

**335.34 Home and community-based services waiver recipient residence.**

1. A county, county board of supervisors, or county zoning commission shall consider the residence of the recipient of services under a home and community-based services waiver as a residential use of property for the purposes of zoning and shall treat the use of the residence as a permitted use in all residential zones or districts, including all single-family residential zones or districts, of the county.

2. A county, county board of supervisors, or a county zoning commission shall not require that the recipient, or the owner of such a residence if other than the recipient, obtain a conditional use permit, special use permit, special exception, or variance. A county, county board of supervisors, or county zoning commission shall not establish limitations regarding the proximity of one such residence to another.

3. [This section](#) applies to the residence of a recipient of services under a home and community-based services waiver if the residence meets any of the following conditions:

a. The residence is a single-family dwelling owned or rented by the recipient.

b. The residence is a multifamily dwelling which does not hold itself out to the public as a community-based residential provider otherwise regulated by law, including but not limited to a residential care facility, and which provides dwelling units to no more than four recipients of services under a home and community-based services waiver at any one time.

4. For the purposes of [this section](#), “*home and community-based services waiver*” means “*waiver*” as defined in [section 249A.29](#).

[2007 Acts, ch 218, §130, 132](#)

Similar provision, see [§414.32](#)