

Text: HSB152

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# House Study Bill 153

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON BALTIMORE)

## A BILL FOR

1 An Act relating to the right of residents, owners, tenants,  
2 and landlords to summon emergency assistance and preempting  
3 related local ordinances, rules, and regulations.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1178YC (7) 86  
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1 1 Section 1. Section 331.304, Code 2015, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 12. A county shall not adopt or enforce any  
1 4 ordinance or regulation in violation of chapter 562C.  
1 5 Sec. 2. Section 364.3, Code 2015, is amended by adding the  
1 6 following new subsection:  
1 7 NEW SUBSECTION. 11. A city shall not adopt or enforce any  
1 8 ordinance or regulation in violation of chapter 562C.  
1 9 Sec. 3. NEW SECTION. 562C.1 Title == purpose.  
1 10 1. This chapter shall be known and may be cited as the  
1 11 "Right to Assistance Act".  
1 12 2. The purpose of this chapter is to ensure that an owner,  
1 13 lessee, or lessor of property in need of law enforcement  
1 14 assistance or other emergency assistance in the state of Iowa  
1 15 is not penalized for those authorities being contacted, and to  
1 16 provide a remedy for violations of this chapter.  
1 17 Sec. 4. NEW SECTION. 562C.2 Definitions.  
1 18 For purposes of this chapter, unless the context otherwise  
1 19 requires:  
1 20 1. "Commercial landlord" means a person who is the owner,  
1 21 lessor, or sublessor of a property on which a tenant operates  
1 22 or intends to operate a business.  
1 23 2. "Commercial tenant" means a person who leases a property  
1 24 for the purpose of operating a business on the property.  
1 25 3. "Landlord" means a commercial landlord or a residential  
1 26 landlord.

1 27 4. "Owner" means one or more persons, jointly or severally,  
1 28 in whom is vested either of the following:

1 29 a. All or part of the legal title to property.

1 30 b. All or part of the beneficial ownership and a right  
1 31 to present use and enjoyment of the property, and the term  
1 32 includes a mortgagee in possession.

1 33 5. "Rental agreement" means the same as defined in section  
1 34 562A.6 or 562B.7, or an oral or written agreement embodying the  
1 35 terms and conditions concerning the use and occupancy of real  
2 1 estate used for commercial purposes, whichever is applicable.

2 2 6. "Resident" means a residential tenant, a member of such  
2 3 tenant's family, and any other person residing at the premises  
2 4 with the consent of the residential tenant.

2 5 7. "Residential landlord" means the same as "landlord" in  
2 6 section 562A.6 or 562B.7, whichever is applicable.

2 7 8. "Residential tenant" means the same as "tenant" in  
2 8 section 562A.6 or 562B.7, whichever is applicable.

2 9 9. "Tenant" means a commercial tenant or residential tenant.

2 10 Sec. 5. NEW SECTION. 562C.3 Uniform application.

2 11 To provide for the uniform application of the provisions of  
2 12 this chapter, it is intended that the sole regulation of the  
2 13 right of a resident, owner, tenant, or landlord to summon law  
2 14 enforcement assistance or other emergency assistance shall be  
2 15 under the provisions of this chapter, and a city, county, or  
2 16 other governmental entity within this state shall not adopt  
2 17 or make any local ordinance, rule, or regulation relating to  
2 18 the right of a resident, owner, tenant, or landlord to summon  
2 19 law enforcement assistance or other emergency assistance. All  
2 20 such local ordinances, rules, or regulations shall be void,  
2 21 unenforceable, and of no force or effect as of July 1, 2015.

2 22 Sec. 6. NEW SECTION. 562C.4 Prohibition of local penalties  
2 23 for emergency assistance contact.

2 24 1. An ordinance, rule, or regulation of a city, county, or  
2 25 other governmental entity shall not authorize imposition of a  
2 26 penalty against a resident, owner, tenant, or landlord for a  
2 27 contact made for law enforcement assistance or other emergency  
2 28 assistance by or on behalf of a victim of abuse, a victim of  
2 29 a crime, or an individual in an emergency, if either of the  
2 30 following is established:

2 31 a. The person making the contact had a reasonable belief  
2 32 that the emergency assistance was necessary to prevent the  
2 33 perpetration or escalation of the abuse, crime, or emergency.

2 34 b. In the event of abuse, crime, or other emergency, the  
2 35 emergency assistance was actually needed.

3 1 2. Penalties prohibited by subsection 1 include the  
3 2 following:

3 3 a. The actual or threatened revocation, suspension, or  
3 4 nonrenewal of a rental certificate, license, or permit.

3 5 b. The actual or threatened assessment of penalties, fines,  
3 6 or fees.

3 7 c. The actual or threatened eviction, or causing the actual  
3 8 or threatened eviction, from the leased premises.

3 9 3. This section does not prohibit a city, county, or other  
3 10 governmental entity from enforcing any ordinance, rule, or  
3 11 regulation premised upon grounds other than a contact made for  
3 12 law enforcement assistance or other emergency assistance by  
3 13 or on behalf of a victim of abuse, a victim of a crime, or an  
3 14 individual in an emergency.

3 15 Sec. 7. NEW SECTION. 562C.5 Prohibition of landlord  
3 16 penalties == waiver of rights.

3 17 1. A landlord may not prohibit or limit a resident's or  
 3 18 tenant's rights to summon law enforcement assistance or other  
 3 19 emergency assistance by or on behalf of a victim of abuse, a  
 3 20 victim of a crime, or an individual in an emergency or may not  
 3 21 impose monetary or other penalties on a resident or tenant who  
 3 22 exercises that right.

3 23 2. Any waiver of the provisions of this section is contrary  
 3 24 to public policy and is void, unenforceable, and of no force  
 3 25 or effect.

3 26 3. This section shall not be construed to prohibit a  
 3 27 landlord from recovering from a resident or tenant an amount  
 3 28 equal to the costs incurred to repair property damage if  
 3 29 the damage is caused by law enforcement or other emergency  
 3 30 personnel summoned by the resident or tenant.

3 31 4. This section does not prohibit a landlord from  
 3 32 terminating, evicting, or refusing to renew a tenancy or rental  
 3 33 agreement when such action is premised upon grounds other  
 3 34 than a contact made for law enforcement assistance or other  
 3 35 emergency assistance by or on behalf of a victim of abuse, a  
 4 1 victim of a crime, or an individual in an emergency.

4 2 Sec. 8. NEW SECTION. 562C.6 Remedies.

4 3 1. In addition to other remedies provided by law, if  
 4 4 a city, county, or other governmental entity violates the  
 4 5 provisions of this chapter, a resident, owner, tenant, or  
 4 6 landlord is entitled to recover from the city, county, or other  
 4 7 governmental entity any of the following:

4 8 a. An order requiring the city, county, or other  
 4 9 governmental entity to cease and desist the unlawful practice.

4 10 b. Other equitable relief, including reinstatement of a  
 4 11 rental certificate, license, or permit, as the court may deem  
 4 12 appropriate.

4 13 c. Actual damages.

4 14 d. Reasonable attorney fees the resident, owner, tenant, or  
 4 15 landlord incurs in seeking enforcement of this chapter.

4 16 e. Court costs.

4 17 2. In addition to other remedies provided by law, if an  
 4 18 owner or landlord violates the provisions of this chapter, a  
 4 19 resident or tenant is entitled to recover from the owner or  
 4 20 landlord any of the following:

4 21 a. A civil penalty in an amount equal to one month's rent.

4 22 b. Actual damages.

4 23 c. Reasonable attorney fees the tenant or resident incurs in  
 4 24 seeking enforcement of this chapter.

4 25 d. Court costs.

4 26 e. Injunctive relief.

4 27 EXPLANATION

4 28 The inclusion of this explanation does not constitute agreement with  
 4 29 the explanation's substance by the members of the general assembly.

4 30 This bill enacts new Code chapter 562C to prohibit a  
 4 31 city, county, or other governmental entity from penalizing a  
 4 32 resident, owner, tenant, or landlord for a contact made for  
 4 33 law enforcement assistance or other emergency assistance by  
 4 34 or on behalf of a victim of abuse, a victim of a crime, or an  
 4 35 individual in an emergency if the person who made the contact  
 5 1 reasonably believed that emergency assistance was necessary to  
 5 2 prevent the perpetration or escalation of the abuse, crime,  
 5 3 or emergency, or if the intervention or emergency assistance  
 5 4 was actually needed. The bill prohibits cities, counties,  
 5 5 and other governmental entities from adopting any ordinances,  
 5 6 rules, or regulations that relate to the right of a resident,

5 7 owner, tenant, or landlord to summon law enforcement assistance  
5 8 or other emergency assistance, and provides that such  
5 9 ordinances, rules, or regulations are void, unenforceable, and  
5 10 of no force or effect as of July 1, 2015. If a city, county, or  
5 11 other governmental entity violates new Code chapter 562C, in  
5 12 addition to other remedies provided by law, a resident, owner,  
5 13 tenant, or landlord is entitled to recover a cease and desist  
5 14 order, other equitable relief, actual damages, attorney fees,  
5 15 or court costs.

5 16 The bill also prohibits an owner or landlord from  
5 17 restricting a resident's or tenant's right to summon law  
5 18 enforcement assistance or other emergency assistance by  
5 19 or on behalf of a victim of abuse, a victim of a crime, or  
5 20 an individual in an emergency, or impose monetary or other  
5 21 penalties on a person who exercises that right. If a tenant or  
5 22 resident waives this right, such waiver is void, unenforceable,  
5 23 and of no force or effect. If an owner or landlord violates  
5 24 new Code chapter 562C, in addition to other remedies provided  
5 25 by law, a resident or tenant is entitled to recover a civil  
5 26 penalty in an amount equal to one month's rent, actual damages,  
5 27 attorney fees, court costs, or injunctive relief.

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