

455B.111 Citizen actions.

1. Except as provided in [subsection 2](#), a person with standing as provided in [subsection 3](#) may commence a civil action in district court on the person's own behalf against any of the following:

a. A person, including the state of Iowa, for violating any provision of [this chapter](#); [chapter 459, subchapters I, II, III, IV, and VI](#); [chapter 459A](#); [chapter 459B](#); or a rule adopted pursuant to [this chapter](#); [chapter 459, subchapters I, II, III, IV, and VI](#); [chapter 459A](#); or [chapter 459B](#).

b. The director, the commission, or any official or employee of the department where there is an alleged failure to perform any act or duty under [this chapter](#); [chapter 459, subchapters I, II, III, IV, and VI](#); [chapter 459A](#); [chapter 459B](#); or a rule adopted pursuant to [this chapter](#); [chapter 459, subchapters I, II, III, IV, and VI](#); [chapter 459A](#); or [chapter 459B](#), which is not a discretionary act or duty.

2. An action shall not be commenced pursuant to [subsection 1](#), paragraph "a", unless the person commencing the action has provided the director and the alleged violator with a written notice at least sixty days prior to commencing the action. The written notice shall specify the nature of the violation and that legal action is contemplated under [this section](#) if the violation is not abated and, if necessary, remedial action is not taken. The state may intervene in such an action as a matter of right. In addition, an action shall not be commenced pursuant to [subsection 1](#), paragraph "a", if the department or the state has commenced and is actively prosecuting a civil action or is actively negotiating an out-of-court settlement to require abatement of the violation and, if necessary, remediation of damages. However, any person may intervene as a matter of right in such an action.

3. A person shall have standing to commence an action pursuant to [subsection 1](#) or to intervene in an action pursuant to [subsection 2](#) if the person is adversely affected by the alleged violation or the alleged failure to perform a duty or act.

4. In an action commenced pursuant to [subsection 1](#), the court may award costs of litigation, including reasonable attorney and expert witness fees, to any party.

5. [This section](#) does not restrict any right under statutory or common law of a person or class of person to seek enforcement of provisions of [this chapter](#); [chapter 459, subchapters I, II, III, IV, and VI](#); [chapter 459A](#); [chapter 459B](#); or a rule adopted pursuant to [this chapter](#); [chapter 459, subchapters I, II, III, IV, and VI](#); [chapter 459A](#); or [chapter 459B](#); or seek other relief permitted under the law.

[86 Acts, ch 1245, §1888](#); [2005 Acts, ch 136, §26, 27](#); [2009 Acts, ch 155, §25, 26, 34](#)

Referred to in [§455K.8](#)