure to assert a claim to the mobile home is deemed a  
29 waiver of all rights, title, claims, and interest in the mobile  
30 home and is deemed consent to the sale or disposal of the  
31 mobile home. If personal service upon the lienholder cannot  
32 be completed in time to give the lienholder the minimum notice  
33 required by this subsection, the court may set a new hearing  
34 date.>

35 2. Title page, by striking lines 1 and 2 and inserting

1 <An Act relating to property law, including mobile homes and  
2 manufactured housing, rental agreements, landlord and tenant  
3 remedies for retaliation, wrongful failure to provide essential  
4 services, rent increases, the sale of manufactured home  
5 community or mobile home park, the repeal of the manufactured  
6 home community and mobile home tax, forcible entry and detainer  
7 actions, abandoned mobile homes, and including effective date  
8 and applicability provisions.>

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PROPOSED COMMITTEE AMENDMENT