

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

Proposing rule making related to broadband forward and telecommuter forward certifications and providing an opportunity for public comment

The Economic Development Authority hereby proposes to rescind Chapter 24, “Emergency Shelter Grants Program,” and adopt a new Chapter 24, “Broadband Forward and Telecommuter Forward Certifications,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 15.106A and 2021 Iowa Acts, House File 871.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 15E.167 as enacted by 2021 Iowa Acts, House File 871.

Purpose and Summary

Pursuant to 2021 Iowa Acts, House File 871, the Authority shall establish broadband forward and telecommuter forward certifications. The purpose of the broadband forward certification is to encourage cities, counties, and townships (“political subdivisions”) to further develop broadband infrastructure and access to broadband. The purpose of the telecommuter forward certification is to encourage political subdivisions to further develop and promote the availability of telecommuting.

New Chapter 24 is proposed to replace the chapter relating to the Emergency Shelter Grants Program. In 2010, administration of the Emergency Shelter Grants Program was transferred to the Iowa Finance Authority.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 261—Chapter 199.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Authority no later than 4:30 p.m. on October 12, 2021. Comments should be directed to:

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Phone: 515.348.6163
Email: lisa.connell@iowaeda.com

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Rescind 261—Chapter 24 and adopt the following **new** chapter in lieu thereof:

CHAPTER 24

BROADBAND FORWARD AND TELECOMMUTER FORWARD CERTIFICATIONS

261—24.1(15E) Authority. The authority for establishing this program is provided in Iowa Code section 15E.167 as enacted by 2021 Iowa Acts, House File 871.

261—24.2(15E) Purposes. The purpose of the broadband forward certification is to encourage political subdivisions to further develop broadband infrastructure and access to broadband. The purpose of the telecommuter forward certification is to encourage political subdivisions to further develop and promote the availability of telecommuting.

261—24.3(15E) Definitions.

“*Applicant*” means a political subdivision that submits an application to the authority for a broadband forward certification or telecommuter forward certification.

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Broadband*” means the same as defined in Iowa Code section 8B.1.

“*Broadband infrastructure*” means the same as defined in Iowa Code section 8B.1.

“*Certification*” means a certificate issued to a political subdivision that meets the criteria in rule 261—24.5(15E) or 261—24.6(15E).

“*Communications service provider*” means a service provider that provides broadband service.

“*Political subdivision*” means a city, county, or township.

“*Program*” means the broadband forward and telecommuter forward certification program established in this chapter.

261—24.4(15E) Application; review; approval.

24.4(1) Application. The authority will develop a standardized application process and make information on applying available on the authority’s website at www.iowaeda.com. To apply for certification under the program, a political subdivision shall submit an application to the authority in the

form and manner prescribed by the authority. A political subdivision may apply for broadband forward certification and telecommuter forward certification concurrently.

24.4(2) Review. The authority will review each complete application to determine whether an applicant meets the criteria in rule 261—24.5(15E) or 261—24.6(15E).

24.4(3) Approval. The authority may approve, deny or defer applications for certification. If the authority approves an application for certification, the authority will issue a broadband forward or telecommuter forward certificate and assist the political subdivision in publicizing its certification.

261—24.5(15E) Broadband forward certification.

24.5(1) Application requirements. To obtain broadband forward certification, a political subdivision shall submit to the authority an application indicating all of the following:

- a. The political subdivision's support and commitment to promote the availability of broadband.
- b. Existing or proposed ordinances encouraging the further development of broadband infrastructure and access to broadband.
- c. Efforts to secure local funding for the further development of broadband infrastructure and access to broadband.
- d. A single point of contact for the political subdivision for all matters related to broadband and broadband infrastructure.

24.5(2) Single point of contact. The single point of contact designated pursuant to paragraph 24.5(1) "d" shall be responsible for all of the following:

- a. Coordination and partnership with the authority, communications service providers, realtors, economic development professionals, employers, employees, and other broadband stakeholders.
- b. Collaboration with the authority, communications service providers, and employers to identify, develop, and market broadband packages available in the political subdivision.
- c. Familiarity with broadband mapping tools and other state-level resources.
- d. Maintaining regular communication with the authority.
- e. Providing to the political subdivision regular reports regarding the availability of broadband in the political subdivision.

24.5(3) Evaluation. The authority will evaluate whether the applicant demonstrates that its efforts or proposed efforts to develop broadband infrastructure and access to broadband will have a sufficient impact that warrants certification.

261—24.6(15E) Telecommuter forward certification.

24.6(1) A political subdivision that meets the criteria for broadband forward certification in rule 261—24.5(15E) may apply for telecommuter forward certification. To obtain telecommuter forward certification, a political subdivision shall submit to the authority an application indicating the following:

- a. The political subdivision's support and commitment to promote the availability of telecommuting options.
- b. Existing or proposed ordinances encouraging the further development of telecommuting options.
- c. Efforts to secure local funding for the further development of telecommuting options.
- d. A single point of contact for coordinating telecommuting opportunities and options.

24.6(2) The single point of contact designated pursuant to paragraph 24.6(1) "d" shall be responsible for all of the following:

- a. Coordination and partnership with the authority, communications service providers, realtors, economic development professionals, employers, employees, and other telecommuting stakeholders.
- b. Collaboration with the authority, communications service providers, and employers to identify, develop, and market telecommuter-capable broadband packages available in the political subdivision.
- c. Promotion of telecommuter-friendly workspaces, such as business incubators with telecommuting spaces, if such a workspace has been established in the political subdivision at the time the political subdivision submits the application.
- d. Familiarity with broadband mapping tools and other state-level resources.

- e.* Maintaining regular communication with the authority.
- f.* Providing to the political subdivision regular reports regarding the availability of telecommuting options in the political subdivision.

24.6(3) Evaluation. The authority will evaluate whether the applicant demonstrates that its efforts or proposed efforts to further develop and promote the availability of telecommuting will have a sufficient impact that warrants certification.

261—24.7(15E) Maintenance of certification.

24.7(1) Reports. A political subdivision certified pursuant to this chapter shall submit an annual report to the authority verifying its continued eligibility for certification pursuant to rule 261—24.5(15E) or 261—24.6(15E). If applicable, the report will also address a political subdivision’s compliance with the restrictions in subrule 24.7(2).

24.7(2) Restrictions on certified broadband forward communities. A political subdivision that the authority has certified as a broadband forward community pursuant to subrule 24.4(3) shall not do any of the following:

- a.* Require an applicant to designate a final contractor to complete a broadband infrastructure project.
- b.* Impose a fee to review an application or issue a permit for a broadband infrastructure application in excess of \$100.
- c.* Impose a moratorium of any kind on the approval of applications and issuance of permits for broadband infrastructure projects or on construction related to broadband infrastructure.
- d.* Discriminate among communications service providers or public utilities with respect to any action described in this rule or otherwise related to broadband infrastructure, including granting access to public rights-of-way, infrastructure and poles, river and bridge crossings, or any other physical assets owned or controlled by the political subdivision.
- e.* As a condition for approving an application or issuing a permit for a broadband infrastructure project or for any other purpose, require the applicant to provide any service or make available any part of the broadband infrastructure to the political subdivision or make any payment to or on behalf of the political subdivision, except for the fee allowed under paragraph 24.7(2)“*b.*”

24.7(3) Revocation of certification. The authority shall revoke the certification of a political subdivision that does not comply with the requirements of subrule 24.7(1) or 24.7(2) or that the authority otherwise determines is no longer eligible for certification pursuant to this chapter.

These rules are intended to implement Iowa Code section 15E.167 as enacted by 2021 Iowa Acts, House File 871.