

**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. A county, county board of supervisors, or a county zoning commission shall not classify such a residence as a residential group R-3 occupancy or as a care facility within a dwelling for the purposes of enforcement of compliance with the sprinkler systems provisions specified in section 903.3.1.3 of the international building code or section P2904 of the international residential code, if adopted, or if such residence is inspected by the county.

4. [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.

5. 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; 2023 Acts, ch 112, §64, 66](#)

Similar provision, see [§414.32](#)

Section amended