



IOWA HOUSE DEMOCRATS

BILL SUMMARY

Rent Statute of Limitations HF 2284

Status of Bill: House Floor
Committee: Judiciary (15-6)
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Lead Democrat: Rep. Wessel-Kroeschell
Floor Manager: Rep. McKean

Background

A statute of limitations places a maximum time limit when a legal proceeding can be brought. Iowa Code 614 and 615 includes limitations on judgments. Under current law, a judgment for rent is null and void 5 years after the date of entry of a judgment. In addition, if the judgment or right to collect is sold or assigned to a third party, such as a debt collector, the judgment is null and void after 2 years from the date of entry of the judgment. (Iowa Code Chapter 615.1A)

Under current law, a claim for rent must be brought within 5 years. (Iowa Code Chapter 614.1(5)(b))

Practically speaking, a landlord that has a claim for rent against a tenant therefore must bring a claim for any rent that is not paid within 5 years. If the landlord wins this case the landlord has 5 years to collect the judgment.

The current limits on claims to bring rent were implemented during the 2013 legislative session.

Bill Summary

HF 2284 removes the 5 year limit on claims for executing judgments for rent. The statutory limit of 2 years for claims transferred to a third party remains.

Removal of the 5 year limit on claims for executing judgments for rent leaves the standard 20 year limit on judgments of record in Iowa Code (Iowa Code Chapter 614.1(6)). If the judgement came from a court not of record the statute of limitations would be 10 years (614.15(5)(a)). Therefore, under HF 2284 a landlord could bring a claim for rent within 5 years and would have 20 years to collect the judgment if the court that decided the case was a district court and could bring a claim for rent within 5 years and would have 10 years to collect the judgement if the court was a small claims court.