

**17—5.18 (231) Recapture of funds for facilities.**

**5.18(1) *Recapture from owner.*** The United States government and the state of Iowa are entitled to recapture the appropriate portion of the funds used by a facility owner for acquisition or construction of a facility used for senior programs or services. The owner shall notify the department in writing if within 10 years after acquisition or within 20 years after construction completion the following circumstances apply:

- a.* The owner of the facility ceases to be a public or nonprofit agency; or
- b.* The facility is no longer used for senior activities.

**5.18(2) *Amount of recapture.*** The amount recovered under 5.18(1) is that proportion of the current value of the facility equal to the proportion of federal or state funds contributed to the original cost. The current value of the facility is determined by written agreement between the owner of the facility and the federal or state government, or by an action in the federal or district court in the district where the facility is located.

**5.18(3) *Recapture in leased facility.***

*a.* For a facility no longer leased for senior activities, the department shall recapture a portion of federal and state funds from the lessors of that facility within a period of time equal to one year for every \$1,000 of permanent alterations or renovations.

*b.* Recapture share. The amount recovered under paragraph 5.18(3) “*a*” shall be the total federal and state funds contributed to the original cost reduced by \$1,000 for each year the facility was used for senior programs or services.