

**216.16A Civil action elected — housing.**

1. *a.* A complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the charges asserted in the complaint decided in a civil action as provided by [section 216.17A](#).

*b.* The election must be made not later than twenty days after the date of receipt by the electing person of service under [section 216.15A, subsection 5](#), or in the case of the commission, not later than twenty days after the date the determination was issued.

*c.* The person making the election shall give notice to the commission and to all other complainants and respondents to whom the election relates.

*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 216.8](#) or [216.8A](#).

(2) It is alleged that there has been a violation of [section 216.11](#) or [216.11A](#) arising out of an alleged violation of the prohibitions contained in [section 216.8](#) or [216.8A](#).

2. *a.* An aggrieved person may file a civil action in district court not later than two years after the occurrence of the termination of an alleged discriminatory housing or real estate practice, or the breach of a mediation agreement entered into under [this chapter](#), whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing or real estate practice or breach.

*b.* The two-year period does not include any time during which an administrative hearing under [this chapter](#) is pending with respect to a complaint or charge based on the discriminatory housing or real estate practice. [This subsection](#) does not apply to actions arising from a breach of a mediation agreement.

*c.* An aggrieved person may file an action under [this subsection](#) whether or not a discriminatory housing or real estate complaint has been filed under [section 216.15](#), and without regard to the status of any discriminatory housing or real estate complaint filed under that section.

*d.* If the commission has obtained a mediation agreement with the consent of an aggrieved person, the aggrieved person shall not file an action under [this subsection](#) with respect to the alleged discriminatory practice that forms the basis for the complaint except to enforce the terms of the agreement.

*e.* An aggrieved person shall not file an action under [this subsection](#) with respect to an alleged discriminatory housing or real estate practice that forms the basis of a charge issued by the commission if the commission has begun a hearing on the record under [this chapter](#) with respect to the charge.

*f.* In an action filed in district court under [this subsection](#), the court may, upon a finding of discrimination, order any of the remedies provided for in [section 216.17A, subsection 6](#).

[91 Acts, ch 184, §10](#)

[CS91, §601A.16A](#)

[92 Acts, ch 1129, §13, 14](#)

[C93, §216.16A](#)

[95 Acts, ch 129, §13, 14](#)

Referred to in [§216.15A, 216.17A](#)