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The Iowa Administrative Code (IAC) Supplement is published biweekly pursuant to Iowa Code sections 2B.5A and 17A.6. The Supplement is a compilation of updated Iowa Administrative Code chapters that reflect rule changes which have been adopted by agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17, 17A.4, and 17A.5 and published in the Iowa Administrative Bulletin bearing the same publication date as the one for this Supplement. To determine the specific changes to the rules, refer to the Iowa Administrative Bulletin. To maintain a loose-leaf set of the IAC, insert the chapters according to the instructions included in the Supplement.

In addition to the rule changes adopted by agencies, the chapters may reflect objection to a rule or a portion of a rule filed by the Administrative Rules Review Committee (ARRC), the Governor, or the Attorney General pursuant to Iowa Code section 17A.4(6); an effective date delay or suspension imposed by the ARRC pursuant to section 17A.8(9) or 17A.8(10); rescission of a rule by the Governor pursuant to section 17A.4(7); nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa; other action relating to rules enacted by the General Assembly; or an editorial change to a rule by the Administrative Code Editor pursuant to Iowa Code section 2B.13(2).

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FOR UPDATING THE

IOWA ADMINISTRATIVE CODE

Agency names and numbers in bold below correspond to chapters of the Iowa Administrative Code (IAC) with amended content that are included in this Supplement. Such chapters can be replaced. Also included are new chapters published in the IAC for the first time.

Editor's telephone 515.281.3355

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Chapter rescission date pursuant to Iowa Code section 17A.7: 12/2/31

265—25.1(16) Purpose and authority responsibilities. The program is established pursuant to Iowa Code chapter 29D. The authority is primarily responsible for the financial management of the program pursuant to Iowa Code chapter 29D and chapter 16, subchapter X, part 11; the STORM Act; the rules promulgated under Iowa Code chapter 17A by the department or the authority; and any other applicable federal or state laws. The authority's financial management responsibilities include but are not limited to the following:

1. Managing the financial assets of the program, including investments and audits;
2. Receiving, reviewing and approving loan applications;
3. Executing loan agreements, including establishing loan terms; and
4. Disbursing loan funds and monitoring loan repayments.

[ARC 0693D, IAB 10/28/26, effective 12/2/26]

265—25.2(16) Definitions.

"Authority" means the Iowa finance authority created in Iowa Code section 16.1.

"Cost" means the same as defined in Iowa Code section 29D.2.

"Department" means the Iowa department of homeland security and emergency management.

"Director" means the director of the authority.

"Eligible costs" means all costs related to the completion of a project as approved by the department.

"Eligible entity" means the same as defined in Iowa Code section 29D.2.

"FEMA" means the Federal Emergency Management Agency.

"Fiscal year" means the state fiscal year starting July 1 and ending June 30.

"Intended use plan" or *"IUP"* means a plan developed by the department identifying the intended uses of funds available through the program.

"Loan recipient" means the same as defined in Iowa Code section 16.230.

"Net revenues" means the same as defined in Iowa Code section 384.80.

"Private entity" means the same as defined in Iowa Code section 29D.2.

"Program" means the same as defined in Iowa Code section 16.230.

"Project" means the same as defined in Iowa Code section 16.230.

"State project proposal list" means a priority-ranked list of mitigation projects the department may fund using STRLF funds.

"Safeguarding tomorrow revolving loan fund" or *"STRLF"* means the natural hazard mitigation revolving loan fund created in Iowa Code section 29D.4.

"Safeguarding tomorrow through ongoing risk mitigation Act" or *"STORM Act"* means the same as defined in Iowa Code section 29D.2.

[ARC 0693D, IAB 10/28/26, effective 12/2/26]

265—25.3(16) Eligibility, application, and approval.

25.3(1) Only projects included in the state project proposal list and compliant with the IUP are eligible for the program.

25.3(2) Moneys in the fund shall not be used to provide a loan to a private entity for the acquisition of real property.

25.3(3) The authority will consider the following when determining whether to provide a loan to an eligible entity:

- a. Loan recipient's financial capability;
- b. Loan recipient's willingness to accept all loan terms, conditions, and covenants;
- c. The priority of the project on the state proposed project list;
- d. Funds available; and

e. Whether the loan recipient has a record of violations of the law that over a period of time tends to show a consistent pattern or that establishes intentional, criminal, or reckless conduct in violation of such laws.

25.3(4) Applications for loans shall be submitted to the authority in the form and content established by the authority. The application will include:

- a.* A description of the project, project budget, and estimated project timeline;
- b.* The requested loan amount and loan term;
- c.* The proposed security for the loan and documentation that approval processes have been initiated;
- d.* The tax status of the loan;
- e.* The other sources of funds for the project;
- f.* A pro forma cash flow analysis in a form acceptable to the authority that demonstrates that the net revenues of the borrower are sufficient pursuant to paragraph 25.4(2) “*c*”;
- g.* Documentation that technical and environmental review has been completed; and
- h.* Any other information reasonably requested by the authority.

25.3(5) Subsequent segments of a project that have been previously awarded financial assistance will receive priority over new projects. Loans made for separate segments of a project will be administered separately.

25.3(6) Requested loan amounts may be adjusted to reflect eligible costs.

25.3(7) Complete and eligible loan applications that are recommended for approval based on the criteria in these rules will be considered by the authority board. The board may approve, deny, or defer an application for a loan.

[ARC 0693D, IAB 10/28/26, effective 12/2/26]

265—25.4(16) Loans.

25.4(1) *Loan agreements.* The authority will prepare a loan agreement after an application has been approved by the authority board.

25.4(2) *Loan terms.*

a. *Interest rates.* The authority shall determine loan interest rates in cooperation with the department to be established in the IUP.

b. *Fees.* Recipients shall pay a one-time fee at the time of closing of the loan in an amount equal to 2 percent of the amount of the loan.

c. *Revenue pledge.* The loan recipient shall establish sufficient revenue sources for the repayment of the loan, as determined by the authority. To ensure repayment of obligations according to the terms of the loan agreement, the loan recipient shall agree to impose, collect, and increase, if necessary, user charges, taxes, or other dedicated revenue sources identified for the loan repayment in order to maintain annual net revenues at a level equal to at least 110 percent of the amount necessary to pay debt service on all revenue obligations during the next fiscal year. At the discretion of the director or director’s designee, the authority may allow other revenue sources and coverage of less than 110 percent. At the discretion of the director or director’s designee, the authority may require revenue sources and coverage in excess of 110 percent of the amount necessary to pay all revenue obligations if the loan recipient has a history of default on its revenue obligations or insufficient credit history, as determined by the authority. The loan agreement shall authorize the authority to require revenue adjustment to collect delinquent loan payments.

d. *Security.*

(1) A loan may be secured by a first lien upon the loan recipient’s net revenues. Loans secured by net revenues may rank on a parity basis with other outstanding obligations, or, with the approval of the director or director’s designee, those loans may be subordinate in right of payment to the loan recipient’s other outstanding revenue obligations.

(2) A loan may be secured by a general obligation of the loan recipient, and the loan recipient may achieve this through the provision for a levy of taxes to repay the loan.

e. *Construction payment schedules.* The loan agreement shall include an estimated construction drawdown schedule provided by the loan recipient.

25.4(3) *Loan commitments.* Loan funds are considered a binding commitment at the time a loan agreement is executed.

25.4(4) *Costs.* The loan recipient shall use the program loan proceeds solely for the purpose of eligible costs of the approved project. The loan recipient must document all eligible costs to the satisfaction of the authority and the department before loan proceeds are disbursed.

25.4(5) *Loan amount and repayment period.* All loans shall be made contingent on the availability of funds. The maximum loan term will be 30 years. Repayment of the loan must begin no later than one year after the project is substantially complete.

25.4(6) *Prepayment.* A loan recipient may prepay a loan, in whole or in part, on any date with the prior written consent of the authority.

25.4(7) *Disbursement of funds.* Funds shall be disbursed in accordance with the loan agreement. The loan agreement may allow for periodic disbursement of funds.

[ARC 0693D, IAB 10/28/26, effective 12/2/26]

265—25.5(16) Administration.

25.5(1) The loan recipient shall maintain records that document all costs associated with the project. The loan recipient shall provide access to these records to the authority, the department, the auditor of the state of Iowa, FEMA, the Office of the Inspector General at FEMA, or their agents or designees upon request. The loan recipient shall retain such records and documents for inspection and audit purposes for a period of three years from the date of the final loan payment.

25.5(2) The loan recipient shall provide the authority, the department, or their agents or designees access to the project site on request for the duration of the loan to verify that the funds are being used for the purpose intended, that the construction work meets applicable state and federal requirements, and that the project is being operated and maintained as designed.

25.5(3) The loan recipient's accounting procedures shall conform to generally accepted government accounting standards.

25.5(4) The authority may, for cause, find that a loan recipient is not in compliance with the requirements of the program. Remedies for noncompliance may include penalties up to and including withholding of loan funds not yet disbursed or return of loan funds already disbursed. Findings of noncompliance may include but are not limited to the use of loan funds for activities not described in the application; failure to begin construction within one year of execution of a loan agreement; or failure to comply with any applicable state or federal rules, regulations, or laws.

[ARC 0693D, IAB 10/28/26, effective 12/2/26]

265—25.6(16) References. References to the STORM Act are as in effect on December 2, 2026.

[ARC 0693D, IAB 10/28/26, effective 12/2/26]

These rules are intended to implement Iowa Code chapter 29D and sections 16.230 through 16.233.

[Filed ARC 0693D (Notice ARC 0445D, IAB 7/22/26), IAB 10/28/26, effective 12/2/26]

CHAPTER 27
MILITARY SERVICE MEMBER HOME OWNERSHIP ASSISTANCE PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/8/31

265—27.1(16) Purpose. The purpose of the military service member home ownership assistance program is to help eligible members of the armed forces of the United States to purchase qualified homes in Iowa.
[ARC 0113D, IAB 3/4/26, effective 4/8/26]

265—27.2(16) Definitions. As used in this chapter, unless the context otherwise requires:

“*Closing agent*” means the attorney, real estate firm, or closing company that is closing the qualifying purchase transaction and that prepares the cash sale settlement statement.

“*Eligible service member*” means the same as defined in Iowa Code section 16.54. For the purposes of this definition, “active duty” means service, other than training, under Title 10 or Title 32 of the United States Code as in effect on December 2, 2026.

“*Facilitating lender*” means a lender that is not a participating lender but that is approved by the authority to make loans under the military home ownership assistance program pursuant to Iowa Code section 16.54(5) and subrule 27.3(7).

“*Home ownership assistance*” means the one-time assistance of up to \$5,000 per eligible service member that may be used toward down payment or closing costs, or both, in the purchase of a qualified home.

“*Manufactured home*” means the same as defined in Iowa Code section 435.1.

“*Participating lender*” means a lender approved for participation in one or more of the authority’s first mortgage financing home buyer programs. The authority maintains a list of participating lenders on its website: www.welcomehomeia.com/find-lender-realtor.

“*Program*,” “*military home ownership assistance program*” or “*MHOA*” means the military service member home ownership assistance program authorized by Iowa Code section 16.54.

“*Qualified home*” means a home located in the state of Iowa that an eligible service member purchases, occupies, and uses as the service member’s primary residence that is one of the following:

1. Single-family residence, including “stick-built” homes, modular homes, or manufactured homes;
2. Condominium;
3. Townhome;
4. A property containing two to four residential units, where one unit is to be occupied by the eligible service member as the service member’s primary residence.

“*Qualified mortgage*” means a permanent mortgage loan made pursuant to one of the authority’s home buyer mortgage programs unless the lender offers financing that is more financially advantageous for the service member.

“*Status documentation*” means written documentation verifying that the applicant is an eligible service member. This documentation may include but is not limited to a copy of a valid DD Form 214, showing character of service other than dishonorable, or the applicant’s most recent leave and earnings statements representing 90 days of active duty.

“*Title guaranty certificate*” means the certificate issued by the Iowa title guaranty division of the authority pursuant to Iowa Code section 16.91 to ensure marketable title to the lender or the homeowner, or both.

[ARC 0113D, IAB 3/4/26, effective 4/8/26; ARC 0694D, IAB 10/28/26, effective 12/2/26]

265—27.3(16) Application procedure and determination of eligibility.

27.3(1) Prior approval. Whether the purchase of a qualified home is by mortgage financing or cash, prior approval of the assistance by the authority is required. Approval of the request will include supporting document review by the authority and a determination of the service member’s eligibility by the Iowa department of veterans affairs.

27.3(2) Financed home purchases.

a. Where a qualified home purchase is financed, the eligible service member is to apply for assistance under the program through a participating or facilitating lender. If the service member qualifies for one of the authority's home buyer mortgage programs, the mortgage financing provided is to be a qualified mortgage. Service members who are not eligible for one of the authority's home buyer mortgage programs and are not purchasing on a cash basis may use any permanent financing available to them.

b. To apply for assistance, eligible service members provide the participating or facilitating lender with status documentation and all necessary program documents.

c. Once the lender receives all necessary information under this subrule, the lender is to transmit copies of the necessary documentation to the authority.

27.3(3) *Cash home purchases.* For a cash purchase of a qualified home, the eligible service member provides the authority with:

- a.* Status documentation;
- b.* The purchase agreement; and
- c.* A title guaranty commitment.

27.3(4) *Referral of status documentation to Iowa department of veterans affairs.* The authority submits status documentation to the Iowa department of veterans affairs for verification that an applicant is an eligible service member. The Iowa department of veterans affairs is the final authority on whether an applicant is an eligible service member.

27.3(5) *Notice of MHOA approval.* Once the Iowa department of veterans affairs confirms an applicant's eligibility, the authority notifies the lender, or eligible service member in the case of a cash purchase, that the MHOA application is approved.

27.3(6) *Gaps in funding.* Where military assistance funds are unavailable during the home purchase process, MHOA requests may be placed on a waiting list. When funds become available after the home purchase closed without military assistance funds being applied toward closing costs or down payment, MHOA proceeds will be paid (1) directly to the participating lender or servicing lender to be applied toward the qualified mortgage loan's principal balance, or (2) if the qualified home was purchased pursuant to a cash purchase transaction, directly to the eligible service member. The authority will notify the applicant that MHOA proceeds will be applied to the principal balance.

27.3(7) *Approval process for facilitating lender status.* Pursuant to Iowa Code section 16.54(5), an Iowa-regulated or federally regulated lender with a physical location in the state of Iowa may submit an application to the authority for approval, even if such lender does not participate in the authority's home ownership programs for home buyers. The approval to be a facilitating lender is valid for one year. Lenders are to submit an application and application fee of \$1,500 annually. Application fees are not charged in part or in full to a service member or to a property seller.

[ARC 0113D, IAB 3/4/26, effective 4/8/26]

265—27.4(16) MHOA award. Assistance awarded hereunder is up to \$5,000 and is applied toward a qualified home purchase.

27.4(1) *MHOA reimbursement.* The lender advances funds at closing in an amount equal to the assistance on behalf of the eligible service member.

a. After closing, the lender submits copies of the following documents to the authority:

- (1) An executed settlement statement;
- (2) The deed conveying title;
- (3) A title guaranty commitment;
- (4) The promissory note; and
- (5) The mortgage.

b. After closing, for cash home purchasers, the eligible service member shall submit copies of the following documents to the authority:

- (1) The executed settlement statement;
- (2) The deed conveying title; and
- (3) The executed title guaranty certificate.

27.4(2) MHOA assistance conditions. All assistance under the program is subject to funding availability. Assistance will be awarded in the order in which all required documentation is received and approved by the authority. Assistance awarded pursuant to the program is personal to its recipient and nonassignable. A maximum of one assistance award is awarded per home purchase. If both homeowners are eligible service members, only one may use the MHOA per home purchase. If another home is subsequently purchased, the other eligible service member may use the MHOA on the second home if the program exists and funds are available. An eligible service member is to receive only one award under the program. While program funds are available, the award is valid for 60 days in the case of purchases of existing or completed property and 120 days in the case of purchases of property being constructed or renovated. A reasonable extension may be granted with evidence of a purchase loan in progress that has been delayed due to circumstances beyond the service member's control.

[ARC 0113D, IAB 3/4/26, effective 4/8/26]

These rules are intended to implement Iowa Code sections 16.5(1) "r" and 16.54.

[Filed emergency 7/14/06—published 8/2/06, effective 7/14/06]

[Filed emergency 4/3/07—published 4/25/07, effective 4/3/07]

[Filed emergency 6/12/08—published 7/2/08, effective 7/1/08]

[Filed 8/8/08, Notice 7/2/08—published 8/27/08, effective 10/1/08]

[Filed Emergency ARC 8945B, IAB 7/28/10, effective 7/6/10]

[Filed ARC 9803B (Notice ARC 9590B, IAB 6/29/11), IAB 10/5/11, effective 11/9/11]

[Filed ARC 0827C (Notice ARC 0683C, IAB 4/3/13), IAB 7/10/13, effective 8/14/13]¹

[Filed Emergency ARC 1142C, IAB 10/30/13, effective 10/15/13]

[Filed ARC 1253C (Notice ARC 1141C, IAB 10/30/13), IAB 12/25/13, effective 1/29/14]

[Filed Emergency ARC 1595C, IAB 9/3/14, effective 8/6/14]

[Filed ARC 1854C (Notice ARC 1594C, IAB 9/3/14), IAB 2/4/15, effective 3/11/15]

[Filed ARC 3424C (Notice ARC 3273C, IAB 8/30/17), IAB 10/25/17, effective 11/29/17]

[Filed ARC 4265C (Notice ARC 4028C, IAB 9/26/18), IAB 1/30/19, effective 3/6/19]

[Filed ARC 0113D (Notice ARC 9826C, IAB 12/24/25), IAB 3/4/26, effective 4/8/26]

[Filed ARC 0694D (Notice ARC 0543D, IAB 9/2/26), IAB 10/28/26, effective 12/2/26]

¹ August 14, 2013, effective date of ARC 0827C [27.3(2)] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 6, 2013.

CHAPTER 29
DISASTER RECOVERY HOUSING ASSISTANCE

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/2/31

265—29.1(16) Definitions. For purposes of this chapter, unless the context otherwise requires:

“*Authority*” means the Iowa finance authority created in Iowa Code section 16.1A.

“*Disaster-affected home*” means the same as defined in Iowa Code section 16.57B.

“*Eviction prevention partner*” means a local program administrator.

“*Financial assistance*” means the same as defined in Iowa Code section 16.57B.

“*Fund*” means the disaster recovery housing assistance fund created in Iowa Code section 16.57B.

“*Local program administrator*” means the same as defined in Iowa Code section 16.57B.

“*Nonprofit organization*” means a nonprofit entity organized pursuant to Iowa law.

“*Program*” means the disaster recovery housing assistance program, except for where the term “program” is used in rule 265—29.8(16).

“*Replacement housing*” means the same as defined in Iowa Code section 16.57B.

“*Retention agreement*” means an agreement as described in subrule 29.5(6).

“*Retention period*” means a period of time during which a retention agreement will remain in place. The retention period will begin on the date of a loan closing or the date repairs are completed and will end five years after the beginning of the retention period.

“*State of disaster emergency*” means the same as described in Iowa Code section 29C.6(1).

[ARC 0695D, IAB 10/28/26, effective 12/2/26]

265—29.2(16) Local program administrators.

29.2(1) *Additional qualified organizations.* In addition to the organizations identified in Iowa Code section 16.57B(1)“d,” nonprofit organizations or government entities that provide the following disaster recovery or housing stability services may serve as local program administrators:

- a. Housing counseling;
- b. Legal services related to eviction proceedings and maintaining housing stability; or
- c. Housing navigation services.

29.2(2) *Agreements with local government administrators.* The authority may enter into agreements with local program administrators working in disaster-affected counties for the purpose of implementing the program at the local level.

29.2(3) *Review of requests for assistance.* Homeowners and renters will submit applications in the manner prescribed by the authority, including homeowners and renters who are referred by disaster case advocates as described in Iowa Code section 16.57B(4). Local program administrators or the authority shall accept and review each application. The authority may award financial assistance after a local program administrator or the authority has determined the following:

- a. Whether the applicant is eligible for assistance.
- b. Whether the requested funds are being requested for a use permitted under the program, including verification that disaster-affected homes to be repaired or rehabilitated or replacement housing to be purchased with financial assistance are not located in a 100-year floodplain.
- c. The amount of financial assistance to be awarded to the homeowner or renter.

29.2(4) *Administrative fees.* The authority may share all or a portion of the moneys reserved for its administrative costs pursuant to Iowa Code section 16.57B(2)“c” with local program administrators to reimburse their administrative costs. Interest credited to the fund pursuant to Iowa Code section 16.57B(2)“a”(2) may be used by the authority for additional unreimbursed administrative costs related to the program or administrative costs incurred by the Iowa economic development authority to assist in administering the program.

29.2(5) *Proceeds of repayments.* All loan amounts repaid to the authority by an eligible homeowner pursuant to this chapter shall be returned to the fund.

[ARC 0695D, IAB 10/28/26, effective 12/2/26]

265—29.3(16) Eligibility.

29.3(1) *Eligible homeowners.* To be eligible for financial assistance under the program, all of the requirements identified in Iowa Code section 16.57B(5) shall apply. For the purposes of determining whether a disaster-affected home meets the requirement established in Iowa Code section 16.57B(5)“a”(1), only other state or federal disaster-related financial assistance that the homeowner receives for repair or rehabilitation of the disaster-affected home or for a replacement housing purchase will be considered.

29.3(2) *Eligible renters.* To be eligible for financial assistance under the program, all of the requirements in Iowa Code section 16.57B(6) shall apply. The following additional requirements shall also apply:

- a.* A renter must be a party to a written lease.
- b.* The landlord must not reside at the same address as the eligible renter.

29.3(3) *Registration.* If the disaster-affected home is located in a county declared a presidential disaster area eligible for individual assistance, the homeowner or renter must have registered with the Federal Emergency Management Agency (FEMA) and been awarded some form of FEMA housing assistance, which may include assistance for home repairs or temporary housing.

29.3(4) *Good standing.* A homeowner or renter must be in good standing with the department of revenue to be eligible for the program.

[ARC 0695D, IAB 10/28/26, effective 12/2/26]

265—29.4(16) Eligible uses of funds.

29.4(1) *Homeowner assistance.* The authority may award financial assistance in an amount not to exceed \$50,000 to an eligible homeowner for any of the purposes identified in Iowa Code section 16.57B(5)“b.”

a. Repair or rehabilitation. A disaster-affected home for which a homeowner receives financial assistance must continue to be used as the eligible homeowner’s primary residence throughout the retention period following the repair or rehabilitation.

b. Down payment assistance. The amount of down payment assistance that may be awarded to an eligible homeowner must not exceed 25 percent of the purchase price of the home being purchased plus any amount allowed for repairs, or \$50,000, whichever is less.

(1) For purposes of calculating the amount of down payment assistance available to the eligible homeowner, the amount of the down payment assistance will be reduced by the amount of any disaster compensation received by the eligible homeowner in excess of any amount necessary to pay off a mortgage or real estate purchase contract on the disaster-affected home.

(2) As a condition of receiving down payment assistance, the eligible homeowner must agree that any disaster compensation received subsequent to receiving financial assistance, if not applied toward repayment of a mortgage on the disaster-affected home, shall be used by the eligible homeowner to pay down the balance of any repayable financial assistance outstanding at the time the eligible homeowner receives such disaster compensation.

(3) An eligible homeowner shall not use the financial assistance allowed under this paragraph for the purchase of more than one home.

(4) Replacement housing must be used as the eligible homeowner’s primary residence throughout the retention period.

29.4(2) *Rental assistance.* The authority may award financial assistance to an eligible renter for the payment of rent for replacement housing pursuant to the limitations set forth in subrule 29.6(1).

[ARC 0695D, IAB 10/28/26, effective 12/2/26]

265—29.5(16) Loan terms. Loans or forgivable loans made under the program shall, at a minimum, contain the following terms.

29.5(1) *Five-year term.* The duration of the loan will be for a term of five years.

29.5(2) *Amount.* The maximum amount of a loan made under this program shall be \$50,000.

29.5(3) *Interest.* Loans made pursuant to the program shall bear no interest.

29.5(4) *Forgivability.* Loans made pursuant to the program may be forgiven according to the terms of the retention agreement.

29.5(5) *Repayment due upon sale of home.* If a homeowner who has been awarded a loan or forgivable loan sells a disaster-affected home or replacement housing for which the homeowner received the loan or forgivable loan prior to the end of the loan term, the remaining principal on the loan or forgivable loan shall be due and payable upon the sale of the home.

29.5(6) *Retention agreement.* Each loan or forgivable loan made pursuant to this program shall be secured by a retention agreement that shall constitute a lien on the title of the real property for which the loan or forgivable loan is made until such time as the loan or forgivable loan has either been fully forgiven or paid in full. However, if an eligible homeowner receives a buyout of the disaster-affected home from the hazard mitigation grant program established in Iowa Code chapter 29C or any other funding source, the receipt of the buyout will not trigger a repayment of assistance received under subrule 29.4(1).

29.5(7) *General conditions of assistance.*

a. If an eligible homeowner receives other disaster compensation after financial assistance is awarded, the authority may require repayment of some or all of the financial assistance based on the amount of disaster compensation received and review for any duplication of benefits.

b. Any home to be purchased, repaired or rehabilitated using assistance under the program must be in compliance with all applicable state and local laws, rules and ordinances. To be eligible for assistance, the home must be in compliance as of the time of closing in the case of purchases, and as of the date of the final disbursement of financial assistance in the case of repair or rehabilitation.

[ARC 0695D, IAB 10/28/26, effective 12/2/26]

265—29.6(16) Rental assistance terms. Rental assistance made under the program shall be subject to the following terms.

29.6(1) *Award calculation and maximum award.*

a. An eligible renter may be awarded up to six months of rental assistance.

b. An eligible renter may be awarded retroactive rental assistance.

c. An eligible renter may be awarded rental assistance to pay late fees provided that the late fees are permissible under Iowa Code chapter 562A or 562B.

d. Rental assistance will be calculated by first multiplying the monthly rent amount stated on the eligible renter's lease by the number of months for which assistance is needed, and then adding any eligible retroactive rental assistance and late fees.

e. The amount of monthly rental assistance used in calculating the award must not exceed the amount stated on the eligible renter's lease.

f. The maximum allowable rental assistance that may be awarded must not exceed the lesser of:

(1) The sum of the amount stated on the eligible renter's lease multiplied by six months, plus late fees;

or

(2) \$5,000.

29.6(2) *Priority of awards.* The local program administrator or the authority may prioritize awards of rental assistance to eligible renters earning 80 percent or less of the area median income for the county where the replacement housing is located.

29.6(3) *Disbursement.* The local program administrator or the authority will disburse rental assistance only after a complete application has been received, an award has been approved by the local program administrator or the authority, and all applicable conditions for disbursement have been met, including the submission of documentation pertaining to the eligible expenses. Disbursements will be paid directly to the eligible renter's landlord unless the authority determines that payment to the landlord is not feasible. If the authority determines it is not feasible to pay the eligible renter's landlord directly, the local program administrator authority may disburse payment directly to the eligible renter, subject to terms established by the authority.

[ARC 0695D, IAB 10/28/26, effective 12/2/26]

265—29.7(16) Reporting. A local program administrator working with the authority to administer financial assistance will submit any information reasonably requested by the authority in sufficient detail to permit the authority to prepare any reports required by the authority, the general assembly or the governor's office.

[ARC 0695D, IAB 10/28/26, effective 12/2/26]

265—29.8(16) Eviction prevention program.

29.8(1) *Rental assistance.*

a. To receive rental assistance through the eviction prevention program established in Iowa Code section 16.57C, eligible renters must meet all of the following criteria:

(1) A renter's household income must not exceed 80 percent of the area median income as published annually by the U.S. Department of Housing and Urban Development (HUD) for the county in which the rental unit is located.

(2) A renter must be a party to a written lease.

(3) The landlord must not reside at the same address as the eligible renter.

b. An eligible renter may receive rental assistance subject to the following limitations:

(1) An eligible renter may be awarded up to six months of rental assistance.

(2) An eligible renter may be awarded retroactive rental assistance.

(3) An eligible renter may be awarded rental assistance to pay late fees provided that the late fees are permissible under Iowa Code chapter 562A or 562B.

(4) Rental assistance will be calculated by first multiplying the monthly rent amount stated on the eligible renter's lease by the number of months for which assistance is needed and then adding any eligible retroactive rental assistance and late fees.

(5) The amount of monthly rental assistance used in calculating the award must not exceed the amount stated on the eligible renter's lease.

(6) The maximum allowable rental assistance that may be awarded must not exceed the lesser of the sum of the amount stated on the eligible renter's lease multiplied by six months plus late fees or \$5,000.

c. A renter will apply for assistance under this rule in the form and manner required by the authority.

d. The eviction prevention partner or the authority will disburse rental assistance under this paragraph only after a complete application has been received, an award has been approved by the eviction prevention partner or the authority, and all applicable conditions for disbursement have been met, including the submission of documentation pertaining to the eligible expenses. Disbursements will be paid directly to the eligible renter's landlord unless the authority determines that payment to the landlord is not feasible. If the authority determines it is not feasible to pay the eligible renter's landlord directly, the eviction prevention partner or the authority may disburse payment directly to the eligible renter, subject to terms to be established by the authority.

29.8(2) *Eviction prevention partners.*

a. Financial assistance awarded to eviction prevention partners pursuant to this rule shall be used to pay for rent or housing stability services provided to eligible renters for the purpose of preventing the eviction of eligible renters.

b. The authority may enter into an agreement with one or more eviction prevention partners to administer the program. The authority will prepare an agreement for each award to an eviction prevention partner. The agreement will reflect the terms of the award and may include other terms and conditions reasonably necessary for implementation of the program pursuant to this rule.

c. An eviction prevention partner receiving an award under this rule shall submit any information reasonably requested by the authority in sufficient detail to permit the authority to prepare any reports required by the authority, the general assembly or the governor's office.

[ARC 0695D, IAB 10/28/26, effective 12/2/26]

265—29.9(16) Financial assistance subject to availability of funding. All financial assistance awarded pursuant to this chapter shall be subject to funds being made available to the authority for the purpose of awarding financial assistance.

[ARC 0695D, IAB 10/28/26, effective 12/2/26]

These rules are intended to implement Iowa Code chapter 16, subchapter VII, part 6.

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HUMAN SERVICES DEPARTMENT[441]

Rules transferred from Social Services Department[770] to Human Services Department[498], see
1983 Iowa Acts, Senate File 464, effective July 1, 1983.

Rules transferred from agency number [498] to [441] to conform with the reorganization
numbering scheme in general, IAC Supp. 2/11/87.

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CHAPTER 110
CHILD DEVELOPMENT HOMES AND CHILD CARE HOMES WITH A
CHILD CARE ASSISTANCE PROVIDER AGREEMENT

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/32

441—110.1(237A) Definitions.

“Adult” means a person 18 years of age or older.

“Assistant” means a responsible person 14 years of age or older employed by the child care provider. The assistant may never be left alone with children. Ultimate responsibility for supervision is with the child care provider.

“Category,” when referring to category A, B, or C, means one of the three categories of standards for child development homes established by Iowa Code section 237A.3A(3) *“a.”*

“Child” means the same as defined in Iowa Code section 237A.1.

“Child care” means the same as defined in Iowa Code section 237A.1.

“Child care assistance provider agreement” means the approved form to receive payment under the child care assistance program.

“Child care facility” or *“facility”* means the same as defined in Iowa Code section 237A.1.

“Child care home” means the same as defined in Iowa Code section 237A.1.

“Child development home” means the same as defined in Iowa Code section 237A.1.

“Child support services” means the same as defined in Iowa Code section 252J.1(2).

“Coaching” means a relationship-based process led by an expert to build capacity for specific professional dispositions, skills, and behaviors and is focused on performance-based outcomes.

“Education” means formal coursework offered through a state-approved accredited secondary school, college, or university.

“Infant” means the same as defined in Iowa Code section 237A.1.

“Involvement with child care” means the same as defined in Iowa Code section 237A.1.

“Nonregistered child care home” means a child care home that has an approved payment application and a current child care assistance provider agreement with the department. Nonregistered child care homes are required to meet minimum health and safety standards under the child care and development block grant under 45 CFR 98.41 as amended to August 1, 2026.

“Parent” means parent or legal guardian.

“Person subject to an evaluation” means the same as defined in Iowa Code section 237A.5.

“Professional development” means a continuum of learning activities designed to prepare and support individuals for work with children and families, including coaching, education, and training.

“Provider” means the person or program that applies for registration to provide child care and is approved as a child development home or a nonregistered child care home.

“Registration” means the process by which child care providers certify that they comply with rules adopted by the department.

“Registration certificate” means the written document issued by the department to publicly state that the provider has certified in writing compliance with the minimum requirements for registration of a child development home.

“Relative” means grandparents, great-grandparents, aunts, uncles, and siblings living in a separate residence.

“School” means the same as defined in Iowa Code section 237A.1.

“Training” means a learning experience that addresses a specific topic of professional relevance that builds or enhances knowledge.

“Transgression” means the same as defined in Iowa Code section 237A.1.

[ARC 0691D, IAB 10/28/26, effective 1/1/27]

441—110.2(237A) Application for registration as a child development home or payment as a nonregistered child care home.

110.2(1) A child development home provider shall apply for registration on the Application for Child Development Home Registration form.

110.2(2) A nonregistered provider shall apply for payment as a nonregistered child care home on the Payment Application for Nonregistered Provider form.

[ARC 0691D, IAB 10/28/26, effective 1/1/27]

441—110.3(237A) Renewal of registration or payment application. Renewal of registration or payment application shall be completed every 24 months. To request renewal, a provider shall submit a renewal application on the department-approved form and supply to the department all training completion evidence either through certificates or as updated in Iowa's early childhood and school age professional workforce registry (i-PoWeR).

[ARC 0691D, IAB 10/28/26, effective 1/1/27]

441—110.4(237A) Compliance checks. Prior to child development home registration, a site visit to inspect for compliance with health, safety, and fire standards will be completed. An unannounced compliance visit will be conducted not less than annually to each child development home and nonregistered child care home.

[ARC 0691D, IAB 10/28/26, effective 1/1/27]

441—110.5(237A) Parental access. Parents shall be afforded unlimited access to their children and to the people caring for their children during the normal hours of operation or whenever their children are in the care of the child development home or nonregistered child care home unless parental contact is prohibited by court order.

[ARC 0691D, IAB 10/28/26, effective 1/1/27]

441—110.6(237A) Number of children.

110.6(1) Standards. The number of children in a child development home or nonregistered child care home shall conform to the following standards.

a. Registered child development home limits. Except as provided in subrule 110.6(3), no greater number of children shall be received for care at any one time than the number authorized on the registration certificate.

b. Nonregistered child care home limits. No more than six children shall receive care at any one time if at least one child is school-aged.

110.6(2) Children counted. The number of children counted is as stated in Iowa Code section 237A.3A(4).

110.6(3) Exception for emergency school closing. On days when schools start late, are dismissed early, or are canceled or closed due to emergencies such as inclement weather, physical plant failure, structural damage, or public health emergency, a child development home may have additional children present in accordance with the authorization for the registration category of the home and subject to all of the following conditions:

a. One or more of the following conditions are applicable to each of the additional children present in the child development home:

- (1) The home provides care to the child on a regular basis for periods of less than two hours.
- (2) If the child were not present in the child development home, the child would be unattended.
- (3) The home regularly provides care to a sibling of the child.

b. The provider shall maintain a written record, including the date of the emergency school closing, the reason for the closing, and the number of children in care on that date.

[ARC 0691D, IAB 10/28/26, effective 1/1/27]

441—110.7(237A) Provider requirements.

110.7(1) Provider. The provider shall:

- a. Give careful supervision at all times.
- b. Exchange information with the parent of each child frequently to enhance the quality of care.
- c. Give consistent, dependable care and be capable of handling emergencies.
- d. Be present at all times, except when emergencies occur or an absence is planned, at which time care shall be provided by a department-approved substitute as permitted for a child development home under subrule 110.7(2).

- e. Be free of the use of illegal drugs and not under the influence of alcohol or any prescription or nonprescription drug that could impair the provider's ability to give careful supervision.

110.7(2) *Substitutes in child development homes.* Any designated substitute shall have the same responsibility for providing adequate and appropriate supervision. Ultimate responsibility for supervision shall be with the provider.

- a. All standards in this chapter regarding supervision and care of children shall apply to substitutes.
- b. Except in emergency situations, the provider shall inform parents in advance of the planned use of a substitute.

- c. The substitute must be 18 years of age or older.

- d. Use of a substitute shall be limited to:

- (1) No more than 25 hours per month.

- (2) An additional period of up to two weeks in a 12-month period.

- e. The provider shall maintain a written record of the number of hours care is provided by a substitute, including the date of the care and the name of the substitute.

[ARC 0691D, IAB 10/28/26, effective 1/1/27]

441—110.8(237A) Standards. Conditions in the home shall be safe, sanitary, and free of hazards.

110.8(1) *Facility requirements.*

- a. The home shall have a telephone with emergency numbers for police, fire, ambulance, and the poison information center accessible.

- b. The phone number for each child's parent, and for a responsible person who can be reached when the parent is not available, shall be accessible.

- c. All travel vehicles must have a copy of emergency parent contact information in the vehicle.

- d. Electrical wiring shall be maintained, and all accessible electrical outlets shall be tamper-resistant outlets or shall be safely capped. Electrical cords shall be properly used and in the manner for which they were designed.

- e. Combustible materials shall be kept a minimum of three feet away from furnaces, stoves, water heaters, and gas dryers.

- f. Approved safety gates at stairways and doors shall be provided and used as needed.

- g. Annual laboratory analysis of a private water supply shall be conducted to show satisfactory bacteriological quality. When children under the age of two are to be cared for, the analysis shall include a nitrate analysis. When private water supplies are determined unsuitable for drinking, commercially bottled water or water treated through a process approved by the department shall be provided.

- h. A safety barrier shall surround any heating stove or heating element.

- i. The home shall have at least one 2A 10BC-rated fire extinguisher located in a visible and readily accessible place on each child-occupied floor.

- j. The home shall have at least one single-station, battery-operated, UL-approved smoke detector in each child-occupied room and at the top of every stairway. The provider shall test each smoke detector monthly and keep a record of testing for inspection purposes.

- k. Smoking and the use of tobacco products shall be prohibited at all times in the home and in every vehicle in which children receiving care in the home are transported. Smoking and the use of tobacco products shall be prohibited in the outdoor play area during the home's hours of operation. "No smoking" signs shall be posted at every entrance of the child care home and in every vehicle used to transport children. All signs shall include:

- (1) The telephone number for reporting complaints, and

(2) The internet address of the department where complaints can be filed.

l. Homes served by a private sewage disposal system shall be operated and maintained to ensure the system is properly treating the wastewater and not creating an unsanitary condition in the environment. Discharge of untreated wastewater from private sewage disposal systems is prohibited.

m. A provider operating in a facility built before 1978 shall assess and control lead hazards. To comply with this provision, the provider shall:

(1) Determine whether painted surfaces on the interior or exterior of the facility are chipping, peeling, cracking, or in need of repair. Painted surfaces include walls, ceilings, windows, doors, stairs, and woodwork; and

(2) If painted surfaces are in need of repair, the home shall hire an Iowa certified lead-safe renovator to make repairs. Iowa lead-safe renovators shall apply interim controls on any chipping, peeling, or cracking paint found, using lead-safe work methods in accordance with and as defined by department as set forth in 481—Chapters 469 and 470.

n. The child development home or nonregistered child care home shall be located in a single-family residence that is owned, rented, or leased by the person or, for dual registrations, at least one of the persons named on the child development home's certificate of registration.

o. Any driver who transports children for any purpose shall have a valid driver's license and adequate motor vehicle insurance that authorizes the driver to operate the type of vehicle being driven. Child restraint devices shall be utilized in compliance with Iowa Code section 321.446.

p. Providers shall inform parents of the presence of any pet in the home.

(1) Each dog or cat in the household shall undergo an annual health examination by a licensed veterinarian. Veterinary examinations shall be documented on a veterinary health certificate or record of standard veterinary preventative care. This examination shall verify the animal's routine immunizations are current and there is no evidence of endoparasites and ectoparasites.

(2) Aquariums shall be well maintained and installed in a manner that prevents children from accessing the water or pulling over a tank.

(3) All animal waste shall be immediately removed from the children's areas and properly disposed of. Children cannot perform any feeding or care of pets or cleanup of pet waste.

(4) No animals shall be allowed in the food preparation, food storage, or serving areas during food preparation and serving times.

q. Using an injury report form, the provider shall document all injuries needing first aid or medical care. The form shall be completed on the date of occurrence, shared with the parent, and maintained in the child's file.

r. The provider shall have written policies regarding the care of mildly ill children and the exclusion of children due to illness and shall inform parents of these policies.

s. The provider shall have written policy and procedures for responding to health-related emergencies.

t. The certificate of registration shall be displayed in a conspicuous place.

u. Serious injuries, as defined in Iowa Code section 702.18, that occur in a child care facility or when a child is in the care of child care facility staff shall be reported to the department within 24 hours of the incident. Serious injuries shall be documented and information maintained in the child's file.

110.8(2) *Use of outdoor space.*

a. A safe outdoor play area shall be maintained in good condition throughout the year. The play area shall:

(1) Be fenced off when located on a busy thoroughfare or near a hazard that could be injurious to a child.

(2) Have both sunshine and shade areas.

(3) Be kept free from litter, rubbish, and flammable materials.

(4) Be free from contamination by the drainage or ponding of sewage, household waste, or storm water.

b. When there is a swimming or wading pool on the premises:

- (1) The wading pool shall be drained daily and shall be inaccessible to children when it is not in use.
- (2) An aboveground or in-ground swimming pool that is not fenced shall be covered whenever the pool is not in use. The cover shall meet or exceed the standards set forth by ASTM International intended to reduce the risk of drowning by inhibiting access to the water by children under five years of age.
- (3) An uncovered aboveground swimming pool shall be enclosed with an approved fence that is nonclimbable and is at least four feet high.
- (4) An uncovered in-ground swimming pool shall be enclosed with an approved fence that is nonclimbable and is at least four feet high and flush with the ground.
 - c. If children are allowed to use an aboveground or in-ground swimming pool:
 - (1) Written permission from parents shall be available for review.
 - (2) Equipment needed to rescue a child or adult shall be readily accessible.
 - (3) The child care provider shall accompany the children and provide constant supervision while the children use the pool.
 - (4) The child care provider shall complete training in cardiopulmonary resuscitation (CPR) for infants, toddlers, and children, according to the criteria of the American Red Cross or the American Heart Association.

110.8(3) Medications and hazardous materials.

- a. All medicines and poisonous, toxic, or otherwise unsafe materials shall be secured from access by a child.
- b. A first aid kit shall be available and easily accessible whenever children are in the child development home or nonregistered child care home, in the outdoor play area, in vehicles used to transport children, and on field trips. The kit shall be sufficient to address first aid related to minor injury or trauma and shall be stored in an area inaccessible to children. The kit shall at a minimum include adhesive bandages, bottled water, tweezers, and disposable plastic gloves.
- c. Medications shall be given only with the parent's or doctor's written authorization. Each prescribed medication shall be accompanied by a physician's or pharmacist's direction. Both nonprescription and prescription medications shall be in the original container with directions intact and labeled with the child's name. All medications shall be stored properly and, when refrigeration is required, stored in a separate, covered container to prevent contamination of food or other medications. All medications shall be stored so they are inaccessible to children. Any medication administered to a child shall be recorded, including the name of the medication, the date and time of administration, and the amount administered.
- d. The provider shall establish procedures related to infectious disease control and handling of any bodily excrement or discharge or blood. Soiled diapers shall be stored in containers separate from other waste.

110.8(4) Emergency plans. Emergency plans in case of human-made or natural disaster shall be written and posted by the primary and secondary exits. The plans shall clearly map building evacuation routes and tornado and flood shelter areas.

- a. Fire and tornado drills shall be practiced monthly, and the provider shall keep documentation evidencing compliance with monthly practice on file for the current year and the previous year.
- b. The provider must have procedures in place for the following:
 - (1) Evacuation to safely leave the facility.
 - (2) Relocation to a common, safe location after evacuation.
 - (3) Shelter-in-place to take immediate shelter where the child is when it is unsafe to leave that location due to the emergent issue.
 - (4) Lockdown to protect children and providers from an external situation.
 - (5) Communication and plans for reunification with families.
 - (6) Continuity of operations.
 - (7) To address the needs of individual children, including those with functional or physical access needs.

110.8(5) Safe sleep.

a. The provider shall follow safe sleep practices as recommended by the American Academy of Pediatrics for infants under the age of one. Infant sleep shall conform to the following standards:

- (1) Infants shall always be placed on their backs for sleep.
- (2) Infants shall be placed on a firm mattress with a tight-fitted sheet that meets U.S. Consumer Product Safety Commission standards.
- (3) Infants cannot be allowed to sleep on a bed, sofa, air mattress, or other soft surface.
- (4) No toys, soft objects, stuffed animals, pillows, bumper pads, blankets, or loose bedding shall be allowed in the sleeping area with the infant.
- (5) No co-sleeping shall be allowed.
- (6) Sleeping infants shall be actively observed by sight and sound.
- (7) If an alternate sleeping position is needed, a signed physician or physician associate authorization with statement of medical reason is required.

b. No child shall be allowed to sleep in any item not designed for sleeping, such as an infant seat, car seat, swing, or bouncy seat.

c. A crib or criblike furniture that has a waterproof mattress covering and sufficient bedding to enable a child to rest comfortably and that meets the current standards or recommendations from the U.S. Consumer Product Safety Commission or ASTM International for juvenile products shall be provided for each child under two years of age if developmentally appropriate. Crib railings shall be fully raised and secured when the child is in the crib. A crib or criblike furniture shall be provided for the number of children present at any one time. The home shall maintain all cribs or criblike furniture and bedding in a clean and sanitary manner. There shall be no restraining devices of any type used in cribs.

d. All items used for sleeping must be used in compliance with manufacturer standards for the age and weight of the child.

110.8(6) Discipline. Discipline shall conform to the following standards:

- a. Corporal punishment, including spanking, shaking, and slapping, shall not be used.
- b. Punishment that is humiliating or frightening or that causes pain or discomfort to the child shall not be used.
- c. Punishment cannot be administered because of a child's illness, or progress or lack of progress in toilet training, nor shall punishment or threat of punishment be associated with food or rest.
- d. No child shall be subjected to verbal abuse, threats, or derogatory remarks about the child or the child's family.
- e. Discipline shall emphasize prevention by having clear and consistent rules and by teaching children self-control, self-esteem, and respect for the rights of others.

110.8(7) Meals and snacks.

a. Registered child development homes shall provide regular meals, midmorning snacks, and midafternoon snacks.

(1) The meals and snacks shall be well-balanced, nourishing, and in appropriate amounts as defined by the United States Department of Agriculture (USDA) Child and Adult Care Food Program.

(2) Nonregistered child care homes do not have to meet the USDA Child and Adult Care Food Program.

b. Children may bring food to the child development home or nonregistered child care home for their own consumption but cannot be required to provide their own food.

c. Clean, sanitary drinking water shall be readily available to children in indoor and outdoor areas throughout the day.

110.8(8) Activity program. There shall be an activity program that promotes self-esteem and exploration and includes:

- a. Active play.
- b. Quiet play.
- c. Activities for large-muscle development.
- d. Activities for small-muscle development.

e. Play equipment and materials in a safe condition, for both indoor and outdoor activities that are developmentally appropriate for the ages and number of children present.

[ARC 0691D, IAB 10/28/26, effective 1/1/27]

441—110.9(237A) Files.

110.9(1) The child development home provider shall maintain a file that contains the following:

a. A physical examination report within six months of becoming registered. Acceptable physical examinations shall be documented on the Child Care Provider Physical Examination Report form. All children residing in the household must have the medical documentation outlined in paragraphs 110.9(4) “*d*,” “*f*,” and “*g*.”

b. i-PoWeR records or certificates verifying required training completion.

110.9(2) An individual file for each staff assistant in a child development home shall be maintained and contain the following:

a. Documentation from the department that confirms the required record checks have been completed and authorizes or conditionally limits the person’s involvement with child care.

b. A completed Child Care Provider Physical Examination Report form.

c. Certification of a minimum of two hours of approved training relating to the identification and reporting of child abuse as required by Iowa Code section 232.69.

110.9(3) An individual file for each substitute in a child development home shall be maintained and shall contain the following:

a. Documentation from the department that confirms the required record checks have been completed and authorizes or conditionally limits the person’s involvement with child care.

b. A completed Child Care Provider Physical Examination Report form.

c. Certification of a minimum of two hours of approved training relating to the identification and reporting of child abuse as required by Iowa Code section 232.69.

d. Certification in first aid and CPR.

e. Certification or other documentation that minimum health and safety training has been completed.

110.9(4) Children’s files. An individual file for each child shall be maintained and updated annually or when the provider becomes aware of changes. If the child meets the definition of homelessness as defined by Section 725(2) of the McKinney-Vento Homeless Education Assistance Act as amended to August 1, 2026, the family shall receive a 60-day grace period to obtain medical documentation. The file shall contain:

a. Identifying information including at a minimum the child’s name, birth date, and address.

b. Parent/guardian contact information.

c. Emergency contacts and persons who can pick up the child as authorized by the parent.

d. Contact information and authorization of emergency medical and dental services.

e. An admission physical examination report signed by a licensed medical doctor, doctor of osteopathy, chiropractor, physician associate, or advanced registered nurse practitioner.

(1) The date of the physical examination cannot be more than 12 months before the child’s first day of attendance at the child development home or non-regulated child care home.

(2) The written report shall include the child’s past health history; status of the child’s present health, allergies, and restrictive conditions; and recommendations for continued care when necessary.

(3) For a child who is five years of age or older and enrolled in school, a statement of health status signed by the parent or legal guardian may be substituted for the physical examination report.

(4) The examination report or statement of health status shall be on file before the child’s first day of care.

f. For children under the age of six, a statement of health condition signed by a licensed medical doctor, doctor of osteopathy, chiropractor, physician associate, or advanced registered nurse practitioner and submitted annually from the date of the admission physical examination. For a child who is enrolled in school, a statement of health status signed by the parent or legal guardian may be substituted for the statement of health.

g. For each school-age child, on the first day of attendance, documentation of a physical examination that was completed at the time of school enrollment or since.

h. A signed and dated immunization certificate provided by the department. For the school-age child, a copy of the most recent immunization record shall be acceptable. Documentation of a valid certificate of immunization exemption (religious or medical) or provisional certificate of immunization may be submitted in lieu of a certificate of immunization.

i. For any child with allergies, a written emergency care plan in case of an allergic reaction. A copy of this information shall accompany the child if the child leaves the premises.

j. Documentation that is signed by the parent and names of persons authorized to pick up the child. The authorization shall include the name, telephone number, and relationship of the authorized person to the child.

k. Written permission from the parent for the child to attend activities away from the child development home or nonregistered child care home.

l. Injury report forms documenting injuries requiring first aid or medical care.

[ARC 0691D, IAB 10/28/26, effective 1/1/27]

441—110.10(237A) Professional development.

110.10(1) *Required training.*

a. Prior to registration or approval as a nonregistered child care home, the provider shall complete minimum health and safety trainings, approved by the department, in all of the following areas:

- (1) Prevention and control of infectious disease, including immunizations.
- (2) Prevention of sudden infant death syndrome and use of safe sleep practices.
- (3) Administration of medication, consistent with standards for parental consent.
- (4) Prevention of and response to emergencies due to food and allergic reactions.
- (5) Building and physical-premises safety, including identification of and protection from hazards that can cause bodily injury, such as electrical hazards, bodies of water, and vehicular traffic.
- (6) Prevention of shaken baby syndrome and abusive head trauma.
- (7) Emergency preparedness and response planning for emergencies resulting from a natural disaster or a human-caused event.
- (8) Handling and storage of hazardous materials and the appropriate disposal of biocontaminants.
- (9) Precautions in transporting children.
- (10) Child development.

b. Prior to registration or approval as a nonregistered child care home, the provider shall complete two hours of Iowa's training for mandatory reporting of child abuse as required by Iowa Code section 232.69. The provider shall maintain a valid certificate indicating expiration date.

c. Prior to registration or approval as a nonregistered child care home, the provider shall complete pediatric first aid and pediatric CPR training that meets the following requirements:

(1) Training shall be provided by a nationally-recognized training organization, such as the American Red Cross, American Heart Association, National Safety Council, Health and Safety Institute (HSI), or by an equivalent trainer using curriculum approved by the department.

(2) The provider shall maintain a valid certificate indicating the date of first aid training and the expiration date.

(3) The provider shall maintain a valid certificate indicating the date of CPR training and the expiration date.

d. The provider must earn 12 contact hours of training each calendar year from approved subject areas from the Council for Professional Recognition or approved content areas from the National Afterschool Association.

e. During each calendar year, the nonregistered child care home provider shall receive a minimum of three hours of training from approved content areas. If course content overlaps between calendar years, hours may still count toward professional development requirements.

f. Minimum health and safety training may be required if content has significant changes that the department warrants that the training be renewed.

g. A child development home provider who has completed training through a child care resource and referral agency or community college within six months prior to initial registration shall be permitted to count the training toward the provider's total training required during the initial registration.

110.10(2) *Approved trainings.*

a. Professional development contact hours can be coaching, education, or training provided by a department-approved entity.

b. Coaching contact hours may only be used to meet up to half of an individual's annual professional development requirement.

c. The department may randomly monitor any state-approved professional development for quality control purposes.

d. Professional development conducted with staff during the hours of operation of the facility, during staff lunch hours, or while children are resting cannot diminish supervision provided to children. The provider cannot be actively engaged in care and supervision while simultaneously participating in training.

e. A professional development organization not approved by the department may submit for review to the department a request for child care training approval. All approvals unless otherwise specified shall be valid for five years. The department will issue its decision within 30 business days of receipt of a complete request.

f. Department-approved entities must provide participants a professional development certificate for approved professional development contact hours.

[ARC 0691D, IAB 10/28/26, effective 1/1/27]

441—110.11(237A) Child development home registration; child care assistance provider agreement and payment application for nonregistered providers.

110.11(1) *Child development home registration.*

a. The department will issue a Certificate of Registration form when an applicant meets all requirements for registration.

b. Registration will be denied or revoked if the department finds a hazard to the safety and well-being of a child and the provider cannot correct or refuses to correct the hazard, even though the hazard may not have been specifically listed under the health and safety rules. Registration may also be denied or revoked if the department determines that the provider has failed to comply with standards imposed by law and these rules.

110.11(2) *Child care assistance provider agreement and payment application for nonregistered providers decision.*

a. The department will approve a payment agreement application when an applicant meets the requirements.

b. The child care assistance provider agreement will be denied or revoked if the department finds a hazard to the safety and well-being of a child and the provider cannot correct or refuses to correct the hazard, even though the hazard may not have been specifically listed under the health and safety rules. The child care assistance provider agreement may also be denied or revoked if the department determines that the provider has failed to comply with standards imposed by law and these rules.

110.11(3) *Record checks.*

a. State and national record checks. The department will conduct Iowa criminal history record and child abuse record checks for each registrant, substitute or staff member, anyone living in the home who is 14 years of age or older, and anyone having access to a child when the child is alone. The department will conduct national criminal history record checks, based on fingerprints, for each registrant, substitute or staff member, anyone living in the home who is 18 years of age or older, and anyone 18 years of age or older having access to a child when the child is alone. In accordance with Iowa Code section 726.23, minors under the age of 18 will not be subject to the fingerprint requirement.

(1) The purpose of these record checks is to determine whether a person has committed a transgression that prohibits or limits the person's involvement with child care.

(2) The department may also conduct criminal history record and child abuse record checks in other states and may conduct dependent adult abuse, sex offender registry, and other public or civil offense record checks in Iowa or other states.

b. Authorization. The person subject to record checks shall complete the Record Check Authorization form, Waiver Agreement form, federal fingerprint card, and any other forms required by the department of public safety to authorize the release of records.

c. Iowa records checks. Checks and evaluations of Iowa child abuse and criminal history records will be completed before the person's involvement with child care. Iowa records checks will be repeated at a minimum of every two years and when the department or the registrant becomes aware of any possible transgressions committed by that person. The department is responsible for the cost of conducting the Iowa records checks.

d. National criminal history record checks. Fingerprint-based checks of national criminal history records will also be completed before a person's involvement with child care. This requirement will be for an initial application for registration or a renewal application for registration. The national criminal history record check will be repeated for each person subject to the check every four years and when the department or registrant becomes aware of any new transgressions committed by that person in another state. The department is responsible for the cost of conducting the national criminal history record check.

(1) The registrant/provider is responsible for any costs associated with the taking of fingerprints of all persons subject to record checks and for submitting the fingerprints to the department so that the national criminal history record check can be completed. Fingerprints may be taken (rolled) by law enforcement agencies or by agencies or companies that specialize in taking fingerprints and are approved by the department.

(2) The department will provide fingerprints to the department of public safety no later than ten business days after receipt of the fingerprint cards. The department will submit the fingerprints on forms or in a manner prescribed by the department of public safety.

(3) The department may rely on the results of previously conducted national criminal history record checks when a person subject to a record check in one child development home or child care home submits a request for involvement with child care in another child development home or child care home, so long as the person's national criminal history record check is within the allowable four-year time frame. All initial or new applications shall require a new national criminal history record check.

e. Mandatory and mandatory time-limited prohibition. A person with any convictions or founded abuse reports as defined in Iowa Code section 237A.5(2) "i" is prohibited from involvement with child care.

f. Evaluation required. For all other transgressions, and as requested, the department will evaluate the transgression and make a decision about the person's involvement with child care.

(1) The person with the transgression shall complete and return the Record Check Evaluation form within ten calendar days of the date on the form. The department will use the information the person with the transgression provides on this form to assist in the evaluation. Failure of the person with the transgression to complete and return this form within ten calendar days of the date on the form shall result in denial or revocation of the registration certificate.

(2) The department may use information from the department's case records in performing the evaluation.

(3) When a person subject to a record check has a transgression that has been determined in a previous evaluation not to warrant prohibition of the person's involvement with child care and the person has no subsequent transgressions, an exemption from reevaluation of the latest record check is authorized. The person may commence employment with another child care facility in accordance with the department's previous evaluation. The exemption is subject to all of the following conditions:

1. The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed.

2. Any restrictions placed on the person's employment by the department in the previous evaluation shall remain applicable in the person's subsequent employment.

3. The person subject to the record check has maintained a copy of the previous evaluation and provides the evaluation to the subsequent employer or the previous employer provides to the subsequent employer the previous evaluation from the person's personnel file pursuant to the person's authorization. If a physical copy of the previous evaluation is not provided to the subsequent employer, the record check shall be reevaluated.

4. The subsequent employer may request a reevaluation of the record check and may employ the person while the reevaluation is being performed.

g. *Evaluation decision.* The department has final authority in determining whether prohibition of the person's involvement with child care is warranted and in developing any conditional requirements or corrective action plan.

(1) Within 30 calendar days of receipt of a completed record check evaluation, the department will make a decision on the person's involvement with child care.

(2) Within 30 calendar days of receipt of a completed record check evaluation, the department will mail to the person subject to an evaluation a record check decision that explains the decision reached regarding the evaluation of the transgression and a notice of decision.

(3) The department will issue a notice of decision prohibiting involvement with child care when the person subject to an evaluation fails to complete the record check evaluation within the ten-calendar-day time frame.

(4) If the department determines, through the record check evaluation process, that the person's prohibition of involvement with child care is warranted, the person shall be prohibited from involvement with child care. The department may identify a period of time after which the person may request that another record check and evaluation be performed.

(5) The department may permit a person who is evaluated to maintain involvement with child care if the person complies with the department's conditions relating to the person's involvement with child care, which may include completion of additional training or an individually designed corrective action plan, or both. For an employee of a registrant, these conditional requirements shall be developed with the registrant. All conditions placed on a person's involvement with child care shall be communicated, in writing, to both the person subject to the evaluation and the registrant.

(6) The department will reevaluate any transgressions where a state or federal law change requires different considerations of the transgression than had been previously applied.

h. *Notice to parents of abuse in care.* If there has been founded child abuse committed by an owner, director, or staff member of the child care facility or child care home, the department's administrator shall notify the parents, guardians, and legal custodians of each child for whom the facility or child care home provides care.

(1) The child care facility or child care home shall cooperate with the department in providing the names and addresses of the parent, guardian, or custodian of each child for whom the facility provides child care.

(2) This information shall be provided to the department within ten calendar days from the date of the initial request.

(3) Failure or refusal to provide the requested information may result in cancellation of the provider agreement.

110.11(4) If the department has denied or revoked a registration or child care assistance provider agreement because the provider has continually or repeatedly failed to operate in compliance with Iowa Code chapter 237A and this chapter, the person cannot own or operate a registered facility for a period of 12 months from the date of denial or revocation. The department will not act on an application for registration submitted by the applicant or provider during the 12-month period. The applicant shall be prohibited from involvement with child care unless the department specifically permits the involvement.

110.11(5) If a certificate of registration or child care assistance provider agreement is revoked, the department will notify the parent, guardian, or legal custodian of each child for whom the facility provides

care. The provider shall cooperate with the department in providing the name and address of the parent, guardian, or legal custodian of each child for whom the facility provides child care.

110.11(6) Required notifications to the department. The provider shall, within ten days, notify the department of any of the following:

- a. Changes in assistants or substitutes;
- b. Changes in household membership;
- c. Address changes; and
- d. Criminal convictions.

110.11(7) No assistant, substitute, or co-provider shall be utilized in the care of children and no person shall be permitted to reside in the household until approved by the department.

110.11(8) If the provider does not notify the department of changes within ten days, the provider may be subject to revocation of registration or to recoupment of child care assistance provided, or both.

110.11(9) Notice of child development home revocation. A notice received by an owner or operator of a child development home initiating action to deny or revoke the home's registration shall be conspicuously posted where it can be read by parents or any member of the public. The letter shall remain posted until resolution of the action to deny or revoke an owner's or operator's certificate of registration.

[ARC 0691D, IAB 10/28/26, effective 1/1/27]

441—110.12(237A) Complaints. The department will conduct a visit when a complaint is received.

110.12(1) After each complaint visit, the department will document whether the child development home or nonregistered child care home was in compliance with health and safety requirements.

110.12(2) The written documentation of the department's conclusion as to whether the child development home or nonregistered child care home was in compliance with requirements will be available to the public. However, the identity of all complainants will be confidential unless expressly waived by the complainant.

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441—110.13(237A) Additional requirements for child development home category A. In addition to the requirements in rule 441—110.8(237A), a provider requesting registration in child development home category A shall meet the following standards.

110.13(1) *Limits on number of children in care.*

a. No more than six children not attending kindergarten or a higher grade level shall be present at any one time.

b. Of these six children, no more than four children who are 24 months of age or younger shall be present at any one time. Of these four children, no more than three can be 12 months of age or younger.

c. In addition to the six children not in school, no more than two children who attend school can be present.

d. No more than eight children shall be present at any one time when an emergency school closing is in effect.

110.13(2) *Provider qualifications.*

a. The provider shall be at least 18 years old.

b. The provider shall have three written references that attest to character and ability to provide child care.

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441—110.14(237A) Additional requirements for child development home category B. In addition to the requirements in rule 441—110.8(237A), a provider requesting registration in child development home category B shall meet the following standards.

110.14(1) *Limits on number of children in care.*

a. No more than eight children not attending kindergarten or a higher grade level shall be present at any one time.

b. Of these eight children, no more than four children who are 24 months of age or younger shall be present at any one time. Of these four children, no more than three can be 12 months of age or younger.

c. In addition to the eight children not in school, no more than four children who attend school can be present.

d. No more than 12 children shall be present at any one time when an emergency school closing is in effect.

e. If more than eight children are present at any one time for a period of more than two hours, the provider shall be assisted by a department-approved assistant unless extra children are present as a result of an emergency school closing.

110.14(2) *Provider qualifications.*

a. The provider shall be at least 20 years old.

b. The provider shall have a high school diploma, a GED, or documentation of current or previous enrollment in credit-based coursework from a postsecondary educational institution that is an accredited college or university.

c. The provider shall have either:

(1) Two years of experience as a registered or nonregistered child care provider or a child care center experience, or

(2) A child development associate credential or any two-year or four-year degree in a child care-related field and one year of experience as a registered or nonregistered child care home provider or child care center experience.

110.14(3) *Facility requirements.*

a. The home shall have a minimum of 35 square feet of child-use floor space for each child in care indoors and a minimum of 50 square feet per child in care outdoors.

b. The home shall have a separate quiet area for sick children.

c. The home shall have a minimum of two direct exits to the outside from the main floor.

(1) If the second level or the basement of the home is used for the provision of child care, other than the use of a restroom, each additional child-occupied floor shall have at least one direct exit to the outside in addition to one inside stairway.

(2) All exits shall terminate at grade level with permanent steps.

(3) A basement window may be used as an exit if the window can be opened from the inside without the use of tools and it provides a clear opening of not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area. The bottom of the opening shall be not more than 44 inches above the floor, with permanent steps inside leading up to the window.

(4) Occupancy above the second floor cannot be permitted for child care.

[ARC 0691D, IAB 10/28/26, effective 1/1/27]

441—110.15(237A) Additional requirements for child development home category C without a co-provider. In addition to the requirements in rule 441—110.8(237A), a provider requesting registration in child development home category C without a co-provider shall meet the following standards.

110.15(1) *Limits on number of children in care.*

a. No more than eight children not attending kindergarten or a higher grade level shall be present at any one time.

b. Of these eight children, no more than four children who are 24 months of age or younger shall be present at any one time. Of these four children, no more than three can be 12 months of age or younger.

c. In addition to the eight children not in school, no more than four children who attend school can be present.

d. No more than 12 children shall be present at any one time when an emergency school closing is in effect.

e. If more than eight children are present at any one time for a period of more than two hours, the provider shall be assisted by a department-approved assistant unless extra children are present as a result of an emergency school closing.

110.15(2) Provider qualifications.

- a. The provider shall be at least 21 years old.
- b. The provider shall have a high school diploma, a GED, or documentation of current or previous enrollment in credit-based coursework from a postsecondary educational institution that is an accredited college or university.
- c. The provider shall have either:
 - (1) Four years of experience as a registered, nonregistered child care provider, child care center experience, or
 - (2) A child development associate credential or any two-year or four-year degree in a child care-related field and four years of experience as a registered or nonregistered child care home provider.

110.15(3) Facility requirements.

- a. The home shall have a minimum of 35 square feet of child-use floor space for each child in care indoors and a minimum of 50 square feet per child in care outdoors.
- b. The home shall have a separate quiet area for sick children.
- c. The home shall have a minimum of two direct exits to the outside from the main floor.
 - (1) If the second level or the basement of the home is used for the provision of child care, other than the use of a restroom, each additional child-occupied floor shall have at least one direct exit to the outside in addition to one inside stairway.
 - (2) All exits shall terminate at grade level with permanent steps.
 - (3) A basement window may be used as an exit if the window can be opened from the inside without the use of tools and it provides a clear opening of not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area. The bottom of the opening shall be not more than 44 inches above the floor, with permanent steps inside leading up to the window.
 - (4) Occupancy above the second floor cannot be permitted for child care.

[ARC 0691D, IAB 10/28/26, effective 1/1/27]

441—110.16(237A) Additional requirements for child development home category C with co-provider. In addition to the requirements in rule 441—110.8(237A), a provider requesting registration in child development home category C with a co-provider shall meet the following standards.

110.16(1) Limits on number of children in care.

- a. No more than 14 children not attending kindergarten or a higher grade level shall be present at any one time.
- b. Of these 14 children, no more than 6 children who are 24 months of age or younger shall be present at any one time. Whenever four children who are under the age of 12 months are in care, both providers shall be present.
- c. In addition to the 14 children not in school, no more than 2 children who attend school can be present.
- d. No more than 16 children shall be present at any one time when an emergency school closing is in effect.
- e. If more than eight children are present, both providers shall be present.

110.16(2) Provider qualifications.

- a. The provider shall be at least 21 years old.
- b. The provider shall have a high school diploma, a GED, or documentation of current or previous enrollment in credit-based coursework from a postsecondary educational institution that is an accredited college or university.
- c. The provider shall have either:
 - (1) Four years of experience as a registered or nonregistered child care provider or a child care center experience, or
 - (2) A child development associate credential or any two-year or four-year degree in a child care-related field and four years of experience as a registered or nonregistered child care home provider.
- d. The co-provider shall meet the requirements of subrule 110.14(2).

e. No more than two named providers shall be allowed on a registration certificate.

110.16(3) Facility requirements.

a. The home shall have a minimum of 35 square feet of child-use floor space for each child in care indoors, and a minimum of 50 square feet per child in care outdoors.

b. The home shall have a separate quiet area for sick children.

c. The home shall have a minimum of two direct exits to the outside from the main floor.

(1) If the second level or the basement of the home is used for the provision of child care, other than the use of a restroom, each additional child-occupied floor shall have at least one direct exit to the outside in addition to one inside stairway.

(2) All exits shall terminate at grade level with permanent steps.

(3) A basement window may be used as an exit if the window can be opened from the inside without the use of tools and it provides a clear opening of not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area. The bottom of the opening shall be not more than 44 inches above the floor, with permanent steps inside leading up to the window.

(4) Occupancy above the second floor cannot be permitted for child care.

[ARC 0691D, IAB 10/28/26, effective 1/1/27]

441—110.17(237A) Relative care exemptions. Relatives who are providing care for relative children as a nonregistered child care home are required to meet minimal health and safety standards as contained in the child care and development block grant under 45 CFR 98.41 as amended to August 1, 2026, and this chapter, with the following exemptions:

110.17(1) Facility requirements as set forth in subrule 110.8(1).

110.17(2) Emergency plans as set forth in subrule 110.8(4).

110.17(3) Children's files as set forth in subrule 110.9(4).

110.17(4) Required training as set forth in subrule 110.10(1).

[ARC 0691D, IAB 10/28/26, effective 1/1/27]

441—110.18(237A) Registration actions for nonpayment of child support. The department will revoke or deny the issuance or renewal of a child development home registration upon the receipt of a certificate of noncompliance from child support services according to the procedures in Iowa Code chapter 252J. In addition to the procedures set forth in Iowa Code chapter 252J, the rules in this chapter apply.

110.18(1) Service of notice. The notice required by Iowa Code section 252J.8 will be served upon the applicant or registrant in writing. Alternatively, the applicant or registrant may accept notice personally or through authorized counsel.

110.18(2) Effective date. The effective date of the revocation or denial of the registration as specified in the notice required by Iowa Code section 252J.8 will be 60 days following service of the notice upon the applicant or licensee.

110.18(3) Preparation of notice. The department is authorized to prepare and serve the notice as required by Iowa Code section 252J.8.

110.18(4) Responsibilities of registrants and applicants. Registrants and registrant applicants shall keep the department informed of all court actions, and all child support services actions taken under or in connection with Iowa Code chapter 252J, and shall provide the department copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in the actions, and withdrawals of certificates of noncompliance by the child support services.

110.18(5) District court. A registrant or applicant may file an application with the district court within 30 days of service of a department notice pursuant to Iowa Code sections 252J.8 and 252J.9.

a. The filing of the application shall stay the department action until the department receives a court order lifting the stay, dismissing the action, or otherwise directing the department to proceed.

b. For purposes of determining the effective date of the revocation, or denial of the issuance or renewal of a registration, the department will count the number of days before the action was filed and the number of days after the action was disposed of by the court.

110.18(6) Procedure for notification. The department will notify the applicant or registrant in writing within ten days of the effective date of the revocation of a registration or the denial of the issuance or renewal of a registration and will similarly notify the applicant or registrant when the registration is issued, renewed, or reinstated following the department's receipt of a withdrawal of the certificate of noncompliance.

110.18(7) Appeal rights. Notwithstanding Iowa Code section 17A.18, the registrant does not have the right to a hearing regarding this issue but may request a court hearing pursuant to Iowa Code section 252J.9.

[ARC 0691D, IAB 10/28/26, effective 1/1/27]

441—110.19(237A) Prohibition from involvement with child care. If the department has prohibited a person or program from involvement with child care, that person or program cannot provide child care as a nonregistered child care home provider.

[ARC 0691D, IAB 10/28/26, effective 1/1/27]

These rules are intended to implement Iowa Code section 234.6 and chapter 237A.

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¹ January 1, 2015, effective date of ARC 1636C [110.5(1)“a”] delayed 70 days by the Administrative Rules Review Committee at its meeting held October 14, 2014.

CHAPTER 120

CHILD CARE HOMES

Rescinded **ARC 0692D**, IAB 10/28/26, effective 1/1/27

NATURAL RESOURCE COMMISSION[571]

[Prior to 12/31/86, see Conservation Commission [290], renamed
Natural Resource Commission[571]
under the “umbrella” of Department of Natural Resources by 1986 Iowa Acts, chapter 1245]

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SMALL GAME HUNTING

[Prior to 12/31/86, Conservation Commission[290] Ch 103]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

571—96.1(481A) Pheasant season.

96.1(1) *Open season.* Open season for hunting cock pheasants is the last Saturday in October through January 10 of the succeeding year. Daily bag limit 3 cocks; possession limit 12. Shooting hours are 8 a.m. to 4:30 p.m. Entire state open.

96.1(2) *Transportation.* No person shall transport a pheasant within the state without a leg and foot, or fully feathered wing, or fully feathered head attached to the intact carcass.

96.1(3) *Youth pheasant hunt.* A special two-day youth pheasant hunt for residents only will be held on the weekend preceding the last Saturday in October. Youth hunters must be 15 years old or younger. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt. Only the youth hunter may shoot pheasants. The daily bag limit is 1 cock bird and possession limit is 2 after the first day. All other hunting regulations in effect for the regular pheasant season apply to the youth hunt. Entire state open.

[ARC 9239C, IAB 5/14/25, effective 6/18/25]

571—96.2(481A) Gray (Hungarian) partridge season. Open season for hunting gray partridge is the second Saturday in October through January 31 of the succeeding year. Daily bag limit 8; possession limit 16. Shooting hours are 8 a.m. to 4:30 p.m. Entire state open.

[ARC 9239C, IAB 5/14/25, effective 6/18/25]

571—96.3(481A) Bobwhite quail season. Open season for hunting quail is the last Saturday in October through January 31 of the succeeding year. Daily bag limit 8; possession limit 16. Shooting hours are 8 a.m. to 4:30 p.m. Entire state open.

[ARC 9239C, IAB 5/14/25, effective 6/18/25]

571—96.4(481A) Ruffed grouse season. Open season for hunting ruffed grouse is the first Saturday in October through January 31 of the succeeding year. Daily bag limit 3; possession limit 6. Shooting hours are sunrise to sunset.

96.4(1) *Portion of the state open to hunting.* The area open to hunting shall be that portion of the state lying north and east of a line described as follows: beginning at Sabula, Iowa; thence west along State Highway 64 to U.S. Highway 151; thence west along U.S. Highway 151 to State Highway 13; thence north along State Highway 13 to U.S. Highway 20; thence west along U.S. Highway 20 to U.S. Highway 63; thence north along U.S. Highway 63 to the state line.

96.4(2) Reserved.

[ARC 9239C, IAB 5/14/25, effective 6/18/25]

571—96.5(481A) Pigeon season. There is a continuous open season for hunting pigeons. No bag or possession limit. There are no restrictions on shooting hours. Entire state open.

[ARC 9239C, IAB 5/14/25, effective 6/18/25]

571—96.6(481A) Cottontail rabbit season. Open season for hunting cottontail rabbits is the Saturday before Labor Day through February 28 of the succeeding year. Daily bag limit 10; possession limit 20. Shooting hours are sunrise to sunset. Entire state open.

[ARC 9239C, IAB 5/14/25, effective 6/18/25]

571—96.7(481A) Jackrabbit season. Continuous closed season.

[ARC 9239C, IAB 5/14/25, effective 6/18/25]

571—96.8(481A) Squirrel season. Open season for hunting squirrels (fox and gray) is the Saturday before Labor Day through January 31 of the succeeding year. Daily bag limit 6; possession limit 12. There are no restrictions on shooting hours. Entire state open.

[ARC 9239C, IAB 5/14/25, effective 6/18/25]

571—96.9(481A) Small game hunting by falconry.

96.9(1) In addition to the falconry permit, a falconer must have all other licenses, stamps, and permits required by law. A falconry observer is not required to be licensed for hunting, but an observer shall not assist in the hunt.

96.9(2) No falconer or observer may possess a long gun, bow, or crossbow while in the field with a raptor or in the act of falconry.

96.9(3) Seasons.

a. Pheasant (both sexes), quail, gray partridge, ruffed grouse, and jackrabbit. The season for the taking of pheasant, quail, gray partridge, ruffed grouse, and jackrabbit is October 1 of each year through March 31 of the following year.

b. Cottontail rabbit and squirrel. The season for the taking of cottontail rabbits and squirrels is September 1 of each year through March 31 of the following year.

96.9(4) Limits.

a. Pheasants (both sexes) and jackrabbit. The daily limit is two pheasants, no more than one of which may be a hen, and one jackrabbit; the possession limit is four pheasants and two jackrabbits.

b. Quail, gray partridge, ruffed grouse, squirrels and cottontail rabbit. The daily limit is two quail, two gray partridge, two ruffed grouse, four cottontail rabbits and four squirrels; the possession limit is four quail, four gray partridge, four ruffed grouse, eight cottontail rabbits, and eight squirrels.

[ARC 9239C, IAB 5/14/25, effective 6/18/25]

571—96.10(481A) Small game hunting by nonresidents.

96.10(1) Small game species for nonresident hunting include pheasant, quail, partridge, grouse, dove, rabbit, and squirrel.

96.10(2) Nonresident small game hunters purchasing a nonresident annual hunting license shall be limited to two 7-day periods totaling not more than 14 days per annual license purchased. Multiple nonresident annual hunting licenses may be purchased.

96.10(3) The two seven-day periods must be designated at the time the annual license is purchased and may be consecutive. The seven-day periods must fall within the season dates defined in rules 571—96.1(481A) through 571—96.4(481A) and this rule, except:

a. Small game hunting by nonresidents is not allowed on public land during the first seven days of the pheasant season as defined in subrule 96.1(1).

b. Rabbit, squirrel, and grouse hunting by nonresidents is not allowed on public land from the third Saturday in October through the third Saturday in November.

96.10(4) A designated period may be changed prior to the beginning date of the period by contacting the department.

96.10(5) The nonresident five-day hunting license may be purchased independently or in conjunction with a nonresident annual hunting license.

[ARC 0696D, IAB 10/28/26, effective 1/1/27]

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.48.

[Filed 8/29/75]

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[Filed ARC 0696D (Notice ARC 0548D, IAB 9/2/26), IAB 10/28/26, effective 1/1/27]

PUBLIC SAFETY DEPARTMENT[661]

Rules transferred from agency number 680 to 661 to conform with the reorganization numbering scheme in general

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CHAPTER 95
DISPOSITION OF SEIZED AND FORFEITED WEAPONS AND AMMUNITION
[Prior to 5/9/07, see rules 661—4.51(809A) to 661—4.59(809A)]

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/2/31

661—95.1(809,809A) Definitions. The following definitions apply to the rules in this chapter:

“*Ammunition reference file*” means the physical collection of ammunition received, collected and maintained by the division of criminal investigation criminalistics laboratory for testing and evaluation purposes.

“*Firearms inventory*” means a listing of firearms received, collected, maintained, and disposed of by the division of criminal investigation criminalistics laboratory and of transactions regarding firearms completed by the laboratory. Firearms in the temporary custody of the laboratory for evidentiary examination are not included in the firearms inventory.

“*Firearms reference file*” means the physical collection of firearms received, collected and maintained by the division of criminal investigation criminalistics laboratory for comparison and identification purposes.

[ARC 0698D, IAB 10/28/26, effective 12/2/26]

661—95.2(809,809A) Ammunition and firearms. The division of criminal investigation criminalistics laboratory shall examine and evaluate all firearms and ammunition submitted to the laboratory pursuant to Iowa Code section 809A.17. All firearms submitted to the laboratory shall be evaluated and disposed of as provided in Iowa Code sections 809.21 and 809A.17 and these rules. Any ammunition submitted to the laboratory may be entered into the laboratory’s ammunition reference file and may be utilized by the laboratory for testing and evaluation purposes.

[ARC 0698D, IAB 10/28/26, effective 12/2/26]

661—95.3(809,809A) Firearms inventory. There is established a continuous firearms inventory in the division of criminal investigation criminalistics laboratory. All firearms transactions covered by any of the provisions noted herein, other than receipts and returns of weapons for evidentiary examination, shall be recorded as and made a part of the continuous firearms inventory. Each individual entry in the inventory shall be maintained for a period of no less than 20 years. Inventory entries that refer to firearms retained in the firearms reference file shall be maintained permanently.

[ARC 0698D, IAB 10/28/26, effective 12/2/26]

661—95.4(809,809A) Deposit of firearms in the firearms reference file. There is established a division of criminal investigation criminalistics laboratory firearms reference file. Firearms submitted to the laboratory, other than firearms submitted solely for evidentiary examination, shall be evaluated as to their possible worth for testing and evaluation purposes. Any firearms deemed useful for such purposes shall be deposited in the firearms reference file.

[ARC 0698D, IAB 10/28/26, effective 12/2/26]

661—95.5(809,809A) Disposition of firearms (interstate). Any firearm in the possession of the division of criminal investigation criminalistics laboratory pursuant to Iowa Code section 809A.17 that is not entered into the firearms reference file pursuant to the provisions of rule 661—95.4(809,809A) and that the commissioner of public safety deems appropriate for distribution to other crime laboratories may be offered to them.

[ARC 0698D, IAB 10/28/26, effective 12/2/26]

661—95.6(809A) Transfer of rifles and shotguns to the department of natural resources. Any rifle or shotgun in the possession of the division of criminal investigation criminalistics laboratory pursuant to Iowa Code section 809A.17 that is not entered in the firearms reference file pursuant to rule 661—95.4(809,809A) or distributed to another crime laboratory pursuant to rule 661—95.5(809,809A)

may be transferred to the department of natural resources for disposition pursuant to the rules of that department.

[ARC 0698D, IAB 10/28/26, effective 12/2/26]

661—95.7(809,809A) Disposition of firearms (intrastate). Any firearm not entered in the firearms reference file pursuant to rule 661—95.4(809,809A) and still in the possession of the division of criminal investigation criminalistics laboratory pursuant to Iowa Code section 809A.17, subsequent to the procedures set out in rules 661—95.5(809,809A) and 661—95.6(809A), shall be evaluated for usefulness to Iowa law enforcement agencies. Any firearm that is deemed suitable for law enforcement purposes may be distributed to an Iowa law enforcement agency that has made a request for such firearm. This distribution shall be made in accordance with the reasonable needs of the requesting agency as determined by the commissioner of public safety. Any firearm received by a law enforcement agency pursuant to this rule is for the internal use of the receiving agency and cannot be resold or otherwise distributed outside of the receiving agency, other than to be returned to the division of criminal investigation criminalistics laboratory.

[ARC 0698D, IAB 10/28/26, effective 12/2/26]

661—95.8(809,809A) Final disposition and destruction of firearms. All firearms in the possession of the division of criminal investigation criminalistics laboratory pursuant to Iowa Code section 809A.17 that are not disposed of by the procedures provided in rules 661—95.2(809,809A) through 661—95.7(809,809A) shall be destroyed and documented as such. Destruction shall be accomplished by grinding and chopping at a scrap metal facility or meltdown at a suitable foundry operation. All destruction shall be supervised and conducted by the staff of the division of criminal investigation criminalistics laboratory.

[ARC 0698D, IAB 10/28/26, effective 12/2/26]

661—95.9(809,809A) Disposition of explosives. Any law enforcement agency in possession of forfeited explosives shall contact the arson and explosives bureau of the fire marshal division for instructions and shall follow the instructions received from the fire marshal division for the disposition of the forfeited explosives.

[ARC 0698D, IAB 10/28/26, effective 12/2/26]

661—95.10(809,809A) Disposition of weapons other than firearms and explosives. Any law enforcement agency in the possession of a forfeited weapon other than a firearm, ammunition, or explosives may contact the division of criminal investigation criminalistics laboratory for instructions regarding the disposition of the forfeited weapons.

[ARC 0698D, IAB 10/28/26, effective 12/2/26]

These rules are intended to implement Iowa Code sections 809.21 and 809A.17.

[Filed 4/13/07, Notice 9/27/06—published 5/9/07, effective 7/1/07]

[Filed ARC 0219C (Notice ARC 0098C, IAB 4/18/12), IAB 7/25/12, effective 9/1/12]

[Filed ARC 0698D (Notice ARC 0533D, IAB 9/2/26), IAB 10/28/26, effective 12/2/26]

COMMUNICATIONS NETWORK, IOWA[751]

[Prior to 7/23/25, see Telecommunications and Technology Commission, Iowa[751]]

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CHAPTER 1
DESCRIPTION OF ORGANIZATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/2/31

751—1.1(17A,8D) Purpose. The Iowa telecommunications and technology commission and Iowa communications network manage, develop, operate, and ensure compatibility of the state communications network (network) as established by Iowa Code chapter 8D.

[ARC 0680D, IAB 10/28/26, effective 12/2/26]

751—1.2(17A,8D) Organization. The commission's structure consists of five commissioners and the state auditor and the chief information officer as ex officio members. The commission has the sole authority to manage, develop, operate, and ensure compatibility of the network. The network is supervised by the commission and operated by the executive director or the director's designee.

[ARC 0680D, IAB 10/28/26, effective 12/2/26]

751—1.3(17A,8D) Location of offices.

1.3(1) Main office. The main office is located in the Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319.

1.3(2) Network hub. The hub for the network is located in the Joint Forces Headquarters (JFHQ) Armory, 6100 NW 78th Avenue, Johnston, Iowa 50131.

[ARC 0680D, IAB 10/28/26, effective 12/2/26]

751—1.4(17A,8D) Business hours. The business hours of the main office are 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

[ARC 0680D, IAB 10/28/26, effective 12/2/26]

These rules are intended to implement Iowa Code sections 8D.1, 8D.3, and 8D.4.

[Filed 9/17/96, Notice 7/31/96—published 10/9/96, effective 11/13/96]

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[Filed 1/26/06, Notice 12/21/05—published 2/15/06, effective 3/22/06]

[Filed 9/21/07, Notice 6/20/07—published 10/10/07, effective 11/14/07]

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[Filed ARC 9600B (Notice ARC 9469B, IAB 4/20/11), IAB 7/13/11, effective 8/17/11]

[Filed ARC 0409C (Notice ARC 0269C, IAB 8/8/12), IAB 10/17/12, effective 11/21/12]

[Filed ARC 4983C (Notice ARC 4626C, IAB 8/28/19), IAB 3/11/20, effective 4/15/20]

[Filed ARC 8924C (Notice ARC 8661C, IAB 12/25/24), IAB 2/19/25, effective 3/26/25]

[Filed ARC 0680D (Notice ARC 0503D, IAB 9/2/26), IAB 10/28/26, effective 12/2/26]

CHAPTER 2
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
Rescinded **ARC 0681D**, IAB 10/28/26, effective 12/2/26

CHAPTER 3
DECLARATORY ORDERS
Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4
CONTESTED CASES
Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5 PURCHASING

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/2/31

751—5.1(8D) Applicability of competitive bidding.

5.1(1) *Thresholds.* The commission shall use the following competitive bidding thresholds for the purchase of goods and services:

a. Direct purchasing, tier 1. The commission may purchase goods and services costing less than \$15,000 without competitive bidding, using reasonable efforts to obtain the best price and value.

b. Informal competition, tier 2. The commission shall use informal competition, soliciting quotes from at least three vendors, for purchases where:

(1) The estimated cost is between \$15,000 and \$50,000; or

(2) The estimated value of a multiyear contract in the aggregate, including renewals, does not exceed \$150,000.

c. Formal competition, tier 3. The commission shall use formal competitive bidding for purchases where:

(1) The estimated cost exceeds \$50,000; or

(2) The estimated value of a multiyear contract in the aggregate, including renewals, exceeds \$150,000.

5.1(2) *Determination of cost.* The estimated total cost of a purchase shall be the aggregate cost of the purchase, including freight and installation but excluding the cost of any existing hardware or software maintenance renewals if such renewals are sole-source by nature. Contracts shall not be artificially divided to avoid competitive bidding thresholds.

5.1(3) *Exemptions.* Competitive bidding is not required for:

a. Sole source, when the executive director or designee determines that:

(1) The goods or services are available from only a single source;

(2) Immediate action is required to prevent a service outage; protect network security; or avoid immediate threat to public health, safety, or welfare;

(3) The procurement is for the network and must be compatible with existing systems and compatibility is the overriding consideration;

(4) The procurement is for the upgrade, maintenance, or renewal of existing software or hardware;

(5) The goods or services involve work of such a specialized nature or related to a specific geographic location that only a single source, by virtue of experience, expertise, proximity to the project, or ownership of intellectual property rights, could satisfactorily provide the service;

(6) The commission is purchasing directly from the original equipment manufacturer (OEM); or

(7) The commission is hiring legal counsel, expert witnesses, or consultants to assist in legal proceedings, including testifying or assisting in the preparation of quasijudicial or judicial proceedings.

b. Shared contracts, when the commission purchases from contracts let by the department of administrative services, the department of management, the federal government, or other governmental entities.

[ARC 0682D, IAB 10/28/26, effective 12/2/26]

751—5.2(8D) Methods of procurement.

5.2(1) *Informal competition.* For procurements requiring informal competition under paragraph 5.1(1) “b”:

a. The commission shall attempt to solicit quotes or proposals from at least three qualified vendors.

b. The solicitation may be conducted via electronic mail or telephone.

c. Public notice is not required.

5.2(2) *Formal competition.* For procurements requiring formal competition under paragraph 5.1(1) “c”:

a. Notice. The commission shall also comply with legal requirements for notifying targeted small businesses. Notice of the solicitation shall be posted on the state's centralized bidding website or the commission's website not less than ten days prior to the submission deadline.

b. Evaluation.

(1) When an Invitation to Bid is used, the contract shall be awarded to the lowest cost responsible bidder who meets the specifications.

(2) When a Request for Proposals is used, the contract shall be awarded to the vendor offering the best value based on the evaluation criteria identified in the solicitation.

c. Negotiation. The commission reserves the right to negotiate with the highest-ranked vendor or request a best and final offer (BAFO) from finalists.

5.2(3) Auctions. The commission may purchase goods or services through:

a. Electronic auctions, including reverse auctions where vendors bid down the price in real time.

b. Standard auctions, when purchasing new or used equipment or materials, provided the auction is conducted by a reputable organization.

5.2(4) Purchasing cooperatives and consortiums. The commission may join public or private purchasing cooperatives or consortiums to reduce costs for the network and authorized users. The commission may purchase goods and services through these entities without conducting a separate competitive bidding process, provided the cooperative or consortium utilized a competitive procurement procedure.

[ARC 0682D, IAB 10/28/26, effective 12/2/26]

751—5.3(8D) Master agreements.

5.3(1) Purpose. To reduce administrative costs and improve efficiency, the commission may enter into master agreements (blanket purchase agreements) for goods or services that are purchased repeatedly.

5.3(2) Competition. A master agreement shall be established through any manner deemed appropriate by the commission, using the methods of procurement identified within rule 751—5.2(8D) or sole source as allowed by subrule 5.1(3).

5.3(3) Ordering. Once a master agreement is established, individual purchase orders may be issued to the contracted vendor without further competition for the duration of the agreement.

[ARC 0682D, IAB 10/28/26, effective 12/2/26]

751—5.4(8D) Agency rights and vendor performance.

5.4(1) Rejection of bids. The commission reserves the right to reject any or all bids or proposals at any time prior to the execution of a contract. The commission may reject a bid for any reason, including but not limited to:

- a.* The financial insecurity of the vendor.
- b.* Failure to meet the specifications or terms of the solicitation.
- c.* Evidence of unfair bidding procedures or collusion.
- d.* Cancellation of the project or insufficient funds.
- e.* When the best interests of the commission will be served by rejection.

5.4(2) Suspension and debarment. The commission may suspend or debar a vendor from participating in future solicitations if the vendor has demonstrated a failure to perform or other serious misconduct.

a. Causes. Causes for suspension or debarment include:

- (1) Material failure to perform in accordance with the terms of a previous contract;
- (2) Failure to deliver goods or services on time;
- (3) Attempts to influence the decision of any commission employee involved in the procurement process;

(4) Debarment by the federal government or another state agency;

b. Process. The commission shall notify the vendor of the intent to suspend or debar and provide an opportunity to respond. The suspension or debarment shall be for a specific period of time commensurate with the severity of the offense.

[ARC 0682D, IAB 10/28/26, effective 12/2/26]

751—5.5(8D) Vendor appeals. 7—Chapter 2506 applies to contested case proceedings conducted by the agency, including vendor appeals.

[ARC 0682D, IAB 10/28/26, effective 12/2/26]

These rules are intended to implement Iowa Code sections 8D.3(3) “b” and 8D.11.

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CHAPTER 7 AUTHORIZED USE AND USERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/2/31

751—7.1(8D) Definitions. For the purposes of interpreting these rules, the following definitions are applicable.

“Authorized facility” means a site operated by an authorized user that is consistent with the written mission of the authorized user.

“Authorized use” means use of the network by an authorized user or by persons acting on behalf of an authorized user as provided in this chapter for the following purposes of the authorized user: (1) state or federal communications as defined in this chapter; (2) education or educational purposes as defined in this chapter; (3) training programs provided under state law and training programs developed by authorized users; (4) telemedicine or related purposes as defined in this chapter; (5) official governmental use by a state agency or a federal agency as defined in this chapter consistent with authorized purposes under applicable state or federal law; (6) establishing and operating a shared data only network for law enforcement, emergency management, disaster services, emergency warning and other emergency information dissemination services to federal, state and local law enforcement agencies and local emergency management offices; or (7) city of Des Moines.

“Authorized user” means a private or public agency as defined in Iowa Code section 8D.2.

“Private agency” means an accredited nonpublic school, a nonprofit institution of higher education eligible for tuition grants, a hospital licensed pursuant to Iowa Code chapter 135B, or a physician clinic to the extent provided in Iowa Code section 8D.13(13).

“Public agency” means a state agency, an institution under the control of the board of regents, the judicial branch as provided in Iowa Code section 8D.13(14), a school corporation, a city library, a regional library as provided in Iowa Code chapter 256, a county library as provided in Iowa Code chapter 336, or an agency of the federal government.

[ARC 0683D, IAB 10/28/26, effective 12/2/26]

751—7.2(8D) Eligibility.

7.2(1) Mission-based use. Use of the network must be consistent with the written mission of the authorized user.

7.2(2) Unauthorized use. The network shall not be used for personal, commercial, or political purposes, except as specifically authorized by law.

[ARC 0683D, IAB 10/28/26, effective 12/2/26]

751—7.3(8D) Authorized facility connectivity.

7.3(1) Education. Public and private K-12 schools, area education agencies, and higher education institutions may connect directly to the network.

7.3(2) State agencies. State boards, commissions or departments; the Iowa national guard; and the executive, legislative, and judicial branches may connect directly to the network.

7.3(3) Telemedicine. Hospitals and physician clinics (as defined in Iowa Code section 8D.13(13)) may connect for telemedicine and educational purposes.

7.3(4) Federal. A board, commission, department, or agency of the federal government may connect to the network as provided in Iowa Code section 8D.13(13).

[ARC 0683D, IAB 10/28/26, effective 12/2/26]

These rules are intended to implement Iowa Code sections 8D.2, 8D.3(1), 8D.3(3)“b,” and 8D.13(14) through 8D.13(17).

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CHAPTER 9
CERTIFICATION OF USE AND WAIVERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/2/31

751—9.1(8D) Purpose. This chapter establishes the process for a certifying user, as defined in Iowa Code section 8D.9, to request a waiver to use a telecommunications provider other than the network.

[ARC 0684D, IAB 10/28/26, effective 12/2/26]

751—9.2(8D) Waiver request process.

9.2(1) *Submission.* A certifying user seeking a waiver from the use of the network shall submit a written request to the commission 15 days prior to a regularly scheduled meeting.

9.2(2) *Content.* The request must include a brief explanation of why the alternative telecommunications service is more cost-effective, is more operationally efficient, or better meets the specific technical needs of the user compared to the services available via the network.

[ARC 0684D, IAB 10/28/26, effective 12/2/26]

751—9.3(8D) Review and approval.

9.3(1) The commission shall review the waiver request at a regularly scheduled meeting.

9.3(2) If the request demonstrates that the alternative service is in the best operational or financial interest of the certifying user, the commission shall grant the waiver.

9.3(3) A written determination shall be issued to the user following the commission's decision.

[ARC 0684D, IAB 10/28/26, effective 12/2/26]

These rules are intended to implement Iowa Code sections 8D.3(3) “b” and 8D.9(2) “b.”

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[Filed ARC 0684D (Notice ARC 0506D, IAB 9/2/26), IAB 10/28/26, effective 12/2/26]

CHAPTER 10
ACCEPTABLE USE AND ENFORCEMENT

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/2/31

751—10.1(8D) Policy and authorized use.

10.1(1) *Privilege, not a right.* The ability to use the network is a privilege conferred by law to authorized users. It is not a vested property right. The commission may suspend or revoke access for violation of these rules or applicable law.

10.1(2) *Acceptable use.* Authorized users shall ensure that their use of the network complies with all applicable state and federal laws, the written mission of the authorized user, and the commission's acceptable use policies.

[ARC 0685D, IAB 10/28/26, effective 12/2/26]

751—10.2(8D) Violations. The commission may suspend, revoke, or limit services to an authorized user for any of the following reasons:

10.2(1) Failure to pay for services rendered.

10.2(2) Use of the network for personal, commercial, or political purposes not authorized by law.

10.2(3) Allowing an unauthorized user to access the network.

10.2(4) Violation of the commission's technical standards or security protocols.

10.2(5) Any conduct prejudicial to the security or operation of the network.

[ARC 0685D, IAB 10/28/26, effective 12/2/26]

751—10.3(8D) Enforcement procedure.

10.3(1) *Notice.* In the event of a violation, the executive director shall provide written notice to the authorized user describing the violation and requesting a remedy.

10.3(2) *Immediate suspension.* The commission may immediately suspend service without prior notice if the violation poses an immediate threat to the security or stability of the network.

10.3(3) *Decertification.* If a violation is not remedied or is habitual, the commission may revoke the user's authorization to connect to the network.

[ARC 0685D, IAB 10/28/26, effective 12/2/26]

751—10.4(8D) Appeals. An authorized user aggrieved by a suspension or revocation may appeal the decision in accordance with the contested case procedures in 7—Chapter 2506.

[ARC 0685D, IAB 10/28/26, effective 12/2/26]

751—10.5(8D) Privacy and content monitoring. The commission and its staff shall not monitor the content of transmissions on the network. Monitoring may only occur when necessary to effect trouble isolation and correction or to investigate a security violation or threat to the integrity of the network. Any such monitoring shall be kept to the absolute minimum necessary to resolve the issue.

[ARC 0685D, IAB 10/28/26, effective 12/2/26]

These rules are intended to implement Iowa Code sections 8D.2, 8D.3(3) "b," 8D.9 and 8D.13(14) through 8D.13(17).

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CHAPTER 11
ASSET OWNERSHIP AND DEMARCATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/2/31

751—11.1(8D) Asset ownership.

11.1(1) *Network backbone.* The network backbone (Part I) and the regional aggregation points (Part II) are the property of the state of Iowa and are managed and maintained by the commission.

11.1(2) *Last mile connections.* Part III connections (the “last mile” to the authorized user) may be owned by the state, leased from private telecommunications providers, or owned by the authorized user.

a. State-owned. Where the commission has constructed and owns the Part III connection, the commission is responsible for maintenance up to the demarcation point.

b. Leased. Where the commission leases the Part III connection from a third-party provider, maintenance and repair responsibilities are governed by the terms of the lease agreement between the commission and the provider.

c. User-owned. Where the authorized user owns the connection (e.g., fiber installed by a school district), the authorized user is solely responsible for maintenance and repair.

[ARC 0686D, IAB 10/28/26, effective 12/2/26]

751—11.2(8D) Demarcation point.

11.2(1) *Definition.* The demarcation point (demarc) is the physical point where the commission’s responsibility for the network ends and the authorized user’s responsibility begins.

11.2(2) *Location.* Unless otherwise specified in a service agreement:

a. Fiber connections. The demarc is the termination panel or optical network terminal (ONT) installed by the commission at the authorized user’s facility.

b. Equipment. The commission retains ownership and maintenance responsibility for the electronics (routers, switches) provided by the commission to deliver service up to the hand-off port on that device.

11.2(3) *Internal wiring.* The authorized user is responsible for all internal building wiring, cabling, cross-connects, and power beyond the demarcation point.

[ARC 0686D, IAB 10/28/26, effective 12/2/26]

751—11.3(8D) Equipment return and liability.

11.3(1) *Access.* Upon the termination of service, the authorized user shall permit the commission reasonable access to the premises to remove state-owned equipment.

11.3(2) *Liability.* The authorized user constitutes a bailee of state property located on the user’s premises. The authorized user shall be liable for the cost of repair or replacement of any state-owned equipment that is lost, stolen, or damaged due to the negligence or willful misconduct of the user or its agents.

[ARC 0686D, IAB 10/28/26, effective 12/2/26]

751—11.4(8D) Surplus property. The commission shall dispose of obsolete or excess network assets in accordance with rule 751—17.3(8D).

[ARC 0686D, IAB 10/28/26, effective 12/2/26]

These rules are intended to implement Iowa Code section 8D.3.

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CHAPTER 12
RATES AND RATE DISPUTES

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/2/31

751—12.1(8D) Rate methodology.

12.1(1) *Cost recovery.* The commission shall establish rates for all services based on the actual cost of operation, maintenance, administration, and capital investment required to provide the service. Rates shall be designed to be self-sustaining and consistent with the state's financial capacity.

12.1(2) *Educational priority.* In establishing rates for educational users, the commission shall ensure that rural communities have access to services comparable to those provided in urban areas, consistent with Iowa Code section 8D.3(1) "a."

12.1(3) *Federal and health users.* Rates for federal agencies, hospitals, and physician clinics shall be established at a level that ensures, at a minimum, there is no state subsidy related to the cost of the connection or use of the network, consistent with Iowa Code section 8D.3(3) "i."

[ARC 0687D, IAB 10/28/26, effective 12/2/26]

751—12.2(8D) Rate increase notice. The commission shall provide notice to authorized users of any general rate increase at least 90 days prior to the effective date of the increase.

[ARC 0687D, IAB 10/28/26, effective 12/2/26]

751—12.3(8D) Rate dispute resolution.

12.3(1) *Review.* An authorized user who believes the user has been billed an incorrect rate or charge may request a review by the executive director. The request must be in writing and include the specific invoice and the basis for the dispute.

12.3(2) *Determination.* The executive director or designee shall review the dispute and issue a written decision to the authorized user.

12.3(3) *Appeal.* If the authorized user is dissatisfied with the executive director's decision, the user may file a notice of appeal in accordance with the contested case procedures in 7—Chapter 2506.

[ARC 0687D, IAB 10/28/26, effective 12/2/26]

These rules are intended to implement Iowa Code section 8D.3.

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CHAPTER 13
SITE CHARGES AND OTHER FEES
Rescinded **ARC 0688D**, IAB 10/28/26, effective 12/2/26

CHAPTER 14 ACCESS TO FACILITIES

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/2/31

751—14.1(8D) Purpose and scope. The purpose of this chapter is to protect the integrity, security, and reliability of the network by regulating access to commission-owned or operated facilities, including network hubs, regeneration sites, and equipment rooms.

[ARC 0689D, IAB 10/28/26, effective 12/2/26]

751—14.2(8D) Authorized access. Access to commission facilities is restricted to:

14.2(1) Commission employees and agents acting within the scope of their employment.

14.2(2) Authorized vendors and contractors who have a valid contract or service agreement with the commission.

14.2(3) Colocation partners as defined in a written colocation agreement.

14.2(4) Emergency response personnel.

[ARC 0689D, IAB 10/28/26, effective 12/2/26]

751—14.3(8D) Security procedures.

14.3(1) Credentials. All individuals entering a commission facility must possess valid identification and commission-issued credentials (key card, key, or access code). Credentials are nontransferable and shall not be shared or loaned.

14.3(2) Background checks. The commission reserves the right to require criminal history background checks for any nonemployee requesting access to critical infrastructure.

14.3(3) Logs. All entry and exit from commission facilities shall be logged. Use of a monitored electronic access control system satisfies this requirement.

[ARC 0689D, IAB 10/28/26, effective 12/2/26]

751—14.4(8D) Vendor and colocation access.

14.4(1) Authorization. In support of the commission, third-party vendors and colocation partners may be granted access to specific facilities for the installation, maintenance, or removal of their equipment.

14.4(2) Liability. Any vendor or colocation partner entering a commission facility assumes full liability for any damage caused to the network, the facility, or the equipment of other tenants by the vendor's or colocation partner's employees or agents.

14.4(3) Revocation. The commission may immediately revoke access privileges for any individual who violates security protocols or endangers the network.

[ARC 0689D, IAB 10/28/26, effective 12/2/26]

These rules are intended to implement Iowa Code section 8D.3.

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CHAPTER 15
ADVISORY COUNCILS, COMMITTEES
AND GROUPS

Rescinded **ARC 0688D**, IAB 10/28/26, effective 12/2/26

CHAPTER 16
UNIFORM WAIVER RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 17 MISCELLANEOUS

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/2/31

751—17.1(8D) Purpose. This chapter outlines specific administrative, operational, and financial functions of the agency, including asset disposal, network topology definitions, shared use agreements, and billing services.

[ARC 0690D, IAB 10/28/26, effective 12/2/26]

751—17.2(8D) Network parts and right-of-way. The agency shall manage and operate the state communications network, which consists of Part I, Part II, and Part III fiber optic infrastructure as defined in Iowa Code section 8D.13. To facilitate the maintenance and expansion of these network parts, the executive director may negotiate and enter into necessary space and right-of-way agreements.

[ARC 0690D, IAB 10/28/26, effective 12/2/26]

751—17.3(8D) Transfer and disposal of assets.

17.3(1) The executive director may dispose of property or equipment under the agency's ownership or control when the property or equipment becomes unnecessary, obsolete, or unfit for further use.

17.3(2) The agency may dispose of unnecessary or unfit property by sale, auction, broker, trade, consignment, or any other manner that maximizes the value to the state and fairly disposes of the property. Proceeds from the disposition of the property shall be retained by the agency.

[ARC 0690D, IAB 10/28/26, effective 12/2/26]

751—17.4(8D) Partnerships and shared use agreements.

17.4(1) The executive director may enter into shared use agreements or partnerships with public or private entities, including cities, municipalities, and other nonauthorized users, to maximize the operational efficiency of the network.

17.4(2) Such partnerships shall be established to facilitate shared data connectivity, emergency management interoperability, or public safety services, provided such agreements do not violate statutory prohibitions against the provision of retail commercial services.

[ARC 0690D, IAB 10/28/26, effective 12/2/26]

751—17.5(8D) Billing services.

17.5(1) *Billing on behalf of an authorized user.* The agency may invoice and collect fees on behalf of an authorized user for services provided across the network.

17.5(2) *Billing for shared use and space agreements.* The agency shall possess the authority to generate invoices, collect payments, and manage financial accounts for nonauthorized users operating under a valid shared use agreement, right-of-way agreement, or space collocation agreement.

[ARC 0690D, IAB 10/28/26, effective 12/2/26]

These rules are intended to implement Iowa Code sections 23A.2, 8D.3 and 8D.11.

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CHAPTER 18
PROCEDURE FOR RULEMAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTERS 19 to 2504
Reserved

CHAPTER 2505
FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/2/31

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

[ARC 0681D, IAB 10/28/26, effective 12/2/26]

751—2505.9(8D) Additional definitions. As used in this chapter:

“*Customer proprietary network information*” or “*CPNI*” means information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, as defined in 47 U.S.C. §222(h)(1).

“*Personally identifiable information*” or “*PII*” means information about or pertaining to an individual in a record that identifies the individual and that is contained in a record system.

[ARC 0681D, IAB 10/28/26, effective 12/2/26]

751—2505.10(8D) Personally identifiable information and customer proprietary network information. This rule describes the nature and extent of personally identifiable information and CPNI that is collected, maintained, and retrieved by the agency. The commission maintains the following primary records in systems:

2505.10(1) Personnel and payroll records. The agency maintains files containing information about employees, applicants, and dependents. The files include payroll records, biographical information, medical information, and performance reviews. These records are generally confidential pursuant to Iowa Code section 22.7(11).

2505.10(2) Commission and advisory board records. These records contain information about commission and board members, including biographical and contact information. Portions of these records may be confidential.

2505.10(3) Vendor, contractor, and authorized user files. These files contain information about individuals who do business with the agency or represent authorized users, including contact information, billing records, and related correspondence.

2505.10(4) Telecommunications and network data. The agency collects and maintains CPNI to route traffic, bill for services, and manage network operations. Consistent with federal law, CPNI is strictly confidential and shall not be disclosed to the public under Iowa Code chapter 22, except as expressly authorized by the customer or required by law enforcement.

2505.10(5) Litigation, contested case, and administrative files. These files contain information regarding litigation, rate disputes, vendor appeals, or administrative claims involving the agency. These records may contain confidential information protected by attorney-client privilege or Iowa Code section 22.7.

[ARC 0681D, IAB 10/28/26, effective 12/2/26]

These rules are intended to implement Iowa Code sections 8D.3 and 17A.24.

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