Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 66
"Boarding Homes"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 135O.2

State or federal law(s) implemented by the rulemaking: Iowa Code section 135O.2 and Executive Order 10

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 4, 2025 1:30 p.m.	Ledges Conference Room 6200 Park Avenue Des Moines, Iowa

Information on virtual participation will be available on the Department of Inspections, Appeals, and Licensing's (Department's) website prior to the hearing.

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

This proposed rulemaking repromulgates Chapter 66 and implements Iowa Code section 135O.2 in accordance with the objectives of Executive Order 10. Iowa Code section 135O.2 requires the Department to adopt rules to administer Iowa Code chapter 135O in consultation with the Department of Health and Human Services and the Department of Public Safety.

This proposed rulemaking implements Iowa Code section 135O.2 by setting forth a registration process for boarding homes, as well as occupancy report requirements. The proposed rulemaking also lays out the process regarding complaints and investigations, as well as criteria for determining a penalty. The rules were provided to personnel from the Department of Health and Human Services and the Department of Public Safety for input.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

Owners and operators of boarding homes will bear the costs of the proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

The residents of boarding homes will benefit from the rulemaking by receiving adequate and safe care.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

Boarding homes will bear the costs associated with registering the boarding home and providing an occupancy report to the Department. Those costs are presumed to be minimal.

- **Qualitative description of impact:**

The quantitative impact of the rulemaking will be felt by the residents of the boarding homes, who will be in a safe environment and receiving good care. The family members of the residents will have peace of mind knowing their loved ones are in a safe home and receiving necessary care.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

The costs to the agency are those that are statutorily required to enforce the rules. The yearly budget for health facilities is approximately $16,020,287. There are 112 boarding homes in the State of Iowa in Fiscal Year 2025. There are no full-time employees solely dedicated to the enforcement of Chapter 66. There were no licensing fees collected, nor were there any fines assessed.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues from the proposed rulemaking.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The miniscule costs to boarding homes to comply with the proposed rulemaking are justified by the benefit of providing safe homes and essential care to individuals living in those homes.

Boarding houses provide housing for persons who need supervision or assistance with activities of daily living. The purpose of Iowa Code chapter 135O and these rules is to ensure that those persons receive safe and adequate care and housing. The costs of the rulemaking are directly associated with the Department's general functions, and this rulemaking does not add to the costs of the Department or public in excess of its general function costs.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Making these rules any less restrictive would undermine the purpose of Iowa Code chapter 135O, which is to ensure safe and adequate care and housing for persons residing in boarding houses.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

See the response to question five above.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

See the response to question five above.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Boarding homes come in different sizes. The need to protect the residents of those homes is the same no matter the size of the facility. Iowa Code chapter 135O does not allow for exemptions or different standards for small organizations. The necessity for consistency and fairness is the same whether the facility is small or large. If a small organization identifies a portion of the rulemaking that is overly burdensome and the goals of which can be accomplished in a manner that would reduce the impact of the rulemaking to the organization, the Department's established waiver process could be utilized.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 66 and adopt the following **new** chapter in lieu thereof:

CHAPTER 66
BOARDING HOMES

481—66.1(135O) Definitions.

"Activities of daily living" means the following self-care tasks: bathing, dressing, grooming, eating, transferring, toileting, and ambulation.

"Affiliated person or entity" means an individual operating as a sole proprietorship who is related within the third degree of consanguinity to the boarding home owner or lessee; or a business entity with common ownership or with 25 percent or more ownership by the boarding home owner or lessee.

"Assistance" means aid or help.

"Assistance with activities of daily living" does not mean routine, total dependence on staff for the performance of activities of daily living or nursing care.

"Boarding home" means the same as defined in Iowa Code section 135O.1(1).

"Commencing operations" means the date on which a premises becomes a boarding home by renting to a third individual who meets the requirements pursuant to the definition of "boarding home."

"Department" means the department of inspections, appeals, and licensing.

"Director" means the director of the department of inspections, appeals, and licensing.

"Known" means information that an owner, a lessee, or a manager possesses without seeking additional information from tenants.

"Lessee" means a person who leases the boarding home from its owner.

"Premises" means the same as defined in Iowa Code section 562A.6(7).

"Preponderance of the evidence" means that the evidence, considered and compared with the evidence opposed to it, produces the belief in a reasonable mind that the allegations are more likely true than not true. A "preponderance of the evidence" standard does not require that the investigator personally witnessed the alleged violation.

"Probable cause" means a reasonable suspicion to believe that a boarding home is in violation of Iowa Code chapter 135O or licensing or other regulatory requirements of the department of health and human services or department of inspections, appeals, and licensing; or that dependent adult abuse of any individual living in the boarding home has occurred or is occurring.

"Responsible party" means the individual designated on the registration of a boarding home as the department's primary contact.

"Room" means an apartment, group of rooms, or single room that is occupied as a separate living quarter or, if vacant, that is intended for occupancy as a separate living quarter, in which a tenant can live and sleep separately from any other persons in the building and that has direct access from the outside of the building or through a common hall.

"Supervision" means oversight necessary to prevent accidents or ensure the health, safety, and welfare of the tenant.

"Third degree of consanguinity" means the following relatives of the owner or lessee: spouse, children, parents, siblings or half-siblings, grandchildren, grandparents, uncles, aunts, nephews, nieces, great-grandparents, and great-grandchildren.

481—66.2(135O) Registration of boarding homes.

66.2(1) A boarding home shall complete and submit the boarding home registration form located on the department's website within 60 days of commencing operations.

66.2(2) The registration form may be submitted electronically via the department's website or by mail to the Department of Inspections, Appeals, and Licensing, Health Facilities Division, 6200 Park Avenue, Des Moines, Iowa 50321.

66.2(3) The registrant shall include the following:

a. Name(s) of the owner, lessee and manager;

b. Number of rooms available for rent and maximum number of tenants for the entire boarding home;

c. Location of the boarding home, including street address, city and ZIP code;

d. Telephone number, mailing address and email address for the owner, lessee and manager;

e. Occupant loads as calculated in accordance with the building and fire codes as adopted by the applicable jurisdictions;

f. Whether the building is equipped with a fire sprinkler system;

g. Whether the building is equipped with a centralized kitchen in which meals are prepared;

h. Name of the responsible party to whom the department will send all notices regarding the boarding home.

66.2(4) The boarding home shall notify the department as provided in subrule 66.2(2) of any changes to the information on the initial statement of registration within 30 days of when the change occurs, including cessation of operation.

481—66.3(135O) Occupancy reports.

66.3(1) Each boarding home shall update its boarding home registration form with the department annually between January 1 and January 31 as provided in subrule 66.2(2).

66.3(2) The owner or lessee shall include the following information on the occupancy report. If the owner or lessee is unable to answer the question because the owner or lessee does not have such information, the owner or lessee shall indicate such on the report.

a. Current number of rooms occupied;

b. Current number of tenants residing in the boarding home;

c. Date of last fire inspection and any deficiencies noted and how such deficiencies have been corrected;

d. The number of tenants receiving Medicaid;

e. The number of tenants receiving food assistance benefits (EBT cards);

f. The number of tenants receiving other types of state assistance and the types of state assistance received;

g. Types of services provided or arranged by the owner, lessee, manager or an affiliated person or entity; frequency of services by type; and the name and contact information of the person or entity providing or arranging such services;

h. Any assistance or supervision provided to tenants by the owner, lessee or manager;

i. Method of rent payments, such as cash, check, or state assistance;

j. The number of tenants with a power of attorney, guardian or conservator.

481—66.4(135O) Complaints and investigations.

66.4(1) *Complaints.*

a. Any person with a concern regarding the operation of a boarding home may file a complaint with the department in writing, by use of the complaint hotline at 1.877.686.0027 or through the department's website at dial.iowa.gov.

b. When the nature of the complaint is outside the department's authority, the department will forward the complaint to the appropriate investigatory entity.

c. If other state agencies receive a complaint that relates to boarding homes, the agencies will forward the complaint to the department.

d. The department will act on anonymous complaints unless the department determines that the complaint is intended to harass the boarding home or is without a reasonable basis.

66.4(2) *Content of complaint reports.* The complaint will include as much of the following information as possible: the complainant's name, address and telephone number; the complainant's relationship to the boarding home and tenant; and the reason for the complaint.

66.4(3) *Initiation of investigations and time frames for investigation of complaints.* If the department determines there is probable cause to believe that a boarding home is an unregistered boarding home or that a registered boarding home is not in compliance with applicable law, an investigation will be initiated. The department will evaluate whether other local, state, or federal agencies, including law enforcement, should be provided a referral or included in the investigation. An investigation of the boarding home will be initiated within 45 working days. If there is the likelihood of immediate danger, the department will initiate an investigation of the boarding home within two working days of receipt of the complaint. If there is an allegation of harm, the department will initiate an investigation of the boarding home within 20 working days of receipt of the complaint.

66.4(4) *Standard for determining whether a complaint is substantiated.* The department will apply a preponderance of the evidence standard in determining whether a complaint is substantiated.

66.4(5) *Notification of the boarding home or alleged boarding home of results of investigation.* The department will notify the boarding home or alleged boarding home, in writing, of the final report of the complaint investigation.

66.4(6) *Notification of the complainant of results of investigation.* The complainant, if known, will be notified of the final findings of a complaint investigation or if the department determines not to investigate a complaint and will receive an explanation of the department's decision.

481—66.5 Reserved.

481—66.6(135O) Penalties. The director will consider the following when determining whether to assess a penalty for violation of Iowa Code chapter 135O or rules adopted thereunder and the amount of the penalty:

1. The duration of the noncompliance;
2. The nature of the noncompliance;
3. The response of the owner or lessee upon notification of noncompliance;
4. The number of tenants affected;
5. The impact to the tenants.

481—66.7(135O) Public and confidential information.

66.7(1) *Public disclosure.* The following records are open and available for inspection:

a. Registration forms and accompanying materials;

b. Final findings of investigations, unless otherwise confidential by law, such as investigative findings of the division of criminal investigation of the department of public safety or dependent adult abuse investigations;

c. Official notices of penalties.

66.7(2) *Confidential information.* Confidential information includes the following:

a. Information that does not comprise a final finding;

b. Names and identifying information of all complainants;

c. Names of tenants of a boarding home, identifying personal or medical information, copies of documentation appointing a legal representative, and the address of anyone other than an owner or lessee;

d. Social security or employer identification numbers (EIN).

66.7(3) *Redaction of confidential information.* If a record normally open for inspection contains confidential information, the confidential information will be redacted prior to an agency's providing the record for inspection.

66.7(4) *Searchable database of all registered boarding homes.* The department will maintain a searchable database of all registered boarding homes on the health facilities division's website at dia-hfd.iowa.gov.

These rules are intended to implement Iowa Code chapter 135O.