

CHAPTER 88
ELDER FAMILY HOMES
S.F. 10

AN ACT relating to the establishment and registration of elder family homes.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 135K.1 DEFINITIONS.**

As used in this chapter, unless the context otherwise requires:

1. "Assessment" means the administration of a standardized tool and the use of other procedures to identify existing impairments, situations, and problems which are barriers to a resident's ability to function and to identify strengths and specific needs.
2. "Department" means the department of elder affairs.
3. "Elder" means a person sixty years of age or older.
4. "Elder family home" means a private household owned by a responsible party offering a social living arrangement for at least two but not more than five persons, the majority of whom are elders, who are not related within the third degree of consanguinity and who are not able or willing to adequately maintain themselves in an independent living arrangement, but who are essentially capable of physical self care.
5. "Essentially capable of self care" means the elder is ambulatory or can move from place to place; is of sound mind; can manage the activities of daily living including personal hygiene and grooming, toileting, dressing and undressing, feeding, and medicating; and can attend to the care of personal property adequately with minimal support or occasional assistance.
6. "Not able or willing to adequately maintain themselves in an independent living arrangement" means that the elders require some assistance, encouragement, or social stimulation for adequate self care or to maintain physical or mental health or personal safety.
7. "Responsible party" means the person providing room and board in an elder family home who resides in the home. The responsible party may be but is not required to be an elder.

Sec. 2. **NEW SECTION. 135K.2 REGISTRATION OF ELDER FAMILY HOMES.**

1. The department shall establish a registration program for elder family homes. In order to meet the zoning requirements for classification as an elder family home under section 358A.31 or 414.29, all of the following conditions must be met:
 - a. The responsible party shall register the home as an elder family home with the department.
 - b. The responsible party shall comply with visitation and assessment requirements as determined by the department.
 - c. The responsible party shall attend annual training as prescribed by the commission of elder affairs.
2. If, following a visitation, the care review committee finds that the needs of all of the residents of an elder family home are not being adequately met, the care review committee shall notify the appropriate area agency on aging. The area agency on aging shall cause to be performed a complete assessment of any of the residents whose needs are not being met. If, following the full assessment, the care review committee determines that any of the residents require additional services to meet the needs of the resident, the care review committee shall inform the responsible party that unless the resident relocates to a facility which is able to provide necessary services, the elder family home will no longer be designated as an elder family home and will no longer be in compliance with zoning requirements. The department shall notify the city council or the county board of supervisors if an elder family home is found to no longer be in compliance.
3. If the responsible party does not comply with the recommendations of the care review committee pursuant to subsection 2, the elder family home shall lose its designation for the purposes of zoning.
4. If the care review committee has probable cause to believe that any elder family home is in fact acting as a health care facility as defined under chapter 135C, upon producing

identification that an individual is an inspector, an inspector of the department of inspections and appeals may enter the elder family home to determine if the home is in fact operating as an unlicensed health care facility. If the inspector is denied entrance, the inspector may, with the assistance of the county attorney in the county in which the elder family home is located, apply to the district court for an order requiring the responsible party to permit entry and inspection.

5. The department of elder affairs shall maintain a registry of elder family homes and shall act as a resource and referral agency for elder family homes.

6. Upon application for registration by a person seeking approval for an elder family home, the department shall notify the city council or county board of supervisors of the city or county in which the proposed elder family home is to be located. The city council or county board of supervisors shall respond to the application within thirty days of notification.

7. The department may delegate any duties under this section to local area agencies on aging.

8. The commission shall adopt by rule procedures for appointing members of a care review committee for each elder family home. To the maximum extent possible, the care review committee appointed for an elder family home shall include a person involved in a local retired senior volunteer program. The rules shall incorporate the provisions, if applicable, for care review committees pursuant to sections 135C.25, 135C.38, and 249D.44.

9. The commission of elder affairs shall adopt rules as necessary, to implement this section.

Sec. 3. NEW SECTION. 358A.31 ELDER FAMILY HOMES.

A county board of supervisors or county zoning commission shall consider an elder family home a family home, as defined in section 358A.25, for purposes of zoning, in accordance with section 135K.2, and may identify limitations regarding the proximity of one proposed elder family home to another.

Sec. 4. NEW SECTION. 414.29 ELDER FAMILY HOMES.

A city council or city zoning commission shall consider an elder family home a family home, as defined in section 414.22, for purposes of zoning, in accordance with section 135K.2, and may identify limitations regarding the proximity of one proposed elder family home to another.

Approved May 1, 1991

CHAPTER 89

PESTICIDE DEALER LICENSING

S.F. 33

AN ACT amending the pesticide Act of Iowa, by providing requirements for pesticide dealers, and providing for fees.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 206.8, subsection 2, Code 1991, is amended to read as follows:

2. A pesticide dealer shall pay by June 30 of each year to the department an annual license fee based on the gross retail sales of all pesticides sold for use in this state by the dealer in the previous year. The license fee shall be set as follows:

a. A pesticide dealer with less than one hundred thousand dollars in gross retail pesticide sales shall have the option to pay a license fee based on one-tenth of one percent of the gross retail pesticide sales in the previous year or to pay a license fee according to the following:

(1) Twenty-five dollars, if the annual gross retail pesticide sales are less than twenty-five thousand dollars.