

cured and the housing project will be operated in accordance with the terms of the contract, the federal government shall reconvey the housing project to the division.

8. The division shall not undertake a housing project pursuant to this section until a public hearing has been held. At the hearing, the division shall notify the public of the proposed project's name, location, number of living units proposed, and approximate cost. Notice of the public hearing shall be published at least once in a newspaper of general circulation at least fifteen days prior to the date set for the hearing.

Sec. 3. HOUSING PROGRAMS STUDY REQUESTED. The legislative council is requested to establish a committee for the 1992 interim to study federal, state, and local housing programs. The interim study shall include existing housing programs and consider funding streams, including expanded federal funding available through the federal Cranston-Gonzalez National Affordable Housing Act of 1990, Pub. L. No. 101-625. The committee shall give attention to existing housing and housing planning, in developing its recommendations to the legislative council and the general assembly.

Approved April 23, 1992

CHAPTER 1129

UNFAIR AND DISCRIMINATORY PRACTICES IN HOUSING

S.F. 2301

AN ACT relating to unfair and discriminatory practices in housing and subjecting violators to civil actions and existing criminal penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 601A.2, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. "Covered multifamily dwelling" means any of the following:

- a. A building consisting of four or more dwelling units if the building has one or more elevators.
- b. The ground floor units of a building consisting of four or more units.

Sec. 2. Section 601A.2, subsection 8, Code Supplement 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. "Familial status" also means a person who is pregnant or who is in the process of securing legal custody of an individual who has not attained the age of eighteen years.

Sec. 3. Section 601A.2, subsection 12, Code Supplement 1991, is amended to read as follows:

12. "Unfair practice" or "discriminatory practice" means those practices specified as unfair or discriminatory in sections 601A.6, 601A.7, 601A.8, 601A.8A, 601A.9, 601A.10, and 601A.11, and 601A.11A.

Sec. 4. Section 601A.8, unnumbered paragraph 1 and subsections 1 and 2, Code 1991, are amended to read as follows:

It shall be an unfair or discriminatory practice for any person, owner, or person acting for an owner, of rights to housing or real property, with or without compensation, including but not limited to persons licensed as real estate brokers or salespersons, attorneys, auctioneers, agents or representatives by power of attorney or appointment, or any person acting under court order, deed of trust, or will:

1. To refuse to sell, rent, lease, assign, or sublease, refuse to negotiate, or to otherwise make unavailable, or deny any real property or housing accommodation or part, portion or interest therein, to any person because of the race, color, creed, sex, religion, national origin, disability, or familial status of such person.

2. To discriminate against any person because of the person's race, color, creed, sex, religion, national origin, disability, or familial status, in the terms, conditions or privileges of the sale, rental, lease assignment or sublease of any real property or housing accommodation or any part, portion or interest therein in the real property or housing accommodation or in the provision of services or facilities in connection with the real property or housing accommodation.

For purposes of this section, "person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.

Sec. 5. Section 601A.11A, Code Supplement 1991, is amended by striking the section and inserting in lieu thereof the following:

601A.11A INTERFERENCE, COERCION, OR INTIMIDATION – ENFORCEMENT BY CIVIL ACTION.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, on account of the person having exercised or enjoyed, or on account of the person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 601A.8, 601A.8A, or 601A.15A.

Sec. 6. Section 601A.12, unnumbered paragraph 1 and subsections 1, 2, and 3, Code Supplement 1991, are amended to read as follows:

The provisions of ~~section sections~~ 601A.8 and 601A.8A shall not apply to:

1. Any bona fide religious institution with respect to any qualifications it may impose based on religion, when ~~such the~~ the qualifications are related to a bona fide religious purpose unless the religious institution owns or operates property for a commercial purpose or membership in the religion is restricted on account of race, color, or national origin.

2. The rental or leasing of a ~~housing accommodation~~ dwelling in a building which contains housing accommodations for not more than two families living independently of each other, if the owner ~~or members of the owner's family reside~~ resides in one of ~~such the~~ the housing accommodations.

3. The rental or leasing of less than four rooms within a single ~~housing accommodation~~ dwelling by the occupant or owner of ~~such housing accommodation the dwelling~~, if the occupant or owner ~~or members of that person's family reside~~ resides in the ~~accommodation~~ dwelling.

Sec. 7. Section 601A.12, subsection 4, Code Supplement 1991, is amended by striking the subsection.

Sec. 8. Section 601A.12, subsection 5, unnumbered paragraph 1 and paragraph a, Code Supplement 1991, are amended to read as follows:

Housing accommodations Dwellings provided under any state or federal program specifically designed and operated to assist elderly persons, as defined in the state or federal program that the commission determines to be consistent with determinations made by the secretary of housing and urban development, and housing for older persons. As used in this subsection, "housing for older persons" means housing communities consisting of ~~accommodations dwellings~~ dwellings intended for either of the following:

a. For eighty percent occupancy by at least one person fifty-five years of age or older per unit, and providing significant facilities and services specifically designed to meet the physical or social needs of ~~such the~~ the persons and the housing facility must publish and adhere to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.

Sec. 9. Section 601A.12, Code Supplement 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The exceptions to the requirements of sections 601A.8 and 601A.8A provided for dwellings specified in subsection 6 does not apply to advertising related to those dwellings.

Sec. 10. Section 601A.12A, Code Supplement 1991, is amended to read as follows:

601A.12A ADDITIONAL HOUSING EXCEPTION.

~~Section~~ Sections 601A.8 and 601A.8A ~~does~~ do not prohibit a person engaged in the business of furnishing appraisals of real estate from taking into consideration factors other than race, color, creed, sex, religion, national origin, disability, or familial status in appraising real estate.

Sec. 11. Section 601A.15A, subsection 2, Code Supplement 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. When the commission has reasonable cause to believe that a respondent has breached a mediation agreement, the commission shall refer this matter to an assistant attorney general with a recommendation that a civil action be filed for the enforcement of the agreement. The assistant attorney general may commence a civil action in the appropriate district court not later than the expiration of ninety days after referral of the breach.

Sec. 12. Section 601A.15A, Code Supplement 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 12. This section applies only to the following:

a. Complaints which allege a violation of the prohibitions contained in section 601A.8 or 601A.8A.

b. Complaints which allege a violation of section 601A.11 or 601A.11A arising out of alleged violations of the prohibitions contained in section 601A.8 or 601A.8A.

NEW SUBSECTION. 13. If a provision of section 601A.15A applies under the terms of section 601A.15A, subsection 12, and the provision of section 601A.15A conflicts with a provision of section 601A.15 then the provision contained within section 601A.15A shall prevail. Similarly, if a provision of section 601A.16A or 601A.17A conflicts with a provision of section 601A.16 or 601A.17, then the provision contained in section 601A.16A or 601A.17A shall prevail.

Sec. 13. Section 601A.16A, subsection 1, paragraph b, Code Supplement 1991, is amended to read as follows:

b. The election must be made not later than twenty days after the date of receipt by the electing person of service under section ~~601A.15~~ 601A.15A, subsection 5, or in the case of the commission, not later than twenty days after the date the determination was issued.

Sec. 14. Section 601A.16A, subsection 1, Code Supplement 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. The election to have the charges of a complaint decided in a civil action as provided in paragraph "a" is only available if one of the following is alleged:

(1) It is alleged that there has been a violation of section 601A.8 or 601A.8A.

(2) It is alleged that there has been a violation of section 601A.11 or 601A.11A arising out of an alleged violation of the prohibitions contained in section 601A.8 or 601A.8A.

Sec. 15. Section 601A.17, subsection 10, Code 1991, is amended to read as follows:

10. If no proceeding to obtain judicial review is instituted within thirty days from the ~~service~~ issuance of an order of the commission under section 601A.15 or 601A.15A, the commission may obtain an order of the court for the enforcement of ~~such~~ the order upon showing that respondent is subject to the jurisdiction of the commission and ~~resides~~ or transacts business within the county in which the petition for enforcement is brought.

Sec. 16. Section 601A.17A, subsection 1, paragraph b, Code Supplement 1991, is amended to read as follows:

b. Venue for an action under this section is in the county in which the respondent resides or has its principal place of business, or in the county in which the alleged discriminatory housing or real estate practice occurred.

Sec. 17. Section 601A.17A, subsection 2, Code Supplement 1991, is amended to read as follows:

2. A commission order under section 601A.15A, subsection 11, ~~does and a commission order that has been substantially affirmed by judicial review, do not affect a contract, sale, encumbrance, or lease that was consummated before the commission issued the order and involved a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the charge issued under this chapter.~~

Sec. 18. Section 601A.20, subsection 1, Code Supplement 1991, is amended by striking the subsection and inserting in lieu thereof the following:

1. This chapter does not affect:

a. A reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling.

b. Tenancy of an individual that would constitute a direct threat to the health or safety of other individuals or tenancy that would result in substantial physical damage to the property of others.

Approved April 23, 1992

CHAPTER 1130

EXTENDED SCHOOL PROGRAMS

H.F. 646

AN ACT to permit school districts to provide educational programs to persons who are beyond the age prescribed as the school age.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 282.1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Persons between five and twenty-one years of age are of school age. A board may establish and maintain evening schools or an educational program under section 282.1A for residents of the corporation regardless of age and for which no tuition need be charged. Nonresident children shall be charged the maximum tuition rate as determined in section 282.24, subsection 1, with the exception that those residing temporarily in a school corporation may attend school in the corporation upon terms prescribed by the board, and boards discontinuing grades under section 282.7, subsection 1 or subsections 1 and 3, shall be charged tuition as provided in section 282.24, subsection 2.

Sec. 2. **NEW SECTION. 282.1A EXTENDED SCHOOL PROGRAMS.**

1. A board of directors of a public school district may, subject to the approval of the department of education, provide an extended school program for residents of the district who are over the maximum school age established in section 282.1, who do not possess a high school diploma or a high school equivalency diploma under chapter 259A, and who are currently enrolled in an education program in the district. The educational program may be separate from or integrated into the regular school program. Residents attending the program shall be included in the district's basic enrollment and shall attend on a tuition-free basis. A district may also provide services to nonresidents under this section, and those persons shall be charged a sufficient tuition fee to cover the cost of the instruction received by the person as provided in section 282.6.