

**IOWA FINANCE AUTHORITY[265]**

**Notice of Intended Action**

**Proposing rule making related to Iowa council on homelessness  
and providing an opportunity for public comment**

The Iowa Finance Authority hereby proposes to amend Chapter 31, “Council on Homelessness,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 16.5.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 16.2D as amended by 2022 Iowa Acts, House File 2258.

*Purpose and Summary*

2022 Iowa Acts, House File 2258, amended Iowa Code section 16.2D, which establishes the Iowa Council on Homelessness. The Iowa Code section describes the Council’s membership, operation, and duties. The legislation reduced the size of the Council from 38 members to 20 members and made the remaining agency director members nonvoting members. The amendments to the Iowa Code section changed the quorum and voting requirements and changed the membership of the nominating committee. The legislation also eliminated certain duties from Iowa Code section 16.2D.

These proposed amendments update Chapter 31 to reflect the changes to Iowa Code section 16.2D and make changes to rule 265—31.1(16) to improve the organization of the rule.

*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 265—Chapter 18.

*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 January 31, 2023. Comments should be directed to:

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Iowa Finance Authority  
1963 Bell Avenue, Suite 200  
Des Moines, Iowa 50315  
Phone: 515.452.0404  
Email: [kristin.hanks-bents@iowafinance.com](mailto:kristin.hanks-bents@iowafinance.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 actions are proposed:

ITEM 1. Amend rule 265—31.1(16) as follows:

**265—31.1(16) Organization General.**

**31.1(1) Location and staff.**

*a.* The main office of the council is located at the offices of the Iowa finance authority, located at the address set forth in rule 265—1.3(16). Office hours for the council shall be 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Written requests may be submitted to the council at this address. Information about the council is available at this website address: [www.iowafinanceauthority.gov](http://www.iowafinanceauthority.gov) [www.iowafinance.com](http://www.iowafinance.com). ~~The council’s telephone numbers are: (515)725-4900 (general); 1-800-432-7230 (toll free); 1-800-618-4718 (TTY); and (515)725-4901 (facsimile).~~

*b.* Staff assistance and administrative support shall be provided by the Iowa finance authority as approved by the executive director.

**31.1(2) Council members and staff Composition.** The powers of the council are vested in and exercised by ~~38 voting~~ 20 members, 11 of whom are voting members and 9 of whom are nonvoting members. Voting members are appointed by the governor in accordance with Iowa Code section 16.2D.

**31.1(3) Terms.** The ~~26~~ 11 voting members selected from the general public shall each serve a two-year term. Terms shall be staggered so half of the voting members are appointed in one year and half are appointed in the year thereafter.

**31.1(4) Board officers.** ~~Initially, the council shall, as soon as all members have been appointed, promptly~~ The council shall annually elect a chairperson and a vice chairperson, both to a term not to exceed two years ending in May and may elect other officers as determined by the council. The chairperson and vice chairperson shall not both be either general public members or agency director members. Thereafter, the chairperson and vice chairperson positions shall rotate between agency director members and general public members so that the chairperson and vice chairperson shall not both be either general public members or agency director members at the same time. Staff assistance and administrative support shall be provided by the Iowa finance authority as approved by the executive director.

~~31.1(3)~~ **31.1(5) Council action Quorum and voting requirements.** A majority of the ~~Seven~~ voting members of the council shall constitute a quorum. Any action taken by the council must be adopted by an affirmative vote of a majority of its membership the quorum. The majority shall not include any member who has a conflict of interest, and a statement by a member who asserts a conflict of interest shall be conclusive for this purpose.

~~31.1(4)~~ **31.1(6) Meetings.** Regular meetings of the council shall be held on the third Friday of the following months: January, March, May, July, September, and November, unless another time of meeting is designated by the council. The council shall meet at least six times per year. Meetings may also be held at the call of the chairperson or whenever a majority of the members so request. The council shall

comply with the requirements of Iowa Code chapters 21 and 22. Interested parties are encouraged to attend and participate in council meetings where feasible.

~~31.1(5)~~ 31.1(7) *Committees.* ~~The council shall form an executive committee consisting of the council's chairperson, vice chairperson, and seven members, one of whom shall be the immediate past chairperson if a current member of the council. The chairperson shall appoint the remaining members of the executive committee. The executive committee shall be responsible for reviewing and making recommendations for amendments or changes to the internal rules of procedure. The executive committee shall carry out the business of the council between regularly scheduled council meetings. A majority of the members of the executive committee shall constitute a quorum. Any action taken by the executive committee must be adopted by an affirmative vote of a majority of its members. The council may form an executive committee comprised of not more than six voting members of the council. The membership and size of the committee as well as the terms of the committee members will be established annually by the council. The members of the executive committee may elect a member to serve as a chairperson. A majority of voting committee members constitutes a quorum. Any action taken by the committee must be adopted by an affirmative vote of a majority of its voting members. The chairperson of the council may appoint nonvoting members of the council to serve on the executive committee as nonvoting members. The executive committee will be responsible for reviewing and making recommendations for amendments or changes to the internal rules of procedure. The executive committee will carry out the business of the council between regularly scheduled council meetings.~~

*a. Nominating committee.* ~~The nominating committee shall initially consist of all 12 agency director members. Following the initial appointment of the general public members to the council, the~~ The council shall annually at its March meeting elect six five members, three at least two of whom shall be ~~agency director~~ nonvoting members and ~~three at least two~~ of whom shall be ~~general public~~ voting members. ~~The chairperson of the council shall also be a voting member.~~ The nominating committee shall nominate persons to the governor to fill the ~~general public~~ voting member positions when they become open. A majority of the members of the nominating committee shall constitute a quorum. Any action taken by the nominating committee must be adopted by an affirmative vote of a majority of its members.

*b. Other committees.* ~~Other committees may be assembled by the executive committee~~ The council may establish other advisory committees and subcommittees comprised of members of the council to carry out various responsibilities of the council. A majority of the voting members of such a committee shall constitute a quorum. Any action taken by a committee must be adopted by an affirmative vote of a majority of its voting members.

*c. Informal working groups.* Informal working groups may be assembled from time to time by the chairperson for various tasks.

ITEM 2. Amend rule 265—31.2(16) as follows:

**265—31.2(16) Duties of the council.** The duties of the council shall be to:

1. Develop a process for evaluating state policies, programs, statutes, and rules to determine whether any state policies, programs, statutes, or rules should be revised to help prevent and alleviate homelessness.

2. Evaluate whether state agency resources could be more efficiently coordinated with other state agencies to prevent and alleviate homelessness.

3. Work to develop a coordinated and seamless service delivery system to prevent and alleviate homelessness.

~~4. Use existing resources to identify and prioritize efforts to prevent persons from becoming homeless and to eliminate factors that keep people homeless.~~

~~5. Identify and use federal and other funding opportunities to address and reduce homelessness within the state.~~

6. 4. Work to identify causes and effects of homelessness and increase awareness among policymakers and the general public.

~~7. 5.~~ Advise the governor's office, the Iowa finance authority, state agencies, and private organizations on strategies to prevent and eliminate homelessness.

~~8.~~ ~~Make annual recommendations to the governor regarding matters which impact homelessness on or before September 15.~~

~~9. 6.~~ Prepare a point-in-time report on homelessness in Iowa and file the report with the governor and the general assembly on or before the first day of December ~~in each odd-numbered year~~ a ~~report on homelessness in Iowa.~~

~~10. 7.~~ Assist in the completion of the state's continuum of care application to the U.S. Department of Housing and Urban Development.

ITEM 3. Amend **265—Chapter 31**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 16.5(1) "r" and 16.2D and 2022 Iowa Acts, House File 2258.