

CHAPTER 216

OFFICE OF CIVIL RIGHTS

Referred to in [§2.11](#), [2.42](#), [19B.12](#), [20.8](#), [22.7\(31\)](#), [22.7\(37\)](#), [35.3](#), [84A.4](#), [123.49](#), [124E.24](#), [147.164](#), [216F.3](#), [256.11](#), [256E.7](#), [256F.4](#), [261E.9](#), [261H.8](#), [279.74](#), [422.7\(22\)\(c\)](#), [422.11S](#), [422.12](#), [544B.9](#), [562B.32](#), [602.1401](#), [614.8](#), [679C.115](#), [729A.5](#)

This chapter not enacted as a part of this title;
transferred from chapter 601A in Code 1993
For rights of persons with disabilities, see chapter 216C
For violations of individual rights, see chapters 729 and 729A

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216.1 Citation.

[This chapter](#) may be known and may be cited as the “Iowa Civil Rights Act of 1965”.
[C66, 71, §105A.1; C73, 75, 77, 79, 81, §601A.1]
C93, §216.1

216.2 Definitions.

When used in [this chapter](#), unless the context otherwise requires:

1. “Agency” means the administrative function of the Iowa office of civil rights, including the director and staff. “Agency” does not include a member of the Iowa state civil rights commission.
2. “Commission” means the Iowa state civil rights commission created within the Iowa office of civil rights.
3. “Commissioner” means a member of the commission.
4. “Court” means the district court in and for any judicial district of the state of Iowa or any judge of the court if the court is not in session at that time.
5. “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 dwelling units.
6. “Director” means the director of the Iowa office of civil rights.
7. “Disability” means the physical or mental condition of a person which constitutes a substantial disability, and the condition of a person with a positive human immunodeficiency

virus test result, a diagnosis of acquired immune deficiency syndrome, a diagnosis of acquired immune deficiency syndrome-related complex, or any other condition related to acquired immune deficiency syndrome. The inclusion of a condition related to a positive human immunodeficiency virus test result in the meaning of “disability” under the provisions of [this chapter](#) does not preclude the application of the provisions of [this chapter](#) to conditions resulting from other contagious or infectious diseases.

8. “Employee” means any person employed by an employer.

9. “Employer” means the state of Iowa or any political subdivision, board, commission, department, institution, or school district thereof, and every other person employing employees within the state.

10. “Employment agency” means any person undertaking to procure employees or opportunities to work for any other person or any person holding itself to be equipped to do so.

11. a. “Familial status” means one or more individuals under the age of eighteen domiciled with one of the following:

(1) A parent or another person having legal custody of the individual or individuals.

(2) The designee of the parent or the other person having custody of the individual or individuals, with the written permission of the parent or other person.

(3) A person who is pregnant or is in the process of securing legal custody of the individual or individuals.

b. “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.

12. “Gender identity” means a gender-related identity of a person, regardless of the person’s assigned sex at birth.

13. “Labor organization” means any organization which exists for the purpose in whole or in part of collective bargaining, of dealing with employers concerning grievances, terms, or conditions of employment, or of other mutual aid or protection in connection with employment.

14. “Office” means the Iowa office of civil rights.

15. “Person” means one or more individuals, partnerships, associations, corporations, legal representatives, trustees, receivers, and the state of Iowa and all political subdivisions and agencies thereof.

16. a. “Public accommodation” means each and every place, establishment, or facility of whatever kind, nature, or class that caters or offers services, facilities, or goods for a fee or charge to nonmembers of any organization or association utilizing the place, establishment, or facility, provided that any place, establishment, or facility that caters or offers services, facilities, or goods to the nonmembers gratuitously shall be deemed a public accommodation if the accommodation receives governmental support or subsidy. Public accommodation shall not mean any bona fide private club or other place, establishment, or facility which is by its nature distinctly private, except when such distinctly private place, establishment, or facility caters or offers services, facilities, or goods to the nonmembers for fee or charge or gratuitously, it shall be deemed a public accommodation during such period.

b. “Public accommodation” includes each state and local government unit or tax-supported district of whatever kind, nature, or class that offers services, facilities, benefits, grants or goods to the public, gratuitously or otherwise. This paragraph shall not be construed by negative implication or otherwise to restrict any part or portion of the preexisting definition of the term “public accommodation”.

17. “Sexual orientation” means actual or perceived heterosexuality, homosexuality, or bisexuality.

18. “Unfair practice” or “discriminatory practice” means those practices specified as unfair or discriminatory in [sections 216.6, 216.6A, 216.7, 216.8, 216.8A, 216.8B, 216.9, 216.10, 216.11, and 216.11A](#).

[C66, 71, §105A.2; C73, 75, 77, 79, 81, §601A.2]

[84 Acts, ch 1096, §1](#); [88 Acts, ch 1236, §1](#); [89 Acts, ch 205, §1](#); [91 Acts, ch 184, §1](#); [92 Acts, ch 1129, §1 – 3](#)

C93, §216.2

94 Acts, ch 1023, §42; 95 Acts, ch 129, §2; 96 Acts, ch 1129, §113; 2007 Acts, ch 191, §1; 2009 Acts, ch 96, §1; 2019 Acts, ch 65, §1; 2024 Acts, ch 1170, §252, 253

Referred to in §279.78, 279.80, 708.7

Section amended and editorially internally renumbered

216.3 Commission and director appointed.

1. The Iowa state civil rights commission is created consisting of five members appointed by the governor subject to confirmation by the senate. Appointments shall be made to provide geographical area representation insofar as practicable. No more than three members of the commission shall belong to the same political party. Members appointed to the commission shall serve for four-year staggered terms beginning and ending as provided by [section 69.19](#).

2. Vacancies on the commission shall be filled by the governor by appointment for the unexpired part of the term of the vacancy. Any commissioner may be removed from office by the governor for cause.

3. The governor subject to confirmation by the senate shall appoint a director who shall serve as the head of the agency. The governor shall set the salary of the director within the applicable salary range established by the general assembly. The director shall adopt rules pursuant to [chapter 17A](#) consistent with and necessary for the enforcement of [this chapter](#). The director shall advise and support the commission in fulfilling the commission's duties and responsibilities under [section 216.5A](#).

[C66, 71, §105A.3; C73, 75, 77, 79, 81, §601A.3]

C93, §216.3

2017 Acts, ch 54, §76; 2023 Acts, ch 19, §1720; 2024 Acts, ch 1170, §254

Confirmation, see §2.32

Subsections 1 and 3 amended

216.4 Compensation and expenses — procedures.

Commissioners shall be paid a per diem as specified in [section 7E.6](#) and shall be reimbursed for actual and necessary expenses incurred while on official commission business. All per diem and expense moneys paid to commissioners shall be paid from funds appropriated to the office. The commission shall adopt, amend, or rescind procedures as necessary for the conduct of its meetings. A quorum shall consist of three commissioners.

[C66, 71, §105A.4; C73, 75, 77, 79, 81, §601A.4]

90 Acts, ch 1256, §51

C93, §216.4

2024 Acts, ch 1170, §255

Section amended

216.5 Powers and duties of agency.

The agency shall have the following powers and duties:

1. To receive, investigate, mediate, conciliate, and determine the merits of complaints alleging illegal discriminatory practices. The agency shall not disclose the filing of a complaint, the information gathered during the investigation, or the endeavors to eliminate such illegal discriminatory practice by mediation or conciliation, unless such disclosure is made in connection with the agency's investigation.

2. To investigate compliance with conciliation agreements and pursue appropriate remedies up to and including filing in district court.

3. To investigate, study, and report on the existence, causes, and extent of illegal discrimination, as deemed necessary by the director.

4. To provide education and outreach regarding illegal discrimination, including individuals and organizations.

5. To seek a temporary injunction against a respondent when it appears that a complainant may suffer irreparable injury as a result of an alleged violation of [this chapter](#). Unless otherwise specified in [this chapter](#), a temporary injunction may be issued only after the respondent has been notified and afforded an opportunity to be heard.

6. To hold contested case hearings upon any complaint made against a respondent, and all of the following:

- a. To subpoena witnesses and compel their attendance.
- b. To administer oaths and take the testimony of any person under oath.
- c. To compel a respondent to produce for examination any books and papers relating to the complaint.
- 7. To issue subpoenas at the request of a party in contested hearings.
- 8. To petition the district court for issuance of a subpoena and the court, in a proper case, shall issue the subpoena for contested case hearings. Refusal to obey a district court subpoena shall be subject to punishment for contempt.
- 9. To pursue the entry of a consent decree in district court for conciliation agreements.
- 10. To petition and appear before the district court for the enforcement of office orders following a contested case hearing.
- 11. To provide education opportunities and informal technical advice to local commissions regarding legal developments, case process improvements, and cooperation for cross-filing.
- 12. To prepare and transmit to the governor and the general assembly an annual report describing performance outcomes of the agency.
- 13. To make recommendations to the governor and general assembly for such further legislation concerning illegal discrimination as deemed necessary by the director.
- 14. To adopt, publish, amend, and rescind office rules pursuant to [chapter 17A](#) consistent with and necessary for the enforcement of [this chapter](#).
- 15. To receive, administer, dispense, and account for any moneys that may be granted or voluntarily contributed to the office for furthering the purposes of [this chapter](#).
- 16. To utilize volunteers to aid in the conduct of the agency's duties as deemed necessary by the director.
- 17. To issue a copy of the case file to any party following the issuance of a right to sue letter, the filing of a contested case, or the filing of an action for judicial review.
- 18. To issue protective orders in case files when necessary.
[C66, 71, §105A.5; C73, 75, 77, 79, 81, §601A.5]
[86 Acts, ch 1245, §1991](#); [91 Acts, ch 184, §2](#)
C93, §216.5
[95 Acts, ch 129, §3, 4](#); [2007 Acts, ch 191, §2](#); [2016 Acts, ch 1108, §19](#); [2019 Acts, ch 59, §60](#);
[2024 Acts, ch 1170, §256](#)

Section stricken and rewritten

216.5A Powers and duties of commission.

The commission shall have the following powers and duties:

- 1. To adopt, amend, or rescind procedures as necessary for the conduct of commission meetings.
- 2. To sit as the final reviewing body for decisions issued by an administrative law judge following an appeal from a contested case hearing.
- 3. To make policy recommendations to the director for consideration to be incorporated with any recommendations from the agency to the governor and general assembly.

[2024 Acts, ch 1170, §257](#)

Referred to in [§216.3](#)

NEW section

216.6 Unfair employment practices.

- 1. It shall be an unfair or discriminatory practice for any:
 - a. Person to refuse to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment against any applicant for employment or any employee because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such applicant or employee, unless based upon the nature of the occupation. If a person with a disability is qualified to perform a particular occupation, by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminatory practices prohibited by [this subsection](#).
 - b. Labor organization or the employees, agents, or members thereof to refuse to admit to membership any applicant, to expel any member, or to otherwise discriminate against

any applicant for membership or any member in the privileges, rights, or benefits of such membership because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such applicant or member.

c. Employer, employment agency, labor organization, or the employees, agents, or members thereof to directly or indirectly advertise or in any other manner indicate or publicize that individuals of any particular age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability are unwelcome, objectionable, not acceptable, or not solicited for employment or membership unless based on the nature of the occupation.

(1) If a person with a disability is qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminatory practices prohibited by [this subsection](#).

(2) An employer, employment agency, or their employees, servants, or agents may offer employment or advertise for employment to only persons with disabilities, when other applicants have available to them other employment compatible with their ability which would not be available to persons with disabilities because of their disabilities. Any such employment or offer of employment shall not discriminate among persons with disabilities on the basis of race, color, creed, sex, sexual orientation, gender identity, or national origin.

d. Person to solicit or require as a condition of employment of any employee or prospective employee a test for the presence of the antibody to the human immunodeficiency virus or to affect the terms, conditions, or privileges of employment or terminate the employment of any employee solely as a result of the employee obtaining a test for the presence of the antibody to the human immunodeficiency virus. An agreement between an employer, employment agency, labor organization, or their employees, agents, or members and an employee or prospective employee concerning employment, pay, or benefits to an employee or prospective employee in return for taking a test for the presence of the antibody to the human immunodeficiency virus, is prohibited. The prohibitions of this paragraph do not apply if the state epidemiologist determines and the director of health and human services declares through the utilization of guidelines established by the center for disease control of the United States department of health and human services, that a person with a condition related to acquired immune deficiency syndrome poses a significant risk of transmission of the human immunodeficiency virus to other persons in a specific occupation.

2. Employment policies relating to pregnancy and childbirth shall be governed by the following:

a. A written or unwritten employment policy or practice which excludes from employment applicants or employees because of the employee's pregnancy is a prima facie violation of [this chapter](#).

b. Disabilities caused or contributed to by the employee's pregnancy, miscarriage, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority, and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to the employee's pregnancy or giving birth, on the same terms and conditions as they are applied to other temporary disabilities.

c. Disabilities caused or contributed to by legal abortion and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any temporary disability or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority, and other benefits and privileges, reinstatement, and payment under any temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to legal abortion on the same terms and conditions as they are applied to other temporary disabilities. The employer may elect to exclude health insurance coverage for abortion from

a plan provided by the employer, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.

d. An employer shall not terminate the employment of a person disabled by pregnancy because of the employee's pregnancy.

e. Where a leave is not available or a sufficient leave is not available under any health or temporary disability insurance or sick leave plan available in connection with employment, the employer of the pregnant employee shall not refuse to grant to the employee who is disabled by the pregnancy a leave of absence if the leave of absence is for the period that the employee is disabled because of the employee's pregnancy, childbirth, or related medical conditions, or for eight weeks, whichever is less. However, the employee must provide timely notice of the period of leave requested and the employer must approve any change in the period requested before the change is effective. Before granting the leave of absence, the employer may require that the employee's disability resulting from pregnancy be verified by medical certification stating that the employee is not able to reasonably perform the duties of employment.

3. [This section](#) shall not prohibit discrimination on the basis of age if the person subject to the discrimination is under the age of eighteen years, unless that person is considered by law to be an adult.

4. Notwithstanding the provisions of [this section](#), a state or federal program designed to benefit a specific age classification which serves a bona fide public purpose shall be permissible.

5. [This section](#) shall not apply to age discrimination in bona fide apprenticeship employment programs if the employee is over forty-five years of age.

6. [This section](#) shall not apply to:

a. Any employer who regularly employs less than four individuals. For purposes of [this subsection](#), individuals who are members of the employer's family shall not be counted as employees.

b. The employment of individuals for work within the home of the employer if the employer or members of the employer's family reside therein during such employment.

c. The employment of individuals to render personal service to the person of the employer or members of the employer's family.

d. Any bona fide religious institution or its educational facility, association, corporation, or society with respect to any qualifications for employment based on religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose. A religious qualification for instructional personnel or an administrative officer, serving in a supervisory capacity of a bona fide religious educational facility or religious institution, shall be presumed to be a bona fide occupational qualification.

[C66, 71, §105A.7; C73, §601A.7; C75, 77, 79, 81, §601A.6]

[87 Acts, ch 201, §1; 88 Acts, ch 1236, §2](#)

[C93, §216.6](#)

[96 Acts, ch 1129, §27, 113; 2007 Acts, ch 191, §3, 4; 2009 Acts, ch 41, §220; 2018 Acts, ch 1026, §67, 68; 2023 Acts, ch 19, §284](#)

Referred to in [§216.2, 400.8](#)

Employment protection, see [§139A.13A](#)

Employment discrimination against witnesses prohibited, see [§915.23](#)

216.6A Additional unfair or discriminatory practice — wage discrimination in employment.

1. a. The general assembly finds that the practice of discriminating against any employee because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such employee by paying wages to such employee at a rate less than the rate paid to other employees does all of the following:

- (1) Unjustly discriminates against the person receiving the lesser rate.
- (2) Leads to low employee morale, high turnover, and frequent labor unrest.
- (3) Discourages employees paid at lesser wage rates from training for higher level jobs.
- (4) Curtails employment opportunities, decreases employees' mobility, and increases labor costs.

(5) Impairs purchasing power and threatens the maintenance of an adequate standard of living by such employees and their families.

(6) Prevents optimum utilization of the state's available labor resources.

(7) Threatens the well-being of citizens of this state and adversely affects the general welfare.

b. The general assembly declares that it is the policy of this state to correct and, as rapidly as possible, to eliminate, discriminatory wage practices based on age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, and disability.

2. a. It shall be an unfair or discriminatory practice for any employer or agent of any employer to discriminate against any employee because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such employee by paying wages to such employee at a rate less than the rate paid to other employees who are employed within the same establishment for equal work on jobs, the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions. An employer or agent of an employer who is paying wages to an employee at a rate less than the rate paid to other employees in violation of [this section](#) shall not remedy the violation by reducing the wage rate of any employee.

b. For purposes of [this subsection](#), an unfair or discriminatory practice occurs when a discriminatory pay decision or other practice is adopted, when an individual becomes subject to a discriminatory pay decision or other practice, or when an individual is affected by application of a discriminatory pay decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

3. It shall be an affirmative defense to a claim arising under [this section](#) if any of the following applies:

a. Payment of wages is made pursuant to a seniority system.

b. Payment of wages is made pursuant to a merit system.

c. Payment of wages is made pursuant to a system which measures earnings by quantity or quality of production.

d. Pay differential is based on any other factor other than the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such employee.

4. [This section](#) shall not apply to any employer who regularly employs less than four individuals. For purposes of [this subsection](#), individuals who are members of the employer's family shall not be counted as employees.

[2009 Acts, ch 96, §2; 2010 Acts, ch 1069, §26](#)

Referred to in [§216.2, 216.15](#)

216.7 Unfair practices — accommodations or services.

1. It shall be an unfair or discriminatory practice for any owner, lessee, sublessee, proprietor, manager, or superintendent of any public accommodation or any agent or employee thereof:

a. To refuse or deny to any person because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability the accommodations, advantages, facilities, services, or privileges thereof, or otherwise to discriminate against any person because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability in the furnishing of such accommodations, advantages, facilities, services, or privileges.

b. To directly or indirectly advertise or in any other manner indicate or publicize that the patronage of persons of any particular race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability is unwelcome, objectionable, not acceptable, or not solicited.

2. [This section](#) shall not apply to:

a. Any bona fide religious institution with respect to any qualifications the institution may impose based on religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose.

b. The rental or leasing to transient individuals of less than six rooms within a single

housing accommodation by the occupant or owner of such housing accommodation if the occupant or owner or members of that person's family reside therein.

3. [This section](#) shall not require any state or local government unit or tax-supported district to provide for sex reassignment surgery or any other cosmetic, reconstructive, or plastic surgery procedure related to transsexualism, hermaphroditism, gender identity disorder, or body dysmorphic disorder.

[C97, §5008; C24, 27, 31, 35, 39, [§13251](#); C46, 50, 54, 58, §735.1; C66, 71, §105A.6; C73, §601A.6; C75, 77, 79, 81, §601A.7]

C93, §216.7

[2007 Acts, ch 191, §5, 6](#); [2019 Acts, ch 85, §93, 94](#)

Referred to in [§123.32, 216.2](#)

216.8 Unfair or discriminatory practices — housing.

1. 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:

a. To refuse to sell, rent, lease, assign, 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, sexual orientation, gender identity, religion, national origin, disability, or familial status of such person.

b. To discriminate against any person because of the person's race, color, creed, sex, sexual orientation, gender identity, 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 in the real property or housing accommodation or in the provision of services or facilities in connection with the real property or housing accommodation.

c. To directly or indirectly advertise, or in any other manner indicate or publicize that the purchase, rental, lease, assignment, or sublease of any real property or housing accommodation or any part, portion, or interest therein, by persons of any particular race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status is unwelcome, objectionable, not acceptable, or not solicited.

d. To discriminate against the lessee or purchaser of any real property or housing accommodation or part, portion, or interest of the real property or housing accommodation, or against any prospective lessee or purchaser of the property or accommodation, because of the race, color, creed, religion, sex, sexual orientation, gender identity, disability, age, or national origin of persons who may from time to time be present in or on the lessee's or owner's premises for lawful purposes at the invitation of the lessee or owner as friends, guests, visitors, relatives, or in any similar capacity.

2. 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 Tit. 11 of the United States Code, receivers, and fiduciaries.

[C71, §105A.13; C73, §601A.13; C75, 77, 79, 81, §601A.8]

[89 Acts, ch 205, §2](#); [92 Acts, ch 1129, §4](#)

C93, §216.8

[2007 Acts, ch 191, §7](#); [2009 Acts, ch 41, §86](#)

Referred to in [§216.2, 216.11A, 216.12, 216.12A, 216.15A, 216.16A](#)

216.8A Additional unfair or discriminatory practices — housing.

1. A person shall not induce or attempt to induce another person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status.

2. A person shall not represent to a person of a particular race, color, creed, sex, sexual

orientation, gender identity, religion, national origin, disability, or familial status that a dwelling is not available for inspection, sale, or rental when the dwelling is available for inspection, sale, or rental.

3. a. A person shall not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to a buyer or renter because of a disability of any of the following persons:

(1) That buyer or renter.

(2) A person residing in or intending to reside in that dwelling after it is sold, rented, or made available.

(3) A person associated with that buyer or renter.

b. A person shall not discriminate against another person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a disability of any of the following persons:

(1) That person.

(2) A person residing in or intending to reside in that dwelling after it is sold, rented, or made available.

(3) A person associated with that person.

c. For the purposes of [this subsection](#) only, discrimination includes any of the following circumstances:

(1) A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford the person full enjoyment of the premises. However, it is not discrimination for a landlord, in the case of a rental and where reasonable to do so, to condition permission for a modification on the renter's agreement to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

(2) A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations are necessary to afford the person equal opportunity to use and enjoy a dwelling.

(3) In connection with the design and construction of covered multifamily dwellings for first occupancy after January 1, 1992, a failure to design and construct those dwellings in a manner that meets the following requirements:

(a) The public use and common use portions of the dwellings are readily accessible to and usable by persons with disabilities.

(b) All doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by persons with disabilities in wheelchairs.

(c) All premises within the dwellings contain the following features of adaptive design:

(i) An accessible route into and through the dwelling.

(ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.

(iii) Reinforcements in bathroom walls to allow later installation of grab bars.

(iv) Usable kitchens and bathrooms so that a person in a wheelchair can maneuver about the space.

d. Compliance with the appropriate requirements of the American national standard for buildings and facilities providing accessibility and usability for persons with disabilities, commonly cited as "ANSI A 117.1", satisfies the requirements of paragraph "c", subparagraph (3), subparagraph division (c).

e. Nothing in [this subsection](#) requires that a dwelling be made available to a person whose tenancy would constitute a direct threat to the health or safety of other persons or whose tenancy would result in substantial physical damage to the property of others.

4. a. A person whose business includes engaging in residential real estate related transactions shall not discriminate against a person in making a residential real estate related transaction available or in terms or conditions of a residential real estate related transaction because of race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status.

b. For the purpose of [this subsection](#), "residential real estate related transaction" means any of the following:

(1) To make or purchase loans or provide other financial assistance to purchase, construct, improve, repair, or maintain a dwelling, or to secure residential real estate.

(2) To sell, broker, or appraise residential real estate.

5. A person shall not deny another person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in terms or conditions of access, membership, or participation in such organization because of race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status.

[91 Acts, ch 184, §3](#)

CS91, §601A.8A

C93, §216.8A

[96 Acts, ch 1129, §28, 113; 2007 Acts, ch 191, §8 – 10; 2009 Acts, ch 41, §263; 2009 Acts, ch 133, §82](#)

Referred to in [§216.2](#), [216.11A](#), [216.12](#), [216.12A](#), [216.15A](#), [216.16A](#)

216.8B Assistance animals and service animals in housing.

1. For purposes of [this section](#), unless the context otherwise requires:

a. “*Assistance animal*” means an animal that qualifies as a reasonable accommodation under the federal Fair Housing Act, 42 U.S.C. §3601 et seq., as amended, or section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. §794, as amended.

b. “*Service animal*” means a dog or miniature horse as set forth in the implementing regulations of Tit. II and Tit. III of the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq.

2. A person with a disability and a disability-related need for an assistance animal or service animal may request from a landlord to keep an assistance animal or service animal as a reasonable accommodation in housing. Following a request for accommodation, the landlord shall evaluate and respond to the request within a reasonable amount of time.

3. If a person's disability or disability-related need for an assistance animal is not readily apparent, the landlord may request supporting information that reasonably supports the person's need for the particular assistance animal being requested. Supporting information may include documentation identified in [section 216.8C, subsection 1](#).

4. An assistance animal or service animal registration of any kind, including but not limited to an identification card, patch, certificate, or similar registration obtained electronically or in person, is not sufficient information to reliably establish that the person has a disability or disability-related need for an assistance animal or service animal.

5. If a person requests to keep more than one assistance animal, the landlord may request information for each assistance animal pursuant to [section 216.8C, subsection 1](#).

6. Unless otherwise prohibited by state or federal law, rule, or regulation, a landlord:

a. Shall not request information under [this section](#) that discloses a diagnosis or severity of a person's disability or any medical records relating to the disability, but a person with a disability or legal guardian may voluntarily disclose such information or medical records to the landlord at the person with the disability or legal guardian's discretion.

b. Shall make reasonable accommodations in the landlord's rules, policies, practices, and services normally required for pets, for the assistance animal or service animal of a person with a disability when the accommodations are necessary to afford the person equal opportunity to use and enjoy a dwelling.

c. May deny a request for an accommodation for an assistance animal or service animal if any of the following are true:

(1) Providing the accommodation would impose an undue financial and administrative hardship on the landlord.

(2) Providing the accommodation would fundamentally alter the nature of the landlord's operations.

(3) The assistance animal or service animal would do any of the following:

(a) Pose a direct threat to the safety or health of others that cannot be reduced or eliminated by a reasonable accommodation.

(b) Cause substantial physical damage to the property of others that cannot be reduced or eliminated by a reasonable accommodation.

(4) Providing the accommodation is not otherwise reasonable.

d. May require proof of compliance with state and local licensure and vaccination requirements for each assistance animal or service animal.

e. Shall provide a written determination regarding the person's request for an assistance animal.

7. A tenant with a disability and a disability-related need for an assistance animal shall, upon receipt of a request for documentation for an accommodation for an assistance animal consistent with [this section](#), provide that landlord with the documentation requested for a determination on the accommodation request.

8. A tenant with a disability and a disability-related need for an assistance animal or service animal shall be liable for any damage done by the tenant's assistance animal or service animal to the leased premises, the landlord's property, or any other person's property, or to another person on the leased premises, the landlord's property, or any other person's property, as well as any applicable remedies available pursuant to [chapter 562A](#) or [chapter 562B](#).

9. [This section](#) does not limit the means by which a person with a disability may demonstrate, pursuant to state or federal law, that the person has a disability or that the person has a disability-related need for an assistance animal or service animal.

10. [This section](#) shall not be construed to restrict existing federal law related to a person's right to a reasonable accommodation and equal access to housing, including but not limited to the federal Fair Housing Act.

[2019 Acts, ch 65, §2; 2024 Acts, ch 1092, §1](#)

Referred to in [§216.2, 216.8C](#)

Section stricken and rewritten

216.8C Finding of disability and need for an assistance animal in housing.

1. Upon a request for documentation pursuant to [section 216.8B, subsection 3](#), a licensee under [chapter 148, 148C, 152, 154B, 154C, or 154D](#), or a licensee of another state who is licensed under a similar law and who is in good standing with that state, shall make a written finding that includes all of the following:

- a. Whether the patient or client has a disability.
- b. Whether the patient has a disability-related need for an assistance animal.
- c. The particular assistance provided by the assistance animal, if any.
- d. Certification whether the provider-patient relationship has existed, in person or telehealth, for at least thirty days between the licensee and the patient or client.
- e. Certification whether the licensee is familiar with the person and the disability prior to providing the written finding.
- f. The date the finding was issued by the licensee and the date the finding will expire.
- g. The license number and type of license held by the licensee.
- h. Whether the licensee received a separate or additional fee or other form of compensation solely in exchange for making the written finding required under [this section](#).

2. The written finding must be made within twelve months of the start of a rental agreement and is valid for a period of twelve months or the term of the rental agreement, whichever is greater.

3. A licensee under [chapter 148, 148C, 152, 154B, 154C, or 154D](#) may be subject to disciplinary action from the licensee's licensing board for a violation of [this section](#).

4. The commission shall create a form in compliance with [this section](#) and provide the form to the public on the commission's website.

5. The commission shall offer training and consultation to the governing boards under [chapter 148, 148C, 152, 154B, 154C, or 154D](#).

6. [This section](#) does not limit the means by which a person with a disability may

demonstrate, pursuant to state or federal law, that the person has a disability or that the person has a disability-related need for an assistance animal.

2019 Acts, ch 65, §3, 9, 10; 2024 Acts, ch 1092, §2; 2024 Acts, ch 1170, §258

Referred to in §216.8B

See Code editor's note on simple harmonization at the beginning of this Code volume

Section stricken and rewritten

216.9 Unfair or discriminatory practices — education.

1. It is an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability in any program or activity. Such discriminatory practices shall include but not be limited to the following practices:

- a. Exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training, or other program or activity except athletic programs;
- b. Denial of comparable opportunity in intramural and interscholastic athletic programs;
- c. Discrimination among persons in employment and the conditions of employment;
- d. On the basis of sex, the application of any rule concerning the actual or potential parental, family or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification.

2. For the purpose of [this section](#), “*educational institution*” includes any preschool, elementary or secondary school, community college, area education agency, or postsecondary college or university and their governing boards. [This section](#) does not prohibit an educational institution from maintaining separate toilet facilities, locker rooms, or living facilities for the different sexes so long as comparable facilities are provided. Nothing in [this section](#) shall be construed as prohibiting any bona fide religious institution from imposing qualifications based on religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose or any institution from admitting students of only one sex.

[C79, 81, §601A.9]

85 Acts, ch 214, §1; 86 Acts, ch 1245, §1496; 90 Acts, ch 1253, §121

C93, §216.9

2007 Acts, ch 191, §11, 12; 2008 Acts, ch 1032, §36

Referred to in §216.2, 260C.5

216.9A Single and multiple occupancy restrooms or changing areas in schools — use by persons of same biological sex.

It shall not be an unfair or discriminatory practice for a school to require a single or multiple occupancy restroom or changing area to be designated only for and used by persons of the same biological sex as provided in [section 280.33](#). It shall not be an unfair or discriminatory practice to prohibit a person from using a single or multiple occupancy restroom or changing area that does not correspond with the person's biological sex as provided in [section 280.33](#).

2023 Acts, ch 8, §1, 3

216.10 Unfair credit practices.

1. It shall be an unfair or discriminatory practice for any:

a. Creditor to refuse to enter into a consumer credit transaction or impose finance charges or other terms or conditions more onerous than those regularly extended by that creditor to consumers of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical disability, or familial status.

b. Person authorized or licensed to do business in this state pursuant to [chapter 524](#), [533](#), [536](#), or [536A](#) to refuse to loan or extend credit or to impose terms or conditions more onerous than those regularly extended to persons of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical disability, or familial status.

c. Creditor to refuse to offer credit life or health and accident insurance because of color, creed, national origin, race, religion, marital status, age, physical disability, sex, sexual orientation, gender identity, or familial status. Refusal by a creditor to offer credit life or health and accident insurance based upon the age or physical disability of the consumer shall not be an unfair or discriminatory practice if such denial is based solely upon bona fide underwriting considerations not prohibited by [Title XIII, subtitle 1](#).

2. The provisions of [this section](#) shall not be construed by negative implication or otherwise to narrow or restrict any other provisions of [this chapter](#).

[C75, 77, §601A.9; C79, 81, §601A.10]

[90 Acts, ch 1212, §1](#)

C93, §216.10

[2007 Acts, ch 191, §13](#); [2012 Acts, ch 1017, §57](#)

Referred to in [§216.2](#)

For consumer discrimination and other unfair practices, see [§507B.4](#) and [§37.3311](#)

216.11 Aiding, abetting, or retaliation.

It shall be an unfair or discriminatory practice for:

1. Any person to intentionally aid, abet, compel, or coerce another person to engage in any of the practices declared unfair or discriminatory by [this chapter](#).

2. Any person to discriminate or retaliate against another person in any of the rights protected against discrimination by [this chapter](#) because such person has lawfully opposed any practice forbidden under [this chapter](#), obeys the provisions of [this chapter](#), or has filed a complaint, testified, or assisted in any proceeding under [this chapter](#).

[C66, 71, §105A.8; C73, §601A.8; C75, 77, §601A.10; C79, 81, §601A.11]

[91 Acts, ch 94, §1](#)

C93, §216.11

Referred to in [§216.2](#), [216.15A](#), [216.16A](#)

216.11A Interference, coercion, or intimidation.

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 216.8](#), [216.8A](#), or [216.15A](#).

[91 Acts, ch 184, §4](#)

CS91, §601A.11A

[92 Acts, ch 1129, §5](#)

C93, §216.11A

Referred to in [§216.2](#), [216.15A](#), [216.16A](#)

216.12 Exceptions.

1. The provisions of [sections 216.8](#) and [216.8A](#) shall not apply to:

a. Any bona fide religious institution with respect to any qualifications it may impose based on religion, sexual orientation, or gender identity, when 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.

b. The rental or leasing of a dwelling in a building which contains housing accommodations for not more than two families living independently of each other, if the owner resides in one of the housing accommodations.

c. The rental or leasing of less than four rooms within a single dwelling by the occupant or owner of the dwelling, if the occupant or owner resides in the dwelling.

d. Discrimination on the basis of familial status involving 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 agency determines to be consistent with determinations made by the United States secretary of housing and urban development, and housing for older persons. As used in this paragraph, “*housing for older persons*” means housing communities consisting of dwellings intended for either of the following:

(1) 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 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.

(2) For and occupied solely by persons sixty-two years of age or older.

e. The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than four families living independently of each other, if the owner resides in one of the housing accommodations for which the owner qualifies for the homestead tax credit under [section 425.1](#).

f. Discrimination on the basis of sex involving the rental, leasing, or subleasing of a dwelling within which residents of both sexes would be forced to share a living area.

2. The exceptions to the requirements of [sections 216.8](#) and [216.8A](#) provided for dwellings specified in [subsection 1](#), paragraphs “b”, “c”, and “e”, do not apply to advertising related to those dwellings.

[C71, §105A.14; C73, §601A.14; C75, 77, §601A.11; C79, 81, §601A.12]

[89 Acts, ch 205, §3, 4](#); [91 Acts, ch 184, §5 – 7](#); [92 Acts, ch 1129, §6 – 9](#)

C93, §216.12

[95 Acts, ch 129, §5 – 7](#); [2007 Acts, ch 191, §14](#); [2024 Acts, ch 1170, §259](#)

Subsection 1, paragraph d, unnumbered paragraph 1 amended

216.12A Additional housing exception.

[Sections 216.8](#) and [216.8A](#) 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, sexual orientation, gender identity, religion, national origin, disability, or familial status in appraising real estate.

[91 Acts, ch 184, §8](#)

CS91, §601A.12A

[92 Acts, ch 1129, §10](#)

C93, §216.12A

[2007 Acts, ch 191, §15](#)

216.13 Exceptions for retirement plans, abortion coverage, life, disability, and health benefits.

The provisions of [this chapter](#) relating to discrimination because of age do not apply to a retirement plan or benefit system of an employer unless the plan or system is a mere subterfuge adopted for the purpose of evading [this chapter](#).

1. However, a retirement plan or benefit system shall not require the involuntary retirement of a person under the age of seventy because of that person's age. [This subsection](#) does not prohibit the involuntary retirement of a person who has attained the age of sixty-five and has for the two prior years been employed in a bona fide executive or high policymaking position and who is entitled to an immediate, nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan of the employer which equals twenty-seven thousand dollars. This retirement benefit test may be adjusted according to the regulations prescribed by the United States secretary of labor pursuant to Pub. L. No. 95-256, section 3.

2. A health insurance program provided by an employer may exclude coverage of abortion, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.

3. An employee welfare plan may provide life, disability or health insurance benefits which vary by age based on actuarial differences if the employer contributes equally for all the participating employees or may provide for employer contributions differing by age if the benefits for all the participating employees do not vary by age.

[C71, §105A.15; C73, §601A.15; C75, 77, §601A.12; C79, 81, §601A.13]

[84 Acts, ch 1011, §1](#)

C93, §216.13

2006 Acts, ch 1010, §65; 2018 Acts, ch 1026, §69

216.14 Promotion or transfer.

After a person with a disability is employed, the employer shall not be required under [this chapter](#) to promote or transfer the person to another job or occupation, unless, prior to the transfer, the person with the disability, by training or experience, is qualified for the job or occupation. Any collective bargaining agreement between an employer and labor organization shall contain [this section](#) as part of the agreement.

[C73, §601A.16; C75, 77, §601A.13; C79, 81, §601A.14]

C93, §216.14

96 Acts, ch 1129, §29

216.15 Complaint — hearing.

1. Any person claiming to be aggrieved by a discriminatory or unfair practice may, in person or by an attorney, make, sign, and file with the agency a verified, written complaint which shall state the name and address of the person, employer, employment agency, or labor organization alleged to have committed the discriminatory or unfair practice of which complained, shall set forth the particulars thereof, and shall contain such other information as may be required by the agency. Agency staff, a commissioner, or the attorney general may in like manner make, sign, and file such complaint.

2. Any place of public accommodation, employer, labor organization, or other person who has any employees or members who refuse or threaten to refuse to comply with the provisions of [this chapter](#) may file with the agency a verified written complaint in triplicate asking the agency for assistance to obtain their compliance by conciliation or other remedial action.

3. a. After the filing of a verified complaint, a true copy shall be served within twenty days on the person against whom the complaint is filed, except as provided in [subsection 4](#). Agency staff shall make a prompt investigation and shall issue a recommendation to an administrative law judge employed by the division of administrative hearings created by [section 10A.801](#), who shall then issue a determination of probable cause or no probable cause.

b. For purposes of [this chapter](#), an administrative law judge issuing a determination of probable cause or no probable cause under [this section](#) is exempt from [section 17A.17](#).

c. If the administrative law judge concurs with the investigating official that probable cause exists regarding the allegations of the complaint, the staff of the agency shall promptly endeavor to eliminate the discriminatory or unfair practice by conference, conciliation, and persuasion. If the administrative law judge finds that no probable cause exists, the administrative law judge shall issue a final order dismissing the complaint and shall promptly mail a copy to the complainant and to the respondent. A finding of probable cause shall not be introduced into evidence in an action brought under [section 216.16](#).

d. The agency staff must endeavor to eliminate the discriminatory or unfair practice by conference, conciliation, and persuasion for a period of thirty days following the initial conciliation meeting between the respondent and the agency staff after a finding of probable cause. After the expiration of thirty days, the director may order the conciliation conference and persuasion procedure provided in [this section](#) to be bypassed when the director determines the procedure is unworkable by reason of past patterns and practices of the respondent, or a statement by the respondent that the respondent is unwilling to continue with the conciliation. Upon the bypassing of conciliation, the director shall state in writing the reasons for bypassing.

4. a. The agency may permit service of a complaint on a respondent by regular or electronic mail. If the respondent does not respond to the service by regular or electronic mail after ninety days, the agency shall serve the complaint on the respondent by certified mail within twenty days after the expiration of the ninety-day response period to service by regular or electronic mail.

b. The agency may also permit a party to file a response to a complaint, a document, information, or other material, by electronic mail.

c. The agency may issue a notice, determination, order, subpoena, request, correspondence, or any other document issued by the agency, by electronic mail.

5. The members of the commission and agency staff shall not disclose the filing of a complaint, the information gathered during the investigation, or the endeavors to eliminate such discriminatory or unfair practice by mediation, conference, conciliation, and persuasion, unless such disclosure is made in connection with the conduct of such investigation.

6. When the director is satisfied that further endeavor to settle a complaint by conference, conciliation, and persuasion is unworkable and should be bypassed, and the thirty-day period provided for in [subsection 3](#) has expired without agreement, the director shall issue and cause to be served a written notice specifying the charges in the complaint as they may have been amended and the reasons for bypassing conciliation, if the conciliation is bypassed, and requiring the respondent to answer the charges of the complaint at a hearing before the agency, a commissioner, or a person designated by the agency to conduct the hearing, hereafter referred to as the administrative law judge, and at a time and place to be specified in the notice.

7. The case in support of such complaint shall be presented at the hearing by one of the agency's attorneys or agents. The investigating official shall not participate in the hearing except as a witness nor participate in the deliberations of the agency in such case.

8. The hearing shall be conducted in accordance with the provisions of [chapter 17A](#) for contested cases. The burden of proof in such a hearing shall be on the agency.

9. If upon taking into consideration all of the evidence at a hearing, the agency determines that the respondent has engaged in a discriminatory or unfair practice, the agency shall state its findings of fact and conclusions of law and shall issue an order requiring the respondent to cease and desist from the discriminatory or unfair practice and to take the necessary remedial action as in the judgment of the agency will carry out the purposes of [this chapter](#). A copy of the order shall be delivered to the respondent, the complainant, and to any other public officers and persons as the agency deems proper.

a. For the purposes of [this subsection](#) and pursuant to the provisions of [this chapter](#) "remedial action" includes but is not limited to the following:

(1) Hiring, reinstatement or upgrading of employees with or without pay. Interim earned income and unemployment compensation shall operate to reduce the pay otherwise allowable.

(2) Admission or restoration of individuals to a labor organization, admission to or participation in a guidance program, apprenticeship training program, on-the-job training program or other occupational training or retraining program, with the utilization of objective criteria in the admission of individuals to such programs.

(3) Admission of individuals to a public accommodation or an educational institution.

(4) Sale, exchange, lease, rental, assignment or sublease of real property to an individual.

(5) Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent denied to the complainant because of the discriminatory or unfair practice.

(6) Reporting as to the manner of compliance.

(7) Posting notices in conspicuous places in the respondent's place of business in form prescribed by the agency and inclusion of notices in advertising material.

(8) Payment to the complainant of damages for an injury caused by the discriminatory or unfair practice which damages shall include but are not limited to actual damages, court costs and reasonable attorney fees.

(9) For an unfair or discriminatory practice relating to wage discrimination pursuant to [section 216.6A](#), payment to the complainant of damages for an injury caused by the discriminatory or unfair practice which damages shall include but are not limited to court costs, reasonable attorney fees, and either of the following:

(a) An amount equal to two times the wage differential paid to another employee compared to the complainant for the period of time for which the complainant has been discriminated against.

(b) In instances of willful violation, an amount equal to three times the wage differential

paid to another employee as compared to the complainant for the period of time for which the complainant has been discriminated against.

b. In addition to the remedies provided in the preceding provisions of [this subsection](#), the agency may issue an order requiring the respondent to cease and desist from the discriminatory or unfair practice and to take such affirmative action as in the judgment of the agency will carry out the purposes of [this chapter](#) as follows:

(1) In the case of a respondent operating by virtue of a license issued by the state or a political subdivision or agency, if the agency, upon notice to the respondent with an opportunity to be heard, determines that the respondent has engaged in a discriminatory or unfair practice and that the practice was authorized, requested, commanded, performed or knowingly or recklessly tolerated by the board of directors of the respondent or by an officer or executive agent acting within the scope of the officer's or agent's employment, the agency shall so certify to the licensing agency. Unless the agency finding of a discriminatory or unfair practice is reversed in the course of judicial review, the finding of discrimination is binding on the licensing agency. If a certification is made pursuant to [this subsection](#), the licensing agency may initiate licensee disciplinary procedures.

(2) In the case of a respondent who is found by the agency to have engaged in a discriminatory or unfair practice in the course of performing under a contract or subcontract with the state or political subdivision or agency, if the practice was authorized, requested, commanded, performed, or knowingly or recklessly tolerated by the board of directors of the respondent or by an officer or executive agent acting within the scope of the officer's or agent's employment, the agency shall so certify to the contracting agency. Unless the agency's finding of a discriminatory or unfair practice is reversed in the course of judicial review, the finding of discrimination is binding on the contracting agency.

(3) Upon receiving a certification made under [this subsection](#), a contracting agency may take appropriate action to terminate a contract or portion thereof previously entered into with the respondent, either absolutely or on condition that the respondent carry out a program of compliance with the provisions of [this chapter](#); and assist the state and all political subdivisions and agencies thereof to refrain from entering into further contracts.

c. The election of an affirmative order under paragraph "b" of [this subsection](#) shall not bar the election of affirmative remedies provided in paragraph "a" of [this subsection](#).

10. a. The terms of a conciliation or mediation agreement reached with the respondent may require the respondent to refrain in the future from committing discriminatory or unfair practices of the type stated in the agreement, to take remedial action as in the judgment of the agency will carry out the purposes of [this chapter](#), and to consent to the entry in an appropriate district court of a consent decree embodying the terms of the conciliation or mediation agreement. Violation of such a consent decree may be punished as contempt by the court in which it is filed, upon a showing by the agency of the violation at any time within six months of its occurrence. At any time in its discretion, the agency may investigate whether the terms of the agreement are being complied with by the respondent.

b. Upon a finding that the terms of the conciliation or mediation agreement are not being complied with by the respondent, the agency shall take appropriate action to assure compliance.

11. If, upon taking into consideration all of the evidence at a hearing, the agency finds that a respondent has not engaged in any such discriminatory or unfair practice, the agency shall issue an order denying relief and stating the findings of fact and conclusions of the agency, and shall cause a copy of the order dismissing the complaint to be served on the complainant and the respondent.

12. The agency shall establish rules to govern, expedite, and effectuate the procedures established by [this chapter](#) and its own actions thereunder.

13. Except as provided in [section 614.8](#), a claim under [this chapter](#) shall not be maintained unless a complaint is filed with the agency within three hundred days after the alleged discriminatory or unfair practice occurred.

14. The agency or a party to a complaint may request mediation of the complaint at any time during the agency's processing of the complaint. If the complainant and respondent

participate in mediation, any mediation agreement may be enforced pursuant to [this section](#). Mediation may be discontinued at the request of any party or the agency.

[C66, 71, §105A.9; C73, §601A.9; C75, 77, §601A.14; C79, 81, §601A.15]

[88 Acts, ch 1109, §27, 28](#)

C93, §216.15

[95 Acts, ch 129, §8 – 11; 98 Acts, ch 1202, §36, 46; 2005 Acts, ch 23, §1 – 3; 2007 Acts, ch 110, §1; 2008 Acts, ch 1028, §1; 2009 Acts, ch 96, §3; 2009 Acts, ch 178, §25, 26; 2023 Acts, ch 19, §1715; 2024 Acts, ch 1170, §260](#)

Referred to in [§216.15A, 216.16, 216.16A, 216.17](#)

Section amended

216.15A Additional proceedings — housing discrimination.

1. a. The agency may join a person not named in the complaint as an additional or substitute respondent if in the course of the investigation, the agency determines that the person should be alleged to have committed a discriminatory housing or real estate practice.

b. In addition to the information required in the notice, the agency shall include in a notice to a respondent joined under [this subsection](#) an explanation of the basis for the determination under [this subsection](#) that the person is properly joined as a respondent.

2. a. The agency shall, during the period beginning with the filing of a complaint and ending with the filing of a charge or a dismissal by the agency, to the extent feasible, engage in mediation with respect to the complaint.

b. A mediation agreement is an agreement between a respondent and the complainant and is subject to agency approval.

c. A mediation agreement may provide for binding arbitration or other method of dispute resolution. Dispute resolution that results from a mediation agreement may authorize appropriate relief, including monetary relief.

d. A mediation agreement shall be made public unless the complainant and respondent agree otherwise, and the agency determines that disclosure is not necessary to further the purposes of [this chapter](#) relating to unfair or discriminatory practices in housing or real estate.

e. The proceedings or results of mediation shall not be made public or used as evidence in a subsequent proceeding under [this chapter](#) without the written consent of the persons who are party to the mediation.

f. After the completion of the agency's investigation, the agency shall make available to the aggrieved person and the respondent information derived from the investigation and the final investigation report relating to that investigation.

g. When the agency has reasonable cause to believe that a respondent has breached a mediation agreement, the agency 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.

3. a. If the agency concludes, following the filing of a complaint, that prompt judicial action is necessary to carry out the purposes of [this chapter](#) relating to unfair or discriminatory housing or real estate practices, the agency may authorize a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint.

b. On receipt of the agency's authorization, the attorney general shall promptly file the action.

c. A temporary restraining order or other order granting preliminary or temporary relief under [this section](#) is governed by the applicable Iowa rules of civil procedure.

d. The filing of a civil action under [this section](#) does not affect the initiation or continuation of administrative proceedings in regard to an administrative hearing.

4. a. The agency shall prepare a final investigative report.

b. A final report under [this section](#) may be amended by the agency if additional evidence is discovered.

5. a. The agency shall determine based on the facts whether probable cause exists to believe that a discriminatory housing or real estate practice has occurred or is about to occur.

b. The agency shall make its determination under paragraph “a” not later than one hundred days after a complaint is filed unless any of the following applies:

- (1) It is impracticable to make the determination within that time period.
- (2) The agency has approved a mediation agreement relating to the complaint.

c. If it is impracticable to make the determination within the time period provided by paragraph “b”, the agency shall notify the complainant and respondent in writing of the reasons for the delay.

d. If the agency determines that probable cause exists to believe that a discriminatory housing or real estate practice has occurred or is about to occur, the agency shall immediately issue a determination unless the agency determines that the legality of a zoning or land use law or ordinance is involved as provided in [subsection 7](#).

6. a. A determination issued under [subsection 5](#) must include all of the following:

(1) Must consist of a short and plain statement of the facts on which the agency has found probable cause to believe that a discriminatory housing or real estate practice has occurred or is about to occur.

(2) Must be based on the final investigative report.

(3) Need not be limited to the facts or grounds alleged in the complaint.

b. Not later than twenty days after the agency issues a determination, the agency shall send a copy of the determination with information concerning the election under [section 216.16A](#) to all of the following persons:

(1) Each respondent, together with a notice of the opportunity for a hearing as provided under [subsection 10](#).

(2) Each aggrieved person on whose behalf the complaint was filed.

7. If the agency determines that the matter involves the legality of a state or local zoning or other land use ordinance, the agency shall not issue a determination and shall immediately refer the matter to the attorney general for appropriate action.

8. a. If the agency determines that no probable cause exists to believe that a discriminatory housing or real estate practice has occurred or is about to occur, the agency shall promptly dismiss the complaint.

b. The agency shall make public disclosure of each dismissal under [this section](#).

9. The agency shall not issue a determination under [this section](#) regarding an alleged discriminatory housing or real estate practice after the beginning of the trial of a civil action commenced by the aggrieved party under federal or state law seeking relief with respect to that discriminatory housing or real estate practice.

10. a. If a timely election is not made under [section 216.16A](#), the agency shall provide for a hearing on the charges in the complaint.

b. Except as provided by paragraph “c”, the hearing shall be conducted in accordance with [chapter 17A](#) for contested cases.

c. A hearing under [this section](#) shall not be continued regarding an alleged discriminatory housing or real estate practice after the beginning of the trial of a civil action commenced by the aggrieved person under federal or state law seeking relief with respect to that discriminatory housing or real estate practice.

11. a. If the agency determines at a hearing under [subsection 10](#) that a respondent has engaged or is about to engage in a discriminatory housing or real estate practice, the agency may order the appropriate relief, including actual damages, reasonable attorney fees, court costs, and other injunctive or equitable relief.

b. To vindicate the public interest, the agency may assess a civil penalty against the respondent in an amount that does not exceed the following applicable amount:

(1) Ten thousand dollars if the respondent has not been adjudged by the order of the commission or agency or a court to have committed a prior discriminatory housing or real estate practice.

(2) Except as provided by paragraph “c”, twenty-five thousand dollars if the respondent has been adjudged by order of the commission or agency or a court to have committed one other discriminatory housing or real estate practice during the five-year period ending on the date of the filing of the complaint.

(3) Except as provided by paragraph “c”, fifty thousand dollars if the respondent has been

adjudged by order of the commission or agency or a court to have committed two or more discriminatory housing or real estate practices during the seven-year period ending on the date of the filing of the complaint.

c. If the acts constituting the discriminatory housing or real estate practice that is the object of the complaint are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing or real estate practice, the civil penalties in paragraph “b”, subparagraphs (2) and (3) may be imposed without regard to the period of time within which any other discriminatory housing or real estate practice occurred.

d. At the request of the agency, the attorney general shall initiate legal proceedings to recover a civil penalty due under [this section](#). Funds collected under [this section](#) shall be paid to the treasurer of state for deposit in the state treasury to the credit of the general fund.

12. [This section](#) applies only to the following:

a. Complaints which allege a violation of the prohibitions contained in [section 216.8](#) or [216.8A](#).

b. Complaints which allege a violation of [section 216.11](#) or [216.11A](#) arising out of alleged violations of the prohibitions contained in [section 216.8](#) or [216.8A](#).

13. If a provision of [this section](#) applies under the terms of [subsection 12](#), and the provision of [this section](#) conflicts with a provision of [section 216.15](#), then the provision contained within [this section](#) shall prevail. Similarly, if a provision of [section 216.16A](#) or [216.17A](#) conflicts with a provision of [section 216.16](#) or [216.17](#), then the provision contained in [section 216.16A](#) or [216.17A](#) shall prevail.

91 Acts, ch 184, §9

CS91, §601A.15A

92 Acts, ch 1129, §11, 12; 92 Acts, ch 1163, §108

C93, §216.15A

2001 Acts, ch 24, §38; 2024 Acts, ch 1170, §261

Referred to in [§216.11A](#), [216.16A](#), [216.17](#), [216.17A](#)

Section amended

216.15B Formal mediation — confidentiality.

1. A mediator may be designated in writing by the agency to conduct formal mediation of a complaint filed under [this chapter](#). The written designation must specifically refer to [this section](#).

2. If formal mediation is conducted by a mediator pursuant to [this section](#), the confidentiality of all mediation communications is protected as provided in [section 679C.108](#).

95 Acts, ch 129, §12; 98 Acts, ch 1062, §10; 99 Acts, ch 114, §12; 2001 Acts, ch 71, §1; 2005 Acts, ch 68, §3; 2024 Acts, ch 1170, §262

Referred to in [§22.7\(31\)](#)

Subsection 1 amended

216.16 Sixty-day administrative release.

1. A person claiming to be aggrieved by an unfair or discriminatory practice must initially seek an administrative relief by filing a complaint with the agency in accordance with [section 216.15](#). This provision also applies to persons claiming to be aggrieved by an unfair or discriminatory practice committed by the state or an agency or political subdivision of the state, notwithstanding the terms of the Iowa administrative procedure Act, [chapter 17A](#).

2. After the proper filing of a complaint with the agency, a complainant may subsequently commence an action for relief in the district court if all of the following conditions have been satisfied:

a. The complainant has timely filed the complaint with the agency as provided in [section 216.15](#), [subsection 13](#).

b. The complaint has been on file with the agency for at least sixty days and the agency has issued a release to the complainant pursuant to [subsection 3](#).

3. a. Upon a request by the complainant, and after the expiration of sixty days from the timely filing of a complaint with the agency, the agency shall issue to the complainant a release

stating that the complainant has a right to commence an action in the district court. A release under [this subsection](#) shall not be issued if any of the following apply:

(1) A finding of no probable cause has been made on the complaint by the administrative law judge charged with that duty under [section 216.15, subsection 3](#).

(2) A conciliation agreement has been executed under [section 216.15](#).

(3) The agency has served notice of hearing upon the respondent pursuant to [section 216.15, subsection 6](#).

(4) The complaint is closed as an administrative closure and two years have elapsed since the issuance date of the closure.

b. Notwithstanding [section 216.15, subsection 5](#), a party may obtain a copy of all documents contained in a case file where the agency has issued a release to the complainant pursuant to [this subsection](#).

4. An action authorized under [this section](#) is barred unless commenced within ninety days after issuance by the agency of a release under [subsection 3](#). If a complainant obtains a release from the agency under [subsection 3](#), the agency is barred from further action on that complaint.

5. Venue for an action under [this section](#) shall be in the county in which the respondent resides or has its principal place of business, or in the county in which the alleged unfair or discriminatory practice occurred.

6. The district court may grant any relief in an action under [this section](#) which is authorized by [section 216.15, subsection 9](#), to be issued by the agency. The district court may also award the respondent reasonable attorney fees and court costs when the court finds that the complainant's action was frivolous.

7. It is the legislative intent of [this chapter](#) that every complaint be at least preliminarily screened during the first one hundred twenty days.

8. [This section](#) does not authorize administrative closures if an investigation is warranted.
[C79, 81, §601A.16]

84 Acts, ch 1096, §2; 85 Acts, ch 197, §10; 86 Acts, ch 1245, §263; 88 Acts, ch 1109, §29; 90 Acts, ch 1040, §1, 2

C93, §216.16

2003 Acts, ch 44, §114; 2009 Acts, ch 41, §221; 2009 Acts, ch 133, §83; 2024 Acts, ch 1170, §263

Referred to in [§216.15](#), [216.15A](#), [216.19](#)

For provision governing conflicts between this section and [section 216.16A](#), see [§216.15A, subsection 13](#)

Subsections 1, 2, 3, 4, and 6 amended

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 agency, not later than twenty days after the date the determination was issued.

c. The person making the election shall give notice to the agency 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 agency 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 agency if the agency 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; 2024 Acts, ch 1170, §264, 265](#)

Referred to in [§216.15A, 216.17A](#)

Subsection 1, paragraphs b and c amended

Subsection 2, paragraphs d and e amended

216.17 Judicial review — enforcement.

1. a. Judicial review of the actions of the agency or commission may be sought in accordance with the terms of the Iowa administrative procedure Act, [chapter 17A](#). Notwithstanding the terms of said Act, petition for judicial review may be filed in the district court in which an enforcement proceeding under [subsection 2](#) may be brought.

b. For purposes of the time limit for filing a petition for judicial review under the Iowa administrative procedure Act, [chapter 17A](#), specified by [section 17A.19](#), the issuance of a final decision of the agency or commission under [this chapter](#) occurs on the date notice of the decision is mailed to the parties.

c. Notwithstanding the time limit provided in [section 17A.19, subsection 3](#), a petition for judicial review of no-probable-cause decisions and other final agency actions which are not of general applicability must be filed within thirty days of the issuance of the final agency action.

2. The agency may obtain an order of court for the enforcement of agency or commission orders in a proceeding as provided in [this section](#). Such an enforcement proceeding shall be brought in the district court of the district in the county in which the alleged discriminatory or unfair practice which is the subject of the agency's or commission's order was committed, or in which any respondent required in the order to cease or desist from a discriminatory or unfair practice or to take other affirmative action, resides, or transacts business.

3. Such an enforcement proceeding shall be initiated by the filing of a petition in such court and the service of a copy thereof upon the respondent. Thereupon the agency shall file with the court a transcript of the record of the hearing before it. The court shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript an order enforcing, modifying, and enforcing as so modified, or setting aside the order of the agency or commission, in whole or in part.

4. An objection that has not been urged before the agency or commission shall not be considered by the court in an enforcement proceeding, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

5. Any party to the enforcement proceeding may move the court to remit the case to the agency or commission in the interests of justice for the purpose of adducing additional specified and material evidence and seeking findings thereof, providing such party shall show reasonable grounds for the failure to adduce such evidence before the agency or commission.

6. In the enforcement proceeding the court shall determine its order on the same basis as it would in a proceeding reviewing commission action under [section 17A.19](#).

7. The agency's or commission's copy of the testimony shall be available to all parties for examination at all reasonable times, without cost, and for the purpose of judicial review of the agency's or commission's orders.

8. The commission may appear in court by its own attorney.

9. Petitions filed under [this section](#) shall be heard expeditiously and determined upon the transcript filed without requirement for printing.

10. If no proceeding to obtain judicial review is instituted within thirty days from the issuance of an order of the commission under [section 216.15](#) or [216.15A](#), the agency may obtain an order of the court for the enforcement of the order upon showing that respondent is subject to the jurisdiction of the agency or commission and resides or transacts business within the county in which the petition for enforcement is brought.

[C66, 71, §105A.10; C73, §601A.10; C75, 77, §601A.15; C79, 81, §601A.17]

[83 Acts, ch 57, §1](#); [92 Acts, ch 1129, §15](#)

[C93, §216.17](#)

[98 Acts, ch 1202, §37, 46](#); [2003 Acts, ch 44, §114](#); [2005 Acts, ch 23, §4](#); [2009 Acts, ch 41, §263](#); [2024 Acts, ch 1170, §266](#)

Referred to in [§216.15A, 216.19](#)

For provision governing conflicts between this section and [section 216.17A](#), see [§216.15A, subsection 13](#)

Subsections 1, 2, 3, 4, 5, 7, and 10 amended

216.17A Civil proceedings — housing.

1. *a.* If timely election is made under [section 216.16A, subsection 1](#), the agency shall authorize, and not later than thirty days after the election is made, the attorney general shall file a civil action on behalf of the aggrieved person in a district court seeking relief.

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.

c. An aggrieved person may intervene in the action.

d. If the district court finds that a discriminatory housing or real estate practice has occurred or is about to occur, the district court may grant as relief any relief that a court may grant in a civil action under [subsection 6](#).

e. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the district court shall not award the monetary relief if that aggrieved person has not complied with discovery orders entered by the district court.

2. An agency order under [section 216.15A, subsection 11](#), and an agency or commission order that has been substantially affirmed by judicial review, do not affect a contract, sale, encumbrance, or lease that was consummated before the agency or 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](#).

3. If the agency or commission issues an order with respect to a discriminatory housing practice that occurred in the course of a business subject to a licensing or regulation by a governmental agency, the agency or commission, not later than thirty days after the date of issuance of the order, shall do all of the following:

a. Send copies of the findings and the order to the governmental agency.

b. Recommend to the governmental agency appropriate disciplinary action.

4. If the agency or commission issues an order against a respondent against whom another order was issued within the preceding five years under [section 216.15A, subsection 11](#), the agency shall send a copy of each order issued under that section to the attorney general.

5. On application by a person alleging a discriminatory housing practice or by a person against whom a discriminatory practice is alleged, the district court may appoint an attorney for the person.

6. In an action under [subsection 1](#) and [section 216.16A, subsection 2](#), if the district court finds that a discriminatory housing or real estate practice has occurred or is about to occur, the district court may award or issue to the plaintiff one or more of the following:

a. Actual and punitive damages.

- b. Reasonable attorney's fees.
- c. Court costs.
- d. Subject to [subsection 7](#), any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or ordering appropriate affirmative action.

7. Relief granted under [this section](#) does not affect a contract, sale, encumbrance, or lease that was consummated before the granting of the relief and involved a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the filing of a complaint under [this chapter](#) or a civil action under [this section](#).

8. a. On the request of the agency or commission, the attorney general may intervene in an action under [section 216.16A, subsection 2](#), if the agency or commission certifies that the case is of general public importance.

b. The attorney general may obtain the same relief available to the attorney general under [subsection 9](#).

9. a. On the request of the agency or commission, the attorney general may file a civil action in district court for appropriate relief if the agency or commission has reasonable cause to believe that any of the following applies:

(1) A person is engaged in a pattern or practice of resistance to the full enjoyment of any housing right granted by [this chapter](#).

(2) A person has been denied any housing right granted by [this chapter](#) and that denial raises an issue of general public importance.

b. In an action under [this subsection](#) and [subsection 8](#), the district court may do any of the following:

(1) Order preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of housing rights as necessary to assure the full enjoyment of the housing rights granted by [this chapter](#).

(2) Order another appropriate relief, including the awarding of monetary damages, reasonable attorney's fees, and court costs.

(3) To vindicate the public interest, assess a civil penalty against the respondent in an amount that does not exceed any of the following:

(a) Fifty thousand dollars for a first violation.

(b) One hundred thousand dollars for a second or subsequent violation.

c. A person may intervene in an action under [this section](#) if the person is any of the following:

(1) An aggrieved person to the discriminatory housing or real estate practice.

(2) A party to a mediation agreement concerning the discriminatory housing or real estate practice.

10. The attorney general, on behalf of the agency or other party at whose request a subpoena is issued, may enforce the subpoena in appropriate proceedings in district court.

11. A court in a civil action brought under [this section](#) or the agency in an administrative hearing under [section 216.15A, subsection 11](#), may award reasonable attorney's fees to the prevailing party and assess court costs against the nonprevailing party.

[91 Acts, ch 184, §11](#)

[CS91, §601A.17A](#)

[92 Acts, ch 1129, §16, 17](#)

[C93, §216.17A](#)

[95 Acts, ch 129, §15 – 17; 2024 Acts, ch 1170, §267 – 271](#)

Referred to in [§216.15A, 216.16A](#)

Subsection 1, paragraph a amended

Subsections 2, 4, 10, and 11 amended

Subsection 3, unnumbered paragraph 1 amended

Subsection 8, paragraph a amended

Subsection 9, paragraph a, unnumbered paragraph 1 amended

216.18 Rules of construction.

1. [This chapter](#) shall be construed broadly to effectuate its purposes.

2. [This chapter](#) shall not be construed to allow marriage between persons of the same sex, in accordance with [chapter 595](#).

[C66, 71, §105A.11; C73, §601A.11; C75, 77, §601A.16; C79, 81, §601A.18]

C93, §216.18

[2009 Acts, ch 133, §192](#)

216.19 Local laws implementing chapter.

1. All cities shall, to the extent possible, protect the rights of the citizens of this state secured by the Iowa civil rights Act. Nothing in [this chapter](#) shall be construed as indicating any of the following:

a. An intent on the part of the general assembly to occupy the field in which [this chapter](#) operates to the exclusion of local laws not inconsistent with [this chapter](#) that deal with the same subject matter.

b. An intent to prohibit an agency or commission of local government having as its purpose the investigation and resolution of violations of [this chapter](#) from developing procedures and remedies necessary to insure the protection of rights secured by [this chapter](#).

c. Limiting a city or local government from enacting any ordinance or other law which prohibits broader or different categories of unfair or discriminatory practices.

2. A city with a population of twenty-nine thousand, or greater, shall maintain an independent local civil rights agency or commission consistent with agency rules adopted pursuant to [chapter 17A](#). An agency or commission for which a staff is provided shall have control over such staff. A city required to maintain a local civil rights agency or commission shall structure and adequately fund the agency or commission in order to effect cooperative undertakings with the Iowa office of civil rights and to aid in effectuating the purposes of [this chapter](#).

3. An agency or commission of local government and the Iowa office of civil rights shall cooperate in the sharing of data and research, and coordinating investigations and conciliations in order to expedite claims of unlawful discrimination and eliminate needless duplication. The Iowa office of civil rights may enter into cooperative agreements with any local agency or commission to effectuate the purposes of [this chapter](#). Such agreements may include technical and clerical assistance and reimbursement of expenses incurred by the local agency or commission in the performance of the agency's or commission's duties if funds for this purpose are appropriated by the general assembly.

4. The director may designate an unfunded local agency or commission as a referral agency. A local agency or commission shall not be designated a referral agency unless the ordinance creating it provides the same rights and remedies as are provided in [this chapter](#). The director shall establish by rules the procedures for designating a referral agency and the qualifications to be met by a referral agency.

5. The director may adopt rules establishing the procedures for referral of complaints. A referral agency may refuse to accept a case referred to it by the Iowa office of civil rights if the referral agency is unable to effect proper administration of the complaint. It shall be the burden of the referral agency to demonstrate that it is unable to properly administer that complaint.

6. A complainant who files a complaint with a referral agency having jurisdiction shall be prohibited from filing a complaint with the agency alleging violations based upon the same acts or practices cited in the original complaint; and a complainant who files a complaint with the agency shall be prohibited from filing a complaint with the referral agency alleging violations based upon the same acts or practices cited in the original complaint. However, the agency in its discretion may refer a complaint filed with the agency to a referral agency having jurisdiction over the parties for investigation and resolution; and a referral agency in its discretion may refer a complaint filed with that agency to the office for investigation and resolution.

7. A final decision by a referral agency shall be subject to judicial review as provided in [section 216.17](#) in the same manner and to the same extent as a final decision of the agency.

8. The referral of a complaint by the Iowa office of civil rights to a referral agency or by a

referral agency to the Iowa office of civil rights shall not affect the right of a complainant to commence an action in the district court under [section 216.16](#).

[C66, 71, §105A.12; C73, §601A.12; C75, 77, §601A.17; C79, 81, §601A.19]

[90 Acts, ch 1166, §1](#)

C93, §216.19

[2009 Acts, ch 133, §214](#); [2024 Acts, ch 1170, §272](#)

Subsections 2 – 8 amended

216.20 Effect on other law.

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.

2. [This chapter](#) does not affect a requirement of nondiscrimination in other state or federal law.

[91 Acts, ch 184, §12](#)

CS91, §601A.20

[92 Acts, ch 1129, §18](#)

C93, §216.20

216.21 Documents to attorney or party.

If a party is represented by an attorney during the proceedings of the agency or commission, with permission of the attorney for the party or of the party, the agency or commission shall provide copies of all relevant documents including an order or decision to either the attorney for the party or the party, but not to both.

[2009 Acts, ch 178, §27](#); [2024 Acts, ch 1170, §273](#)

Section amended

216.22 Franchisor-franchisee relationship.

1. For purposes of [this section](#), “*franchisee*” and “*franchisor*” mean the same as defined in [section 523H.1](#).

2. For purposes of [this chapter](#), a franchisor shall not be considered to be an employer of a franchisee or of an employee of a franchisee unless any of the following conditions apply:

a. The franchisor has agreed in writing to be considered to be the employer of the franchisee or of the employees of the franchisee.

b. The franchisor has been found by the agency to have exercised a type or degree of control over the franchisee or the franchisee’s employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor’s trademarks and brand.

[2019 Acts, ch 21, §5, 6](#); [2021 Acts, ch 76, §47](#); [2024 Acts, ch 1170, §274](#)

Subsection 2, paragraph b amended