

FILED MAR 05 1992

SENATE FILE 2301
BY COMMITTEE ON JUDICIARY

Successor (p. 629)
(SUCCESSOR TO SSB 2237)

Passed Senate, Date 3/16/92 (p. 182) Passed House, Date 3/31/92 (p. 935)
Vote: Ayes 47 Nays 1 Vote: Ayes 91 Nays 1

Approved April 23, 1992 (p. 1596)

Repassed Senate 4/8/92 (p. 1289)
ayes 49, nays 0

A BILL FOR

1 An Act relating to unfair and discriminatory practices in housing
2 and subjecting violators to civil actions and existing
3 criminal penalties.

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

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(A)

SENATE FILE 2301

H-5488

- 1 Amend Senate File 2301, as passed by the Senate, as
- 2 follows:
- 3 1. Page 4, line 3, by striking the word
- 4 "exemptions" and inserting the following:
- 5 "exceptions".
- 6 2. Page 4, line 5, by striking the words and
- 7 figures "subsections 1 through 6 do" and inserting the
- 8 following: "subsection 6 does".
- 9 3. Page 5, line 22, by inserting after the figure
- 10 "601A.11" the following: "or 601A.11A".

By COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT
JAY of Appanoose, Chairperson

H-5488 FILED MARCH 24, 1992

Adopted 3/31/92

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1 Section 1. Section 601A.2, Code Supplement 1991, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 3A. "Covered multifamily dwelling" means
4 any of the following:

5 a. A building consisting of four or more dwelling units if
6 the building has one or more elevators.

7 b. The ground floor units of a building consisting of four
8 or more units.

9 Sec. 2. Section 601A.2, subsection 8, Code Supplement
10 1991, is amended by adding the following new unnumbered
11 paragraph:

12 NEW UNNUMBERED PARAGRAPH. "Familial status" also means a
13 person who is pregnant or who is in the process of securing
14 legal custody of an individual who has not attained the age of
15 eighteen years.

16 Sec. 3. Section 601A.2, subsection 12, Code Supplement
17 1991, is amended to read as follows:

18 12. "Unfair practice" or "discriminatory practice" means
19 those practices specified as unfair or discriminatory in
20 sections 601A.6, 601A.7, 601A.8, 601A.8A, 601A.9, 601A.10, and
21 601A.11, and 601A.11A.

22 Sec. 4. Section 601A.8, unnumbered paragraph 1 and
23 subsections 1 and 2, Code 1991, are amended to read as
24 follows:

25 It shall be an unfair or discriminatory practice for any
26 person, owner, or person acting for an owner, of rights to
27 housing or real property, with or without compensation,
28 including but not limited to persons licensed as real estate
29 brokers or salespersons, attorneys, auctioneers, agents or
30 representatives by power of attorney or appointment, or any
31 person acting under court order, deed of trust, or will:

32 1. To refuse to sell, rent, lease, assign, or sublease,
33 refuse to negotiate, or to otherwise make unavailable, or deny
34 any real property or housing accommodation or part, portion or
35 interest therein, to any person because of the race, color,

1 creed, sex, religion, national origin, disability, or familial
2 status of such person.

3 2. To discriminate against any person because of the
4 person's race, color, creed, sex, religion, national origin,
5 disability, or familial status, in the terms, conditions or
6 privileges of the sale, rental, lease assignment or sublease
7 of any real property or housing accommodation or any part,
8 portion or interest therein in the real property or housing
9 accommodation or in the provision of services or facilities in
10 connection with the real property or housing accommodation.

11 For purposes of this section, "person" means one or more
12 individuals, corporations, partnerships, associations, labor
13 organizations, legal representatives, mutual companies, joint-
14 stock companies, trusts, unincorporated organizations,
15 trustees, trustees in cases under Title 11 of the United
16 States Code, receivers, and fiduciaries.

17 Sec. 5. Section 601A.11A, Code Supplement 1991, is amended
18 by striking the section and inserting in lieu thereof the
19 following:

20 601A.11A INTERFERENCE, COERCION, OR INTIMIDATION --
21 ENFORCEMENT BY CIVIL ACTION.

22 It shall be unlawful to coerce, intimidate, threaten, or
23 interfere with any person in the exercise or enjoyment of, on
24 account of the person having exercised or enjoyed, or on
25 account of the person having aided or encouraged any other
26 person in the exercise or enjoyment of, any right granted or
27 protected by section 601A.8, 601A.8A, or 601A.15A.

28 Sec. 6. Section 601A.12, unnumbered paragraph 1 and
29 subsections 1, 2, and 3, Code Supplement 1991, are amended to
30 read as follows:

31 The provisions of ~~section~~ sections 601A.8 and 601A.8A shall
32 not apply to:

33 1. Any bona fide religious institution with respect to any
34 qualifications it may impose based on religion, when such the
35 qualifications are related to a bona fide religious purpose

1 unless the religious institution owns or operates property for
2 a commercial purpose or membership in the religion is
3 restricted on account of race, color, or national origin.

4 2. The rental or leasing of a housing-accommodation
5 dwelling in a building which contains housing accommodations
6 for not more than two families living independently of each
7 other, if the owner ~~or members of the owner's family reside~~
8 resides in one of ~~such the~~ housing accommodations.

9 3. The rental or leasing of less than four rooms within a
10 single housing-accommodation dwelling by the occupant or owner
11 of ~~such housing-accommodation the dwelling~~, if the occupant or
12 owner ~~or members of that person's family reside~~ resides in the
13 accommodation dwelling.

14 Sec. 7. Section 601A.12, subsection 4, Code Supplement
15 1991, is amended by striking the subsection.

16 Sec. 8. Section 601A.12, subsection 5, unnumbered
17 paragraph 1 and paragraph a, Code Supplement 1991, are amended
18 to read as follows:

19 Housing-accommodations Dwellings provided under any state
20 or federal program specifically designed and operated to
21 assist elderly persons, as defined in the state or federal
22 program that the commission determines to be consistent with
23 determinations made by the secretary of housing and urban
24 development, and housing for older persons. As used in this
25 subsection, "housing for older persons" means housing
26 communities consisting of accommodations dwellings intended
27 for either of the following:

28 a. For eighty percent occupancy by at least one person
29 fifty-five years of age or older per unit, and providing
30 significant facilities and services specifically designed to
31 meet the physical or social needs of such the persons and the
32 housing facility must publish and adhere to policies and
33 procedures which demonstrate an intent by the owner or manager
34 to provide housing for persons fifty-five years of age or
35 older.

1 Sec. 9. Section 601A.12, Code Supplement 1991, is amended
2 by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The exemptions to the
4 requirements of sections 601A.8 and 601A.8A provided for
5 dwellings specified in subsections 1 through 6 do not apply to
6 advertising related to those dwellings.

7 Sec. 10. Section 601A.12A, Code Supplement 1991, is
8 amended to read as follows:

9 601A.12A ADDITIONAL HOUSING EXCEPTION.

10 ~~Section~~ Sections 601A.8 and 601A.8A ~~does~~ do not prohibit a
11 person engaged in the business of furnishing appraisals of
12 real estate from taking into consideration factors other than
13 race, color, creed, sex, religion, national origin,
14 disability, or familial status in appraising real estate.

15 Sec. 11. Section 601A.15A, subsection 2, Code Supplement
16 1991, is amended by adding the following new paragraph:

17 NEW PARAGRAPH. g. When the commission has reasonable
18 cause to believe that a respondent has breached a mediation
19 agreement, the commission shall refer this matter to an
20 assistant attorney general with a recommendation that a civil
21 action be filed for the enforcement of the agreement. The
22 assistant attorney general may commence a civil action in the
23 appropriate district court not later than the expiration of
24 ninety days after referral of the breach.

25 Sec. 12. Section 601A.15A, Code Supplement 1991, is
26 amended by adding the following new subsections:

27 NEW SUBSECTION. 12. This section applies only to the
28 following:

29 a. Complaints which allege a violation of the prohibitions
30 contained in section 601A.8 or 601A.8A.

31 b. Complaints which allege a violation of section 601A.11
32 or 601A.11A arising out of alleged violations of the
33 prohibitions contained in section 601A.8 or 601A.8A.

34 NEW SUBSECTION. 13. If a provision of section 601A.15A
35 applies under the terms of section 601A.15A, subsection 12,

1 and the provision of section 601A.15A conflicts with a
2 provision of section 601A.15 then the provision contained
3 within section 601A.15A shall prevail. Similarly, if a
4 provision of section 601A.16A or 601A.17A conflicts with a
5 provision of section 601A.16 or 601A.17, then the provision
6 contained in section 601A.16A or 601A.17A shall prevail.

7 Sec. 13. Section 601A.16A, subsection 1, paragraph b, Code
8 Supplement 1991, is amended to read as follows:

9 b. The election must be made not later than twenty days
10 after the date of receipt by the electing person of service
11 under section ~~601A.15~~ 601A.15A, subsection 5, or in the case
12 of the commission, not later than twenty days after the date
13 the determination was issued.

14 Sec. 14. Section 601A.16A, subsection 1, Code Supplement
15 1991, is amended by adding the following new paragraph:

16 NEW PARAGRAPH. d. The election to have the charges of a
17 complaint decided in a civil action as provided in paragraph
18 "a" is only available if one of the following is alleged:

19 (1) It is alleged that there has been a violation of
20 section 601A.8 or 601A.8A.

21 (2) It is alleged that there has been a violation of
22 section 601A.11 arising out of an alleged violation of the
23 prohibitions contained in section 601A.8 or 601A.8A.

24 Sec. 15. Section 601A.17, subsection 10, Code 1991, is
25 amended to read as follows:

26 10. If no proceeding to obtain judicial review is
27 instituted within thirty days from the ~~service~~ issuance of an
28 order of the commission under section 601A.15 or 601A.15A, the
29 commission may obtain an order of the court for the
30 enforcement of ~~such~~ the order upon showing that respondent is
31 subject to the jurisdiction of the commission and resides or
32 transacts business within the county in which the petition for
33 enforcement is brought.

34 Sec. 16. Section 601A.17A, subsection 1, paragraph b, Code
35 Supplement 1991, is amended to read as follows:

1 b. Venue for an action under this section is in the county
2 in which the respondent resides or has its principal place of
3 business, or in the county in which the alleged discriminatory
4 housing or real estate practice occurred.

5 Sec. 17. Section 601A.17A, subsection 2, Code Supplement
6 1991, is amended to read as follows:

7 2. A commission order under section 601A.15A, subsection
8 11, does and a commission order that has been substantially
9 affirmed by judicial review, do not affect a contract, sale,
10 encumbrance, or lease that was consummated before the
11 commission issued the order and involved a bona fide
12 purchaser, encumbrancer, or tenant who did not have actual
13 notice of the charge issued under this chapter.

14 Sec. 18. Section 601A.20, subsection 1, Code Supplement
15 1991, is amended by striking the subsection and inserting in
16 lieu thereof the following:

17 1. This chapter does not affect:

18 a. A reasonable local or state restriction on the maximum
19 number of occupants permitted to occupy a dwelling.

20 b. Tenancy of an individual that would constitute a direct
21 threat to the health or safety of other individuals or tenancy
22 that would result in substantial physical damage to the
23 property of others.

24

EXPLANATION

25 This bill amends chapter 601A and relates to unfair and
26 discriminatory practices in housing. Amendments are made to
27 Code 1991 and the Code Supplement 1991 to conform current
28 housing law to the requirements of the United States
29 department of housing and urban development.

30 The bill defines the terms "covered multifamily dwelling",
31 "familial status", and "unfair practice".

32 The bill provides that it is an unfair or discriminatory
33 practice for any person to interfere with another person's
34 housing or real estate rights, not just such rights of an
35 owner or agent of an owner, and provides that exceptions to

1 housing and real estate rights apply to the rights specified
2 in section 601A.8A as well as section 601A.8.

3 The bill removes an exemption for compliance for housing
4 accommodations in which residents of both sexes must share a
5 common bathroom on the same floor, and adds qualifications for
6 the exemption allowed for housing accommodations for elderly
7 persons (fifty-five years of age or older).

8 The bill also provides that hearing procedures in section
9 601A.15A apply to complaints filed pursuant to sections
10 601A.8, 601A.8A, 601A.11, or 601A.11A.

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HOUSE AMENDMENT TO
SENATE FILE 2301

S-5506

1 Amend Senate File 2301, as passed by the Senate, as
2 follows:

3 1. Page 4, line 3, by striking the word
4 "exemptions" and inserting the following:
5 "exceptions".

6 2. Page 4, line 5, by striking the words and
7 figures "subsections 1 through 6 do" and inserting the
8 following: "subsection 6 does".

9 3. Page 5, line 22, by inserting after the figure
10 "601A.11" the following: "or 601A.11A".

RECEIVED FROM THE HOUSE

S-5506 FILED APRIL 2, 1992

Senate File 2301 4/2/92 (p. 1289)

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ROSENBERG, CH.
MURPHY
HAGERLA

SSB 2237
JUDICIARY — *Now* —

SENATE/HOUSE FILE 2301
BY (PROPOSED CIVIL RIGHTS
COMMISSION BILL)

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

A BILL FOR

1 An Act relating to unfair and discriminatory practices in housing
2 and subjecting violators to existing civil and criminal
3 penalties.

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

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1 Section 1. Section 601A.2, Code Supplement 1991, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 3A. "Covered multifamily dwelling" means
4 any of the following:

5 a. A building consisting of four or more residential units
6 if the building has one or more elevators.

7 b. The ground floor units of a building consisting of four
8 or more units.

9 Sec. 2. Section 601A.2, subsection 8, Code Supplement
10 1991, is amended by adding the following new unnumbered
11 paragraph:

12 NEW UNNUMBERED PARAGRAPH. "Familial status" also means a
13 person who is pregnant or who is in the process of securing
14 legal custody of an individual who has not attained the age of
15 eighteen years.

16 Sec. 3. Section 601A.2, subsection 12, Code Supplement
17 1991, is amended to read as follows:

18 12. "Unfair practice" or "discriminatory practice" means
19 those practices specified as unfair or discriminatory in
20 sections 601A.6, 601A.7, 601A.8, 601A.8A, 601A.9, 601A.10 and
21 601A.11.

22 Sec. 4. Section 601A.8, unnumbered paragraph 1 and
23 subsections 1 and 2, Code 1991, are amended to read as
24 follows:

25 It shall be an unfair or discriminatory practice for any
26 person, owner, or person acting for an owner, of rights to
27 housing or real property, with or without compensation,
28 including but not limited to persons licensed as real estate
29 brokers or salespersons, attorneys, auctioneers, agents or
30 representatives by power of attorney or appointment, or any
31 person acting under court order, deed of trust, or will:

32 1. To refuse to sell, rent, lease, assign, or sublease,
33 refuse to negotiate, or to otherwise make unavailable, or deny
34 any real property or housing accommodation or part, portion or
35 interest therein, to any person because of the race, color,

1 creed, sex, religion, national origin, disability, or familial
2 status of such person.

3 2. To discriminate against any person because of the
4 person's race, color, creed, sex, religion, national origin,
5 disability, or familial status, in the terms, conditions or
6 privileges of the sale, rental, lease assignment or sublease
7 of any real property or housing accommodation or any part,
8 portion or interest therein in the real property or housing
9 accommodation or in the provision of services or facilities in
10 connection with the real property or housing accommodation.

11 Sec. 5. Section 601A.12, unnumbered paragraph 1 and
12 subsections 1, 2, and 3, Code Supplement 1991, are amended to
13 read as follows:

14 The provisions of section sections 601A.8 and 601A.8A shall
15 not apply to:

16 1. Any bona fide religious institution with respect to any
17 qualifications it may impose based on religion, when such the
18 qualifications are related to a bona fide religious purpose
19 unless the religious institution owns or operates property for
20 a commercial purpose or membership in the religion is
21 restricted on account of race, color, or national origin.

22 2. The rental or leasing of a housing accommodation in a
23 building which contains housing accommodations for not more
24 than two families living independently of each other, if the
25 ~~owner or members of the owner's family reside~~ resides in one
26 of such the housing accommodations.

27 3. The rental or leasing of less than four rooms within a
28 single housing accommodation by the occupant or owner of such
29 the housing accommodation, if the occupant or owner ~~or members~~
30 ~~of that person's family reside~~ resides in the accommodation.

31 Sec. 6. Section 601A.12, subsection 4, Code Supplement
32 1991, is amended by striking the subsection.

33 Sec. 7. Section 601A.12, subsection 5, unnumbered
34 paragraph 1 and paragraph a, Code Supplement 1991, are amended
35 to read as follows:

1 Housing accommodations provided under any state or federal
2 program specifically designed and operated to assist elderly
3 persons, as defined in the state or federal program that the
4 commission determines, and housing for older persons. As used
5 in this subsection, "housing for older persons" means housing
6 communities consisting of accommodations intended for either
7 of the following:

8 a. For eighty percent occupancy by at least one person
9 fifty-five years of age or older per unit, and providing
10 significant facilities and services specifically designed to
11 meet the physical or social needs of such the persons and the
12 housing facility must publish and adhere to policies and
13 procedures which demonstrate an intent by the owner or manager
14 to provide housing for persons fifty-five years of age or
15 older.

16 Sec. 8. Section 601A.12, Code Supplement 1991, is amended
17 by adding the following new unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. The exemptions to the
19 requirements of sections 601A.8 and 601A.8A provided for
20 housing accommodations specified in subsections 1 through 6 do
21 not apply to advertising related to those housing
22 accommodations.

23 Sec. 9. Section 601A.12A, Code Supplement 1991, is amended
24 to read as follows:

25 601A.12A ADDITIONAL HOUSING EXCEPTION.

26 Section Sections 601A.8 and 601A.8A does do not prohibit a
27 person engaged in the business of furnishing appraisals of
28 real estate from taking into consideration factors other than
29 race, color, creed, sex, religion, national origin,
30 disability, or familial status in appraising real estate.

31 Sec. 10. Section 601A.15A, Code Supplement 1991, is
32 amended by adding the following new subsection:

33 NEW SUBSECTION. 12. This section applies only to the
34 following:

35 a. Complaints which allege a violation of the prohibitions

1 contained in section 601A.8 or 601A.8A.

2 b. Complaints which allege a violation of section 601A.11
3 or 601A.11A arising out of alleged violations of the
4 prohibitions contained in section 601A.8 or 601A.8A.

5 c. The decision whether or not to file, the processing of,
6 the receipt of, the investigation of, the mediation of, the
7 determination of, the prosecution of, the adjudication of, the
8 remedying of, and all other actions taken with respect to
9 complaints or potential complaints.

10 Sec. 11. Section 601A.16A, subsection 1, paragraph b, Code
11 Supplement 1991, is amended to read as follows:

12 b. The election must be made not later than twenty days
13 after the date of receipt by the electing person of service of
14 a written notice specifying the charges in the complaint as
15 the charges may have been amended under section ~~601A.15~~
16 601A.15A, subsection 5, or in the case of the commission, not
17 later than twenty days after the date the determination was
18 issued.

19 Sec. 12. Section 601A.16A, subsection 1, Code Supplement
20 1991, is amended by adding the following new paragraph:

21 NEW PARAGRAPH. d. The election to have the charges of a
22 complaint decided in a civil action as provided in paragraph
23 "a" is only available if one of the following is alleged:

24 (1) It is alleged that there has been a violation of
25 section 601A.8 or 601A.8A.

26 (2) It is alleged that there has been a violation of
27 section 601A.11 arising out of an alleged violation of the
28 prohibitions contained in section 601A.8 or 601A.8A.

29 Sec. 13. Section 601A.17, subsection 10, Code 1991, is
30 amended to read as follows:

31 10. If no proceeding to obtain judicial review is
32 instituted within thirty days from the service issuance of an
33 order of the commission under section 601A.15 or 601A.15A, the
34 commission may obtain an order of the court for the
35 enforcement of such the order upon showing that respondent is

1 subject to the jurisdiction of the commission and resides or
2 transacts business within the county in which the petition for
3 enforcement is brought.

4 Sec. 14. Section 601A.17A, subsection 2, Code Supplement
5 1991, is amended to read as follows:

6 2. A commission order under section 601A.15A, subsection
7 11, does and a commission order that has been substantially
8 affirmed by judicial review, do not affect a contract, sale,
9 encumbrance, or lease that was consummated before the
10 commission issued the order and involved a bona fide
11 purchaser, encumbrancer, or tenant who did not have actual
12 notice of the charge issued under this chapter.

13

EXPLANATION

14 This bill amends chapter 601A and relates to unfair and
15 discriminatory practices in housing. Amendments are made to
16 Code 1991 and the Code Supplement 1991 to conform current
17 housing law to the requirements of the United States
18 department of housing and urban development.

19 Sections 1, 2, and 3 define the terms "covered multifamily
20 dwelling", "familial status", and "unfair practice".

21 Section 4 provides that it is an unfair or discriminatory
22 practice for any person to interfere with another person's
23 housing or real estate rights, not just such rights of an
24 owner or agent of an owner.

25 Section 5 provides that exceptions to housing and real
26 estate rights apply to the rights specified in section 601A.8A
27 as well as section 601A.8. Qualifications are also added to
28 rights of religious institutions and owner-occupied small
29 residential buildings.

30 Section 6 removes an exemption for compliance for housing
31 accommodations in which residents of both sexes must share a
32 common bathroom on the same floor.

33 Section 7 adds qualifications for the exemption allowed for
34 housing accommodations for elderly persons (fifty-five years
35 of age or older).

1 Section 8 adds a subsection to section 601A.12 which
2 provides that none of the exemptions in that section applies
3 to advertising.

4 Section 9 provides that an exception for appraisals of real
5 estate applies to section 601A.8 as well as to section
6 601A.8A.

7 Section 10 provides that hearing procedures in section
8 601A.15A apply to complaints filed pursuant to sections
9 601A.8, 601A.8A, 601A.11, or 601A.11A.

10 Section 11 corrects an internal reference.

11 Section 12 relates to when an election to file a complaint
12 in a civil action may be made with regard to sections 601A.8,
13 601A.8A, or 601A.11.

14 Section 13 provides for a commission authority to proceed
15 for enforcement of its order under section 601A.15A as well as
16 section 601A.15.

17 Section 14 provides that a commission order substantially
18 affirmed by judicial review does not affect a housing or real
19 estate action commenced before the commission order was
20 issued.

21 BACKGROUND STATEMENT

22 SUBMITTED BY THE AGENCY

23 This bill removes inconsistencies within chapter 601A with
24 regard to unfair and discriminatory practices in housing. The
25 changes are needed to coordinate amendments enacted last year
26 (1991) to the previous provisions relating to unfair housing
27 practices. The amendments also respond to a legal analysis of
28 Iowa's fair housing law made by the assistant general counsel
29 for fair housing of the federal office of fair housing and
30 equal opportunity.

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SENATE FILE 2301

AN ACT
RELATING TO UNFAIR AND DISCRIMINATORY PRACTICES IN HOUSING AND
SUBJECTING VIOLATORS TO CIVIL ACTIONS AND EXISTING CRIMINAL
PENALTIES.

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

Section 1. Section 601A.2, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. "Covered multifamily dwelling" means any of the following:

a. A building consisting of four or more dwelling units if the building has one or more elevators.

b. The ground floor units of a building consisting of four or more units.

Sec. 2. Section 601A.2, subsection 8, Code Supplement 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. "Familial status" also means a person who is pregnant or who is in the process of securing legal custody of an individual who has not attained the age of eighteen years.

Sec. 3. Section 601A.2, subsection 12, Code Supplement 1991, is amended to read as follows:

12. "Unfair practice" or "discriminatory practice" means those practices specified as unfair or discriminatory in sections 601A.6, 601A.7, 601A.8, 601A.8A, 601A.9, 601A.10, and 601A.11, and 601A.11A.

Sec. 4. Section 601A.8, unnumbered paragraph 1 and subsections 1 and 2, Code 1991, are amended to read as follows:

It shall be an unfair or discriminatory practice for any person, owner, or person acting for an owner, of rights to housing or real property, with or without compensation, including but not limited to persons licensed as real estate brokers or salespersons, attorneys, auctioneers, agents or representatives by power of attorney or appointment, or any person acting under court order, deed of trust, or will:

1. To refuse to sell, rent, lease, assign, or sublease, refuse to negotiate, or to otherwise make unavailable, or deny any real property or housing accommodation or part, portion or interest therein, to any person because of the race, color, creed, sex, religion, national origin, disability, or familial status of such person.

2. To discriminate against any person because of the person's race, color, creed, sex, religion, national origin, disability, or familial status, in the terms, conditions or privileges of the sale, rental, lease assignment or sublease of any real property or housing accommodation or any part, portion or interest therein in the real property or housing accommodation or in the provision of services or facilities in connection with the real property or housing accommodation.

For purposes of this section, "person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.

Sec. 5. Section 601A.11A, Code Supplement 1991, is amended by striking the section and inserting in lieu thereof the following:

601A.11A INTERFERENCE, COERCION, OR INTIMIDATION --
ENFORCEMENT BY CIVIL ACTION.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, on account of the person having exercised or enjoyed, or on account of the person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 601A.8, 601A.8A, or 601A.15A.

Sec. 6. Section 601A.12, unnumbered paragraph 1 and subsections 1, 2, and 3, Code Supplement 1991, are amended to read as follows:

The provisions of section sections 601A.8 and 601A.8A shall not apply to:

1. Any bona fide religious institution with respect to any qualifications it may impose based on religion, when such the qualifications are related to a bona fide religious purpose unless the religious institution owns or operates property for a commercial purpose or membership in the religion is restricted on account of race, color, or national origin.

2. The rental or leasing of a housing-accommodation dwelling in a building which contains housing accommodations for not more than two families living independently of each other, if the ~~owner or members of the owner's family reside~~ resides in one of such the housing accommodations.

3. The rental or leasing of less than four rooms within a single housing-accommodation dwelling by the occupant or owner of such-housing-accommodation the dwelling, if the occupant or ~~owner or members of that person's family reside~~ resides in the accommodation dwelling.

Sec. 7. Section 601A.12, subsection 4, Code Supplement 1991, is amended by striking the subsection.

Sec. 8. Section 601A.12, subsection 5, unnumbered paragraph 1 and paragraph a, Code Supplement 1991, are amended to read as follows:

Housing-accommodations Dwellings provided under any state or federal program specifically designed and operated to assist elderly persons, as defined in the state or federal

program that the commission determines to be consistent with determinations made by the secretary of housing and urban development, and housing for older persons. As used in this subsection, "housing for older persons" means housing communities consisting of accommodations dwellings intended for either of the following:

a. For eighty percent occupancy by at least one person fifty-five years of age or older per unit, and providing significant facilities and services specifically designed to meet the physical or social needs of such the persons and the housing facility must publish and adhere to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.

Sec. 9. Section 601A.12, Code Supplement 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The exceptions to the requirements of sections 601A.8 and 601A.8A provided for dwellings specified in subsection 6 does not apply to advertising related to those dwellings.

Sec. 10. Section 601A.12A, Code Supplement 1991, is amended to read as follows:

601A.12A. ADDITIONAL HOUSING EXCEPTION.

Section Sections 601A.8 and 601A.8A does do not prohibit a person engaged in the business of furnishing appraisals of real estate from taking into consideration factors other than race, color, creed, sex, religion, national origin, disability, or familial status in appraising real estate.

Sec. 11. Section 601A.15A, subsection 2, Code Supplement 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. When the commission has reasonable cause to believe that a respondent has breached a mediation agreement, the commission shall refer this matter to an assistant attorney general with a recommendation that a civil action be filed for the enforcement of the agreement. The

assistant attorney general may commence a civil action in the appropriate district court not later than the expiration of ninety days after referral of the breach.

Sec. 12. Section 601A.15A, Code Supplement 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 12. This section applies only to the following:

a. Complaints which allege a violation of the prohibitions contained in section 601A.8 or 601A.8A.

b. Complaints which allege a violation of section 601A.11 or 601A.11A arising out of alleged violations of the prohibitions contained in section 601A.8 or 601A.8A.

NEW SUBSECTION. 13. If a provision of section 601A.15A applies under the terms of section 601A.15A, subsection 12, and the provision of section 601A.15A conflicts with a provision of section 601A.15 then the provision contained within section 601A.15A shall prevail. Similarly, if a provision of section 601A.16A or 601A.17A conflicts with a provision of section 601A.16 or 601A.17, then the provision contained in section 601A.16A or 601A.17A shall prevail.

Sec. 13. Section 601A.16A, subsection 1, paragraph b, Code Supplement 1991, is amended to read as follows:

b. The election must be made not later than twenty days after the date of receipt by the electing person of service under section ~~601A.15~~ 601A.15A, subsection 5, or in the case of the commission, not later than twenty days after the date the determination was issued.

Sec. 14. Section 601A.16A, subsection 1, Code Supplement 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. The election to have the charges of a complaint decided in a civil action as provided in paragraph "a" is only available if one of the following is alleged:

(1) It is alleged that there has been a violation of section 601A.8 or 601A.8A.

(2) It is alleged that there has been a violation of section 601A.11 or 601A.11A arising out of an alleged violation of the prohibitions contained in section 601A.8 or 601A.8A.

Sec. 15. Section 601A.17, subsection 10, Code 1991, is amended to read as follows:

10. If no proceeding to obtain judicial review is instituted within thirty days from the service issuance of an order of the commission under section 601A.15 or 601A.15A, the commission may obtain an order of the court for the enforcement of such the order upon showing that respondent is subject to the jurisdiction of the commission and resides or transacts business within the county in which the petition for enforcement is brought.

Sec. 16. Section 601A.17A, subsection 1, paragraph b, Code Supplement 1991, is amended to read as follows:

b. Venue for an action under this section is in the county in which the respondent resides or has its principal place of business, or in the county in which the alleged discriminatory housing or real estate practice occurred.

Sec. 17. Section 601A.17A, subsection 2, Code Supplement 1991, is amended to read as follows:

2. A commission order under section 601A.15A, subsection 11, does and a commission order that has been substantially affirmed by judicial review, do not affect a contract, sale, encumbrance, or lease that was consummated before the commission issued the order and involved a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the charge issued under this chapter.

Sec. 18. Section 601A.20, subsection 1, Code Supplement 1991, is amended by striking the subsection and inserting in lieu thereof the following:

1. This chapter does not affect:

a. A reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling.

b. Tenancy of an individual that would constitute a direct threat to the health or safety of other individuals or tenancy that would result in substantial physical damage to the property of others.

MICHAEL E. GRONSTAL
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2301, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 23, 1992

TERRY E. BRANSTAD
Governor