

IOWA FINANCE AUTHORITY[265]

[Prior to 7/26/85, Housing Finance Authority[495]]

[Prior to 4/3/91, Iowa Finance Authority[524]]

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CHAPTER 1
GENERAL

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/30

265—1.1(16) Mission. The mission of the authority is to administer programs and provide financial assistance to increase the supply of affordable housing, assist in the construction and operation of various types of water treatment facilities, provide financial assistance to lower the barriers to entry for beginning farmers, and provide title guaranties to maintain land title stability.

[ARC 8412C, IAB 11/27/24, effective 1/1/25]

265—1.2(16) Finance authority board of directors. Iowa Code section 16.2 creates the board of directors of the authority and describes the board's membership. The board holds meetings pursuant to Iowa Code section 16.2. Meetings are generally held at 1963 Bell Avenue, Suite 200, Des Moines, Iowa 50315, or at such other location as the authority may designate. Meetings of the board are subject to Iowa Code chapter 21.

[ARC 8412C, IAB 11/27/24, effective 1/1/25]

265—1.3(16) Organization, requests, and submissions.

1.3(1) Director. The director is appointed pursuant to Iowa Code section 16.6 and performs such duties as assigned by the Iowa Code or the Iowa Administrative Code.

1.3(2) Organization. The authority is organized into such divisions as established by statute or the director pursuant to Iowa Code section 16.6.

1.3(3) Requests and submissions. All official communications, including submissions and requests, may be addressed to the Iowa Finance Authority, 1963 Bell Avenue, Suite 200, Des Moines, Iowa 50315, or to ifafyi@iowafinance.com. The authority's website address is www.iowafinance.com.

[ARC 8412C, IAB 11/27/24, effective 1/1/25]

These rules are intended to implement Iowa Code sections 17A.3 and 16.2.

[Filed 5/11/77, Notice 4/6/77—published 6/1/77, effective 7/6/77]

[Filed emergency 6/11/82—published 7/7/82, effective 6/11/82]

[Filed 12/17/82, Notice 7/7/82—published 1/5/83, effective 2/9/83]

[Filed emergency 12/23/83—published 1/18/84, effective 12/23/83]

[Filed emergency 6/28/84—published 7/18/84, effective 7/1/84]

[Filed emergency 7/26/85—published 8/14/85, effective 7/26/85]

[Filed 3/19/91, Notice 10/17/90—published 4/3/91, effective 5/8/91]

[Filed emergency 9/3/99 after Notice 4/21/99—published 9/22/99, effective 9/3/99]

[Filed emergency 7/14/00 after Notice 5/3/00—published 8/9/00, effective 7/14/00]

[Filed 6/8/01, Notice 4/4/01—published 6/27/01, effective 8/1/01]

[Filed 11/6/03, Notice 9/3/03—published 11/26/03, effective 12/31/03]

[Filed ARC 1944C (Notice ARC 1764C, IAB 12/10/14), IAB 4/1/15, effective 5/6/15]

[Filed ARC 4319C (Notice ARC 4196C, IAB 1/2/19), IAB 2/27/19, effective 4/3/19]

[Filed ARC 5094C (Notice ARC 4959C, IAB 3/11/20), IAB 7/15/20, effective 8/19/20]

[Filed ARC 5643C (Notice ARC 5414C, IAB 2/10/21), IAB 6/2/21, effective 7/7/21]

[Filed ARC 8412C (Notice ARC 8180C, IAB 8/7/24), IAB 11/27/24, effective 1/1/25]

CHAPTER 2
LOAN PROGRAMS

Rescinded **ARC 9029C**, IAB 3/19/25, effective 4/23/25

CHAPTER 3
MULTIFAMILY HOUSING

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/26/30

265—3.1(16) Purpose. Through the multifamily loan program (program) established pursuant to this chapter, the authority seeks to preserve the existing supply of affordable rental units at risk of being lost and to foster the production of new affordable rental units in the state.

[ARC 8901C, IAB 2/19/25, effective 3/26/25]

265—3.2(16) Application procedure. Applications will be reviewed by the authority upon receipt.

[ARC 8901C, IAB 2/19/25, effective 3/26/25]

265—3.3(16) Eligibility.

3.3(1) Eligible applicants. As determined by the authority, to be eligible for a loan under the program, applicants shall:

- a. Demonstrate a market need for the units.
- b. Agree to observe certain compliance measures, including a recorded agreement to ensure long-term affordability.
- c. Obtain a local contributing effort in an amount of up to 1 percent of the proposed loan when requested by the authority.
- d. Agree to a change of management, general partner, or managing member when requested by the authority.
- e. Agree to Multifamily Accelerated Processing (MAP) of the U.S. Department of Housing and Urban Development (HUD), when requested by the authority.
- f. Agree to participate in the HUD Risk-Sharing Program, when requested by the authority.
- g. Execute such documents and instruments as may be required by the authority.
- h. Provide such information, certificates and other items requested by the authority.
- i. Obtain a title guaranty certificate from the authority's title guaranty division protecting the authority's interest in the real property securing the loan, including any endorsements required by the authority, unless specifically waived by the authority.

3.3(2) Eligible projects. As determined by the authority, to be eligible for a loan under the program, projects shall:

- a. Be financially feasible for at least the term of the assistance.
- b. Have adequately funded replacement and operating reserve funds.
- c. Consist of at least five housing units.
- d. For the term of the loan, reserve at least 75 percent of the housing units for tenants whose income is at or below 80 percent of the area median income and whose rent is no more than 30 percent of the income of a family whose annual income is 80 percent or less of the area median income.

3.3(3) Loan terms.

- a. Loans under this program may have a maximum loan term of 24 months for construction financing and 40 years for permanent financing.
- b. Other terms and conditions of loans under this program may vary from project to project.

3.3(4) Maximum loan fees are as follows:

- a. Commitment fee (construction period) - 1.0 percent of total development costs.
- b. Commitment fee (permanent loan) - 2.0 percent of loan amount.
- c. Inspection fee (construction period) - \$500 per inspection; inspections will typically occur with each draw or on a monthly basis during construction.
- d. Application fee - 0.3 percent of proposed loan amount.
- e. Asset management fee - calculated as \$25 per unit × number of total project units; submitted annually on or before January 31.
- f. The authority may, in limited cases, reduce such fees if necessary in connection with assistance provided under this program.

[ARC 8901C, IAB 2/19/25, effective 3/26/25]

265—3.4(16) Multifamily loan program for workforce housing loan assistance.

3.4(1) Eligible applicants. To be eligible for a loan under this rule (the “primary loan”), applicants shall:

- a. Be an Iowa city or county (the “borrower”).
- b. Agree to use the primary loan proceeds to make a loan to a third party to build housing in the applicant’s jurisdiction that meets the requirements of this rule and subrules 3.3(1), 3.3(3), and 3.3(4) (the “secondary loan”).

3.4(2) Eligible projects. As determined by the authority, to be eligible for a loan under this rule, projects shall:

- a. Be financially feasible for at least the term of the assistance.
- b. Have adequately funded replacement and operating reserve funds.
- c. Consist of at least five housing units.
- d. For the term of the loan, reserve at least 50 percent of the housing units rehabilitated or created with the proceeds of the secondary loan for families whose annual income at the time of leasing is at or below 120 percent of the area median income and whose rent is no more than 30 percent of the income of a family whose annual income is 120 percent or less of the area median income unless the authority agrees otherwise.
- e. Preference shall be given to cities and counties that can document an increased need for housing as the result of new job creation within the city’s or the county’s jurisdiction.

3.4(3) Loan terms.

- a. The primary loan is a general obligation of the borrower, but may be unsecured.
- b. The borrower shall use funds received in repayment of the secondary loan first to make the scheduled principal and interest payments on the primary loan. Any secondary loan payments remaining after all then-due scheduled payments on the primary loan have been repaid may be reloaned by the borrower on the same basis as if such secondary loan payment amounts were proceeds of the primary loan.

[ARC 8901C, IAB 2/19/25, effective 3/26/25]

265—3.5(16) Authority analysis of applications. Authority staff will analyze and underwrite each potential project and will make recommendations for funding assistance to the board of directors of the authority. Meeting the eligibility criteria in these rules is not a guaranty of receiving funds. Authority staff will determine the necessary and appropriate procedures and processes for underwriting and analysis to further the purposes of this program. In addition, the authority anticipates that because of the complex nature of each transaction, and the particular sets of circumstances attributable to each particular application/transaction, the terms and conditions of loans will vary from project to project. The authority will make available its general operating procedures and guidelines for this program, as such may be revised from time to time.

[ARC 8901C, IAB 2/19/25, effective 3/26/25]

These rules are intended to implement Iowa Code section 16.5C(1).

[Filed 10/11/02, Notice 8/7/02—published 10/30/02, effective 12/4/02]

[Filed 5/9/03, Notice 4/2/03—published 5/28/03, effective 7/2/03]

[Filed 10/8/04, Notice 9/1/04—published 10/27/04, effective 12/1/04]

[Filed 8/12/05, Notice 5/25/05—published 8/31/05, effective 10/5/05]

[Filed 11/4/05, Notice 9/28/05—published 11/23/05, effective 12/28/05]

[Filed Emergency ARC 8078B, IAB 8/26/09, effective 8/7/09]

[Filed Emergency ARC 8789B, IAB 6/2/10, effective 5/12/10]

[Filed ARC 9028B (Notice ARC 8790B, IAB 6/2/10), IAB 8/25/10, effective 9/29/10]

[Filed ARC 1252C (Notice ARC 1144C, IAB 10/30/13), IAB 12/25/13, effective 1/29/14]

[Filed ARC 1946C (Notice ARC 1762C, IAB 12/10/14), IAB 4/1/15, effective 5/6/15]

[Filed ARC 8901C (Notice ARC 8232C, IAB 10/2/24), IAB 2/19/25, effective 3/26/25]

CHAPTER 4
GENERAL REVENUE BOND PROCEDURES
Rescinded **ARC 9029C**, IAB 3/19/25, effective 4/23/25

CHAPTER 5
DEBARMENT FROM PARTICIPATION IN AUTHORITY
PROGRAMS AND TRANSACTIONS

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/3/30

265—5.1(16) Definitions.

“Affiliate” means any entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another entity or person. “Control” as used in this definition means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of an enterprise through ownership, by contract or otherwise. A voting interest of 10 percent or more creates a rebuttable presumption of control.

“Authority” means the Iowa finance authority created in Iowa Code section 16.1A.

“Debar” or *“debarment”* means action taken by the authority to prohibit a person from receiving an award of financial assistance or from being selected as a vendor pursuant to Iowa Code section 16.5E and this chapter.

“Director” means the director of the authority.

“Person” means the same as defined in Iowa Code section 4.1(20).

“Principal” means an officer, director, or owner.

“Respondent” means a person the authority intends to debar or has debarred.

“Vendor” means a person who provides goods or services to the authority.

[ARC 9654C, IAB 10/29/25, effective 12/3/25]

265—5.2(16) Factors considered.

5.2(1) The authority may debar a person in any of the circumstances listed in Iowa Code section 16.5E(1). The authority will consider the following factors to determine whether debarment is warranted:

a. Whether the person had effective standards of conduct and internal control systems in place at the time the cause for debarment occurred or has adopted such procedures.

b. Whether the person brought the cause for debarment to the attention of the authority in a timely manner.

c. Whether the person has fully investigated the circumstances surrounding the cause for debarment and, if so, has made the result of the investigation available to the authority.

d. Whether the person cooperated fully with the authority or other government agencies during any investigation or court or administrative action related to the cause for debarment.

e. Whether the person has paid or has agreed to pay all applicable criminal, civil, and administrative liability relating to the cause for debarment, including any investigative or administrative costs incurred by the authority, and has made or agreed to make full restitution as applicable.

f. Whether the person has taken appropriate disciplinary action against the individuals responsible for the cause for debarment.

g. Whether the person has implemented or agreed to implement remedial measures, including any identified by the authority.

h. Whether the person has had adequate time to eliminate the circumstances that led to the cause for debarment.

i. Whether the person or relevant principals in an organization recognize and understand the seriousness of the misconduct giving rise to the cause for debarment.

j. Whether the federal government, another state, or another state agency has issued a debarment or other prohibition comparable to debarment based on the same or similar conduct that constitutes cause for debarment by the authority.

k. Any other factors deemed relevant to the cause for debarment by the authority.

5.2(2) The existence or nonexistence of any mitigating factors or remedial measures, including those set forth in subrule 5.2(1), is not necessarily determinative of whether the authority will debar a person.

[ARC 9654C, IAB 10/29/25, effective 12/3/25]

265—5.3(16) Debarment procedure.

5.3(1) Upon receipt of information that a person has engaged in conduct that could constitute cause for debarment, the director will determine whether to debar the person based on all information available to the authority or whether additional information is required to make such a determination.

5.3(2) If the director determines debarment is warranted, the person and any affiliates, principals, or employees to be debarred will be given prompt notice in writing of the following:

a. That the person is debarred and the identity of any affiliates, principals, or employees who are debarred;

b. The circumstance(s) in Iowa Code section 16.5E(1) relied on by the authority to impose debarment;

c. The conduct or information upon which the debarment is based;

d. The period of debarment, including effective dates; and

e. The effect of the proposed debarment, including identification of authority programs or transactions to which the debarment applies.

5.3(3) If the director determines that additional information is required, the person and any affiliates, principals, or employees who may be debarred will be given prompt notice in writing of the following:

a. That debarment is being considered;

b. The circumstance(s) in Iowa Code section 16.5E(1) relied on by the authority to propose debarment;

c. The conduct or information upon which the proposed debarment is based;

d. The period of proposed debarment, including effective dates;

e. The effect of the proposed debarment, including identification of authority programs or transactions to which the debarment may apply; and

f. The additional information sought by the authority to determine whether debarment is warranted, when the respondent must provide such information, and the effect of failure to provide such information to the satisfaction of the authority.

5.3(4) After following the procedure identified in subrule 5.3(3), the director will promptly notify in writing the person and any affected affiliates, employees, or principals whether debarment is imposed. If debarment is imposed, notification will be provided in accordance with subrule 5.3(2).

5.3(5) The authority may, in its discretion, enter into an agreement with a person establishing terms and conditions for continued or future participation in authority programs or transactions in lieu of debarment.

[ARC 9654C, IAB 10/29/25, effective 12/3/25]

265—5.4(16) Period and scope of debarment.

5.4(1) Debarment will be for a period commensurate with the acts or omissions of the person to be debarred. A person will not be debarred for an initial period that exceeds three years. The authority may impose an additional period of debarment if, prior to the expiration of an initial period of debarment, the authority determines an additional period of debarment is warranted.

5.4(2) A person may be debarred from one or more authority programs or transactions or from all authority programs and transactions.

[ARC 9654C, IAB 10/29/25, effective 12/3/25]

265—5.5(16) Request for review and response.

5.5(1) A person that has been debarred by the authority may request a review of the authority's determination pursuant to Iowa Code section 16.5E(3). The request may include any information relevant to demonstrate that the authority's determination was based on a clear error of material fact or law or that the authority's determination was arbitrary, capricious, or an abuse of discretion.

5.5(2) The authority will issue a decision on the request for review in accordance with Iowa Code section 16.5E(3).

[ARC 9654C, IAB 10/29/25, effective 12/3/25]

265—5.6(16) Request for reinstatement after debarment.

5.6(1) A person that has been debarred may submit a request for reinstatement during the period of debarment if:

- a.* New information becomes available that is relevant to the cause for debarment and that was not previously discoverable;
- b.* Criminal charges or civil or administrative actions related to the cause for debarment have been dismissed or a criminal conviction or civil judgment related to the cause for debarment has been reversed;
- c.* A debarment or comparable prohibition imposed by the federal government, another state, or another state agency upon which the authority debarment was based has been reversed;
- d.* A bona fide change in ownership or management of the person debarred has occurred; or
- e.* The person is able to supply other proof that the causes for debarment have been eliminated.

5.6(2) A request for reinstatement must be submitted to the director. The petition must be accompanied by written evidence that supports the request.

5.6(3) The authority will issue a decision on a request for reinstatement within 60 calendar days of the receipt of the request. The authority may approve, deny, or modify the debarment based on all information available to the authority and based upon the factors identified in rule 265—5.2(16). The authority shall issue its decision in writing and provide written notice of the decision to the person and any affected affiliates, principals, or employees.

[ARC 9654C, IAB 10/29/25, effective 12/3/25]

265—5.7(16) Additional remedies. The authority may impose additional consequences for a cause for debarment that are allowed under any authority programs in which a debarred person is participating or any existing agreements between the authority and a debarred person.

[ARC 9654C, IAB 10/29/25, effective 12/3/25]

These rules are intended to implement Iowa Code section 16.5E.

[Filed ARC 9654C (Notice ARC 9459C, IAB 8/6/25), IAB 10/29/25, effective 12/3/25]

CHAPTER 6
GROUP HOME FACILITIES LOAN PROGRAM
Rescinded **ARC 1948C**, IAB 4/1/15, effective 5/6/15

CHAPTER 7
CONTESTED CASES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 8
PRIVATE ACTIVITY BOND ALLOCATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/14/31

265—8.1(7C) Authority. Pursuant to Iowa Code section 7C.12, the governor has appointed the director of the authority as the governor's designee responsible for administering the procedures for allocation of private activity bonds. The governor's designee adopts this chapter pursuant to Iowa Code section 7C.12(2) "a."

[ARC 9820C, IAB 12/10/25, effective 1/14/26]

265—8.2(7C) Definitions.

"Allocation" means the same as defined in Iowa Code section 7C.3.

"Application" means a request submitted for an allocation.

"Authority" means the Iowa finance authority created pursuant to Iowa Code section 16.1A.

"Beneficiary" means an entity that is intended to benefit from issuance of a bond by an issuer.

"Governor's designee" means the same as defined in Iowa Code section 7C.3.

"Issuer" means a political subdivision that proposes to issue bonds for a particular project or purpose for which an allocation of the state ceiling is required and has not already been made under Iowa Code section 7C.4A(1) through 7C.4A(5).

"Political subdivision" means the same as defined in Iowa Code section 7C.3.

"Private activity bonds" means the same as defined in Section 141 of the Internal Revenue Code.

"State ceiling" means the same as defined in Iowa Code section 7C.3.

[ARC 9820C, IAB 12/10/25, effective 1/14/26]

265—8.3(7C) Forms and applications. Information and forms are available upon request from the governor's designee at the address set forth in rule 265—1.3(16) or on the authority's website.

8.3(1) An issuer or beneficiary, or the duly authorized agent of an issuer or beneficiary, must apply for the allocation of a portion of the private activity bond state ceiling allocated pursuant to Iowa Code chapter 7C in the form and content prescribed by the governor's designee. Applications may be submitted to the governor's designee electronically or via email.

8.3(2) The governing body of an issuer must adopt a resolution evidencing an intent to issue the bonds prior to submission of an application.

8.3(3) An applicant must submit the application fee set forth in rule 265—8.7(7C) and all required attachments to the application before such application is considered for allocation.

8.3(4) Except as provided in subrules 8.3(5) and 8.4(4), the governor's designee shall certify allocations in the order in which applications are received, as indicated in Iowa Code section 7C.5. Applications for any given calendar year may be submitted to the governor's designee beginning on December 1 of the preceding year.

8.3(5) The portion of the state ceiling allocated pursuant to Iowa Code section 7C.4A(1)"a"(4) shall be allocated pursuant to subrule 8.4(4).

[ARC 9820C, IAB 12/10/25, effective 1/14/26]

265—8.4(7C) Certification of current allocation.

8.4(1) The governor's designee shall maintain separate lists of applications for private activity bonds for allocation pursuant to Iowa Code section 7C.4A(2), 7C.4A(4), 7C.4A(5), and 7C.4A(7). If there are additional applications after the state ceiling for the purpose of industries is fully allocated and, before June 30, the state ceiling for the use of political subdivisions is fully allocated to applications, all applications that have not been allocated any state ceiling will be placed on the list for allocation pursuant to Iowa Code section 7C.4A(7) in the chronological order of receipt without regard to the purpose for which such applications were made.

8.4(2) The governor's designee shall promptly certify to the issuer the amount of the state ceiling allocated to the bonds for the purpose of the project for which the application was submitted, in the order

as determined by Iowa Code chapter 7C. The governor's designee shall continue to allocate the state ceiling for each purpose separately (or, if the allocation is made under Iowa Code section 7C.4A(7), in the chronological order of applications received) until all the available state ceiling for that purpose is fully allocated. If there is not sufficient available state ceiling to fully fund an application that is next in order for allocation, the governor's designee shall notify the applicant of the amount that is available and the applicant shall have the option to take what is available within five calendar days of receiving notice of availability. If the applicant does not notify the governor's designee of its decision to take the available allocation within five calendar days of receiving notice of that option, the available state ceiling shall be offered to the next application on the list under the same conditions, and the initial offeree will maintain its position on the list. If the partial allocation is accepted, the applicant may submit a new application for additional state ceiling and that application will be added to the bottom of the applicable list in the chronological order of its receipt.

8.4(3) If the bonds are issued and delivered prior to the expiration date of the allocation, then the issuer or the issuer's attorney shall within ten days following the issuance and delivery of the bonds notify the governor's designee in the form and content prescribed by the governor's designee.

8.4(4) Upon receipt of a complete application for allocation for a qualified residential rental project, the bonds for which will be issued by the authority, the authority may determine in its sole discretion whether to allocate a portion of its allocation under Iowa Code section 7C.4A(1) "a"(4) to such application based on factors including but not limited to the readiness, feasibility, and impact of the project.

[ARC 9820C, IAB 12/10/25, effective 1/14/26]

265—8.5(7C) State ceiling carryforwards. In the event the aggregate principal amount of bonds issued by all issuers in a calendar year is less than the state ceiling for that calendar year, an issuer or beneficiary may apply to the governor's designee for an allocation of a specified portion of the excess state ceiling to be applied to a specified carryforward project. The application must be in writing and shall comply with the carryforward provisions of Section 146(f) of the Internal Revenue Code and regulations promulgated under that section. Any carryforward allocation that has not expired under Section 146 of the Internal Revenue Code released by the original applicant may be allocated to any other applicant for allocation for the same purpose for which the original application was made.

[ARC 9820C, IAB 12/10/25, effective 1/14/26]

265—8.6(7C) Expiration of allocations and resubmission. Allocations expire as described in Iowa Code sections 7C.7 and 7C.9. If an allocation expires, an issuer may resubmit its application pursuant to Iowa Code section 7C.10.

[ARC 9820C, IAB 12/10/25, effective 1/14/26]

265—8.7(7C) Use by political subdivisions. For the purposes of the amount of the state ceiling allocated pursuant to Iowa Code section 7C.4A(6), a political subdivision will be considered to use the proceeds of private activity bonds if such proceeds are used to finance a project owned or utilized directly by the political subdivision or to finance a program of the political subdivision that the legislature by statute has authorized or directed the political subdivision to implement.

[ARC 9820C, IAB 12/10/25, effective 1/14/26]

265—8.8(7C) Application and allocation fees. The governor's designee may charge reasonable fees for providing administrative assistance with regard to the filing of applications and the allocation of the private activity bond state ceiling in accordance with this chapter. A fee of 2 basis points (.02%) of the amount of state ceiling for which application is made shall be paid by the applicant upon filing the application with the governor's designee.

[ARC 9820C, IAB 12/10/25, effective 1/14/26]

265—8.9(7C) References. All references to the Internal Revenue Code and its implementing regulations in this chapter are to the laws as in effect January 14, 2026.

[ARC 9820C, IAB 12/10/25, effective 1/14/26]

These rules are intended to implement Iowa Code chapter 7C.

[Filed emergency 10/18/85—published 11/6/85, effective 10/18/85]

[Filed 3/19/91, Notice 10/17/90—published 4/3/91, effective 5/8/91]

[Filed emergency 12/20/00 after Notice 11/15/00—published 1/10/01, effective 12/20/00]

[Filed emergency 8/1/08—published 8/27/08, effective 8/1/08]

[Filed ARC 7579B (Notice ARC 7101B, IAB 8/27/08), IAB 2/25/09, effective 4/1/09]

[Filed ARC 4210C (Notice ARC 4087C, IAB 10/24/18), IAB 1/2/19, effective 2/6/19]

[Filed ARC 9820C (Notice ARC 9534C, IAB 9/3/25), IAB 12/10/25, effective 1/14/26]

CHAPTER 9
TITLE GUARANTY DIVISION

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/17/31

265—9.1(16) Definitions. The following words and phrases, when used in this chapter, shall have the meanings set forth below unless a meaning is inconsistent with the manifest intent or the context of a particular rule:

“*Abstract*” means a written or electronic summary of all matters of record affecting title to a specific parcel of real estate prepared in accordance with abstract minimum standards adopted by the division; provided, however, that for nonpurchase transactions, “abstract” may also mean a written or electronic short-form summary setting forth the titleholders, liens, and encumbrances in accordance with guidelines adopted by the division.

“*Abstractor*” means a person who is engaged in the practice of searching public records for the purpose of creating abstracts.

“*Authority*” means the Iowa finance authority established by Iowa Code chapter 16.

“*Authority board*” means the board of directors of the authority created pursuant to Iowa Code section 16.2.

“*Certificate*” means the form used to guarantee title, including any part or schedule thereof and any endorsements thereto.

“*Claim*” means loss or damage or potential loss or damage arising by reason of a matter actually, possibly, or allegedly within the coverage of a commitment, certificate, closing protection letter, mortgage release certificate, or by reason of any other matter for which the division is actually, possibly, or allegedly liable.

“*Claim loss*” means amounts paid by the division in the investigation and resolution of a claim, including but not limited to payments to the guaranteed, payments to adverse claimants, attorneys’ fees, and all other expenses and costs related to or arising from the claim.

“*Closing protection letter*” means the division’s written agreement to indemnify a lender or borrower or both for loss caused by a participating closer’s theft of settlement funds or failure to comply with written closing instructions relating to title certificate coverage when agreed to by the participating closer.

“*Commitment*” means the division’s written offer to issue a certificate and any endorsements thereto.

“*Division*” means Iowa title guaranty, a division of the authority.

“*Field issuer*” means a participant authorized by the division to issue commitments and certificates.

“*Mortgage release certificate*” means a certificate of release or a certificate of partial release issued by the division pursuant to Iowa Code section 16.92.

“*Participant*” means a participating attorney, a participating abstractor, or a participating closer.

“*Participating abstractor*” means an abstractor who is authorized by the division to prepare abstracts for division purposes.

“*Participating attorney*” means an attorney licensed to practice law in the state of Iowa who is authorized by the division to prepare title opinions for division purposes.

“*Participating closer*” means any of the following authorized by the division to issue a closing protection letter: an Iowa licensed attorney disbursing funds through an interest on a lawyer trust account, a closing agent licensed by the Iowa division of banking, or a real estate broker licensed by the Iowa real estate commission disbursing funds through a real estate trust account.

“*Party*” means a participant, or any other person, who has a contractual relationship with the division to provide services for which a claim may be brought against the division.

“*Person*” means an individual or legal entity, including a corporation, a limited liability company, a government or governmental subdivision or agency, a business trust, an estate, a trust, a partnership or association, or any other legal entity.

[ARC 0262D, IAB 5/13/26, effective 6/17/26]

265—9.2(16) Mission. The mission of the division is to operate a program that offers guaranties of real property titles in order to provide, as an adjunct to the abstract-attorney’s title opinion system, a low-cost

mechanism to facilitate mortgage lenders' participation in the secondary market and add to the integrity of the land-title transfer system in the state of Iowa and to perform other duties as assigned by Iowa law.

[ARC 0262D, IAB 5/13/26, effective 6/17/26]

265—9.3(16) Organization. The office of the division is located at the address set forth in rule 265—1.3(16). Office hours are 8 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays. The division's website address is www.iowatitleguaranty.com, and the division's telephone number is 515.452.0484. The division's email address is titleguaranty@iowafinance.com. Inquiries, submissions, applications and other requests for information may be directed to the division by the methods set forth herein.

[ARC 0262D, IAB 5/13/26, effective 6/17/26]

265—9.4(16) Operation. The division offers guaranties of real property titles in the state through the issuance of commitments and certificates.

9.4(1) Commitments, certificates, forms and manuals. The terms, conditions, and form of commitments and certificates shall be approved by the authority board. The division may adopt and use manuals and other forms as the division deems necessary for implementation and administration of the title guaranty program.

a. The division will provide forms to a participant for use in issuing commitments and certificates on behalf of the division. A participant may not alter any form supplied by the division or use a form supplied by another person to bind the division. In addition, the participant shall not transfer or attempt to transfer unissued commitments or certificates to another participant or other person unless authorized in writing by the division.

b. In addition to the division's other rights and remedies, the division may refuse to allow the participant access to any forms until the participant complies with the requirements of this chapter to the satisfaction of the division.

c. A participant shall be liable to the division for loss or damage sustained by the division by reason of the failure of the participant to comply with the requirements of this rule.

9.4(2) Application for commitments and certificates. The division will make an application for commitments and certificates available on the division's website.

9.4(3) Rates. Rates for commitments, certificates and closing protection letters shall be set pursuant to Iowa Code section 16.91(1). In transactions involving extraordinary risk or unusual or unique endorsements, the division may assess additional charges.

[ARC 0262D, IAB 5/13/26, effective 6/17/26]

265—9.5(16) Participants.

9.5(1) General provisions. An applicant shall submit a participant application and the first year's annual fee and shall sign a participation agreement in order to be authorized to provide one or more services on behalf of the division.

9.5(2) Participant application. Applications for participation and renewal are available on the division's website. An applicant shall submit an application to provide one or more services on behalf of the division. If the applicant is approved as a participant, the participant is required to submit a renewal application annually.

9.5(3) Eligibility considerations. To determine whether to approve or deny a participant application, factors the division may consider include but are not limited to the following:

- a.* The needs of the public and the needs of existing or potential customers of the applicant.
- b.* A history of the operation and management of the applicant's business.
- c.* The character, fitness, financial responsibility and experience of the applicant and the applicant's employees.
- d.* A credit report or criminal background check of the applicant or the applicant's employees.
- e.* A record of default in the payment of moneys collected for others by the applicant or the applicant's employees.

f. A history of discharge of debts by the applicant or the applicant's employees through bankruptcy proceedings.

g. Compliance with the title and settlement best practices adopted by the division.

h. Other factors as determined by the division.

9.5(4) *Participation agreement.* The participation agreement sets forth the contractual relationship between the participant and the division. A new participation agreement is executed annually and when otherwise required by the division.

9.5(5) *Annual fee.* A participant may be required to pay an annual fee of \$75, set pursuant to Iowa Code section 16.91(4).

9.5(6) *Agent relationship.* A participant is only authorized to act as an agent of the division for the purposes and in the manner set forth in the participant's participation agreement, the Iowa Code, these rules, manuals and any other written instructions given by the division. The authority of a participant to act as an agent of the division is not exclusive and is subject to the rights of the authority, the division, and other participants, agents, or representatives of the division.

9.5(7) *Conflict of interest.* A participant shall not, without prior authorization of the division, prepare an abstract or issue a title opinion, commitment, certificate, or closing protection letter for a transaction in which the participant has a personal or financial interest in the real estate that is the subject of that transaction.

9.5(8) *Clearance of title objections.* All title objections must be cleared in accordance with applicable division manuals and any other written instructions given by the division prior to the issuance of a certificate. Any underwriting determination about which there may be a bona fide difference of opinion among attorneys, which is not specifically addressed by division manuals or instructions, shall be approved by the division in writing.

9.5(9) *Commitment and certificate coverage limitations.* A field issuer shall obtain written authorization from the division prior to issuing a commitment or certificate that exceeds the allowable maximum amount of coverage as determined by the division. If authorization under this subrule is not obtained through the act or omission of the field issuer, the field issuer shall be strictly liable to the division for any loss or damage resulting from issuance of the commitment, closing protection letter, or certificate.

9.5(10) *Document retention.* A participant shall maintain transaction files in such a manner that information pertaining to activities of the participant is readily available to the division while protecting confidential client information. A participant shall retain files for a period of ten years after the issued date of the certificate or the issued date of the commitment if a certificate is not issued.

9.5(11) *Training.* The division may require a participant and the participant's staff to participate in training sessions or continuing education seminars as deemed necessary by the division to ensure compliance with division requirements and procedures.

9.5(12) *Compliance.* Participants shall comply with the Iowa Code, these rules, the participation agreement, manuals, and any other written instructions given by the division. The division may audit the participant, with or without notice, for verification of compliance. An audit may include but not be limited to a review of the participant's abstracts, title opinions, commitment and certificate issuance procedures, a test of title plants and tract indices, and a review of closing policies and procedures and escrow account details.

9.5(13) *Revocation.* The division may revoke a participant's authorization to provide services on behalf of the division for reasons, including but not limited to the following:

a. Failure to comply with the terms and conditions of the participation agreement.

b. Failure to submit an annual renewal application.

c. Knowingly withholding or misrepresenting material facts relied upon by the division.

d. Fraud, theft, dishonesty, or misappropriation of funds or documents.

e. Deterioration of the participant's financial condition adversely affecting the participant's ability to provide services on behalf of the division.

f. A finding by the division director of material noncompliance with the Iowa Code, these rules, manuals, and any other written instructions given by the division.

g. Other factors as determined by the division.

265—9.6(16) Services offered.

9.6(1) Abstracting. Abstracts utilized for division purposes must be prepared by a participating abstractor.

a. Title plant. A participating abstractor shall own and maintain, or lease and use, a title plant, including tract indices for each county in which that participating abstractor prepares abstracts for division purposes, unless exempt under Iowa Code section 16.91(5)“a”(2) and paragraph 9.6(1)“c” or authorized under Iowa Code section 16.91(5)“b” and paragraph 9.6(1)“d.” Each of the tract indices shall be designated to encompass a geographical area of not more than one block in the case of platted real estate, nor more than one section in the case of unplatted real estate. The tract indices shall include a reference to all of the instruments affecting real estate recorded in the office of the county recorder, and the tract indices shall commence not less than 40 years prior to the effective date of the abstractor’s participation in the title guaranty program. A government-maintained and -controlled database is not considered a title plant for division purposes.

b. Intent to build title plant. The division may authorize an abstractor who is building or who intends to build a title plant to prepare abstracts for division purposes upon review of the following:

- (1) The abstractor’s business plan;
- (2) Evidence that a title plant will be built for a specific county or counties within three years of authorization;
- (3) A timeline for completion of the title plant; and
- (4) A description of the applicant’s abstracting experience.

c. Exemption. The exemption available pursuant to Iowa Code section 16.91(5)“a”(2) is unique to the participating attorney, is nontransferable, and terminates at such time as the participating attorney ceases providing abstracts for division purposes or upon the death or incapacity of the participating attorney.

d. Title plant waivers. The division recognizes the 40-year title plant as the preferred method of providing title evidence for the purpose of issuing commitments and certificates. The division must weigh the benefits of the traditional title plant with other alternatives to ensure buyers and lenders a high quality of certificates throughout the state, rapid service, and a competitive price.

(1) General provisions. The division shall consider an application for a title plant waiver upon submission by an attorney or an abstractor.

(2) Submission of application. The division shall accept applications in the same manner as provided in subrule 9.5(2).

(3) Content of application. The applicant must provide, at a minimum, the following information:

1. The name, business address, email address, and telephone number of the applicant;
2. The applicant’s business plan;
3. The county or counties in which the applicant intends to abstract;
4. A description of the applicant’s abstracting experience;
5. Samples of abstracts prepared by the applicant;
6. A history of any professional disciplinary action against the applicant;
7. Professional references in support of the applicant;
8. The relevant facts that the applicant believes would justify a waiver under Iowa Code section 16.91(5)“b”; and

9. A signed statement from the applicant attesting to the accuracy of the facts provided in the application.

(4) Notification and response.

1. The division shall notify the applicant upon receipt of a complete application.
2. The Iowa State Bar Association and Iowa Land Title Association shall be provided notice of an application. Provision of the notice to the identified associations is not a requirement for the division to consider the application, and failure to inform an interested person of an application shall not void or otherwise nullify any action or decision of the division.

(5) Conditions. A waiver is unique to the recipient and is nontransferable. The division may limit a waiver as to county, transaction type, duration, or any other limitation. The division may require a waiver

recipient to provide a guarantee, performance bond, or other form of indemnification as assurance for abstracts prepared by the waiver recipient on behalf of the division. The division may review the waiver annually and may require a renewal, modification or addition to any required assurances. An applicant may only retain a waiver if the applicant continues to meet the requirements for a participant in rule 265—9.5(16). If the waiver recipient fails to meet the terms of the recipient's participation agreement, the waiver may be withdrawn by the division.

(6) **Withdrawal of a waiver.** A waiver issued by the division may be withdrawn or modified if, after public notice and authority board meeting, the authority board issues a written ruling finding any of the following:

1. That the waiver recipient knowingly withheld or misrepresented material facts relied upon by the division in granting the waiver; or
2. That the waiver recipient failed to comply with all conditions contained in the written ruling; or
3. That the abstracts prepared by the waiver recipient fail to meet the abstract minimum standards adopted by the division; or
4. That the division has revoked the waiver recipient's authorization to provide services on behalf of the division pursuant to subrule 9.5(13).

(7) The decision of the authority board shall be final agency action, and all appeals shall be filed with the Iowa district court for Polk County.

9.6(2) Issuing title opinions.

a. All title opinions shall be prepared by participating attorneys and issued in compliance with division procedures as specified in manuals and any other written instructions given by the division.

b. A participating attorney who is a field issuer may issue a commitment as the preliminary title opinion and the certificate as the final title opinion.

c. A participating attorney shall be licensed to practice law in the state of Iowa and shall be in good standing with the Iowa supreme court at all times while acting as an agent of the division.

9.6(3) Issuing commitments and certificates. Pursuant to a participation agreement with the division, a participant may be authorized to issue a commitment or certificate on behalf of the division. A participant's right to issue commitments and certificates is a privilege for the convenience of the division and may be terminated pursuant to terms of the participation agreement.

9.6(4) Issuing closing protection letters.

a. Pursuant to a participation agreement with the division, a participant may be authorized to issue a closing protection letter on behalf of the division.

b. The division may require the participating closer to provide an irrevocable letter of direction to the institution at which each escrow account is established, authorizing the division to review and audit the institution's records of such account at any time that the division, in its discretion, deems necessary.

[ARC 0262D, IAB 5/13/26, effective 6/17/26]

265—9.7(16) Claims.

9.7(1) Claim procedures. In the event of a claim, the rights of the division and a party are as follows:

a. Upon receipt of notice by a party of a claim, the party must notify the division in writing within three business days of receipt of information about a claim by the party and shall mail notification to the division by first-class mail at the division's address as set forth in rule 265—1.3(16) or provide notification by email.

b. When a party receives a request from the division for information with respect to a claim, the party shall supply to the division any documents, correspondence, surveys, abstracts of title, title searches, title opinions, other writings, or other information known by or available to the party and relevant to the claim, even if not specifically requested by the division.

c. A party shall cooperate fully in the investigation and resolution of a claim and shall supply any additional, new information that may come to the party's attention with such promptness as the circumstances permit.

d. The division may, with or without prior notice to the party or parties involved, investigate and resolve any claim in any manner that, in the division's sole discretion, the division may deem advisable.

9.7(2) Claim loss recovery.

a. Any claim losses paid are recoverable from a party by the division.

b. In the absence of knowledge by the party about the title defect or other matter causing the claim loss, the division shall not seek recovery from the party when a claim loss arises from one or more of the following:

(1) Hidden defects, including but not limited to forged deeds and mortgages, false affidavits, and false statements of marital status;

(2) Errors by public officials in maintaining and indexing the public records, including but not limited to errors by county assessors, recorders, clerks, and treasurers;

(3) Errors in these rules, manuals, and any other written instructions given by the division that the party relies upon in issuing an abstract, a title opinion, a commitment, a closing protection letter or a certificate;

(4) Errors in surveys provided by registered Iowa land surveyors that the party relies upon in issuing a certificate that provides survey coverage; or

(5) Underwriting determinations or title risks approved by the division prior to issuance of the abstract, title opinion, commitment, closing protection letter, or certificate.

c. The party shall reimburse the division for a claim loss when the division determines, in accordance with paragraph 9.7(2)“*d*,” that the party is liable and when the claim loss arises from one or more of the following:

(1) Errors by the party in the preparation of an abstract or any other report of information in the public record;

(2) Reliance by the party upon sources of title searches and other title information that had not been approved by the division at the time of the reliance;

(3) Errors made by the party in examining the title information provided in an abstract, a survey, an affidavit, or another source of title information;

(4) Errors made by the party in the preparation or review of an abstract, a title opinion, a commitment, a closing protection letter, or a certificate;

(5) Issuance of an abstract, a title opinion, a commitment, a closing protection letter or a certificate by the party with knowledge that title is defective; or

(6) Failure of the party to follow the Iowa Code, these rules, manuals, or any other written instructions given by the division.

d. Unless another rule, the Iowa Code, manuals, or any other written instruction given by the division provides for a different standard of liability or other rule for determining whether the party shall be liable for a claim loss, the division shall apply the following standards:

(1) In the event that a claim loss occurs for which the division may seek recovery from the party under subparagraph 9.7(2)“*c*”(1), the division may demand reimbursement from the party if the party was grossly negligent in preparing the abstract. Gross negligence includes the failure to make a search or the use of inadequate search procedures. Gross negligence under the preceding sentence includes but is not limited to failure to search certain indices, failure to search all names of parties with an interest in the real estate, or failure to search in all public offices required by the division search procedures or procedures used by prudent title searchers if the division has not established specific search procedures. In making its determination whether to seek recovery, the division may consider the complexity of the public record, the reliance of the party upon division-approved search procedures, the training and experience of the person who made the error, and the existence or nonexistence of previous search errors by the party.

(2) In the event that a claim loss occurs for which the division may seek recovery from a party under subparagraph 9.7(2)“*c*”(2), the division may demand reimbursement from that party if the party relied upon sources of abstracts or other title information that had not been approved by the division at the time of the reliance.

(3) In the event that a claim loss occurs for which the division may seek recovery from the party under subparagraph 9.7(2)“*c*”(3), the division may demand reimbursement from the party if the party negligently examined the title information used in making a title determination, failed to raise an appropriate exception, waived an exception, or endorsed a commitment or certificate.

1. The division may make full review of local county abstracting standards and title standards as a guide to determine whether the party has failed to meet the standard of skill and competence of an abstractor who prepares an abstract or an attorney who examines titles in the community where the claim arose.

2. The division may also consider whether the party followed the Iowa Code, these rules, manuals, or any other written instructions given by the division in examining the title.

3. In addition, the division may seek input from other parties in the community in which the claim arose as to the standard of care of an abstractor who prepares an abstract or of an attorney who examines titles in that community.

(4) In the event that a claim loss occurs for which the division may seek recovery from the party under subparagraph 9.7(2)“c”(4), the division may demand reimbursement from the party if the party negligently prepared or reviewed an abstract, a title opinion, a commitment, a closing protection letter, or a certificate.

(5) In the event that a claim loss occurs for which the division may seek recovery from the party under subparagraph 9.7(2)“c”(5), the division may demand reimbursement from the party if the issuance of the abstract, title opinion, commitment, closing protection letter, or certificate constituted fraud, concealment or dishonesty, or if the issuance of the abstract, title opinion, commitment, closing protection letter or certificate was based upon an underwriting decision on an unusual risk that was made without contacting the division for approval.

(6) In the event that a claim loss occurs for which the division may seek recovery from the party under subparagraph 9.7(2)“c”(6), the division may demand reimbursement from the party if the party failed to follow the Iowa Code, these rules, manuals, or any other written instructions given by the division with respect to the matter causing the claim loss.

(7) In the event the division seeks reimbursement from a party, the division shall state the basis of the reimbursement.

[ARC 0262D, IAB 5/13/26, effective 6/17/26]

265—9.8(16) Mortgage release certificate. Pursuant to Iowa Code section 16.92, the division is charged with the administration of a program to release, after proper notification, paid-off mortgages from real estate titles in Iowa by executing and filing with the county recorder a mortgage release certificate.

9.8(1) Application. The division will provide a mortgage release application on the division’s website.

9.8(2) Application fee. An applicant may be required to pay a fee of \$200 to apply for a mortgage release certificate. The fee shall be set by the division.

9.8(3) Maximum principal amount of mortgage. The authority board may set a maximum principal amount for mortgages that may be released by a mortgage release certificate.

9.8(4) Authority to sign certificate. A mortgage release certificate shall be executed by the division director or designee of the division director.

[ARC 0262D, IAB 5/13/26, effective 6/17/26]

265—9.9(16) Rules of construction. In this chapter, the following rules of construction shall be observed:

1. The word “shall” means mandatory and not permissive and the word “may” means permissive and not mandatory.

2. Nothing contained in this chapter shall be construed to require a participating attorney to disclose privileged information of a client to the division or to any other person.

3. Any rule that provides a specific remedy or sanction for violation of the rule shall not be construed as limiting the ability of the division to pursue and enforce other remedies or sanctions under this chapter, or otherwise against a participant or other person responsible or liable, either separately, concurrently, cumulatively, or in any combination, at the sole discretion of the division.

4. The failure of the division to enforce a right or remedy under this chapter, a statute, or common law shall not be construed as a waiver of such right or remedy either in the specific instance or in any other instance.

[ARC 0262D, IAB 5/13/26, effective 6/17/26]

These rules are intended to implement Iowa Code sections 16.2A, 16.4C, 16.5, 16.90 through 16.93, 17A.10 and 535.8.

[Filed 2/28/86, Notice 1/15/86—published 3/26/86, effective 4/30/86]
 [Filed 12/12/86, Notice 10/22/86—published 12/31/86, effective 2/4/87]
 [Filed 7/10/87, Notice 6/3/87—published 7/29/87, effective 9/2/87]
 [Filed 4/13/90, Notice 12/13/89—published 5/2/90, effective 6/6/90]
 [Filed 3/19/91, Notice 10/17/90—published 4/3/91, effective 5/8/91]
 [Filed emergency 9/3/99 after Notice 4/21/99—published 9/22/99, effective 9/3/99]
 [Filed emergency 11/12/99 after Notice 9/22/99—published 12/1/99, effective 11/12/99]
 [Filed emergency 7/14/00 after Notice 5/3/00—published 8/9/00, effective 7/14/00]
 [Filed 7/15/04, Notice 4/28/04—published 8/4/04, effective 9/8/04]
 [Filed emergency 2/9/06 after Notice 1/4/06—published 3/1/06, effective 2/9/06]
 [Filed emergency 5/5/06 after Notice 3/29/06—published 5/24/06, effective 5/5/06]
 [Filed 9/21/06, Notice 8/2/06—published 10/11/06, effective 11/15/06]
 [Filed emergency 4/3/07—published 4/25/07, effective 4/3/07]
 [Filed 7/10/08, Notice 6/4/08—published 7/30/08, effective 9/3/08][◇]
 [Filed 11/12/08, Notice 8/27/08—published 12/3/08, effective 1/7/09]¹
 [Editorial change: IAC Supplement 1/14/09]
 [Filed ARC 7892B (Notice ARC 7702B, IAB 4/8/09), IAB 7/1/09, effective 8/5/09]
 [Filed ARC 8458B (Notice ARC 8264B, IAB 11/4/09), IAB 1/13/10, effective 2/17/10]
 [Filed ARC 0826C (Notice ARC 0682C, IAB 4/3/13), IAB 7/10/13, effective 8/14/13]
 [Filed ARC 2506C (Notice ARC 2128C, IAB 9/2/15), IAB 4/27/16, effective 6/1/16]²
 [Filed ARC 4319C (Notice ARC 4196C, IAB 1/2/19), IAB 2/27/19, effective 4/3/19]
 [Filed ARC 9030C (Notice ARC 8466C, IAB 12/11/24), IAB 3/19/25, effective 4/23/25]
 [Filed ARC 0262D (Notice ARC 0039D, IAB 2/4/26), IAB 5/13/26, effective 6/17/26]

◇ Two or more ARCs

¹ Effective date of 9.7(2), definition of “Title plant” delayed 70 days by the Administrative Rules Review Committee at its meeting held December 9, 2008.

² June 1, 2016, effective date of the rescission of former 9.1 to 9.22 and the adoption of new 9.1 to 9.11 [ARC 2506C] delayed until the adjournment of the 2017 General Assembly by the Administrative Rules Review Committee at its meeting held May 10, 2016.

CHAPTER 10
MORTGAGE CREDIT CERTIFICATES

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/11/31

265—10.1(16) General.

10.1(1) *Authorization.* Mortgage credit certificates (MCCs) were authorized by Congress in the 1984 Tax Reform Act as a new concept for providing housing assistance. The Iowa finance authority (authority) may elect to allocate a portion of its mortgage revenue bonding authority for single-family housing toward an MCC program. The program will be made available to home buyers through participating Iowa lenders on a first-come, first-served basis.

10.1(2) *Federal income tax credit.* An MCC operates as a federal income tax credit. The MCC tax credit will reduce the federal income taxes of qualified home buyers purchasing qualified residences, in effect assisting buyers with their house payments.

10.1(3) *Application timing.* A purchaser of a new or existing single-family residence may apply for an MCC through a participating lender at the time of purchasing a home and obtaining financing through the lender. An MCC cannot be issued to a home buyer who is refinancing an existing mortgage or land contract nor can it be used in conjunction with a mortgage financed through a mortgage subsidy bond. MCCs will be made available to home buyers with generally the same noncredit eligibility requirements as are in effect for the authority's single-family mortgage program.

[ARC 9954C, IAB 1/7/26, effective 2/11/26]

265—10.2(16) Participating lenders.

10.2(1) Any lending institution as defined in Iowa Code section 16.1 may become a participating lender by entering into an MCC lender participation agreement with the authority. All other participating lenders may take applications for MCCs on loans closed after the effective date of the participation agreement.

10.2(2) The annual participation fee shall be:

- a. \$0 for a lender currently participating in the authority's first mortgage program.
- b. \$500 for a lender not participating in the authority's first mortgage program and with one to five branches listed on the authority's website.
- c. \$1,000 for a lender not participating in the authority's first mortgage program and with six or more branches listed on the authority's website.

[ARC 9954C, IAB 1/7/26, effective 2/11/26]

265—10.3(16) Eligible borrowers.

10.3(1) To be eligible to receive a mortgage credit certificate, an eligible borrower must, on the date the loan is closed:

- a. Be a resident of Iowa.
- b. Be a purchaser of a single-family residence who will occupy the single-family residence as a permanent, primary, principal residence located within the state.
- c. Have the legal capacity to incur the obligations of the loan.
- d. Agree not to rent the single-family residence any time during the term of the loan.

10.3(2) To the extent determined by the authority to ensure its MCCs will be qualified MCCs pursuant to a qualified MCC program, the authority shall require that the eligible borrower meet the requirements of 26 U.S.C. §25 and the rules and regulations promulgated thereunder, as well as the requirements set forth in the MCC program guide. Copies of the program guide are available from the authority.

[ARC 9954C, IAB 1/7/26, effective 2/11/26]

265—10.4(16) MCC procedures.

10.4(1) Applications for MCCs may be made with any participating lender. The applicant shall provide the lender with all information that is necessary to secure a mortgage loan and an MCC.

An applicant must meet the eligibility requirements set out in rule 265—10.3(16). If the eligibility requirements are met, the participating lenders may nonetheless deny a loan, subject to all reporting and disclosure requirements of applicable state and federal law, for any reason premised on sound lending practices, including underwriting risk evaluation, portfolio diversification, and limitations on restrictions on investments or available funds.

10.4(2) If the loan is approved, the terms of the loan, including interest rate, length of loan, down payment, fees, origination charge and repayment schedule, shall not be greater than those available to similar customers that do not make application for an MCC. However, the lender may collect a one-time MCC commitment fee, which may be paid by the borrower, the lender, or any other party. An MCC program application fee must accompany the MCC application and be submitted to the authority by the lender. The amount of the maximum allowable MCC commitment fee shall be \$250, and the amount of the MCC program application fee shall be:

- a. \$0 if the borrower currently uses an authority first mortgage product.
- b. \$500 if the borrower does not currently use an authority first mortgage product.

10.4(3) No MCC will be issued unless the requirements and procedures set out in the MCC program guide are complied with by all parties to the home sale and financing.

10.4(4) An MCC may be reissued at the sole discretion of the authority if the mortgagor refinances; however, the credit cannot be taken beyond the term of the original mortgage. No MCC shall be reissued unless:

- a. The borrower uses or continues to use the residence as its permanent, primary, principal residence; and
- b. All other requirements and procedures set out in the authority's MCC reissuance instructions are complied with, which reissuance instructions shall be posted on the authority's website.

[ARC 9954C, IAB 1/7/26, effective 2/11/26]

265—10.5(16) References. All references to the United States Code in this chapter are to the laws as in effect February 11, 2026. All references to the MCC program guide are to the MCC program section within the authority's Procedural Guide (The Single Family Department) dated March 2018. All references to the MCC reissuance instructions are to the Instructions for Requesting Reissuance of Mortgage Credit Certificates dated March 2019.

[ARC 9954C, IAB 1/7/26, effective 2/11/26]

These rules are intended to implement Iowa Code section 16.5(1) "e," "i," and "t."

[Filed 9/10/86, Notice 6/18/86—published 10/8/86, effective 11/12/86]

[Filed 3/19/91, Notice 10/17/90—published 4/3/91, effective 5/8/91]

[Filed ARC 1845C (Notice ARC 1724C, IAB 11/12/14), IAB 2/4/15, effective 3/11/15]

[Filed ARC 9954C (Notice ARC 9646C, IAB 10/29/25), IAB 1/7/26, effective 2/11/26]

CHAPTER 11
IOWA MAIN STREET LOAN PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/30

265—11.1(16) Definitions. As used in connection with the Iowa main street loan program, the following terms have the meanings indicated.

“*Authority*” means the Iowa finance authority created in Iowa Code section 16.1A.

“*Commercial property*” means property formerly or currently used primarily for business, retail, governmental or professional purposes.

“*Downtown area*” means the business area of a community that is centrally located within the community within the context of the Iowa main street program.

“*Housing*” means the same as defined in Iowa Code section 16.1(14).

“*Infill development*” means new construction on a vacant commercial lot currently held as open space.

“*Participating city*” means a city participating in the Iowa main street program.

“*Upper floor housing*” means any housing that is attached to or contained in the same building as commercial property, whether located on the ground floor behind the traditional storefront or on other floors of the property.

[ARC 8413C, IAB 11/27/24, effective 1/1/25]

265—11.2(16) Public benefit. Projects are approved for an Iowa main street loan if they demonstrate one of the following public benefits:

1. Rehabilitation of upper floor housing or commercial properties or new construction development on infill vacant lots located in the downtown area of a participating city;
2. Housing in downtown areas located in a participating city; or
3. Stimulation of downtown area economic development within the context of historic preservation of the downtown area in a participating city.

[ARC 8413C, IAB 11/27/24, effective 1/1/25]

265—11.3(16) Loan terms.

11.3(1) Amount of loans. The principal amount of each loan is between \$50,000 and \$250,000.

11.3(2) Term of loan. Loans are amortized over not more than 30 years; the actual term of the loan is determined by the authority depending on the economic feasibility of the project.

11.3(3) Interest rate. Interest is charged on the loan at a rate related to the authority’s cost of funds for the loan term as determined and announced by the authority from time to time.

11.3(4) Loan fee. The authority may charge a fee in the amount of 1 percent of the initial loan amount at closing.

[ARC 8413C, IAB 11/27/24, effective 1/1/25]

These rules are intended to implement Iowa Code sections 16.5(1)“r” and 16.51.

[Filed Emergency 6/8/01 after Notice 5/2/01—published 6/27/01, effective 6/8/01]

[Filed ARC 2046C (Notice ARC 1761C, IAB 12/10/14), IAB 6/24/15, effective 7/29/15]

[Filed ARC 5642C (Notice ARC 5412C, IAB 2/10/21), IAB 6/2/21, effective 7/7/21]

[Filed ARC 8413C (Notice ARC 8179C, IAB 8/7/24), IAB 11/27/24, effective 1/1/25]

CHAPTER 12
LOW-INCOME HOUSING TAX CREDITS
Rescinded **ARC 8902C**, IAB 2/19/25, effective 3/26/25

CHAPTER 13
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/23/30

265—13.1(16,22) Definitions. As used in this chapter:

“*Authority*” means the Iowa finance authority created in Iowa Code section 16.1A.

“*Confidential records*” means records, as identified in Iowa Code section 22.7 or any other provision of law, that are not disclosed to members of the public unless otherwise ordered by a court, by the custodian of the records, or by another person duly authorized to release the records. A record may be partially or wholly confidential.

“*Custodian*” means a lawful custodian as defined in Iowa Code section 22.1.

“*Open record*” means a record other than a confidential record.

“*Personally identifiable information*” means information about or pertaining to an individual in a record that identifies the individual and that is contained in a record system.

“*Record*” means the whole or a part of a “public record” as defined in Iowa Code section 22.1 that is owned by or is in the physical possession of the authority.

“*Record system*” means any group of records under the control of the authority from which a record may be retrieved by a personal identifier such as the name of an individual, number, symbol, or other unique retriever assigned to an individual.

“*Request for confidential treatment*” means a request, made pursuant to rule 265—13.4(16,22), for the authority to treat a record as a confidential record and withhold such record from public inspection.

[ARC 9031C, IAB 3/19/25, effective 4/23/25]

265—13.2(16,22) Requests for access to authority records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

265—13.3(16,22) Access to confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

265—13.4(16,22) Requests for confidential treatment. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

265—13.5(16,22) Additions, dissents or objections. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

265—13.6(16,22) Notices to suppliers of information. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

265—13.7(16,22) Disclosure of records—consent. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

265—13.8(16,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

265—13.9(16,22) Personally identifiable information.

13.9(1) The authority collects personally identifiable information pursuant to Iowa Code chapter 16, federal statutes and regulations governing federal programs and the issuance of debt by the authority, and other applicable laws. Personally identifiable information is stored by electronic and physical methods. The authority’s record systems do not match, collate or compare personally identifiable information in each system with personally identifiable information contained in other record systems. The authority’s record systems can collect, maintain and retrieve information by personal identifiers, including names, mailing addresses, and email addresses. This rule describes the nature and extent of personally identifiable

information that is collected, maintained and retrieved by the authority by personal identifier in record systems.

13.9(2) *Program records.* Records of persons or organizations participating in the authority's programs are collected by the authority. These records may contain information about individuals collected pursuant to specific federal or state statutes or regulations. Personally identifiable information, such as name, address, social security number and telephone number, may be included in these records when the applicant is an individual. Portions of program records may be confidential pursuant to Iowa Code section 22.7 or other applicable law.

13.9(3) *Correspondence.* Records of correspondence from persons outside the authority or sent to persons outside the authority may contain personally identifiable information provided by the sender or recipient of such correspondence. Portions of correspondence may be confidential pursuant to Iowa Code section 22.7 or other applicable law.

13.9(4) *Litigation files.* The authority maintains records regarding litigation or anticipated litigation, which includes judicial and administrative proceedings. These records contain materials that are confidential as attorney work product and attorney-client communications pursuant to Iowa Code sections 22.7(4), 622.10 and 622.11; Iowa Rule of Civil Procedure 1.503(3); Federal Rule of Civil Procedure 26(b)(3); the rules of evidence; the Code of Professional Responsibility; and case law. Some materials are confidential under other applicable provisions of law or as directed by a court order.

13.9(5) *Personnel files.* The authority maintains files containing information about employees, families and dependents, and applicants for positions with the authority. Portions of personnel files may be confidential pursuant to Iowa Code section 22.7(11).

13.9(6) *Bond records.* The authority maintains records related to bonds as provided in Iowa Code section 76.10. Such records may be confidential pursuant to Iowa Code section 22.7(17).

[ARC 9031C, IAB 3/19/25, effective 4/23/25]

265—13.10(16,22) Other groups of records. This rule describes groups of records maintained by the authority other than record systems. These records are routinely available to the public. All or portions of such records may contain confidential information pursuant to Iowa Code section 22.7 or other applicable law. The records are stored by electronic and physical methods.

13.10(1) *Rulemaking records.* Rulemaking records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4.

13.10(2) *Meeting records.* Agendas, minutes and materials presented to boards and other bodies associated with the authority are available from the authority, except those records concerning closed sessions that are exempt from disclosure under Iowa Code section 21.5(4) or that are otherwise confidential by law. Authority meeting records contain information about people who participate in meetings. The information is collected pursuant to Iowa Code section 21.3. This information is not retrieved by individual identifier.

13.10(3) *Publications.* News releases, annual reports, project reports, newsletters, and related documents are available from the authority. Authority news releases, project reports, and newsletters may contain information about individuals, including authority staff. This information is not retrieved by individual identifier.

13.10(4) *Statistical reports.* Periodic reports for various authority programs are available from the authority. Statistical reports do not contain personally identifiable information.

13.10(5) *Published materials.* The authority uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

13.10(6) *Policy manuals.* The authority employees' manual, containing procedures describing the authority's regulations and practices, is available. Policy manuals do not contain information about individuals.

13.10(7) *Other records.* All other records that are not exempt from disclosure by law are available from the authority.

[ARC 9031C, IAB 3/19/25, effective 4/23/25]

265—13.11(16,22) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code chapters 16 and 22.

[Filed emergency 8/19/88 after Notice 3/23/88—published 9/7/88, effective 8/19/88]

[Filed 3/19/91, Notice 10/17/90—published 4/3/91, effective 5/8/91]

[Filed ARC 4319C (Notice ARC 4196C, IAB 1/2/19), IAB 2/27/19, effective 4/3/19]

[Filed ARC 9031C (Notice ARC 8481C, IAB 12/11/24), IAB 3/19/25, effective 4/23/25]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 14
HOMELESS SHELTER ASSISTANCE PROGRAM
Rescinded IAB 4/6/11, effective 3/18/11

CHAPTER 15
PURCHASING

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/13/30

265—15.1(16) Applicability of competitive bidding.

15.1(1) Goods or services expected to cost more than \$50,000 in the aggregate will be obtained through a formal or informal competitive bidding process conducted by the authority or through the department of administrative services whenever such procurement is in the best interests of the authority as determined by the authority. Goods or services expected to cost \$50,000 or less in the aggregate may be obtained in any manner deemed appropriate by the authority.

15.1(2) Notwithstanding the foregoing, the authority may exempt any item from competitive bidding if the item is noncompetitive or is purchased in quantities too small to be effectively purchased through competitive bidding; if there is an immediate or emergency need for the item; if the purchase of the item facilitates compliance with set-aside procurement provisions; or if the director of the authority determines, in the director's sole discretion, that the authority's best interests will be served by exemption from the bidding process.

[ARC 9406C, IAB 7/9/25, effective 8/13/25]

265—15.2(16) Methods of obtaining bids or proposals used by the authority. Formal or informal bids or proposals may be obtained by one of the following methods.

15.2(1) Request for bids.

a. The authority may prepare a request for bids for providing the goods or services sought by the authority. The request may be shared on the state website for bid opportunities, shared on the authority's website, sent directly to vendors, or distributed in other means determined by the authority. The authority may use reverse auction methods to obtain goods and services.

b. The request for bids will include the due date and time of the bid opening, a description of the goods or services needed, and other information deemed necessary by the authority.

c. The authority will tabulate results as bids are opened.

d. The authority will make an award by the date identified in the request for bids. The price quoted by the vendors shall remain binding for the time period indicated in the request for bids. If an award is not made within the time frame indicated by the authority when requesting bids, all bids may be deemed rejected.

15.2(2) Informal bids.

a. The authority may obtain informal bids through use of a written bid form, in electronic format, or in other manners determined appropriate by the authority. The authority will describe the goods or services sought by the authority, the date by which bids must be submitted, the anticipated award date and other information deemed necessary by the authority. The authority may use reverse auction methods to obtain goods and services.

b. The authority will tabulate results as bids are opened.

c. If an award is not made within the time frame indicated by the authority when requesting bids, all bids may be deemed rejected.

15.2(3) Request for proposals. The authority may issue a request for proposals when cost is not the sole criterion for selection.

a. The authority will prepare a written request for proposals and submit the request to the department of administrative services for submission on the state website for bid opportunities. The authority may publicize a request through other means, including the authority's website or sending the request for proposals to selected vendors.

b. Requests for proposals will generally include the purpose of the request, the scope of work to be performed, submission requirements and due date, terms and conditions of an award, review criteria and the anticipated time frame for awarding a contract.

c. The authority will evaluate and rank proposals according to review criteria identified in the request for proposals. If an award is not made within the applicable time frame indicated by the authority when requesting proposals, all proposals may be deemed rejected.

[ARC 9406C, IAB 7/9/25, effective 8/13/25]

265—15.3(16) Contract purchases. The authority may enter into contract purchase agreements for items, groups of items, or services. Contract purchase agreements are subject to the competitive bidding requirements previously outlined, where applicable.

[ARC 9406C, IAB 7/9/25, effective 8/13/25]

265—15.4(16) Blanket purchase agreements. The authority may establish blanket purchase agreements. Blanket purchase agreements are subject to the competitive bidding requirements previously outlined, where applicable.

[ARC 9406C, IAB 7/9/25, effective 8/13/25]

265—15.5(16) Bids and proposals to conform to specifications. All bids and proposals must conform to the specifications provided by the authority, including deadlines for submission of bids or proposals. Bids and proposals that do not conform to the specifications stated may be rejected. The authority reserves the right to waive deficiencies in the bids or proposals if the authority's best interests would be served by the waiver.

[ARC 9406C, IAB 7/9/25, effective 8/13/25]

265—15.6(16) Modification or withdrawal of bids. Bids or proposals may be modified or withdrawn prior to the time and date set for the bid or proposal opening. Modifications or withdrawals must be submitted to the authority in writing. A bid or proposal may be withdrawn after opening with the approval of the authority.

[ARC 9406C, IAB 7/9/25, effective 8/13/25]

265—15.7(16) Financial security. The authority may require bid security, litigation security, and performance security on formal bids or proposals if specified in the request for bids or request for proposals.

[ARC 9406C, IAB 7/9/25, effective 8/13/25]

265—15.8(16) Rejection of bids and proposals. The authority reserves the right to reject any or all bids or proposals. Bids and proposals may be rejected because of faulty specifications, abandonment of the project, insufficient funds, evidence of unfair or flawed bidding procedures, failure of a vendor to meet the authority's requirements or follow submission instructions, or for any other reason if the authority determines that its best interests will be served by rejecting any or all bids. New bids may be requested by the authority at any time.

[ARC 9406C, IAB 7/9/25, effective 8/13/25]

265—15.9(16) Vendor appeals. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code section 16.5(1) "f."

[Filed 10/4/07, Notice 8/29/07—published 10/24/07, effective 11/28/07]

[Filed ARC 0430C (Notice ARC 0287C, IAB 8/22/12), IAB 10/31/12, effective 12/5/12]

[Filed ARC 2001C (Notice ARC 1855C, IAB 2/4/15), IAB 5/27/15, effective 7/1/15]

[Filed ARC 4319C (Notice ARC 4196C, IAB 1/2/19), IAB 2/27/19, effective 4/3/19]

[Filed ARC 9406C (Notice ARC 9188C, IAB 4/30/25), IAB 7/9/25, effective 8/13/25]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 16
PETITION FOR DECLARATORY ORDER

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 17
AGENCY PROCEDURE FOR RULEMAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 18
WAIVERS FROM ADMINISTRATIVE RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 19
STATE HOUSING TRUST FUND

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/23/30

265—19.1(16) Trust fund allocation plans. The state housing trust fund is established pursuant to Iowa Code section 16.181.

19.1(1) The authority shall allocate funds in the state housing trust fund according to Iowa Code section 16.181 and the following allocation plans:

a. The Iowa Finance Authority State Housing Trust Fund Allocation Plan for the Local Housing Trust Fund Program dated September 8, 2021; and

b. Iowa Finance Authority State Housing Trust Fund Allocation Plan for the Project-Based Housing Program dated August 5, 2009.

19.1(2) The trust fund allocation plans for the local housing trust fund program and the project-based housing program include the plans, applications, and application instructions. The trust fund allocation plans for the local housing trust fund program and the project-based housing program are incorporated by reference pursuant to Iowa Code section 17A.6.

[ARC 9032C, IAB 3/19/25, effective 4/23/25]

265—19.2(16) Location of copies of the plans. The trust fund allocation plans for the local housing trust fund program and the project-based housing program will be posted on the authority’s website at www.iowafinance.com. The plans incorporate by reference Iowa Code section 16.181.

[ARC 9032C, IAB 3/19/25, effective 4/23/25]

These rules are intended to implement Iowa Code sections 16.5(1)“r” and 16.181.

[Filed 11/6/03, Notice 10/1/03—published 11/26/03, effective 12/31/03]

[Filed 10/8/04, Notice 8/4/04—published 10/27/04, effective 12/1/04]

[Filed 6/16/06, Notice 3/1/06—published 7/5/06, effective 8/9/06]

[Filed 6/27/07, Notice 5/23/07—published 7/18/07, effective 8/22/07]

[Filed 10/3/07, Notice 8/15/07—published 10/24/07, effective 11/28/07]

[Filed 7/10/08, Notice 6/4/08—published 7/30/08, effective 9/3/08]

[Filed 11/12/08, Notice 10/8/08—published 12/3/08, effective 1/7/09]

[Filed Emergency ARC 7850B, IAB 6/17/09, effective 5/26/09]

[Filed ARC 8073B (Notice ARC 7895B, IAB 7/1/09), IAB 8/26/09, effective 9/30/09]

[Filed ARC 4452C (Notice ARC 4371C, IAB 3/27/19), IAB 5/22/19, effective 6/26/19]

[Filed Emergency After Notice ARC 5933C (Notice ARC 5793C, IAB 7/28/21), IAB 10/6/21, effective 9/13/21]

[Filed ARC 9032C (Notice ARC 8480C, IAB 12/11/24), IAB 3/19/25, effective 4/23/25]

CHAPTER 20
SENIOR LIVING REVOLVING LOAN PROGRAM
Rescinded **ARC 8902C**, IAB 2/19/25, effective 3/26/25

CHAPTER 21
HOME AND COMMUNITY-BASED SERVICES REVOLVING LOAN PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/8/31

265—21.1(16) Available funds. Any unallocated or recovered funds, payments of interest and principal, or any combination thereof, may be awarded or may be carried over to the next year's cycle of loans at the discretion of the authority.

[ARC 0112D, IAB 3/4/26, effective 4/8/26]

265—21.2(16) Application procedure. Applications for assistance under this program are to be made on forms and in the manner provided by the authority. Inquiries with respect to this program should be made to those persons identified on the authority's website as contacts for this program. Once contacted with an inquiry, the authority will send an application package to the potential applicant. In the event it becomes necessary to amend the application, the authority will post the amended version of the application on its website. The authority will take such applications from time to time and will analyze and award loans to applicants on an ongoing basis.

[ARC 0112D, IAB 3/4/26, effective 4/8/26]

265—21.3(16) Program guidelines. For-profit and nonprofit sponsors are eligible to apply for assistance under this program based on the following program guidelines:

21.3(1) Projects meeting the following criteria are eligible for assistance:

a. In the case of adult day services:

- (1) Set aside 40 percent of the admissions for those with incomes at or below 40 percent of area median income (AMI) for the county in which the property is located;
- (2) Establish a service fee that is affordable to those with incomes at or below 40 percent of AMI for the county in which the property is located, or agree to adjust fees based on a person's ability to pay;
- (3) Accept third-party reimbursement, including Medicaid 1915(c) waiver(s), and meet the standards set forth in 441—Chapter 77; and
- (4) Become and remain certified as an adult day services provider as set forth in 481—Chapters 67 and 70.

b. In the case of respite services:

- (1) Provide services to underserved people in the community;
- (2) Establish a service fee that is affordable to those with incomes at or below 40 percent of AMI for the county in which the property is located, or agree to adjust fees based on a person's ability to pay;
- (3) Accept third-party reimbursement, including Medicaid 1915(c) waiver(s), and meet the standards set forth in 441—Chapter 77; and
- (4) Meet all local, state and federal requirements subject to health care limits of the proposed setting.

c. In the case of congregate meals, establish and maintain a contract with the area agency on aging to provide congregate meals under the standards established for such a program under the federal Older Americans Act.

d. In the case of programming space for health and wellness:

- (1) Adopt research-based practices to prevent disease and improve overall wellness, resulting in measurable outcomes for participants;
- (2) Provide educational opportunities on disease prevention, physical activity, and nutritional choices; and
- (3) Establish a service fee that is affordable to those with incomes at or below 40 percent of AMI for the county in which the property is located, or agree to adjust fees based on a person's ability to pay.

e. In the case of programming space for health screening:

- (1) Use a licensed health care professional to provide screening and assessment services within the limits of the professional's license;
- (2) Provide services to underserved people in the community; and

(3) Establish a service fee that is affordable to those with incomes at or below 40 percent of AMI for the county in which the property is located, or agree to adjust fees based on a person's ability to pay.

f. In the case of programming space for nutritional assessments:

(1) Use a registered dietitian to provide assessment and counseling services;

(2) Establish a service fee that is affordable to those with incomes at or below 40 percent of AMI for the county in which the property is located, or agree to adjust fees based on a person's ability to pay; and

(3) Accept third-party reimbursement for nutritional counseling, including one or both of the following:

1. Medicaid 1915(c) waiver(s) and meet the standards set forth in 441—Chapters 77 and 78;

2. The Older Americans Act, 42 U.S.C. §3001 et seq., and meet the standards set forth in 441—Chapter 228.

g. A demonstrated market need for the project and a good location, both as determined by the authority in its sole discretion.

h. Assistance provided under this program enables the project to maintain financial feasibility and affordability for at least the term of the loan.

i. Maintenance and debt service reserve funds are adequately funded, as determined by the authority in its sole discretion.

j. Comply with all applicable federal, state and local laws and rules related to the specified service or services offered by the sponsor.

21.3(2) The following types of activities are eligible for assistance:

a. Acquisition and rehabilitation.

b. New construction.

c. Rehabilitation to expand a current program.

d. Such other similar activities as may be determined by the authority to fall within the guidelines and purposes established for this program.

21.3(3) Assistance will be provided upon the following terms and conditions:

a. The minimum loan amount is \$50,000, and the maximum loan amount is \$1 million. The maximum loan term and amortization period are each 20 years.

b. The acceptable debt service ratio and loan-to-value ratio will be calculated and determined by the authority.

c. Interest rates will be set by the authority, in its sole discretion.

d. Loans shall be secured by a first mortgage; provided, however, that in limited cases the authority may consider a subordinate mortgage when the first mortgage is held by another entity.

e. Recipients of assistance must agree to observe several covenants and restrictions, including but not limited to recorded affordability and transfer restrictions, all in accordance with such loan and mortgage documents as may be required by the authority under this program.

f. Recipients shall execute such documents and instruments and must provide such information, certificates and other items as determined necessary by the authority, in its sole discretion, in connection with any assistance.

21.3(4) Loan fees.

a. Loan fees are as follows:

(1) Commitment fee (construction period) – 1.0 percent of the loan amount.

(2) Commitment fee (permanent loan) – 2.0 percent of the loan amount.

(3) Inspection fee – 0.5 percent of construction loan amount.

(4) Application fee – 0.3 percent of total loan amount requested, payable with the submission of loan application.

b. The authority may, in limited cases, reduce such fees if necessary in connection with assistance provided under this program. Such decision will be made in the sole discretion of the authority.

c. The authority will refund to the borrower one-half of the permanent loan commitment fee if the borrower's loan is paid off within five years of the closing of the loan.

[ARC 0112D, IAB 3/4/26, effective 4/8/26]

265—21.4(16) Authority analysis of applications. Authority staff, in cooperation with the department of inspections, appeals, and licensing or the division of aging and disability services within the Iowa department of health and human services (or both, as necessary), will analyze and underwrite each potential project and will make recommendations for funding assistance to the board of the authority. Authority staff will use such procedures and processes in its underwriting and analysis as it deems necessary and appropriate in connection with furthering the purposes of this program. In addition, the authority anticipates that, because of the complex nature of each transaction, and the particular set of circumstances attributable to each particular application/transaction, the terms and conditions of loans may vary from project to project. The authority will make available its general operating procedures and guidelines for this program.
[ARC 0112D, IAB 3/4/26, effective 4/8/26]

265—21.5(16) Discretion of authority board. The authority board of directors has the sole and final discretion to award or not award assistance and to approve final loan terms.
[ARC 0112D, IAB 3/4/26, effective 4/8/26]

265—21.6(16) Closing/advance of funds. If all requirements of the authority are not met in accordance with any time frames set by the authority and to the complete satisfaction of the authority, all in the sole discretion of the authority, the authority may determine to cease work on an approved project and, accordingly, not advance any funds for such project.
[ARC 0112D, IAB 3/4/26, effective 4/8/26]

These rules are intended to implement Iowa Code section 16.47.

[Filed 9/9/04, Notice 8/4/04—published 9/29/04, effective 11/3/04]

[Filed 5/5/05, Notice 3/30/05—published 5/25/05, effective 6/29/05]

[Filed 9/21/06, Notice 8/2/06—published 10/11/06, effective 11/15/06]

[Filed ARC 4795C (Notice ARC 4666C, IAB 9/25/19), IAB 12/4/19, effective 1/8/20]

[Filed ARC 0112D (Notice ARC 9798C, IAB 12/10/25), IAB 3/4/26, effective 4/8/26]

CHAPTER 22

IOWA AFTERCARE SERVICES RENT SUBSIDY PROGRAM

Rescinded **ARC 8902C**, IAB 2/19/25, effective 3/26/25

CHAPTER 23

TRANSITIONAL HOUSING REVOLVING LOAN PROGRAM

Rescinded **ARC 8902C**, IAB 2/19/25, effective 3/26/25

CHAPTER 24
HOME- AND COMMUNITY-BASED SERVICES RENT SUBSIDY PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/26/30

265—24.1(16) Definitions.

“*Applicant*” means a person aged 18 or over who participates in one of the home- and community-based services waiver programs, habilitation services, or Money Follows the Person.

“*Authority*” means the Iowa finance authority created in Iowa Code section 16.1A.

“*Habilitation services*” means an Iowa Medicaid program designed to provide home- and community-based services to Iowans with the functional impairments typically associated with chronic mental illnesses.

“*Home- and community-based services waiver program*” means any of the waiver programs administered by the department of health and human services under the provisions set forth in 441—Chapter 83, the habilitation services waiver, or Money Follows the Person.

“*Housing Choice Voucher program*” or “*HCV program*” means the federal government’s program created in the Housing and Community Development Act of 1974, 42 U.S.C. Ch. 69, §5301 et seq. (1974).

“*HUD*” means the U.S. Department of Housing and Urban Development.

“*Legal guardian*” means a person lawfully invested with the power, and charged with the obligation, of taking care of and managing the property and rights of a recipient who, because of age, understanding, or self-control, is considered incapable of administering the recipient’s own affairs.

“*Money Follows the Person*” or “*MFP*” means Iowa’s Money Follows the Person partnership for community integration program.

“*Program*” means the home- and community-based rent subsidy program as defined and structured under this chapter.

“*Qualified dependent*” means the applicant’s child who is claimed as a dependent of the applicant for federal income tax purposes.

“*Qualified rental unit*” means a housing unit subject to the provisions of Iowa Code chapter 562A and for which a signed written rental agreement exists.

“*Recipient*” means an applicant approved for and receiving rent subsidy payments under the program.

“*Representative payee*” means a person who is appointed for a recipient unable to receive and manage the recipient’s own benefits due to mental or physical impairments. The representative payee is to use the benefits in the recipient’s best interest and is personally liable for misuse of funds.

[ARC 8903C, IAB 2/19/25, effective 3/26/25]

265—24.2(16) Eligibility requirements.

24.2(1) *Demonstrated need.* An eligible applicant will demonstrate need for rent subsidy by meeting all of the following requirements:

a. The applicant will provide a copy of an executed rental agreement showing the applicant as a tenant, with signatures by the landlord and the applicant or the applicant’s legal guardian;

b. The applicant will provide evidence that the applicant pays more than 30 percent of the applicant’s gross income for rent, with a minimum contribution of \$25 per month;

c. The applicant will not receive any other rental assistance while receiving rent subsidy payments under the program;

d. The applicant will not use this program to substitute for any other ongoing rent subsidy being received at the time of application to this program; and

e. The applicant’s rental unit must be a qualified rental unit and must not be owned by someone who lives in the unit.

24.2(2) *Ineligible for other rent subsidies.* An eligible applicant for rent subsidy payments under this program will have been determined ineligible for the HCV program, be on the HCV program waiting list, or document that the HCV program waiting list is closed. If the HCV waiting list is currently closed, the applicant is responsible for monitoring the status of the waiting list application period and must apply at the first available opportunity and provide documentation of an HCV application submission to the local public

housing authority. If the authority determines an applicant failed to apply for HCV at the first available opportunity, the authority may remove the applicant from the program or the program waiting list.

[ARC 8903C, IAB 2/19/25, effective 3/26/25]

265—24.3(16) Application. Applications for the program may be obtained on the authority's website. An applicant shall complete the application and provide all required documentation. For the purposes of this rule, the application date means the date the completed application, including all required documentation, is received by the authority.

24.3(1) The authority will review each completed application and determine whether the applicant is eligible for the program. The applicant may elect to have any of the following notified: legal guardian, case manager or representative payee.

24.3(2) The authority will maintain and administer a statewide waiting list for the program. When an application is received, the applicant will be placed on the waiting list according to the application date unless the provisions of Iowa Code section 16.55 apply.

24.3(3) When funding allows additional applicants to be added to the program, the authority will request updated documentation from the next applicant on the waiting list, and each applicant's eligibility will be determined based upon the updated documentation. If the completed application is not received by the deadline specified by the authority, the applicant may be removed from the waiting list. If the authority determines an applicant is eligible for the program, the authority will notify the applicant of the amount of monthly rent subsidy within 30 days of making the determination.

[ARC 8903C, IAB 2/19/25, effective 3/26/25]

265—24.4(16) Rent subsidy.

24.4(1) *Use of subsidy.* Assistance shall be used for rental expense.

24.4(2) *Maximum monthly payment for rent.* Assistance for rent will be equal to the lesser of the rent paid by the recipient or the current applicable fair market rent as published by HUD for the area where the recipient's residence is located, less 30 percent of the recipient's gross monthly income. The fair market rent used will be that for a one-bedroom unit or a proportionate share of the fair market rent in living units containing more than one bedroom. When the recipient resides with one or more qualified dependents, the proportionate share may consist of additional bedrooms, applying the same maximum monthly payment standard.

24.4(3) *Monthly payment.* Recipients approved for rent subsidy payments will receive an ongoing monthly payment equal to the amount determined pursuant to subrule 24.4(2). Payments may be made on behalf of a recipient directly to the recipient's landlord.

[ARC 8903C, IAB 2/19/25, effective 3/26/25]

265—24.5(16) Redetermination of eligibility.

24.5(1) *Time of completion.* A redetermination of eligibility for rent subsidy payments will be completed annually unless one of the following conditions occurs:

- a. A change in circumstances that affects eligibility in accordance with rule 265—24.2(16).
- b. The recipient moves from the residence stated on the approved application.
- c. There is a change greater than \$100 in the recipient's gross monthly income.

24.5(2) *Renewal notice.* The authority will send a renewal notice to the recipient and, if applicable, the recipient's legal guardian, case manager or representative payee at least 30 days before the annual redetermination deadline. The renewal notice will specify the annual redetermination deadline and the documentation that must be submitted to the authority.

a. The recipient shall submit the completed application and required documents to the authority as directed on the application.

b. If the authority does not receive the completed application and required documents by the annual redetermination deadline, the recipient's rent subsidy will be terminated.

[ARC 8903C, IAB 2/19/25, effective 3/26/25]

265—24.6(16) Termination of rent subsidy payments.

24.6(1) *Reasons for termination.* The authority may terminate the rent subsidy at the end of a month in which any of the following occur:

- a. The recipient does not meet one or more of the eligibility criteria listed in rule 265—24.2(16).
- b. The recipient fails to submit documentation required pursuant to subrule 24.5(2) by the deadline established by the authority.
- c. Rent subsidy program funds are exhausted for the fiscal year.
- d. The recipient, case manager, legal guardian or representative payee threatens physical violence or injury toward authority staff.
- e. The recipient provides false information.
- f. The recipient, legal guardian or representative payee misuses rent subsidy payments for purposes other than rent assistance.
- g. The recipient is not in compliance with any other programs offered or administered by the authority while receiving rent subsidy payments.

24.6(2) *Notification to recipient.* If the authority terminates a recipient's rent subsidy, the authority will notify the recipient in writing.

24.6(3) *Reporting of changes.* The recipient or the recipient's legal guardian or representative payee, as applicable, is required to report to the authority any changes that may affect eligibility within ten business days of the occurrence of the change, including changes in circumstance listed under subrule 24.5(1). Failure to do so may result in the recipient's responsibility to repay rent subsidy funds dating back to the recipient's failure to report the change and termination of the rent subsidy.

[ARC 8903C, IAB 2/19/25, effective 3/26/25]

These rules are intended to implement Iowa Code section 16.55.

[Filed 9/9/05, Notice 8/3/05—published 9/28/05, effective 11/2/05]

[Filed ARC 3423C (Notice ARC 3272C, IAB 8/30/17), IAB 10/25/17, effective 11/29/17]

[Filed ARC 4038C (Notice ARC 3916C, IAB 8/1/18), IAB 9/26/18, effective 10/31/18]

[Filed ARC 8903C (Notice ARC 8231C, IAB 10/2/24), IAB 2/19/25, effective 3/26/25]

CHAPTER 25
ENTREPRENEURS WITH DISABILITIES PROGRAM
Rescinded IAB 5/4/11, effective 4/15/11

CHAPTER 26
WATER POLLUTION CONTROL WORKS AND
DRINKING WATER FACILITIES FINANCING PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/14/31

265—26.1(16) Purpose and authority responsibilities. The program is established pursuant to Iowa Code chapter 455B, subchapter III, part 5, and is jointly administered by the department and the authority. The authority is primarily responsible for the financial management of the program pursuant to Iowa Code chapter 455B, subchapter III, part 5, and Iowa Code chapter 16, subchapter X, part 2. The authority's financial management responsibilities include but are not limited to the following:

1. Ensuring the program maintains sufficient financial resources to support projects in perpetuity, including providing state match funds for federal capitalization grants;
2. Managing the financial assets of the program, including investments and audits;
3. Receiving, reviewing and approving loan applications;
4. Executing loan agreements, including establishing loan terms; and
5. Disbursing loan funds and monitoring loan repayments.

[ARC 9821C, IAB 12/10/25, effective 1/14/26]

265—26.2(16) Definitions.

"Authority" or *"IFA"* means the Iowa finance authority created in Iowa Code section 16.1A.

"Clean Water Act" means the same as defined in Iowa Code section 16.131A.

"Department" or *"DNR"* means the Iowa department of natural resources.

"Director" means the director of the authority.

"Disadvantaged community" means a community that qualifies for more favorable loan terms, including but not limited to loan forgiveness, based on criteria established in the IUP.

"Eligible costs" means all costs related to the completion of a project as defined in the Clean Water Act and Safe Drinking Water Act and 567—Chapters 40 and 90.

"EPA" means the United States Environmental Protection Agency.

"Intended use plan" or *"IUP"* means a plan developed by DNR identifying the intended uses of funds available through the program.

"Linked deposit" means funds deposited by the authority to induce a participating lending institution to offer a loan at a lower interest rate for a project type identified in subrule 26.6(7).

"Net revenues" means the same as defined in Iowa Code section 384.80.

"Nonpoint source project" means any project described in Section 319 of the Clean Water Act.

"Participating lending institution" means a lending institution approved by the authority to make loans for a project type identified in subrule 26.6(7).

"Program" means the same as defined in Iowa Code section 16.131A.

"Recipient" means the entity receiving funds from the program.

"Safe Drinking Water Act" means the same as defined in Iowa Code section 16.131A.

[ARC 9821C, IAB 12/10/25, effective 1/14/26]

265—26.3(16) Eligibility, application, and approval.

26.3(1) Only projects included on state project priority lists developed and maintained by DNR pursuant to 567—Chapters 44 and 90 are eligible for the program. The authority will consider the following when determining whether to provide a loan to an eligible recipient:

- a. Recipient's financial capability;
- b. Recipient's willingness to accept all loan terms, conditions, and covenants;
- c. The priority of the project;
- d. Funds available; and
- e. Whether the recipient has a record of violations of the law that over a period of time tends to show a consistent pattern or that establishes intentional, criminal, or reckless conduct in violation of such laws.

26.3(2) Applications for loans shall be submitted to the authority in the form and content established by the authority. The application will include:

- a. A description of the project, project budget, and estimated project timeline;
- b. The requested loan amount and loan term;
- c. The proposed security for the loan and documentation that approval processes have been initiated;
- d. The tax status of the loan;
- e. The other sources of funds for the project;
- f. A pro forma cash flow analysis in a form acceptable to the authority that demonstrates that the net revenues of the borrower are sufficient pursuant to paragraph 26.5(2)“d”;
- g. Documentation that technical and environmental review has been completed;
- h. An opinion from the applicant’s counsel documenting that public procurement procedures have been followed, including but not limited to Iowa Code chapters 26 and 26A; and
- i. Any other information reasonably requested by the authority.

26.3(3) Subsequent segments of a project that has been previously awarded financial assistance will receive priority over new projects. Loans made for separate segments of a project will be administered separately.

26.3(4) Requested loan amounts may be adjusted to reflect eligible costs.

26.3(5) Complete and eligible loan applications that are recommended for approval based on the criteria in subrule 26.3(1) will be considered by the authority board. The board may approve, deny, or defer an application for a loan.

[ARC 9821C, IAB 12/10/25, effective 1/14/26]

265—26.4(16) Infrastructure construction loans.

26.4(1) *Loan agreements.* The authority will prepare a loan agreement after an application has been approved by the authority board. Prior to execution of the agreement, the recipient shall provide an enforceability opinion and, if applicable, a bond counsel opinion as to the status of interest on the obligation in forms acceptable to the authority.

26.4(2) *Loan terms.* The extent to which the loan terms and fees is established in the IUP are required by 40 CFR 35.3150 and 40 CFR 35.3555.

a. *Interest rates.* Loan interest rates shall be established in the IUP based on factors including but not limited to:

- (1) The average daily Bloomberg BVAL General Obligation Municipal AAA 20-year yield;
- (2) Taxable and tax-exempt status;
- (3) Length of loan term;
- (4) Interest rate cost of funds to the program;
- (5) Availability of other program funds;
- (6) Prevailing market interest rates of comparable loans; and
- (7) Long-term program viability.

b. *Fees.*

(1) The loan initiation fee shall be established in the IUP. The fee shall be payable on the closing date of the loan agreement. The loan initiation fee will be waived for projects located in a disadvantaged community.

(2) The annual loan servicing fee shall be established in the IUP. Payment of the loan servicing fee will be made semiannually along with scheduled interest payments.

c. *Revenue pledge.* The recipient shall establish sufficient revenue sources for the repayment of the loan, as determined by the authority. To ensure repayment of obligations according to the terms of the loan agreement, the recipient shall agree to impose, collect, and increase, if necessary, user charges, taxes, or other dedicated revenue sources identified for the loan repayment in order to maintain annual net revenues at a level equal to at least 110 percent of the amount necessary to pay debt service on all revenue obligations during the next fiscal year. At the discretion of the director or director’s designee, the authority may allow other revenue sources and coverage of less than 110 percent. At the discretion of the director or director’s designee, the authority may require revenue sources and coverage in excess of 110 percent of the amount necessary to pay all revenue obligations if the recipient has a history of default on its revenue

obligations or insufficient credit history, as determined by the authority. The loan agreement shall authorize the authority to require revenue adjustment to collect delinquent loan payments.

d. Security.

(1) A loan may be secured by a first lien upon the net revenues of the recipient's system. Loans secured by net revenues of a system may rank on a parity basis with other outstanding obligations, or, with the approval of the director or director's designee, those loans may be subordinate in right of payment to the recipient's other outstanding revenue obligations.

(2) A loan may be secured by a general obligation of the recipient, and the recipient may achieve this through the provision for a levy of taxes to repay the loan.

e. Construction payment schedules. The loan agreement shall include an estimated construction drawdown schedule provided by the recipient.

26.4(3) Loan commitments. Loan funds are considered a binding commitment at the time a loan agreement is executed.

26.4(4) Costs. The recipient shall use the program loan proceeds solely for the purpose of eligible costs of the approved project. The recipient must document all eligible costs to the satisfaction of the authority and the department before loan proceeds are disbursed.

26.4(5) Loan amount and repayment period. All loans shall be made contingent on the availability of funds. The maximum loan term will be 30 years. Repayment of the loan must begin no later than one year after the project is substantially complete.

26.4(6) Prepayment. A recipient may prepay a loan, in whole or in part, on any date with the prior written consent of the authority.

[ARC 9821C, IAB 12/10/25, effective 1/14/26]

265—26.5(16) Planning and design loans.

26.5(1) Timing of loan. Prior to a recipient's execution of a loan agreement for an infrastructure construction loan described in rule 265—26.4(16), funds may be loaned to the recipient to pay for initial eligible costs, including the cost of facility planning and design engineering.

26.5(2) Duration. Planning and design loans must be repaid within three years from the date a loan agreement is executed unless the director or director's designee provides written consent to a longer term.

26.5(3) Interest rate. The interest rate will be specified in the IUP as required by 40 CFR 35.3150 and 40 CFR 35.3555.

26.5(4) Rollover to construction loan. All funds borrowed by the recipient as a planning and design loan may be financed as a part of a construction loan agreement upon expiration of the term of the planning and design loan.

26.5(5) Repayment. If the recipient does not execute a state revolving fund construction loan, the planning and design loan shall be paid in full at the end of the three-year term unless the loan term is extended by written consent of the director. The authority may negotiate a payment plan with the recipient in lieu of immediate payment in full.

[ARC 9821C, IAB 12/10/25, effective 1/14/26]

265—26.6(16) Nonpoint source loan programs.

26.6(1) Nonpoint source loan assistance. Loan assistance for nonpoint source projects will be in the form of low-interest loans, linked deposits, or loan participations through participating lending institutions.

26.6(2) Application for loan assistance. Application for loan assistance pursuant to this rule may be made at any participating lending institution or submitted to the authority or the authority's agent, as applicable. A list of participating lending institutions will be made available by the authority or other entity that assists the authority to administer this program. Applications for loan assistance shall be in the form and content established by the authority.

26.6(3) Project approval. Each project must be approved by the appropriate environmental or conservation agency identified in subrule 26.6(7).

26.6(4) Loan approval. For linked deposit programs, the participating lending institution will either approve or deny the loan in accordance with the program requirements after receipt of a completed loan application form. If the loan is approved, the lending institution will notify the authority, or its agent, to

reserve funds in that amount. This reservation is necessary to ensure that funds are available at the time of disbursement. If the loan is denied, the lending institution must notify the loan applicant, and the lending institution must clearly state the reasons for the loan denial. For low-interest loans with the authority, the authority or its agent will notify the applicant of the loan approval or denial. For loan participation, the authority or its agent will notify the applicant of the approval or denial.

26.6(5) *Availability of funds.* Before acting on a loan application, the lending institution shall ensure that adequate funds are available for the project.

26.6(6) *Property transfer.* The balance of a loan made pursuant to this rule shall be immediately due in full if the recipient transfers the project property.

26.6(7) *Loan amount and period.* All loans will be made contingent on the availability of funds for the applicable purpose as indicated in the IUP. The minimum and maximum loan amounts for each project type are as follows:

Type of Project	Type of Assistance	Minimum Loan Amount	Maximum Outstanding Balance	Maximum Loan Term	Project Approval Agency
General Nonpoint Source	Low-interest loans, Linked deposit or Loan participations	\$5,000	No maximum	20 years	DNR
Local Water Protection	Linked deposit	\$5,000	\$500,000 per common ownership	10 years	Division of Soil Conservation
Livestock Water Quality Facilities	Linked deposit	\$10,000	\$500,000 per common ownership	15 years*	Division of Soil Conservation
On-Site Wastewater Systems Assistance	Linked deposit	\$2,000	No maximum	10 years	County

*If the loan is made only for preparation of a comprehensive nutrient management plan, the loan period shall not exceed five years.

For the purposes of this subrule, “common ownership” means the ownership of an animal feeding operation as a sole proprietor, or a majority ownership interest held by a person, in each of two or more animal feeding operations as a joint tenant, tenant in common, shareholder, partner, member, beneficiary, or other equity interest holder. The majority ownership interest is a common ownership interest when it is held directly, indirectly through a spouse or dependent child, or both.

26.6(8) *Prepayment.* A recipient may prepay a loan, in whole or in part, without penalty, with the written consent of the authority.

26.6(9) *Loan adjustments.* If the eligible costs exceed the loan amount, the recipient may request an increase in the loan amount. The lending institution is authorized to execute a loan for a principal amount of up to 10 percent above the amount of the loan application if the eligible costs exceed the application amount. The authority will evaluate the request by considering available moneys and financial risk. Should the eligible costs be less than the loan amount, the loan shall be appropriately adjusted so that the loan amount does not exceed the amount of eligible costs.

26.6(10) *Disbursement of funds.* Funds shall be disbursed in accordance with the loan agreement. The loan agreement may allow for periodic disbursement of funds.

[ARC 9821C, IAB 12/10/25, effective 1/14/26]

265—26.7(16) Administration.

26.7(1) The recipient shall maintain records that document all costs associated with the project. The recipient shall provide access to these records to the authority, the department, the auditor of the state of Iowa, the EPA, the Office of the Inspector General at the EPA, or their agents or designees upon request. The recipient shall retain such records and documents for inspection and audit purposes for a period of three years from the date of the final loan payment.

26.7(2) The recipient shall provide the authority, the DNR, or their agents or designees access to the project site on request for the duration of the loan to verify that the funds are being used for the purpose intended, that the construction work meets applicable state and federal requirements, and that the project is being operated and maintained as designed.

26.7(3) The recipient's accounting procedures shall conform to generally accepted government accounting standards.

26.7(4) The authority may, for cause, find that a recipient is not in compliance with the requirements of the program. Remedies for noncompliance may include penalties up to and including withholding of or return of loan funds. Findings of noncompliance may include but are not limited to the use of loan funds for activities not described in the application for the grant; failure to begin construction within one year of execution of a loan agreement; or failure to comply with any applicable state or federal rules, regulations, or laws.

[ARC 9821C, IAB 12/10/25, effective 1/14/26]

265—26.8(16) References. References to the Clean Water Act and Safe Drinking Water Act and the Code of Federal Regulations in this chapter are as in effect on January 14, 2026.

[ARC 9821C, IAB 12/10/25, effective 1/14/26]

These rules are intended to implement Iowa Code chapter 455B, subchapter III, part 5, and Iowa Code sections 16.131 through 16.133A.

[Filed 1/13/06, Notice 9/28/05—published 2/1/06, effective 3/8/06]

[Filed emergency 12/11/07—published 1/2/08, effective 12/11/07]

[Filed 2/8/08, Notice 1/2/08—published 2/27/08, effective 4/2/08]

[Filed Emergency ARC 8079B, IAB 8/26/09, effective 8/7/09]

[Filed ARC 8457B (Notice ARC 8193B, IAB 10/7/09), IAB 1/13/10, effective 2/17/10]

[Filed Emergency ARC 8906B, IAB 6/30/10, effective 6/10/10]

[Filed Emergency ARC 0245C, IAB 8/8/12, effective 7/12/12]

[Filed ARC 0431C (Filed Emergency ARC 0244C, IAB 8/8/12), IAB 10/31/12, effective 12/5/12]

[Filed ARC 2003C (Notice ARC 1866C, IAB 2/4/15), IAB 5/27/15, effective 7/1/15]

[Filed ARC 9821C (Notice ARC 9531C, IAB 9/3/25), IAB 12/10/25, effective 1/14/26]

CHAPTER 27
MILITARY SERVICE MEMBER HOME OWNERSHIP ASSISTANCE PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/8/31

265—27.1(16) Purpose. The purpose of the military service member home ownership assistance program is to help eligible members of the armed forces of the United States to purchase qualified homes in Iowa. [ARC 0113D, IAB 3/4/26, effective 4/8/26]

265—27.2(16) Definitions. As used in this chapter, unless the context otherwise requires:

“*Closing agent*” means the attorney, real estate firm, or closing company that is closing the qualifying purchase transaction and that prepares the cash sale settlement statement.

“*Eligible service member*” means the same as defined in Iowa Code section 16.54.

“*Facilitating lender*” means a lender that is not a participating lender but that is approved by the authority to make loans under the military home ownership assistance program pursuant to Iowa Code section 16.54(5) and subrule 27.3(7).

“*Home ownership assistance*” means the one-time assistance of up to \$5,000 per eligible service member that may be used toward down payment or closing costs, or both, in the purchase of a qualified home.

“*Manufactured home*” means the same as defined in Iowa Code section 435.1.

“*Participating lender*” means a lender approved for participation in one or more of the authority’s first mortgage financing home buyer programs. The authority maintains a list of participating lenders on its website: www.welcomehomeia.com/find-lender-realtor.

“*Program*,” “*military home ownership assistance program*” or “*MHOA*” means the military service member home ownership assistance program authorized by Iowa Code section 16.54.

“*Qualified home*” means a home located in the state of Iowa that an eligible service member purchases, occupies, and uses as the service member’s primary residence that is one of the following:

1. Single-family residence, including “stick-built” homes, modular homes, or manufactured homes;
2. Condominium;
3. Townhome;
4. A property containing two to four residential units, where one unit is to be occupied by the eligible service member as the service member’s primary residence.

“*Qualified mortgage*” means a permanent mortgage loan made pursuant to one of the authority’s home buyer mortgage programs unless the lender offers financing that is more financially advantageous for the service member.

“*Status documentation*” means written documentation verifying that the applicant is an eligible service member. This documentation may include but is not limited to a copy of a valid DD Form 214, showing character of service other than dishonorable, or the applicant’s most recent leave and earnings statements representing 90 days of active duty.

“*Title guaranty certificate*” means the certificate issued by the Iowa title guaranty division of the authority pursuant to Iowa Code section 16.91 to ensure marketable title to the lender or the homeowner, or both.

[ARC 0113D, IAB 3/4/26, effective 4/8/26]

265—27.3(16) Application procedure and determination of eligibility.

27.3(1) Prior approval. Whether the purchase of a qualified home is by mortgage financing or cash, prior approval of the assistance by the authority is required. Approval of the request will include supporting document review by the authority and a determination of the service member’s eligibility by the Iowa department of veterans affairs.

27.3(2) Financed home purchases.

a. Where a qualified home purchase is financed, the eligible service member is to apply for assistance under the program through a participating or facilitating lender. If the service member qualifies for one of the authority’s home buyer mortgage programs, the mortgage financing provided is to be a

qualified mortgage. Service members who are not eligible for one of the authority's home buyer mortgage programs and are not purchasing on a cash basis may use any permanent financing available to them.

b. To apply for assistance, eligible service members provide the participating or facilitating lender with status documentation and all necessary program documents.

c. Once the lender receives all necessary information under this subrule, the lender is to transmit copies of the necessary documentation to the authority.

27.3(3) *Cash home purchases.* For a cash purchase of a qualified home, the eligible service member provides the authority with:

a. Status documentation;

b. The purchase agreement; and

c. A title guaranty commitment.

27.3(4) *Referral of status documentation to Iowa department of veterans affairs.* The authority submits status documentation to the Iowa department of veterans affairs for verification that an applicant is an eligible service member. The Iowa department of veterans affairs is the final authority on whether an applicant is an eligible service member.

27.3(5) *Notice of MHOA approval.* Once the Iowa department of veterans affairs confirms an applicant's eligibility, the authority notifies the lender, or eligible service member in the case of a cash purchase, that the MHOA application is approved.

27.3(6) *Gaps in funding.* Where military assistance funds are unavailable during the home purchase process, MHOA requests may be placed on a waiting list. When funds become available after the home purchase closed without military assistance funds being applied toward closing costs or down payment, MHOA proceeds will be paid (1) directly to the participating lender or servicing lender to be applied toward the qualified mortgage loan's principal balance, or (2) if the qualified home was purchased pursuant to a cash purchase transaction, directly to the eligible service member. The authority will notify the applicant that MHOA proceeds will be applied to the principal balance.

27.3(7) *Approval process for facilitating lender status.* Pursuant to Iowa Code section 16.54(5), an Iowa-regulated or federally regulated lender with a physical location in the state of Iowa may submit an application to the authority for approval, even if such lender does not participate in the authority's home ownership programs for home buyers. The approval to be a facilitating lender is valid for one year. Lenders are to submit an application and application fee of \$1,500 annually. Application fees are not charged in part or in full to a service member or to a property seller.

[ARC 0113D, IAB 3/4/26, effective 4/8/26]

265—27.4(16) MHOA award. Assistance awarded hereunder is up to \$5,000 and is applied toward a qualified home purchase.

27.4(1) *MHOA reimbursement.* The lender advances funds at closing in an amount equal to the assistance on behalf of the eligible service member.

a. After closing, the lender submits copies of the following documents to the authority:

(1) An executed settlement statement;

(2) The deed conveying title;

(3) A title guaranty commitment;

(4) The promissory note; and

(5) The mortgage.

b. After closing, for cash home purchasers, the eligible service member shall submit copies of the following documents to the authority:

(1) The executed settlement statement;

(2) The deed conveying title; and

(3) The executed title guaranty certificate.

27.4(2) *MHOA assistance conditions.* All assistance under the program is subject to funding availability. Assistance will be awarded in the order in which all required documentation is received and approved by the authority. Assistance awarded pursuant to the program is personal to its recipient and nonassignable. A maximum of one assistance award is awarded per home purchase. If both homeowners are eligible service members, only one may use the MHOA per home purchase. If another home is

subsequently purchased, the other eligible service member may use the MHOA on the second home if the program exists and funds are available. An eligible service member is to receive only one award under the program. While program funds are available, the award is valid for 60 days in the case of purchases of existing or completed property and 120 days in the case of purchases of property being constructed or renovated. A reasonable extension may be granted with evidence of a purchase loan in progress that has been delayed due to circumstances beyond the service member's control.

[ARC 0113D, IAB 3/4/26, effective 4/8/26]

These rules are intended to implement Iowa Code sections 16.5(1) "r" and 16.54.

[Filed emergency 7/14/06—published 8/2/06, effective 7/14/06]

[Filed emergency 4/3/07—published 4/25/07, effective 4/3/07]

[Filed emergency 6/12/08—published 7/2/08, effective 7/1/08]

[Filed 8/8/08, Notice 7/2/08—published 8/27/08, effective 10/1/08]

[Filed Emergency ARC 8945B, IAB 7/28/10, effective 7/6/10]

[Filed ARC 9803B (Notice ARC 9590B, IAB 6/29/11), IAB 10/5/11, effective 11/9/11]

[Filed ARC 0827C (Notice ARC 0683C, IAB 4/3/13), IAB 7/10/13, effective 8/14/13]¹

[Filed Emergency ARC 1142C, IAB 10/30/13, effective 10/15/13]

[Filed ARC 1253C (Notice ARC 1141C, IAB 10/30/13), IAB 12/25/13, effective 1/29/14]

[Filed Emergency ARC 1595C, IAB 9/3/14, effective 8/6/14]

[Filed ARC 1854C (Notice ARC 1594C, IAB 9/3/14), IAB 2/4/15, effective 3/11/15]

[Filed ARC 3424C (Notice ARC 3273C, IAB 8/30/17), IAB 10/25/17, effective 11/29/17]

[Filed ARC 4265C (Notice ARC 4028C, IAB 9/26/18), IAB 1/30/19, effective 3/6/19]

[Filed ARC 0113D (Notice ARC 9826C, IAB 12/24/25), IAB 3/4/26, effective 4/8/26]

¹ August 14, 2013, effective date of ARC 0827C [27.3(2)] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 6, 2013.

CHAPTER 28
WASTEWATER AND DRINKING WATER TREATMENT FINANCIAL ASSISTANCE
PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/14/31

265—28.1(16) Definitions.

“Authority” means the Iowa finance authority created in Iowa Code section 16.1A.

“Committee” means the water quality financing review committee created pursuant to Iowa Code section 16.134(10).

“Costs” means all expenses incurred by the recipient and determined by the authority as reasonable and necessary to carry out a project.

“Program” means the same as defined in Iowa Code section 16.134(1).

“Project” means the installation or upgrade of wastewater treatment facilities and systems and drinking water treatment facilities and systems, including source water protection projects, and engineering or technical assistance for facility planning and design.

“Recipient” means the entity receiving funds from the program.

[ARC 9822C, IAB 12/10/25, effective 1/14/26]

265—28.2(16) Project funding. The committee will approve or deny applications for grants through the program in accordance with the priorities listed in Iowa Code section 16.134 and subject to the limitations therein. The committee will determine the weighting of priorities on an annual basis.

[ARC 9822C, IAB 12/10/25, effective 1/14/26]

265—28.3(16) Administration.

28.3(1) The authority will notify successful applicants in writing of an approved application for a grant. The terms of the grant may be negotiated by the authority and shall be included in a written agreement with the recipient. The agreement may include any other term that the authority deems necessary or convenient for the efficient administration of the program. All eligible costs shall be documented to the satisfaction of the authority before grant funds may be disbursed.

28.3(2) The recipient shall maintain records that document all costs associated with the project. The recipient shall provide access to these records to the authority, the auditor of the state of Iowa, or their agents or designees upon request. The recipient shall retain such records and documents for a period of three years from the date of the final disbursement of grant funds.

28.3(3) The recipient shall provide the authority or its agents or designees access to the project site on request for the duration of the grant to verify that the funds are being used for the purpose intended, that the construction work meets applicable state and federal requirements, and that the project is being operated and maintained as designed.

28.3(4) The recipient’s accounting procedures shall conform to generally accepted government accounting standards.

28.3(5) The recipient shall comply with all applicable federal and state requirements of the project and its operations.

28.3(6) The authority may, for cause, find that a recipient is not in compliance with the requirements of the program. Remedies for noncompliance may include penalties up to and including withholding of or return of grant funds. Findings of noncompliance may include but are not limited to the use of grant funds for activities not described in the application for the grant; failure to begin construction within one year of execution of a grant agreement; or failure to comply with any applicable state or federal rules, regulations, or laws.

[ARC 9822C, IAB 12/10/25, effective 1/14/26]

These rules are intended to implement Iowa Code sections 16.134 and 16.135.

[Filed 11/1/06, Notice 8/30/06—published 11/22/06, effective 12/27/06]

[Filed emergency 12/27/06—published 1/17/07, effective 12/27/06]

[Filed ARC 4211C (Notice ARC 4090C, IAB 10/24/18), IAB 1/2/19, effective 2/6/19]

[Filed ARC 9822C (Notice ARC 9532C, IAB 9/3/25), IAB 12/10/25, effective 1/14/26]

CHAPTER 29
DISASTER RECOVERY HOUSING ASSISTANCE

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/5/28

265—29.1(16) Definitions. For purposes of this chapter, unless the context otherwise requires:

“*Authority*” means the Iowa finance authority created in Iowa Code section 16.1A.

“*Council of governments*” or “*COG*” means an Iowa council of governments as defined by Iowa Code chapter 28H.

“*Disaster-affected home*” means a primary residence that is destroyed or damaged due to a natural disaster that occurs on or after June 16, 2021, and that is located in a county that is the subject of a state of disaster emergency proclamation by the governor that authorizes disaster recovery housing assistance.

“*Fund*” means the disaster recovery housing assistance fund.

“*Local program administrator*” means the same as defined in subrule 29.2(1).

“*Program*” means the disaster recovery housing assistance program, except for where the term “program” is used in rule 265—29.8(16).

“*Replacement housing*” means housing purchased by a homeowner or leased by a renter needed to replace a disaster-affected home that is destroyed or damaged beyond reasonable repair as determined by a local program administrator.

“*Retention agreement*” means an agreement as described in subrule 29.5(6).

“*Retention period*” means a period of time during which a retention agreement will remain in place. The retention period will begin on the date of a loan closing or the date repairs are completed and will end five years after the beginning of the retention period.

“*State of disaster emergency*” means the same as described in Iowa Code section 29C.6(1).

[ARC 7021C, IAB 5/31/23, effective 7/5/23]

265—29.2(16) Operation of program with local program administrators.

29.2(1) *Local program administrators.* For purposes of this chapter, “local program administrator” means any of the following:

a. The cities of Ames, Cedar Falls, Cedar Rapids, Council Bluffs, Davenport, Des Moines, Dubuque, Iowa City, Waterloo, and West Des Moines.

b. A council of governments whose territory includes at least one county that is the subject of a state of disaster emergency proclamation by the governor that authorizes disaster recovery housing assistance or the eviction prevention program under Iowa Code section 16.57C on or after June 16, 2021.

c. A community action agency as defined in Iowa Code section 216A.91 whose territory includes at least one county that is the subject of a state of disaster emergency proclamation by the governor that authorizes disaster recovery housing assistance or the eviction prevention program under Iowa Code section 16.57C on or after June 16, 2021.

d. A qualified local organization, organized as a nonprofit in the state of Iowa, or a governmental entity that provides housing stability services. Housing stability services may include:

- (1) Housing counseling;
- (2) Legal services related to eviction proceedings and maintaining housing stability; and
- (3) Housing navigation services.

29.2(2) *Agreements with local government administrators.* The authority will enter into agreements with local program administrators working in disaster-affected counties for the purpose of reviewing applications for disaster recovery housing assistance and determining whether applicants are eligible for assistance under the program.

29.2(3) *Review of requests for assistance.* To be considered for a forgivable loan or grant under the program, a homeowner or renter must register for the disaster case management program established pursuant to Iowa Code section 29C.20B. The disaster case manager may refer the homeowner or renter to the appropriate local program administrator. If referred by disaster case managers, homeowners and renters will submit applications to local program administrators in the manner prescribed by the authority. Local

program administrators shall accept and review each application. The authority may award a forgivable loan or grant after a local program administrator has determined the following:

- a. Whether the applicant is eligible for assistance.
- b. Whether the requested funds are being requested for a use permitted under the program.
- c. The amount of financial assistance to be awarded to the homeowner or renter.

29.2(4) *Administrative fees.* The authority shall not use more than 5 percent of the moneys in the fund on July 1 of a fiscal year for purposes of administrative costs and other program support during the fiscal year. The authority may share a portion of the funds reserved for its administrative costs with local program administrators to reimburse their administrative costs.

29.2(5) *Proceeds of repayments.* All loan amounts repaid to the authority by an eligible homeowner pursuant to this chapter shall be returned to the disaster recovery housing assistance fund created in Iowa Code section 16.57B.

[ARC 7021C, IAB 5/31/23, effective 7/5/23]

265—29.3(16) Eligibility.

29.3(1) *Eligible homeowners.* To be eligible for a forgivable loan under the program, all of the following requirements shall apply:

- a. The homeowner's disaster-affected home must have sustained damage greater than the damage that is covered by the homeowner's property and casualty insurance policy insuring the home plus any other state or federal disaster-related financial assistance that the homeowner is eligible to receive.
- b. A local official must either deem the disaster-affected home suitable for rehabilitation or damaged beyond reasonable repair.
- c. The disaster-affected home is not eligible for buyout by the county or city where the disaster-affected home is located, or the disaster-affected home is eligible for a buyout by the county or city where the disaster-affected home is located but the homeowner is requesting a forgivable loan for the repair or rehabilitation of the homeowner's disaster-affected home in lieu of a buyout.
- d. Assistance under the program must not duplicate benefits provided by any local, state, or federal disaster recovery assistance program.
- e. A homeowner must be referred to the authority or to a local program administrator to be considered for a financial assistance award.

29.3(2) *Eligible renters.* To be eligible for a grant under the program, all of the following requirements shall apply:

- a. A local program administrator either deems the disaster-affected home of the renter suitable for rehabilitation but unsuitable for current short-term habitation, or the disaster-affected home is damaged beyond reasonable repair.
- b. Assistance under the program must not duplicate benefits provided by any local, state, or federal disaster recovery assistance program.
- c. A renter must be referred to the authority or to a local program administrator to be considered for a financial assistance award.
- d. A renter must be a party to a written lease.
- e. The landlord must not reside at the same address as the eligible renter.

29.3(3) *Registration required.* To be considered for a forgivable loan or grant under the program, a homeowner or renter must register for the disaster case management program established pursuant to Iowa Code section 29C.20B. The disaster case manager may refer the homeowner or renter to the appropriate local program administrator.

[ARC 7021C, IAB 5/31/23, effective 7/5/23]

265—29.4(16) Eligible uses of funds.

29.4(1) *Forgivable loans.* The authority may award a forgivable loan to an eligible homeowner for any of the following purposes:

- a. Repair or rehabilitation of the disaster-affected home.
- b. Down payment assistance on the purchase of replacement housing, and the cost of reasonable repairs to be performed on the replacement housing to render the replacement housing decent, safe,

sanitary, and in good repair. For purposes of this paragraph, “decent, safe, sanitary, and in good repair” means the same as described in 24 CFR §5.703. The amount of down payment assistance that may be awarded to an eligible homeowner must not exceed 25 percent of the purchase price of the home being purchased plus any amount allowed for repairs, or \$50,000, whichever is less.

(1) Replacement housing shall not be located in a 100-year floodplain.

(2) For purposes of calculating the amount of down payment assistance available to the eligible homeowner, the amount of the down payment assistance will be reduced by the amount of any disaster compensation received by the eligible homeowner in excess of any amount necessary to pay off a mortgage or real estate purchase contract on the disaster-affected home.

(3) As a condition of receiving down payment assistance, the eligible homeowner must agree that any disaster compensation received subsequent to the closing of the forgivable loan, if not applied toward repayment of a mortgage on the disaster-affected home, shall be used by the eligible homeowner to pay down the balance of the forgivable loan outstanding at the time the eligible homeowner receives such disaster compensation.

(4) An eligible homeowner shall not use the assistance allowed under this paragraph for the purchase of more than one home.

(5) Replacement housing must be used as the eligible homeowner’s primary residence.

29.4(2) Grants. The authority may award a grant to an eligible renter to provide short-term financial assistance for the payment of rent for replacement housing, pursuant to the limitations set forth in subrule 29.6(1).

[ARC 7021C, IAB 5/31/23, effective 7/5/23]

265—29.5(16) Loan terms. Loans made under the program shall, at a minimum, contain the following terms:

29.5(1) Five-year term. The duration of the loan will be for a term of five years.

29.5(2) Amount. The maximum amount of a loan made under this program shall be \$50,000.

29.5(3) Interest. Loans made pursuant to the program shall bear no interest.

29.5(4) Forgivability. Loans made pursuant to the program will be forgiven and the principal amount of the loan reduced by one-sixtieth of the initial loan amount for each full month of the retention period in which the homeowner is not in default pursuant to the loan agreement, beginning on the date of the final disbursement of forgivable loan proceeds.

29.5(5) Repayment due upon sale of home. If a homeowner who has been awarded a forgivable loan sells a disaster-affected home or replacement housing for which the homeowner received the forgivable loan prior to the end of the loan term, the remaining principal on the forgivable loan shall be due and payable upon the sale of the home.

29.5(6) Retention agreement. Each loan made pursuant to this program shall be secured by a retention agreement that shall constitute a lien on the title of the real property for which the forgivable loan is made until such time as the forgivable loan has either been fully forgiven or paid in full. However, if an eligible homeowner receives a buyout of the disaster-affected home from the hazard mitigation grant program established in Iowa Code chapter 29C or any other funding source, the receipt of the buyout will not trigger a repayment of assistance received under subrule 29.4(1).

29.5(7) General conditions of assistance.

a. If an eligible homeowner receives other disaster compensation after a forgivable loan is awarded, the authority may require repayment of some or all of the forgivable loan based on the amount of disaster compensation received and review for any duplication of benefits.

b. Any home to be purchased, repaired or rehabilitated using assistance under the program must be in compliance with all applicable state and local laws, rules and ordinances. To be eligible for assistance, the home must be in compliance as of the time of closing in the case of purchases, and as of the date of the final disbursement of forgivable loan proceeds in the case of repair or rehabilitation.

[ARC 7021C, IAB 5/31/23, effective 7/5/23]

265—29.6(16) Grant terms. Grants made under the program shall be subject to the following terms:

29.6(1) Award calculation and maximum award.

- a. An eligible renter may be awarded up to six months of rent assistance.
- b. An eligible renter may be awarded retroactive rent assistance.
- c. An eligible renter may be awarded rent assistance to pay late fees provided that the late fees are permissible under Iowa Code chapter 562A or 562B.
- d. Rent assistance will be calculated by first multiplying the monthly rent amount stated on the eligible renter's lease by the number of months for which assistance is needed, and then adding any eligible retroactive rent assistance and late fees.
- e. The amount of monthly rent assistance used in calculating the award must not exceed the amount stated on the eligible renter's lease.
- f. The maximum allowable rent assistance that may be awarded must not exceed the lesser of:
 - (1) The sum of the amount stated on the eligible renter's lease multiplied by six months, plus late fees;
 - or
 - (2) \$5,000.

29.6(2) *Priority of awards.* The authority may prioritize awards of rent assistance to eligible renters earning 80 percent or less of the area median income for the county where the replacement housing is located.

29.6(3) *Disbursement.* The authority will disburse rent assistance only after a complete application has been received, an award has been approved by the authority, and all applicable conditions for disbursement have been met, including the submission of documentation pertaining to the eligible expenses. Disbursements will be paid directly to the eligible renter's landlord, unless the authority determines that payment to the landlord is not feasible. If the authority determines it is not feasible to pay the eligible renter's landlord directly, the authority may disburse payment directly to the eligible renter.
[ARC 7021C, IAB 5/31/23, effective 7/5/23]

265—29.7(16) Reporting. A local program administrator working with the authority to administer assistance provided under rule 265—29.4(16) will submit any information reasonably requested by the authority in sufficient detail to permit the authority to prepare any reports required by the authority, the general assembly or the governor's office.

[ARC 7021C, IAB 5/31/23, effective 7/5/23]

265—29.8(16) Eviction prevention program.

29.8(1) *Purpose.* The authority shall establish and administer an eviction prevention program. Under the eviction prevention program, the authority shall award grants to eligible renters and to eviction prevention partners for purposes of this rule. Grants may be awarded upon a state of disaster emergency proclamation by the governor that authorizes the eviction prevention program. Eviction prevention assistance shall be paid out of the fund established in Iowa Code section 16.57B.

29.8(2) *Rent assistance.*

a. Grants awarded to eligible renters pursuant to this subrule shall be used for short-term financial rent assistance to keep eligible renters in their current residences.

b. For the purposes of this subrule, "eligible renter" means a renter whose income meets the qualifications of the program, who is at risk of eviction, and who resides in a county that is the subject of a state of disaster emergency proclamation by the governor that authorizes the eviction prevention program and meets the following requirements:

(1) To meet the income qualifications of the eviction prevention program established in this rule, a renter's household income must not exceed 80 percent of the area median income as published annually by the U.S. Department of Housing and Urban Development (HUD) for the county in which the rental unit is located.

(2) A renter must be a party to a written lease.

(3) The landlord must not reside at the same address as the eligible renter.

c. An eligible renter may receive rent assistance subject to the following limitations:

(1) An eligible renter may be awarded up to six months of rent assistance.

(2) An eligible renter may be awarded retroactive rent assistance.

(3) An eligible renter may be awarded rent assistance to pay late fees provided that the late fees are permissible under Iowa Code chapter 562A or 562B.

(4) Rent assistance will be calculated by first multiplying the monthly rent amount stated on the eligible renter's lease by the number of months for which assistance is needed, and then adding any eligible retroactive rent assistance and late fees.

(5) The amount of monthly rent assistance used in calculating the award must not exceed the amount stated on the eligible renter's lease.

(6) The maximum allowable rent assistance that may be awarded must not exceed the lesser of the sum of the amount stated on the eligible renter's lease multiplied by six months plus late fees or \$5,000.

d. A renter will apply for assistance under this rule in the form and manner required by the authority.

e. The authority will disburse rent assistance under this paragraph only after a complete application has been received, an award has been approved by the authority, and all applicable conditions for disbursement have been met, including the submission of documentation pertaining to the eligible expenses. Disbursements will be paid directly to the eligible renter's landlord, unless the authority determines that payment to the landlord is not feasible. If the authority determines it is not feasible to pay the eligible renter's landlord directly, the authority may disburse payment directly to the eligible renter.

29.8(3) Eviction prevention partners.

a. Grants awarded to eviction prevention partners pursuant to this rule shall be used to pay for rent or housing stability services provided to eligible renters for the purpose of preventing the eviction of eligible renters.

b. For the purposes of this subrule, "eviction prevention partner" means a local program administrator as defined in subrule 29.2(1).

c. The authority may enter into an agreement with one or more eviction prevention partners to administer the program. The authority will prepare an agreement for each grant awarded to an eviction prevention partner. The agreement will reflect the terms of the award and may include other terms and conditions reasonably necessary for implementation of the program pursuant to this rule.

d. Any substantive change to an agreement will require an amendment to the agreement. Amendments shall be requested in writing. No amendment shall be valid unless approved by the authority.

e. The authority will disburse funds under this paragraph only after an award has been approved by the authority and all applicable conditions for disbursement have been met, including the submission of documentation pertaining to the eligible expenses.

f. An eviction prevention partner receiving an award under this rule shall submit any information reasonably requested by the authority in sufficient detail to permit the authority to prepare any reports required by the authority, the general assembly or the governor's office.

[ARC 7021C, IAB 5/31/23, effective 7/5/23]

265—29.9(16) Financial assistance subject to availability of funding. All financial assistance awarded pursuant to this chapter shall be subject to funds being made available to the authority for the purpose of awarding financial assistance to eligible homeowners and eligible renters in disaster-affected counties.

[ARC 7021C, IAB 5/31/23, effective 7/5/23]

These rules are intended to implement Iowa Code sections 16.57A, 16.57B and 16.57C.

[Filed emergency 9/19/08—published 10/8/08, effective 9/19/08]

[Filed emergency 10/1/08—published 10/22/08, effective 10/1/08]

[Filed Emergency ARC 7842B, IAB 6/17/09, effective 5/14/09]

[Filed Emergency ARC 7899B, IAB 7/1/09, effective 6/10/09]

[Filed ARC 8074B (Notice ARC 7900B, IAB 7/1/09), IAB 8/26/09, effective 9/30/09]

[Filed ARC 8075B (Notice ARC 7843B, IAB 6/17/09), IAB 8/26/09, effective 9/30/09]

[Filed Emergency ARC 8323B, IAB 12/2/09, effective 11/4/09]

[Filed ARC 8546B (Notice ARC 8324B, IAB 12/2/09), IAB 2/24/10, effective 3/31/10]

[Filed Emergency ARC 8907B, IAB 6/30/10, effective 6/10/10]

[Filed ARC 9029B (Notice ARC 8908B, IAB 6/30/10), IAB 8/25/10, effective 9/29/10]

[Filed ARC 2004C (Notice ARC 1865C, IAB 2/4/15), IAB 5/27/15, effective 7/1/15]

[Filed ARC 7021C (Notice ARC 6820C, IAB 1/11/23), IAB 5/31/23, effective 7/5/23]

CHAPTER 30
QUALIFIED MIDWESTERN DISASTER AREA BOND ALLOCATION
Rescinded **ARC 9029C**, IAB 3/19/25, effective 4/23/25

CHAPTER 31
COUNCIL ON HOMELESSNESS
Rescinded **ARC 8902C**, IAB 2/19/25, effective 3/26/25

CHAPTER 32
IOWA JOBS PROGRAM
Rescinded **ARC 9029C**, IAB 3/19/25, effective 4/23/25

CHAPTER 33
WATER QUALITY FINANCIAL ASSISTANCE PROGRAM
Rescinded **ARC 9955C**, IAB 1/7/26, effective 2/11/26

CHAPTER 34
Reserved

CHAPTER 35
AFFORDABLE HOUSING ASSISTANCE GRANT FUND
Rescinded **ARC 2007C**, IAB 5/27/15, effective 7/1/15

CHAPTER 36
PUBLIC SERVICE SHELTER GRANT FUND
Rescinded **ARC 8902C**, IAB 2/19/25, effective 3/26/25

CHAPTER 37
RECOVERY ZONE BOND ALLOCATION
Rescinded **ARC 9029C**, IAB 3/19/25, effective 4/23/25

CHAPTER 38
IOWA JOBS II PROGRAM
Rescinded **ARC 9029C**, IAB 3/19/25, effective 4/23/25

CHAPTER 39
HOME INVESTMENT PARTNERSHIPS PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/8/31

265—39.1(16) Purpose. The primary purpose of HOME is to strengthen public-private partnerships and to expand the supply of decent, safe, sanitary, and affordable housing, with primary attention to rental housing, for very low-income and low-income families or to strengthen public-private partnerships or to provide direct rental assistance to low-income people.

[ARC 0114D, IAB 3/4/26, effective 4/8/26]

265—39.2(16) Definitions. When used in this chapter unless the context otherwise requires:

“Activity” means one or more specific housing activities, projects or programs assisted through HOME.

“Administrative plan” means a document that a HOME recipient establishes that describes the operation of a funded activity in compliance with all state and federal requirements.

“Authority” means the Iowa finance authority established pursuant to Iowa Code section 16.1A.

“CHDO” means a community housing development organization certified as such by the authority pursuant to 24 CFR §92.2.

“Consolidated plan” means the state’s housing and community development planning document and the annual action plan update approved by HUD pursuant to 24 CFR 91.

“Contract” means a binding written agreement executed by the authority and the recipient or subrecipient for the purpose of utilizing HOME funds to build, buy or rehabilitate (or both buy and rehabilitate) affordable housing for rent or homeownership or to provide direct rental assistance to low-income people.

“HOME” means the HOME Investment Partnerships Program authorized by the Cranston-Gonzalez National Affordable Housing Act of 1990.

“HUD” means the U.S. Department of Housing and Urban Development.

“Low-income” means families whose annual incomes do not exceed 80 percent of the median income for the area as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. An individual does not qualify as a low-income family if the individual is enrolled as a student at an institution of higher education; is under 24 years of age; is not a veteran of the United States military; is unmarried; does not have a dependent child; is not a person with disabilities as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) and was not receiving assistance under section 8 of the 1937 Act as of November 30, 2005; and is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under section 8 of the 1937 Act, or does not have parents who qualify as low-income.

“Period of affordability” means the period of time as specified in 24 CFR §92.252 and 24 CFR §92.254 that requirements under HOME must be followed.

“Program income” means gross income received by the participating jurisdiction, state recipient, or a subrecipient at any time, generated from the use of HOME funds or matching contributions.

“Project” means a site or sites together with any building (including a manufactured housing unit) or buildings located on the site(s) that are under common ownership, management, and financing and are to be assisted with HOME funds as a single undertaking. The project includes all the activities associated with the site and building. For tenant-based rental assistance, project means assistance to one or more families.

“Recaptured funds” means HOME funds that are recouped by the recipient when the housing unit assisted by the HOME program homebuyer funds does not continue to be the principal residence of the assisted homebuyer for the full period of affordability.

“Recipient” means the entity under contract with the authority to receive HOME funds and undertake the funded housing activity.

“Repayment” means HOME funds that the recipient repays to the authority because the funds were invested in a project or activity that is terminated before completion or were invested in a project or activity that failed to comply with federal program requirements.

“Subrecipient” means a governmental entity or nonprofit organization selected by the authority to administer all or a portion of the authority’s HOME programs to produce affordable housing, provide homeownership assistance, or provide tenant-based rental assistance under the HOME program. A public agency or nonprofit organization that receives HOME funds solely as a developer or owner of housing is not a subrecipient. The selection of a subrecipient by the authority is not subject to the procurement procedures and requirements under federal or state law.

“Very low-income” means low-income families whose annual incomes do not exceed 50 percent of the median family income for the area as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50 percent of the median for the area on the basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. An individual does not qualify as a very low-income family if the individual is a student who is not eligible to receive Section 8 assistance under 24 CFR §5.612.

[ARC 0114D, IAB 3/4/26, effective 4/8/26]

265—39.3(16) Eligible applicants. Eligible applicants for HOME assistance include nonprofit 501(c) organizations, CHDOs, and for-profit corporations or partnerships.

[ARC 0114D, IAB 3/4/26, effective 4/8/26]

265—39.4(16) Eligible activities and forms of assistance.

39.4(1) Eligible activities may include tenant-based rental assistance, rental housing rehabilitation, rental housing new construction and adaptive reuse, homebuyer assistance that includes some form of direct subsidy to the homebuyer, and other housing-related activities as may be deemed appropriate by the authority.

39.4(2) Eligible forms of assistance include grants, interest-bearing loans, non-interest-bearing loans, interest subsidies, deferred payment loans, forgivable loans or other forms of assistance as may be approved by the authority.

39.4(3) Program income may be retained by the recipient upon written agreement prepared by the authority and executed by the recipient or subrecipient and the authority.

39.4(4) A site including any building located thereon or project acquired or used for rental activities must be held in fee simple title by the recipient upon the disbursement of HOME funds and throughout the contract term with the authority. An installment contract or leasehold interest is not an acceptable recipient interest.

39.4(5) A site including any building located thereon or project acquired or used for homebuyer activities must be held in fee simple title by the recipient or homebuyer upon the disbursement of HOME funds and throughout the contract term with the authority. An installment contract or leasehold interest is not an acceptable recipient or homebuyer interest.

[ARC 0114D, IAB 3/4/26, effective 4/8/26]

265—39.5(16) Application procedure. HOME applications will be received from eligible applicants in the online system prescribed by the authority as often as the state expects funding from HUD. At a minimum, applications will include the amount of funds requested, a description of the need for the funds, documentation of other available committed funding sources, the source of required local match, and the estimated number of persons to be served by the applicant. Maximum and minimum grant awards will be established by the authority for each application round.

[ARC 0114D, IAB 3/4/26, effective 4/8/26]

265—39.6(16) Application requirements. An application that meets the following threshold criteria will be considered for HOME assistance:

39.6(1) The application proposes a housing activity consistent with the HOME fund purpose and eligibility requirements and the state consolidated plan approved by HUD.

39.6(2) The application documents the applicant's capacity to administer the proposed activity. Such documentation may include evidence of successful administration of prior housing activities. The authority reserves sole discretion to deny funding to an applicant that has failed to comply with federal or state requirements in the administration of a previous project funded by the state of Iowa or that failed to comply with federal requirements in the administration of a previous project funded in any other state. Documentation of the ability of the applicant to provide technical services and the availability of certified lead professionals and contractors either trained in safe work practices or certified as abatement contractors may also be required as applicable to the HOME fund activity.

39.6(3) Recipients of funds for homeownership as defined by 24 CFR §92.254 may allow the beneficiaries of the funds to use a principal mortgage loan product from a third party that meets the following criteria:

a. With the exception of Habitat for Humanity principal mortgage loan products, the principal mortgage loan is the only repayable loan in all individual homebuyer assistance projects.

b. The HOME assistance must be recorded in second lien position to the principal mortgage loan, if one exists. Recipients of HOME homebuyer assistance must maintain their assistance security agreements in the above-stated recording position throughout the applicable period of affordability and will not be allowed to subordinate the required recording position to any other form of assistance, such as home equity loans. A homebuyer search is required, and any collection/unpaid obligation that would become a judgment or any judgments must be paid in full prior to closing.

c. Any mortgage lending entity's principal mortgage loan products may be used provided the entity's principal mortgage includes the following terms:

- (1) Fully amortized, fixed-rate loan with rate not to exceed Fannie Mae 90-day yield + 0.125 percent;
- (2) No less than a 15-year, fully amortized, fixed-rate mortgage will be allowed; and
- (3) No adjustable rate mortgages or balloon payment types of mortgages will be allowed.

[ARC 0114D, IAB 3/4/26, effective 4/8/26]

265—39.7(16) Application review criteria.

39.7(1) The authority will evaluate applications and make funding decisions based on general activity criteria, need, impact, feasibility, and activity administration based upon the specific type of activity to be undertaken. The general activity criteria will be included in the application. Training will be offered prior to the application deadline to provide information and technical assistance to potential applicants.

39.7(2) Notice of the availability of funding and the funding round requirements will be placed on the authority's website at opportunityiowa.gov.

[ARC 0114D, IAB 3/4/26, effective 4/8/26]

265—39.8(16) Allocation of funds.

39.8(1) The authority may retain up to 10 percent of the state's annual HOME allocation from HUD for administrative costs associated with program implementation and operation.

39.8(2) Not less than 15 percent of the state's annual HOME allocation is reserved for eligible housing activities developed, sponsored or owned by CHDOs unless HUD allows a lower percentage.

39.8(3) The authority reserves the right to negotiate the amount of funds provided for general administration, but the maximum amount of the total HOME award that may be used for general administrative costs is 10 percent of the HOME award. Only local government and nonprofit recipients are eligible for general administrative funds.

39.8(4) The authority reserves the right to negotiate the amount and terms of a HOME award.

39.8(5) The authority reserves the right to make award decisions such that the state maintains the required level of local match to HOME funds.

[ARC 0114D, IAB 3/4/26, effective 4/8/26]

265—39.9(16) Administration of awards. Applicants selected to receive HOME awards will be notified by letter from the authority's director or designee. The authority and the recipient or subrecipient will execute a contract prepared by the authority.

[ARC 0114D, IAB 3/4/26, effective 4/8/26]

265—39.10(16) Requests for funds. Recipients shall submit requests for funds in the manner and on forms prescribed by the authority. Adequate and itemized documentation supporting the amount of funds requested must be provided to and approved by the authority prior to release of funds. For rental projects, the authority may retain up to 10 percent of the total HOME award for up to 30 days after the recipient satisfactorily completes the work, all HOME-assisted units have been initially occupied, and a final draw and completion form has been submitted to and approved by the authority.

[ARC 0114D, IAB 3/4/26, effective 4/8/26]

265—39.11(16) References. All references to the Code of Federal Regulations, United States Code, and federal acts, including the Cranston-Gonzalez National Affordable Housing Act of 1990 and the United States Housing Act of 1937, in this chapter are as in effect April 8, 2026.

[ARC 0114D, IAB 3/4/26, effective 4/8/26]

These rules are intended to implement Iowa Code section 16.5(1)“*f*” and “*m*” and the Cranston-Gonzalez National Affordable Housing Act of 1990.

[Filed Emergency ARC 8963B, IAB 7/28/10, effective 7/8/10]

[Filed ARC 9284B (Notice ARC 9159B, IAB 10/20/10), IAB 12/15/10, effective 1/19/11]

[Filed Emergency ARC 9802B, IAB 10/5/11, effective 9/16/11]

[Filed ARC 9764B (Notice ARC 9644B, IAB 7/27/11), IAB 10/5/11, effective 11/9/11]

[Filed Emergency ARC 0003C, IAB 2/8/12, effective 1/20/12]

[Filed Emergency After Notice ARC 0500C (Notice ARC 0296C, IAB 8/22/12), IAB 12/12/12, effective 11/19/12]

[Filed ARC 1140C (Notice ARC 0997C, IAB 9/4/13), IAB 10/30/13, effective 12/4/13]

[Filed ARC 3425C (Notice ARC 3274C, IAB 8/30/17), IAB 10/25/17, effective 11/29/17]

[Filed ARC 0114D (Notice ARC 9797C, IAB 12/10/25), IAB 3/4/26, effective 4/8/26]

CHAPTER 40
IOWANS HELPING IOWANS HOUSING ASSISTANCE PROGRAM
Rescinded **ARC 8902C**, IAB 2/19/25, effective 3/26/25

CHAPTER 41
SHELTER ASSISTANCE FUND
[Prior to 10/20/10, see 261—Ch 29]

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/13/30

265—41.1(16) Purpose. The shelter assistance fund (SAF) is created pursuant to and for the purposes stated under Iowa Code section 16.41.

[ARC 9407C, IAB 7/9/25, effective 8/13/25]

265—41.2(16) Definitions.

“Applicant” means an eligible provider of homeless services that is applying for SAF funds.

“Authority” means the Iowa finance authority.

“Domestic violence shelter” means a homeless shelter primarily or exclusively serving clients who are homeless due to domestic violence.

“DVIMS” means the Domestic Violence Information Management System, which is Iowa’s designated database for domestic violence shelters.

“ESG” means the Emergency Solutions Grant Program created pursuant to Title 42 of the U.S. Code (42 U.S.C. Section 11375) as well as parts of Title 24 of the Code of Federal Regulations (24 CFR Part 576).

“HMIS” means the Homeless Management Information System as defined in 24 CFR Part 91.

“Homeless” means the same as set forth in 24 CFR Part 91.

“Homeless shelter” or *“shelter”* means a facility properly zoned and lawfully operating in compliance with all state, county and municipal laws and regulations, including possessing all permits, licenses, certifications and other authorizations required for the facility’s location, which provides temporary shelter with overnight sleeping accommodations for homeless persons and which does not require occupants to sign leases or occupancy agreements.

“HUD” means the U.S. Department of Housing and Urban Development.

“Participant” means any person or family who is homeless or at risk of becoming homeless and is provided assistance from a recipient utilizing SAF funds.

“Private nonprofit organization” means an organization as set forth in 42 U.S.C. Section 11371, which has registered with the state of Iowa as a nonprofit corporation.

“Recipient” means any organization to which the authority distributes SAF funds.

[ARC 9407C, IAB 7/9/25, effective 8/13/25]

265—41.3(16) Eligible applicants. To be eligible for the SAF, an applicant must:

1. Be a city government, county government, instrumentality of government, or private nonprofit organization; and
2. Operate a homeless shelter.

[ARC 9407C, IAB 7/9/25, effective 8/13/25]

265—41.4(16) Eligible activities. Eligible activities may include the following, where necessary to assist participants:

41.4(1) Operating expenses for homeless and domestic violence shelters necessary for the operation of the shelter, including staff salaries, maintenance (including minor or routine repairs), rent, security, fuel, equipment, insurance, utilities, food, furnishings, and supplies. Where or when no appropriate shelter is available for a homeless family or individual, eligible costs may include a hotel or motel voucher for that family or individual. Costs of third-party agencies in providing food to one or more shelters or directly to participants may also be included as eligible costs.

41.4(2) Essential services for individuals and families in homeless and domestic violence shelters, including case management, coordinated entry or centralized intake, child care, education services, employment assistance and job training, outpatient health services, legal services, life skills training,

mental health services, substance abuse treatment services, and transportation necessary to provide services.

41.4(3) Evaluation and reporting of services for the homeless, including the implementation of the HMIS.

[ARC 9407C, IAB 7/9/25, effective 8/13/25]

265—41.5(16) Application procedures. The authority shall issue requests for applications periodically, specifying requirements, priorities, period of funding, and maximum and minimum award amounts, subject to available funding. Requests for applications may be issued jointly with the ESG program. Only applications submitted as prescribed by the authority will be considered.

[ARC 9407C, IAB 7/9/25, effective 8/13/25]

265—41.6(16) Application review process.

41.6(1) Applications will be reviewed by the authority for funding approval or denial based on priorities established during each competition round. Review criteria include but are not limited to the following:

- a. Project design,
- b. Applicant experience and capacity,
- c. Community partnerships and need,
- d. Past performance, and
- e. Budget and grant management.

41.6(2) If an application contains an activity determined to be ineligible, at the authority's discretion, the ineligible activity may be deleted from the application or the application may be disqualified in its entirety.

41.6(3) Before making final funding recommendations, the authority may review applications with other state agencies or any other party deemed appropriate in the authority's sole discretion.

41.6(4) Based on the review process and subject to available funding, the authority may revise the applicant's overall funding request by activity or funding level and recommend a final funding figure to the authority's board of directors for approval.

[ARC 9407C, IAB 7/9/25, effective 8/13/25]

265—41.7(16) Matching contributions. The authority reserves the right to designate a portion or all of SAF funds to be used toward the matching contributions requirement imposed by HUD for ESG funds received by the state of Iowa. SAF funds designated as ESG matching contributions cannot be used to meet matching requirements of other grant moneys received by recipients. Recipients will be informed if SAF funds have been used toward the ESG matching requirement and will be responsible for ensuring compliance with the matching requirements of other grant programs.

[ARC 9407C, IAB 7/9/25, effective 8/13/25]

265—41.8(16) Funding awards.

41.8(1) *Authorization.* The authority's board of directors approves funding awards during each application cycle.

41.8(2) *Right to negotiate.* The authority reserves the right to negotiate with the recipient the amount of the funding award, the scale or scope of the recipient's project, and alternative methods for completing the project.

41.8(3) *Special purpose awards.* The authority may, at its discretion, make funding awards for evaluation, reporting, or implementation of services for the homeless, including but not limited to the HMIS or coordinated entry, apart from the application procedures and application review process set forth in rules 265—41.5(16) and 265—41.6(16).

[ARC 9407C, IAB 7/9/25, effective 8/13/25]

265—41.9(16) Requirements placed on recipients.

41.9(1) *Participation by homeless individuals and families.* To the extent possible, recipients should involve, through employment, volunteer services, or otherwise, homeless individuals and families in

constructing, renovating, maintaining, and operating facilities assisted with SAF funds and providing services assisted with SAF funds.

41.9(2) *Termination of assistance and grievance procedure.* Recipients shall establish and implement a formal process to terminate assistance to participants who violate SAF program requirements. This process shall include a hearing that provides participants a full opportunity to address issues of noncompliance.

41.9(3) *Data reporting system.* Recipients shall participate in the HUD-approved HMIS adopted by the authority unless the recipient qualifies as a domestic violence shelter, in which case the recipient shall use the DVIMS.

41.9(4) *Ensuring confidentiality.* Recipients shall develop and implement procedures to guarantee the confidentiality of records pertaining to any participant, including any individual to whom family violence prevention or treatment services are provided. In addition, the address or location of any domestic violence shelter shall not be disclosed to any person except with written authorization of the shelter director.

41.9(5) *Requirements for religious organizations.* Recipients shall not engage in religious proselytizing or counseling using SAF funds, require attendance at religious services as a requirement or condition to receive assistance with SAF funds, nor limit services or give preference to persons seeking assistance with SAF funds on the basis of religion.

41.9(6) *Prohibition against involuntary family separation.* If a shelter provides services to families with children under the age of 18, the age of a child under the age of 18 shall not be used as a basis for denying any family's admission to shelter.

41.9(7) *Lead-based paint.* Recipients shall follow the federal rules for lead-based paint, including the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations in 24 CFR Part 35, Subparts A, B, H, J, K, M, and R, which apply to all shelters occupied by participants.

41.9(8) *Habitability standards.* Recipients shall follow the federal rules for habitability, ensuring that shelters receiving SAF funds adhere to minimum habitability standards for being safe, sanitary, and adequately maintained, according to the regulations at CFR Part 576.403, and comply with all applicable local building codes.

41.9(9) *Other requirements.* The authority may impose additional requirements on recipients, which will be described in the request for applications, the grant contract, or other guidance materials issued from time to time.

[ARC 9407C, IAB 7/9/25, effective 8/13/25]

265—41.10(16) Compliance with applicable federal and state laws and regulations. Recipients shall comply with all applicable federal, state, and local laws with respect to activities performed under this SAF program, including the Iowa Civil Rights Act as set forth in Iowa Code chapter 216. Recipients shall also comply with the following additional requirements.

41.10(1) *Review of financial statements.* Recipients shall obtain from an independent certified public accountant an annual audit report or an annual independent review of recipients' financial statements.

41.10(2) *Conflict of interest.* No person, including any employee, agent, consultant, officer, or elected or appointed official of a recipient, exercising any functions or responsibilities with respect to activities assisted under the SAF program or in a position to participate in a decision-making process or gain inside information with regard to activities assisted under the SAF program shall:

- a. Obtain a financial interest or benefit from an assisted activity;
- b. Have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity; or
- c. Have a financial interest in the proceeds derived from an assisted activity, either for the person or for those with whom the person has immediate family or business ties.

This subrule shall apply during a person's tenure and for a one-year period thereafter.

[ARC 9407C, IAB 7/9/25, effective 8/13/25]

265—41.11(16) Administration.

41.11(1) Contracts. Upon selection of an application for funding, the authority will initiate a contract. These rules and applicable federal and state laws and regulations will become part of the contract. Certain activities may necessitate that permits or clearances be obtained from other state agencies before the start of the project. Funding awards may be conditioned upon the timely completion of these requirements or any other conditions stipulated in the contract at the authority's sole discretion.

41.11(2) Recordkeeping and retention. Financial records, supporting documents, statistical records, and all other records pertinent to the funded project shall be retained by the recipient and made available to the authority upon request. Proper record retention shall be in accordance with the following:

a. Retention of records for any assisted activity for five years after the end of the grant period and, if applicable, until audit and compliance monitoring procedures are completed and accepted by the authority.

b. Access to all books, accounts, documents, records, and other property belonging to or in use by a recipient pertaining to the receipt of assistance under these rules by the office of auditor of state, the authority or the authority's designee.

41.11(3) Reporting requirements. Recipients shall submit reports to the authority as prescribed in the contract. Reports include:

a. HMIS data reports. All recipients are required to submit regular reports on participants served using the current HMIS reporting process as prescribed by the authority unless a recipient qualifies as a domestic violence shelter, in which case the recipient shall submit reports using the DVIMS.

b. Requests for funds. Recipients shall submit requests for funds during the contract period at intervals and using forms as prescribed by the authority. The authority may perform any review or field inspections it deems necessary to ensure SAF program compliance, including review of recipient records and reports. When problems of compliance are noted, the authority may require remedial actions to be taken. Failure to respond to notifications of need for remedial action may result in the remedies for noncompliance set forth in subrule 41.11(4).

41.11(4) Remedies for noncompliance. Should the authority find that a recipient is not in compliance with the requirements under this SAF program, the authority may employ any remedies it deems appropriate, including but not limited to the following:

a. Issue a warning letter stating that continued failure to comply with SAF program requirements within a stated period of time will result in a more serious action.

b. Condition a future award on correcting compliance issues.

c. Direct the recipient to stop incurring costs with grant funds.

d. Require that some or all of the awarded funds be remitted to the authority.

e. Reduce the level of funds the recipient would otherwise be entitled to receive.

f. Elect not to provide future award funds to the recipient until appropriate actions are taken to ensure compliance.

g. Prohibit a future award of funds.

[ARC 9407C, IAB 7/9/25, effective 8/13/25]

265—41.12(16) References. All references to the Code of Federal Regulations and United States Code in this chapter are to the laws as in effect August 13, 2025.

[ARC 9407C, IAB 7/9/25, effective 8/13/25]

These rules are intended to implement Iowa Code section 16.41.

[Filed Emergency ARC 9162B, IAB 10/20/10, effective 10/1/10]

[Filed ARC 9281B (Notice ARC 9163B, IAB 10/20/10), IAB 12/15/10, effective 1/19/11]

[Filed Emergency ARC 9642B, IAB 7/27/11, effective 7/8/11]

[Filed ARC 9828B (Notice ARC 9643B, IAB 7/27/11), IAB 11/2/11, effective 12/7/11]

[Filed ARC 0183C (Notice ARC 0096C, IAB 4/18/12), IAB 6/27/12, effective 8/1/12]

[Filed ARC 1539C (Notice ARC 1459C, IAB 5/14/14), IAB 7/9/14, effective 8/13/14]

[Filed ARC 3426C (Notice ARC 3275C, IAB 8/30/17), IAB 10/25/17, effective 11/29/17]

[Filed ARC 9407C (Notice ARC 9190C, IAB 4/30/25), IAB 7/9/25, effective 8/13/25]

CHAPTER 42
EMERGENCY SOLUTIONS GRANT PROGRAM
[Prior to 10/20/10, see 261—Ch 24]

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/13/30

265—42.1(16) Purpose. The Emergency Solutions Grant Program (ESG program) is a federal program of the U.S. Department of Housing and Urban Development (HUD) as set forth in Title 42 of the U.S. Code (42 U.S.C. Sections 11371-11378) as well as parts of Title 24 of the Code of Federal Regulations (24 CFR Part 576).

[ARC 9408C, IAB 7/9/25, effective 8/13/25]

265—42.2(16) Definitions.

“*Applicant*” means an eligible provider of eligible homeless services that is applying for funds through the ESG program.

“*Authority*” means the Iowa finance authority.

“*Domestic violence shelter*” means a homeless shelter primarily or exclusively serving clients who are homeless due to domestic violence.

“*DVIMS*” means the Domestic Violence Information Management System, which is Iowa’s designated database for domestic violence shelters.

“*HMIS*” means the Homeless Management Information System as defined in 24 CFR Part 576.

“*Homeless*” means the same as set forth in 24 CFR Part 576.

“*Homeless shelter*” or “*shelter*” means a facility properly zoned and lawfully operating in compliance with all state, county and municipal laws and regulations, including possessing all permits, licenses, certifications and other authorizations required for the facility’s location, that provides temporary shelter with overnight sleeping accommodations for homeless persons and that does not require occupants to sign leases or occupancy agreements.

“*Private nonprofit organization*” means an organization as set forth in 42 U.S.C. Section 11371 that has registered with the state of Iowa as a nonprofit corporation.

“*SAF*” means the shelter assistance fund as set forth in Iowa Code section 16.41.

“*Subrecipient*” means any private nonprofit organization or city or county government to which the authority distributes ESG program funds.

[ARC 9408C, IAB 7/9/25, effective 8/13/25]

265—42.3(16) Eligible applicants. City governments, county governments, and private nonprofit organizations are eligible applicants under the ESG program. City or county governments may apply on behalf of a nonprofit service provider within their jurisdictions when the nonprofit service provider would otherwise qualify as an eligible applicant under the ESG program.

[ARC 9408C, IAB 7/9/25, effective 8/13/25]

265—42.4(16) Eligible activities. Eligible activities may include only the following.

42.4(1) Street outreach. The provision of essential services necessary to reach out to unsheltered homeless people; to connect them with shelter, housing, or critical services; and to provide urgent, non-facility-based care to unsheltered homeless people who are unwilling or unable to access shelter, housing, or an appropriate health facility.

42.4(2) Shelter. The provision of essential services to homeless families and individuals in shelters, the renovation of buildings to be used as emergency shelters for homeless families and individuals, and the operation of emergency shelters.

42.4(3) Prevention of homelessness. The provision of housing relocation and stabilization services, short- or medium-term rental assistance, or other financial assistance as necessary to prevent an individual or family from experiencing homelessness.

42.4(4) Rapid rehousing. The provision of housing relocation and stabilization services, short- or medium-term rental assistance, or other financial assistance as necessary to help an individual or family

experiencing homelessness to move as quickly as possible into permanent housing and achieve stability in that housing.

42.4(5) *Administrative costs.* A subrecipient may use a portion of a grant received for administrative purposes as determined by the authority.

42.4(6) *HMIS projects.* The authority may award grants for HMIS implementation to support data collection, reporting, and analysis as long as the total amount of such grants does not exceed 10 percent of the total ESG program allocation. Eligible costs may include equipment, software, services, personnel, space, and operations for HMIS activities. The authority may in its discretion award such a grant, subject to the terms of this subrule, without regard to the application and review provisions of rules 265—42.6(16) and 265—42.7(16). Subrecipients of grants in support of other eligible activities listed in subrules 42.4(1) through 42.4(4) may also use a portion of such grants to support data collection and reporting using the HMIS or the DVIMS.

[ARC 9408C, IAB 7/9/25, effective 8/13/25]

265—42.5(16) *Ineligible activities.* Any activity that is not authorized under the provisions of the McKinney-Vento Homeless Assistance Act as amended by the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), and implemented by 24 CFR Part 576, is ineligible to be carried out with ESG program funds.

[ARC 9408C, IAB 7/9/25, effective 8/13/25]

265—42.6(16) *Application procedures.* The authority will issue requests for applications periodically, specifying requirements, priorities, period of funding, and maximum and minimum award amounts, subject to available funds. Requests for applications may be issued jointly with the SAF program. Only applications submitted as prescribed by the authority will be considered.

[ARC 9408C, IAB 7/9/25, effective 8/13/25]

265—42.7(16) *Application review process.* Applications will be reviewed based on priorities established during each funding round in accordance with the state of Iowa consolidated plan for housing and community development. Review criteria include but are not limited to applicant's project design, applicant experience and capacity, community partnerships and need, past performance, budget and grant management, project accessibility, project partnerships, the number of persons or households served, and how well the project leverages other resources.

42.7(1) If an application contains an activity determined to be ineligible, at the authority's discretion, the ineligible activity may be deleted from the application, the applicant may be referred to another funding source or the application may be disqualified.

42.7(2) Authority staff may review applications with other state agencies or any other party deemed appropriate in the authority's sole discretion.

42.7(3) Based on the review process and subject to available funding, the authority may revise the applicant's overall funding request by activity or funding level and recommend a final funding figure to the authority's board of directors for approval.

[ARC 9408C, IAB 7/9/25, effective 8/13/25]

265—42.8(16) *Matching requirement.* Each subrecipient of ESG program funds must provide matching contributions according to the requirements for each round of funding. In calculating the amount of matching funds, the following may be included: cash contributions expended for allowable costs of the subrecipient for the ESG program or noncash contributions, including the value of any real property, equipment, goods, or services contributed to the subrecipient's ESG program-supported project, provided that, if the subrecipient had to pay for them with grant funds, the costs would have been allowable. The authority may allow an exemption of matching funds up to a maximum of \$100,000 of the state allocation received from HUD for the subrecipients least capable of providing such matching amounts. Subrecipients seeking this exemption from matching requirements must document their need for the exemption and receive prior approval from the authority before the exemption becomes effective.

[ARC 9408C, IAB 7/9/25, effective 8/13/25]

265—42.9(16) Funding awards.

42.9(1) Awards on behalf of multiple applicants. A city or county government or private nonprofit organization may be designated, at the discretion of the authority, to administer a contract for multiple applicants within a prescribed geographic area.

42.9(2) Right to negotiate. The authority reserves the right to negotiate with the subrecipient the amount of the funding award, the scale or scope of the subrecipient's project, and alternative methods for completing the project.

42.9(3) Special purpose awards. The authority may, at its discretion, award any remaining funds as it sees fit within the ESG program regulations.

[ARC 9408C, IAB 7/9/25, effective 8/13/25]

265—42.10(16) Compliance with applicable federal and state laws and regulations. Subrecipients shall comply with the following:

1. Iowa Code governing activities performed under this program;
2. McKinney Homeless Assistance Act and its implementing regulations;
3. HEARTH Act;
4. Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 CFR Part 200; and
5. Violence Against Women Act.

[ARC 9408C, IAB 7/9/25, effective 8/13/25]

265—42.11(16) Administration.

42.11(1) Contracts. Upon selection of an application for funding, the authority will initiate a contract. These rules and applicable federal and state laws and regulations will become part of the contract. Certain activities may necessitate that permits or clearances be obtained from other state or federal agencies before the start of the project. Funding awards may be conditioned upon the timely completion of these requirements or any other conditions stipulated in the contract at the authority's sole discretion.

42.11(2) Recordkeeping and retention. Financial records, supporting documents, statistical records, and all other records pertinent to the funded project shall be retained by the subrecipient and made available to the authority upon request. Private nonprofit subrecipients covered through an ESG program contract from a city or county government or another nonprofit organization are responsible for ensuring that pertinent records of their ESG program funds be made available to the administering city or county government or other nonprofit organization and to the authority upon request. Proper record retention must be in accordance with the following:

- a. Retention of records for any assisted activity for five years after the end of the grant period and, if applicable, until audit procedures are completed and accepted by the authority.
- b. Access to all books, accounts, documents, records, and other property belonging to or in use by a subrecipient pertaining to the receipt of assistance under these rules by representatives of the Secretary of HUD, the Inspector General, the General Accounting Office, the Office of Auditor of State, the authority or the authority's designee.

42.11(3) Reporting requirements. Subrecipients shall submit reports to the authority as prescribed in the contract. Reports include:

a. HMIS data reports. All subrecipients are required to submit regular reports on clients served using the current HMIS reporting process as prescribed by the authority unless a subrecipient qualifies as a domestic violence shelter, in which case the subrecipient must submit reports using the DVIMS.

b. Requests for funds. Subrecipients must submit requests for funds during the contract period at intervals and using forms as prescribed by the authority. The authority may perform any review or field inspections it deems necessary to ensure program compliance, including review of subrecipient records and reports. When problems of compliance are noted, the authority may require remedial actions to be taken. Failure to respond to notifications of need for remedial action may result in the remedies for noncompliance set forth in subrule 42.11(4).

42.11(4) Remedies for noncompliance. Should the authority find that a subrecipient is not in compliance with the requirements under this program, the authority may employ any remedies it deems appropriate, including but not limited to the following:

- a. Issue a warning letter stating that continued failure to comply with program requirements within a stated period of time will result in a more serious action.
- b. Condition a future award on correcting compliance issues.
- c. Direct the subrecipient to stop incurring costs with grant funds.
- d. Require that some or all of the awarded funds be remitted to the authority.
- e. Reduce the level of funds the subrecipient would otherwise be entitled to receive.
- f. Elect not to provide future award funds to the subrecipient until appropriate actions are taken to ensure compliance.

[ARC 9408C, IAB 7/9/25, effective 8/13/25]

265—42.12(16) References. All references to the Code of Federal Regulations; United States Code; and federal acts, including the McKinney-Vento Homeless Assistance Act, the HEARTH Act, and the Violence Against Women Act, in this chapter are as in effect August 13, 2025.

[ARC 9408C, IAB 7/9/25, effective 8/13/25]

These rules are intended to implement Iowa Code section 16.5(1)“m” and 42 U.S.C. Sections 11371 through 11378.

[Filed Emergency ARC 9166B, IAB 10/20/10, effective 10/1/10]

[Filed ARC 9282B (Notice ARC 9167B, IAB 10/20/10), IAB 12/15/10, effective 1/19/11]

[Filed Emergency ARC 9633B, IAB 7/27/11, effective 7/8/11]

[Filed ARC 9830B (Notice ARC 9635B, IAB 7/27/11), IAB 11/2/11, effective 12/7/11]

[Filed ARC 0186C (Notice ARC 0095C, IAB 4/18/12), IAB 6/27/12, effective 8/1/12]

[Filed ARC 3427C (Notice ARC 3276C, IAB 8/30/17), IAB 10/25/17, effective 11/29/17]

[Filed ARC 5343C (Notice ARC 5219C, IAB 10/7/20), IAB 12/30/20, effective 2/3/21]

[Filed ARC 9408C (Notice ARC 9191C, IAB 4/30/25), IAB 7/9/25, effective 8/13/25]

CHAPTER 43
COMMUNITY HOUSING AND SERVICES FOR PERSONS
WITH DISABILITIES REVOLVING LOAN PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/8/31

265—43.1(16) Definitions. When used in this chapter, unless the context otherwise requires:

“*Authority*” means the Iowa finance authority.

“*Department*” means the Iowa department of health and human services.

“*Infrastructure*” means the building and permanent improvements necessary for the support of Medicaid waiver-eligible individuals.

“*Medicaid waiver-eligible*” means eligible to receive 19 U.S.C. Section 1915(c) home and community-based services waivers under 441—Chapter 83.

“*Permanent supportive housing*” means a community-based dwelling that has supportive services for persons with disabilities. This type of supportive housing enables special needs populations to live as independently as possible in a permanent setting.

“*PMIC*” means psychiatric medical institutions for children.

“*Program*” means the community housing and services for persons with disabilities revolving loan program.

[ARC 0115D, IAB 3/4/26, effective 4/8/26]

265—43.2(16) Award of loan funds. It is the authority’s intent to award loans under the program to those applicants that meet all of the requirements of this chapter and the published underwriting standards of the loan program. The authority intends to award the available funds under this program each year if applicants meet all applicable requirements.

[ARC 0115D, IAB 3/4/26, effective 4/8/26]

265—43.3(16) Application process. Any unallocated or recovered funds, payments of interest and principal, or any combination thereof, may be awarded or may be carried over to the next year’s cycle of loans at the discretion of the authority. The authority occasionally will take such applications and will analyze and award loans to applicants on an ongoing basis.

[ARC 0115D, IAB 3/4/26, effective 4/8/26]

265—43.4(16) Program guidelines. For-profit and nonprofit sponsors are eligible to apply for assistance under this program based on the following program guidelines after receiving approval of a service plan to benefit the Medicaid waiver-eligible individuals who reside in the project. The service provider may apply for the loan fund; however, the service provider does not have to be the applicant for the loan fund. If the service provider is not the loan applicant, a memorandum of understanding must exist between the loan applicant and the service provider that shows an obligation on behalf of the service provider to deliver services to the Medicaid waiver-eligible individuals residing in the project and that shows that the loan applicant is obligated to offer housing to the Medicaid waiver-eligible individuals who need the services provided by the service provider.

43.4(1) Projects meeting the following criteria are eligible for assistance:

a. Written approval from the department for the proposed project is obtained prior to application for loan funds.

b. In order to be approved by the department, the project must demonstrate all of the following components:

(1) The project serves one of the following Medicaid waiver-eligible populations:

1. Individuals who are currently underserved in community settings, including individuals who are physically aggressive or have behaviors that are difficult to manage or individuals who meet the PMIC level of care; or

2. Individuals who are currently placed out of state by the department; or

3. Individuals who are currently receiving care in an Iowa-licensed health care facility.

(2) A plan to provide each Medicaid waiver-eligible individual with crisis stabilization services to ensure that the individual's behavioral issues are appropriately addressed by the provider.

(3) Policies and procedures that prohibit discharge of the Medicaid waiver-eligible individual from the waiver services provided by the project provider unless an alternative placement that is acceptable to the individual or the individual's guardian is identified.

c. In order to be approved by the department for application for funding for development of infrastructure in which to provide supportive services under this chapter, a project shall include all of the following components:

(1) Provision of services to Medicaid waiver-eligible individuals who meet the PMIC level of care.

(2) Policies and procedures that prohibit discharge of the Medicaid waiver-eligible individual from the waiver services provided by the project provider, unless an alternative placement that is acceptable to the individual or the individual's guardian is identified.

43.4(2) The following types of activities are eligible for assistance:

a. Acquisition and rehabilitation.

b. New construction.

c. Such other similar activities as may be determined by the authority to fall within the guidelines and purposes established for this program.

43.4(3) Assistance will be provided upon the following terms and conditions:

a. The minimum loan amount is \$50,000, and the maximum loan amount is \$500,000. The maximum loan term and the amortization period is each 30 years.

b. The acceptable debt service ratio and loan-to-value ratio will be calculated and determined by the authority.

c. Interest rates will be set by the authority, in its sole discretion.

d. Loans shall be secured by a first mortgage to the extent possible. Construction financing may be awarded to projects.

e. Recipients of assistance must agree to observe several covenants and restrictions all in accordance with such loan and mortgage documents as may be required by the authority under this program.

f. The recipient must show that its title in the real estate on which the project is to be located is a marketable title pursuant to Iowa Land Title Examination Standards or other applicable law through a title guaranty certificate issued by the title guaranty division of the Iowa finance authority that shows the recipient as the guaranteed and that includes any endorsements required by the authority.

g. Recipients must execute such documents and instruments and must provide such information, certificates and other items as determined necessary by the authority, in its sole discretion, in connection with any assistance.

43.4(4) Loan fees.

a. Loan fees are as follows:

(1) Application fee – 0.3 percent of loan amount.

(2) Commitment fee (construction period) – 1.0 percent of loan amount.

(3) Commitment fee (permanent loan) – 2.0 percent of loan amount.

(4) Inspection fee (construction loan) – 0.5 percent of loan amount.

b. The authority may, in limited cases, reduce such fees if necessary in connection with assistance provided under this program. Such decision will be made in the sole discretion of the authority.

[ARC 0115D, IAB 3/4/26, effective 4/8/26]

265—43.5(16) Authority analysis of applications. Authority staff will analyze and underwrite each potential project and will make recommendations for funding assistance to the authority board of directors. Authority staff will use such procedures and processes in its underwriting and analysis as it deems necessary and appropriate in connection with furthering the purposes of this program. In addition, the authority anticipates that, because of the complex nature of each transaction and the particular set of circumstances attributable to each particular application/transaction, the terms and conditions of loans will vary from project to project. The authority will make available its general operating procedures and guidelines for this program.

[ARC 0115D, IAB 3/4/26, effective 4/8/26]

265—43.6(16) Discretion of authority board. The authority board of directors has the sole and final discretion to award or not to award assistance and to approve final loan terms.

[ARC 0115D, IAB 3/4/26, effective 4/8/26]

265—43.7(16) Closing/advance of funds. If all requirements of the authority are not met in accordance with any time frames set by the authority and to the complete satisfaction of the authority, all in the sole discretion of the authority, the authority may determine to cease work on an approved project and, accordingly, not advance any funds for such project.

[ARC 0115D, IAB 3/4/26, effective 4/8/26]

These rules are intended to implement Iowa Code sections 16.5(1) and 16.49.

[Filed Emergency ARC 9690B, IAB 8/24/11, effective 8/18/11]

[Filed ARC 9878B (Notice ARC 9692B, IAB 8/24/11), IAB 11/30/11, effective 1/4/12]

[Filed ARC 2008C (Notice ARC 1903C, IAB 3/4/15), IAB 5/27/15, effective 7/1/15]

[Filed ARC 0115D (Notice ARC 9799C, IAB 12/10/25), IAB 3/4/26, effective 4/8/26]

CHAPTER 44
IOWA AGRICULTURAL DEVELOPMENT PROGRAMS

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/6/31

265—44.1(16) Definitions.

“*Agricultural assets*” means the same as defined in Iowa Code section 16.58.

“*Agricultural development board*” or “*IAD board*” means the agricultural development board created in Iowa Code section 16.2C.

“*Agricultural improvement*” means the same as defined in Iowa Code section 16.58.

“*Agricultural land*” means the same as defined in Iowa Code section 16.58.

“*Agricultural lease agreement*” or “*agreement*” means the same as defined in Iowa Code section 16.77.

“*Application*” means a completed instrument on a form approved by the authority.

“*Authority*” means the Iowa finance authority created in Iowa Code section 16.1A.

“*Beginning farmer*” means the same as defined in Iowa Code section 16.58.

“*BFLP*” means beginning farmer loan program established pursuant to Iowa Code chapter 16, subchapter VIII, part 6, subpart A.

“*BFLP beginning farmer*” means a beginning farmer who also meets the requirements of a first-time farmer as defined in Section 147(c) of the Internal Revenue Code.

“*BFTC*” means beginning farmer tax credit program established pursuant to Iowa Code chapter 16, subchapter VIII, part 6, subpart B.

“*Bond purchaser*” means any lender or any person who purchases an authority bond under the individual agricultural development bond program.

“*Cash rent agreement*” means an agreement whereby operation of agricultural assets is transferred via a fixed cash payment per annum.

“*Commodity share agreement*” means an agreement whereby operation of agricultural assets is transferred via a risk-sharing mechanism, whereby the agricultural assets owner receives a portion of the production as payment for use of the agricultural assets.

“*Eligible taxpayer*” means the same as defined in Iowa Code section 16.77.

“*Farm*” means a farming enterprise that is generally recognized as a farm rather than a rural residence.

“*Farming*” means the same as defined in Iowa Code section 16.58.

“*Flex lease agreement*” means an agreement that transfers operation of agricultural assets via a combination of fixed cash payments and, at times, additional payment based on production or other variables.

“*Lender*” means any regulated bank, trust company, bank holding company, mortgage company, national banking association, savings and loan association, life insurance company, state or federal governmental agency or instrumentality, or other financial institution or entity authorized and able to make mortgage loans or secured loans in this state.

“*LPP*” means loan participation program.

“*LPP loan*” means the “last-in/last-out” loan participation requested by the lender from the authority.

“*Participated loan*” means a loan or loans, any portion of which is shared with or sold to the authority by the lender.

“*Person*” means the same as defined in Iowa Code section 4.1(20).

“*Qualified beginning farmer*” means the same as defined in Iowa Code section 16.77.

“*USDA*” means the United States Department of Agriculture.

“*USDA NASS*” means the USDA’s National Agricultural Statistics Service.

[ARC 0177D, IAB 4/1/26, effective 5/6/26]

265—44.2(16) Maximum allowable net worth.

44.2(1) Pursuant to Iowa Code section 16.58(9), the authority will establish the maximum allowable net worth for each calendar year. The maximum allowable net worth shall be increased or decreased from the previous year by an amount equal to the percentage increase or decrease (September to September) in

the USDA “Index of Prices Paid for Commodities and Services, Interest, Taxes, and Farm Wage Rates” reported as of October 1 of the immediately preceding calendar year. The maximum allowable net worth will be rounded to the nearest thousand dollars.

44.2(2) A beginning farmer’s or BFTC beginning farmer’s net worth will be established by determining total assets minus total liabilities as determined in accordance with generally accepted accounting principles with appropriate exceptions and exemptions reasonably related to an equitable determination of the net worth of the individual, partnership, limited liability company or corporation. Assets shall be valued at fair market value.

44.2(3) For the purposes of this rule, “total liabilities” means all liabilities, including but not limited to accounts payable, notes or other indebtedness owed, taxes, rent, amount owed on any real estate contract or real estate mortgage, judgments, accrued interest payable, and any other liabilities. Liabilities shall be determined on the basis of generally accepted accounting principles.

44.2(4) In only those cases where a beginning farmer’s or BFTC beginning farmer’s liabilities include an amount for deferred tax liability that causes the applicant’s net worth to change from exceeding the maximum allowable net worth to an amount no greater than the maximum allowable net worth, the applicant is required to have a certified public accountant prepare the financial statement and provide supporting calculations and documentation acceptable to the IAD board.

44.2(5) For the purposes of this rule, “total assets” means all assets including but not limited to cash, crops or feed on hand, livestock held for sale, breeding stock, marketable bonds and securities, securities not readily marketable, accounts receivable, notes receivable, cash invested in growing crops, net cash value of life insurance, machinery, equipment, cars, trucks, farm and other real estate including life estates and personal residence, value of beneficial interest in a trust, government payments or grants, and any other assets. “Total assets” shall not include items used for personal, family or household purposes by the applicant; but in no event shall any property be excluded, to the extent a deduction for depreciation is allowable for federal income tax purposes. All assets shall be valued at fair market value by the lender. The value shall be what a willing buyer would pay a willing seller in the locality. A deduction of ten percent may be made from fair market value of farm and other real estate.

44.2(6) Notwithstanding the definition of “total assets” in subrule 44.2(5), the value of any retirement accounts will not be included as assets for the purposes of establishing a beginning farmer’s or BFTC beginning farmer’s net worth. For the purposes of this subrule, an account type identified in rule 701—302.47(422) will be considered a retirement account.

[ARC 0177D, IAB 4/1/26, effective 5/6/26]

265—44.3(16) Beginning farmer loan program eligibility. A loan to or on behalf of a BFLP beginning farmer shall be provided only if the criteria in Iowa Code section 16.75(3) are satisfied. In the loan application, the beginning farmer must demonstrate to the satisfaction of the authority that the beginning farmer has or will have access to adequate working capital, farm equipment, machinery, or livestock.

[ARC 0177D, IAB 4/1/26, effective 5/6/26]

265—44.4(16) Beginning farmer loan program.

44.4(1) *Individual agricultural development bond program description.* This program is intended to allow BFLP beginning farmers to obtain lower interest rate loans for qualified purposes by obtaining loan funds from the proceeds of a tax-exempt bond issued by the authority and purchased by the bond purchaser. The authority will enter into a loan agreement with the BFLP beginning farmer and assign that BFLP loan to the bond purchaser. At the same time, the authority will issue a tax-exempt bond in the amount of the BFLP loan, and the bond purchaser will purchase that bond, which is used to fund the BFLP loan assigned to the bond purchaser. The bond that is issued by the authority and purchased by the bond purchaser is a nonrecourse obligation. The only security for the bond purchaser is the underlying security on the assigned BFLP loan.

44.4(2) *Application procedures.* The BFLP beginning farmer may apply for a BFLP loan with any bond purchaser. Any BFLP loan approved will be assigned to that bond purchaser. BFLP loan eligibility is determined by the requirements of Iowa Code sections 16.75 and 16.76 and this chapter.

a. If a BFLP beginning farmer meets the BFLP loan eligibility requirements, the decision on whether to enter into the loan agreement is between the BFLP beginning farmer and the bond purchaser. The BFLP beginning farmer and bond purchaser must agree on the terms of the loan, such as interest rates, length of loan, down payment, service fees, origination charges and repayment schedule. The terms may not be more onerous than terms charged to similar customers for similar loans, taking into account the tax-exempt nature of interest on the BFLP loan.

b. Following completion of the BFLP loan application by the BFLP beginning farmer and approval by the bond purchaser, the BFLP loan application must be submitted to the authority for its review and approval.

c. The authority's review will include but not be limited to whether:

- (1) The BFLP loan applicant is a BFLP beginning farmer;
- (2) The BFLP loan proceeds will be used for a qualified purpose under Iowa Code sections 16.75 and 16.76, this chapter, and the Internal Revenue Code and IRS regulations relating to private activity bonds;
- (3) The terms of the BFLP loan comply with these rules; and
- (4) The bond purchaser is a lender or bond purchaser as defined in this chapter.

d. The authority may require that the bond purchaser furnish any information that the authority deems necessary to determine whether the bond purchaser qualifies as either a lender or bond purchaser. If the authority determines that the bond purchaser does not qualify as either a lender or bond purchaser, it may deny the application.

e. The authority may charge fees as needed to defray its costs for processing the BFLP loan and bond.

44.4(3) Issuance of bond. All bonds issued by the authority will conform to all applicable requirements of the United States Internal Revenue Code of 1986 as amended, and its regulations.

a. Public hearings may be held by a member of the IAD board or an appointee or employee of the authority.

b. Following approval of the BFLP loan by the authority, and upon completion of a public hearing and approval of the bond issuance by the governor or another elected state official designated by the governor, the authority will issue a bond, to be purchased by the bond purchaser, in the amount and fitting the terms of the BFLP loan to the BFLP beginning farmer. The principal and interest on the bond are a limited obligation payable solely out of the revenues derived from the BFLP loan to the BFLP beginning farmer and the underlying collateral or other security furnished by or on behalf of the BFLP beginning farmer. The bond purchaser shall have no other recourse against the authority. The principal and interest on the bond do not constitute an indebtedness of the authority or a charge against its general credit or general fund.

44.4(4) Priority of applications. Applications shall be processed by the authority on a first-come, first-served basis, based upon the receipt of all completed documents by the authority.

44.4(5) Procedures following bond issuance. No bond proceeds may be used for a nonqualified purpose or by a nonqualified user. Following disbursement of the bond proceeds, the bond purchaser and BFLP beginning farmer may be required to certify to the authority that the proceeds were used by the BFLP beginning farmer for a qualified purpose.

44.4(6) Assignment of BFLP loans by bond purchasers. A bond purchaser may assign a BFLP loan in whole or in part to any person. Servicing of the BFLP loan may also be assigned. The authority must be notified in writing prior to assignment of the BFLP loan.

44.4(7) Assumption of BFLP loans, substitution of collateral and transfer of property. BFLP loans may not be assumed without the prior approval of the authority, and then only if the purchaser of the property is a BFLP beginning farmer. Equipment and other depreciable property may be exchanged or traded for similar property, and other property such as breeding livestock may be added or substituted as collateral at the discretion of the bond purchaser without the prior approval of the authority.

44.4(8) Right to audit. The authority shall have the right to audit the records of the bond purchaser and the BFLP beginning farmer relating to the BFLP loan and bond at any time to ensure that bond proceeds were used for a qualified purpose by a qualified user.

[ARC 0177D, IAB 4/1/26, effective 5/6/26]

265—44.5(16) Loan participation program.

44.5(1) Program summary. The loan participation program is intended to assist lenders and beginning farmers by purchasing a portion of a loan made by a lender to a beginning farmer for the purchase of agricultural property.

a. Supplement to beginning farmer's down payment. The LPP loan can be used to supplement the beginning farmer's down payment so that the beginning farmer can more readily secure a participated loan from a lender.

b. Last-in/last-out collateral position. The program enables lenders to request a "last-in/last-out" LPP loan from the authority. The lender, on behalf of the beginning farmer, shall apply for the LPP loan on application forms provided by the authority.

c. Lender's certification. The lender and the beginning farmer shall certify that the information included in the application and any other documents submitted for consideration is true and correct to the best of their knowledge.

d. LPP loan in conjunction with BFLP loan. The loan participation program may be used in conjunction with the authority's beginning farmer loan program, provided the beginning farmer meets the criteria for both programs.

44.5(2) Underwriting criteria. Commercial underwriting criteria will be used as determined by the authority.

44.5(3) Eligible projects and activities.

a. Use of project. LPP loans must be for new purchases or new construction. Assets purchased or constructed with LPP loan funds must be used for agricultural purposes.

b. Agricultural land. The participated loan can be used for the purchase of agricultural land, which may include small acreages on which sufficient agricultural improvements are located to conduct a livestock operation. If a house is located on land for which an LPP loan is requested, an appraisal of the house will be made. If the appraised value of the house exceeds 50 percent of the appraised value of the property or total collateral, then the property will not be eligible for an LPP loan.

c. Agricultural improvements. The participated loan can be used for the construction or purchase of agricultural improvements, including but not limited to confinement systems for swine, cattle, or poultry; barns or other outbuildings; and grain storage facilities and silos.

d. Livestock used for breeding purposes. The participated loan can be used for the purchase of livestock if an income tax deduction for depreciation is allowed for such livestock in computing state and federal income taxes.

e. Machinery and equipment. The participated loan can be used for the purchase of agricultural machinery and equipment if an income tax deduction for depreciation is allowed for such machinery and equipment in computing state and federal income taxes. Machinery and equipment purchased with the participated loan must be used in the beginning farmer's farming operation.

f. Interim financing by lender. Interim financing by the lender is allowed.

44.5(4) Ineligible projects. The following activities are ineligible for an LPP loan:

a. Refinancing of existing debt or new purchases that have been incurred by the borrower more than 60 days prior to approval of the LPP loan by the authority.

b. Financing personal or living expenses and working capital to purchase such items as feed, seed, fertilizer, fuel, and feeder livestock.

c. Financing a down payment for a contract sale, or in connection with a loan from a nonregulated lender.

44.5(5) Program parameters.

a. Purchase price impact. Maximum LPP loan amount and loan terms will be determined by the IAD board.

b. LPP interest rate. The IAD board will set the interest rate on the LPP loan.

c. LPP loans outstanding. Loans under the program may be issued more than once, provided that the outstanding LPP loan totals do not exceed the maximum amount set by the IAD board.

44.5(6) LPP loan application. Applications for LPP loans will include:

a. A financial statement, in a form acceptable to the authority, and any other information deemed necessary and appropriate to document the eligibility of the beginning farmer and the beginning farmer's ability to make principal and interest payments. If the beginning farmer or the beginning farmer's spouse is involved in a business, partnership, limited liability company, or corporation, either related or unrelated to the beginning farmer's farming operation, a financial statement from this entity must also be submitted with the application.

b. If available, copies of the beginning farmer's prior three years' federal income tax returns.

c. A letter documenting that the beginning farmer has sufficient training, experience and access to capital to the satisfaction of the authority.

44.5(7) Application procedures.

a. *Credit evaluation.* The lender will evaluate the beginning farmer's net worth and ability to pay principal and interest and certify the sufficiency of security for the participated loan. The authority will review the application and make its own credit evaluation prior to issuance of an LPP loan.

b. *Processing LPP loan applications.* Applications for the program will be accepted and processed by the authority on a first-come, first-served basis. The authority may cease accepting applications if the maximum allowable limit for total outstanding LPP loans is reached or the program is altered by the Iowa general assembly or by rules promulgated by the authority.

c. *Security for participated loans and use of security documents.* The lender shall take any security, cosignatures, guarantees or sureties that are deemed necessary by the authority for any participated loan. Any guarantee of repayment or pledge of additional collateral required by the lender to secure the participated loan shall secure the entire participated loan.

d. *Recording documents and fees.* Any recording or filing fees or transfer taxes associated with the participated loan will be paid by the beginning farmer or lender and not the authority. The authority will have no responsibility with respect to the preparation, execution, or filing of any declaration of value or groundwater hazard statements.

44.5(8) Loan administration procedures.

a. *Lender's responsibilities.* The lender is responsible for servicing the participated loan following accepted standards of loan servicing and for transferring LPP loan payments to the authority.

(1) At the request of the authority, the lender shall:

1. Provide the authority with copies of a current financial statement or a current tax return, or both, on an annual basis.

2. Provide copies of insurance to the authority with the lender named as loss payee.

(2) The lender shall not, without prior consent of the authority:

1. Make or consent to any substantial alterations in the terms of any participated loan instrument;

2. Make or consent to releases of security or collateral unless replaced with collateral of equal value on the participated loan;

3. Accelerate the maturity of the participated loan;

4. Sue upon any participated loan instrument;

5. Waive any claim against any beginning farmer, cosignor, guarantor, obligor, or standby creditor arising out of any instruments.

(3) The lender will apply payments to the participated loan according to the amortization schedule(s) approved by the authority or on a pro-rata basis.

b. *Payment due dates.* Payment due dates for the LPP loan will be the same as for the lender's share of the loan.

c. *Prepayment penalty.* There is no penalty for early repayment of principal or interest.

d. *Repayment proceeds and collateral.* Without limitation, the repayment of proceeds and collateral shall include rights of setoff and counterclaim, which the lender or the authority jointly or severally may at any time recover on any participated loan.

e. *Subsequent loans.* Any loan or advance made by a lender to a beginning farmer subsequent to the beginning farmer's obtaining an LPP loan under the program and secured by collateral or security pledged for the participated loan will be subordinate to the participated loan.

f. *Events of loan default.*

(1) Default will occur when the participated loan payment is 30 days past due. Notice to cure will be sent by the lender to the beginning farmer with a copy sent to the authority. The lender will take appropriate steps to cure the default through mediation, liquidation, or foreclosure if needed.

(2) After a participated loan is in default for a period of 30 days, the lender shall file monthly reports with the authority regarding the status of the participated loan.

(3) The authority may, anytime a participated loan is in default, purchase the unpaid portion of the participated loan from the lender including the note, security agreements, additional guarantees, and other documents. The authority would become the servicer of the participated loan if purchased.

g. Applying principal and interest payments. Lenders shall receive all payments of principal and interest. All payments made prior to liquidation or foreclosure shall be made according to the amortization schedule(s) approved by the authority or on a pro-rata basis. All accrued interest must be paid to zero at least annually on the anniversary date of the note.

h. Application of proceeds of loan liquidation. Application of proceeds of loan liquidation will be determined after a written liquidation plan is approved by the authority or the loan committee of the IAD board. All funds received from liquidation or foreclosure procedures shall be applied in the following order of priority:

FIRST PRIORITY: To the payment of the outstanding principal of and accrued interest on the lender's portion of the participated loan;

SECOND PRIORITY: To the payment of the outstanding principal of and accrued interest on the authority's LPP loan;

THIRD PRIORITY: To the payment on a pro-rata basis of all reasonable and necessary expenses incurred by the lender or the authority in connection with such liquidation or foreclosure procedures.

44.5(9) Right to audit. The authority shall have the right to audit records of the lender and the beginning farmer relating to any participated loan made under the program at any time.

[ARC 0177D, IAB 4/1/26, effective 5/6/26]

265—44.6(16) Loan program fees. Applicants for both the BLFP and LPP shall pay the following fees:

1. A \$100 application fee, due at the time an application is submitted to the authority.
2. A fee equal to 1.5 percent of the amount of a loan, due at the time of loan closing.

[ARC 0177D, IAB 4/1/26, effective 5/6/26]

265—44.7(16) Beginning farmer tax credit program.

44.7(1) Eligibility.

a. Eligible taxpayer. Only eligible taxpayers that own agricultural assets included in an agricultural lease agreement are eligible for a tax credit. Pursuant to 701—subrules 302.87(3) and 302.88(3), an eligible taxpayer that elects to exclude all qualifying capital gains from the sale of real property used in a farming business and the sale of certain livestock or that elects to exclude net income pursuant to a farm tenancy agreement covering real property is not eligible for a tax credit.

b. Qualified beginning farmer. A beginning farmer must meet all of the criteria in Iowa Code section 16.79(2), be of majority age pursuant to Iowa Code section 599.1, and be legally able to enter into a contract to be eligible for participation in the beginning farmer tax credit program.

44.7(2) Tax credit term. The term of the credit shall begin in the crop year in which the authority board approves the award. The maximum term of the credit shall not exceed the term of the agricultural lease agreement.

44.7(3) Application.

a. The authority shall prepare and make available appropriate forms to be used in making application for the tax credit, including forms for both the taxpayer and the qualified beginning farmer.

b. Each application shall include but not be limited to the following:

(1) Taxpayer information: name, address, and social security number or tax identification number.

(2) Qualified beginning farmer information: name and address. In addition, the application shall have attached to it a copy of the qualified beginning farmer's current financial statement (generally prepared one month preceding application submission). The application will also include a background letter on the qualified beginning farmer documenting to the satisfaction of the authority that the beginning farmer has

sufficient education, training, or experience in farming and has access to adequate working capital and production items.

(3) A copy of the agricultural lease agreement that conforms to the requirements in Iowa Code section 16.79A.

c. Complete applications shall be processed in the order they are received by the authority.

d. Authority staff will review applications for completeness and eligibility and make recommendations to the IAD board. The IAD board will review applications and recommendations from authority staff and make recommendations to the authority. Upon review of the recommendations of the IAD board, the authority will approve, defer, or deny each application.

e. Any applicant wishing to appeal a decision of the IAD board can appeal directly to the IAD board.

f. Upon submission of the application or a request to amend an agricultural lease agreement, the authority shall collect the application fee. The authority shall collect fees in the amounts based upon the acreage of the land that is the subject of the agreement and the length of the lease, as indicated in the chart below.

Application Fees Chart

Leased Acres	Length of Lease in Years			
	2	3	4	5
100 or fewer	\$300	\$350	\$400	\$450
101 to 250	\$400	\$450	\$500	\$550
251 or more	\$500	\$550	\$600	\$650

g. For an amendment to a previously approved agricultural lease agreement, an amendment fee of \$100 shall be paid at the time the amendment is submitted. If the amendment includes additional acres, the application fee is based on the number of additional acres being rented and the years remaining on the lease, as indicated in the chart below.

Additional Acres Fee Chart

# of Additional Acres	Number of Years Remaining on Lease				
	1	2	3	4	5
100 or fewer	\$250	\$300	\$350	\$400	\$450
101 to 250	\$350	\$400	\$450	\$500	\$550
251 or more	\$450	\$500	\$550	\$600	\$650

44.7(4) Requirements of an agricultural lease agreement.

a. The agricultural lease agreement must be in writing and signed by all parties and must meet all of the requirements in Iowa Code section 16.79A.

b. At the end of the approved agricultural lease agreement term, a new application must be submitted to the authority. For the purposes of this paragraph, an eligible taxpayer first participating in the beginning farmer tax credit program on or after January 1, 2019, for a tax year beginning on or after that date, may participate in the program for not more than 15 years.

c. An eligible taxpayer may apply and be approved to enter into agreements with different qualified beginning farmers.

44.7(5) Changes to an agricultural lease agreement.

a. The underlying lease for agricultural land may only be amended under the circumstances identified in Iowa Code section 16.79A(4)“b.” If the eligible taxpayer and the qualified beginning farmer are amending an agricultural lease agreement but none of the conditions in Iowa Code section 16.79A(4)“b” apply, then the eligible taxpayer must submit a new application for a tax credit.

b. If an amendment to an agreement changes the total amount that will be paid to the eligible taxpayer under the agreement, the procedures in Iowa Code section 16.79A(4)“c” will apply.

c. Expiration of lease. Prior to the expiration of the lease, the qualified beginning farmer will continue to be eligible for the term of the lease. Upon expiration of the lease, both the taxpayer and qualified beginning farmer must reapply to continue the tax credit.

44.7(6) Procedure for calculating tax credit awards.

a. The authority will determine tax credit amounts as described in Iowa Code section 16.82(3).

b. To calculate the credit for a commodity share agreement, the authority will use the following assumptions:

(1) Fifty percent of the leased land is allocated to corn and 50 percent of the leased land is allocated to soybeans, unless the lease specifies a different allocation of corn and soybeans. If the lease specifies a different allocation of corn and soybeans, then the leased land will be allocated proportionally, in accordance with the terms of the lease.

(2) For all years of the lease, the prices used for corn and soybeans will be the average prices for the last five years excluding the highest and lowest prices based on the USDA-NASS statewide data calculated at the time the application is approved.

(3) For all years of the lease, the commodity yields used for corn and soybeans will be the past ten-year average per-bushel yields for the same county where the leased land is located excluding the years of highest and lowest per-bushel yields based on the USDA-NASS data calculated at the time the application is approved.

(4) If the lease specifies a crop other than corn and soybeans, the relevant price and yield data from USDA-NASS for that crop will be used.

c. To calculate the credit for a commodity share agreement, the authority will use the following formula: $(1/2 \text{ acres leased multiplied by corn yield multiplied by corn price multiplied by percentage of owner's share multiplied by the BFTC commodity share tax credit percentage}) + (1/2 \text{ acres leased multiplied by soybean yield multiplied by soybean price multiplied by owner's share multiplied by the BFTC commodity share tax credit percentage}) = \text{the amount of the tax credit}$. If the lease specifies a different allocation of corn and soybeans, then the leased acres will be in accordance with the terms of the lease.

d. The amount of the tax credit for a flex lease agreement equals the sum of the following amounts:

(1) The portion of the lease that is based on rent will be calculated as a cash rent agreement.

(2) The portion of the lease that is based on crop yield will be calculated as a commodity share agreement.

(3) If the flexible or bonus portion of the lease is based on crop production, the annual yield used to calculate the bonus will be the yield defined in subparagraph 44.6(6) "c"(3). If the annual yield is above the yield needed to trigger the bonus, the taxpayer will be awarded additional tax credits. The formula for calculating the tax credit will be $\text{yield above lease bonus trigger multiplied by price multiplied by percentage of owner's share multiplied by the BFTC commodity share tax credit percentage}$.

(4) For other factors used in a flex lease agreement, the relevant data used will be the past ten-year average per-bushel yield for the same county where the leased land is located excluding the highest and lowest years based on the USDA-NASS data.

e. The amount of the tax credit shall be reduced by the percent ownership interest of the qualifying beginning farmer in the agricultural assets.

[ARC 0177D, IAB 4/1/26, effective 5/6/26]

265—44.8(16) Violations of law. During the application process for the programs administered pursuant to this chapter, the authority will determine whether an applicant has a record of violations of the law that over a period of time tends to show a consistent pattern or that establishes intentional, criminal, or reckless conduct in violation of such laws. An applicant that has such a record of violations of the law will be ineligible for the programs.

[ARC 0177D, IAB 4/1/26, effective 5/6/26]

265—44.9(16) References. References to the Internal Revenue Code in this chapter are as in effect on May 6, 2026.

[ARC 0177D, IAB 4/1/26, effective 5/6/26]

These rules are intended to implement Iowa Code sections 16.4A, 16.4B, and 16.5D and chapter 16, subchapter VIII.

[Filed Emergency ARC 1112C, IAB 10/16/13, effective 9/26/13]

[Filed ARC 1400C (Notice ARC 1113C, IAB 10/16/13), IAB 4/2/14, effective 5/7/14]

[Filed ARC 2009C (Notice ARC 1905C, IAB 3/4/15), IAB 5/27/15, effective 7/1/15]

[Filed ARC 2226C (Notice ARC 2127C, IAB 9/2/15), IAB 10/28/15, effective 12/2/15]

[Filed ARC 4319C (Notice ARC 4196C, IAB 1/2/19), IAB 2/27/19, effective 4/3/19]

[Filed ARC 4902C (Notice ARC 4729C, IAB 10/23/19), IAB 2/12/20, effective 3/18/20]

[Filed Emergency After Notice ARC 6167C (Notice ARC 6067C, IAB 12/1/21), IAB 2/9/22, effective 1/7/22]

[Filed ARC 0177D (Notice ARC 9907C, IAB 1/7/26), IAB 4/1/26, effective 5/6/26]

CHAPTER 45
MANUFACTURED HOUSING PROGRAM FUND

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/6/31

265—45.1(16) Purpose. Iowa Code section 16.45(1) states the purpose of these rules.

[ARC 0178D, IAB 4/1/26, effective 5/6/26]

265—45.2(16) Definitions.

“Authority” means the Iowa finance authority.

“Borrower” means one or more individuals borrowing or seeking to borrow money for the purchase of a manufactured home sited on leased land.

“Financial institution” means a financial institution as defined in Iowa Code section 12C.1 that has been approved as a depository of public funds pursuant to Iowa Code section 12C.2.

“Fund” means the manufactured housing program fund created pursuant to Iowa Code section 16.45.

“Interlender loan” means the lending of funds by a financial institution to a lender, which funds are, in turn, to be loaned by the lender to a borrower to finance the purchase of a manufactured home sited on leased land.

“Lender” means a lender as defined in Iowa Code section 537.1301 that is licensed by the banking division of the department of insurance and financial services and that has not been approved as a depository of public funds pursuant to Iowa Code section 12C.2.

“Manufactured home” or *“manufactured housing”* means the same as defined in Iowa Code section 435.1.

“Mortgage loan” means a loan from a financial institution or lender to a borrower to finance the purchase of a manufactured home.

“Program” means the manufactured housing program.

“Revolving funds” means the funds created by Iowa Code sections 16.46 through 16.49.

[ARC 0178D, IAB 4/1/26, effective 5/6/26]

265—45.3(16) Sources of funds.

45.3(1) Authorized transfers. Authorized transfers to the fund are made pursuant to Iowa Code section 16.45(2)“a” and 16.45(2)“b.”

45.3(2) Recapture and repayments—nonreversion. Recapture of awards and other repayments to the fund are made pursuant to Iowa Code section 16.45(2)“c.”

[ARC 0178D, IAB 4/1/26, effective 5/6/26]

265—45.4(16) Program overview. The program is established as a means of facilitating affordable financing for the purchase of eligible manufactured homes to be sited on leased land located in the state of Iowa. By providing capital at a low interest rate in the form of linked deposits to financial institutions and lenders, the program is intended to enable financial institutions and lenders, in turn, to offer lower interest rate mortgage loans to borrowers or to enable financial institutions to offer interlender loans to lenders, the proceeds of which are, in turn, to be loaned to borrowers at low interest rates to finance the purchase of manufactured homes. The authority’s role is strictly that of a depositor, not a lender, loan guarantor, or loan participant.

[ARC 0178D, IAB 4/1/26, effective 5/6/26]

265—45.5(16) Eligible financing.

45.5(1) Lender participation agreement. Linked deposits are made pursuant to a lender participation agreement to be created by the authority. If the mortgage loan is to be made by a financial institution, the lender participation agreement is between the authority and the financial institution. If the mortgage loan is to be made by a lender, the lender participation agreement is between the authority, the lender, and a financial institution.

45.5(2) Eligible loans. To be eligible for a linked deposit under the program, a mortgage loan is to meet all of the following:

- a.* The mortgage loan is only for the purchase of a manufactured home as the borrower's primary residence; refinancing is not eligible for the program;
- b.* The manufactured home is sited on leased land located in the state of Iowa;
- c.* The term of the mortgage loan is not to exceed 30 years;
- d.* The mortgage loan is fully amortized;
- e.* The terms of the mortgage loan contain no prepayment penalties;
- f.* The interest rate payable on the mortgage loan is not to exceed 9 percent APR;
- g.* Fees charged by the financial institution or lender to cover its costs of originating the mortgage loan (closing fees, origination fees, etc.) are, in the aggregate, not to exceed 1 percent of the principal mortgage loan amount;
- h.* Closing agent or settlement fees paid to third-party closers, if any, shall not exceed \$500;
- i.* Customary and reasonable closing costs are allowed; and
- j.* The financial institution or lender is to comply with all applicable fair lending laws and regulations.

[ARC 0178D, IAB 4/1/26, effective 5/6/26]

265—45.6(16) Linked deposits. The process to create a linked deposit is as follows:

45.6(1) Once a financial institution or lender has received a completed loan application from a borrower, the financial institution or lender is to notify the authority via a linked deposit reservation request. The reservation request is on a form created and periodically updated by the authority. The form may be in a paper format or an online web-based format at the authority's discretion. The authority reviews and approves or denies requests. If the reservation request is approved, the authority will tentatively reserve an amount in or available to the fund for up to 60 days for a linked deposit for the mortgage loan that was the subject of the request. No reservation is made if the requested mortgage loan amount exceeds the amount(s) in and available to the fund. The reservation is terminated if the mortgage loan does not close within the 60-day period. If the reservation request is denied, the authority will notify the financial institution or lender that originated the mortgage loan and state the reason for denial.

45.6(2) The financial institution or lender that originated the mortgage loan is to review the borrower's mortgage loan application, applying ordinary manufactured housing lending underwriting criteria. If the loan application is approved by the financial institution or lender, the financial institution or lender submits a request to the authority for a linked deposit. The request shall be on a form created and periodically updated by the authority and which may be in a paper format or an online web-based format at the authority's discretion.

45.6(3) Upon receipt of a linked deposit request, the authority will review the information provided and determine whether the mortgage loan is eligible under the program's criteria. If necessary, the authority may request additional information. If the mortgage loan is determined eligible, the authority will, if necessary to make the linked deposit, transfer moneys from one or more of the revolving funds, at the authority's discretion, into the fund to ensure there is a sufficient amount available in the fund to make the linked deposit. The authority then deposits with the financial institution an amount equal to the principal amount of the mortgage loan via automated clearing house (ACH) money transfer. The linked deposit is not security for the mortgage loan or for the interlender loan, if any, nor is it a loan guarantee. The lender or financial institution making the mortgage loan bears all financial risk for the mortgage loan. The financial institution bears all financial risk for any interlender loan. If the mortgage loan is determined ineligible, the authority will notify the financial institution or lender that originated the mortgage loan and state the reason for denial.

45.6(4) The authority shall receive monthly bank statements for the linked deposit account.

45.6(5) The moneys in the linked deposit account remain in the account for the duration of the mortgage loan. Annually, as of June 30, the financial institution or lender that originated the mortgage loan is to notify the authority of the amount of principal that has been repaid on the mortgage loan during the previous 12 months. The authority will then withdraw from the linked deposit account an amount equal to the principal that was repaid on the mortgage loan during the previous year so that the amount of the linked deposit equals the outstanding principal balance of the mortgage loan.

45.6(6) If a financial institution has more than one mortgage loan in the program, the linked deposits for those mortgage loans may be maintained in a single account.

45.6(7) The linked deposit for a mortgage loan is withdrawn in full if the mortgage loan is paid off, if the manufactured home purchased with the mortgage loan proceeds is destroyed, or if the borrower defaults on the mortgage loan.

45.6(8) The linked deposit account shall bear interest at a rate of not less than 1 percent per annum.
[ARC 0178D, IAB 4/1/26, effective 5/6/26]

265—45.7(16) Limits on linked deposits. In any state of Iowa fiscal year, the authority is not to deposit more than 50 percent of the moneys in or available to the fund with any one financial institution pursuant to the program; provided, however, that after the first six months of such fiscal year, the authority may make a linked deposit with any participating financial institution regardless of any amounts previously deposited with such financial institution.

[ARC 0178D, IAB 4/1/26, effective 5/6/26]

265—45.8(16) Availability of moneys for linked deposits. The obligation of the authority to deposit funds into a linked deposit account is subject to the availability of moneys either in the fund or transferrable to the fund from the sources set forth in Iowa Code section 16.45 under the limitations set forth in that section.

[ARC 0178D, IAB 4/1/26, effective 5/6/26]

These rules are intended to implement Iowa Code section 16.45.

[Filed ARC 4168C (Notice ARC 3973C, IAB 8/29/18), IAB 12/5/18, effective 1/9/19]

[Filed ARC 0178D (Notice ARC 9908C, IAB 1/7/26), IAB 4/1/26, effective 5/6/26]

CHAPTER 46
WATER QUALITY FINANCING PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/14/31

265—46.1(16) Definitions.

“*Authority*” means the Iowa finance authority created in Iowa Code section 16.1A.

“*Cost*” means the same as defined in Iowa Code section 16.151.

“*Financial assistance*” means assistance provided by the authority in the form of grants, loans, or forgivable loans.

“*Municipality*” means the same as defined in Iowa Code section 16.151.

“*Program*” means the same as defined in Iowa Code section 16.151.

“*Project*” means the same as defined in Iowa Code section 16.151.

[ARC 9823C, IAB 12/10/25, effective 1/14/26]

265—46.2(16) Application and approval.

46.2(1) *Annual applications.* The authority will accept applications for financial assistance annually.

46.2(2) *Plan requirements.* Each application must include a plan that meets the criteria of Iowa Code section 16.154(1).

46.2(3) *Review.* The authority’s review of applications for financial assistance shall include the considerations identified in Iowa Code section 16.154(2). Applications will be scored by authority staff according to the following criteria:

- a. Financial feasibility.
- b. Project collaboration.
- c. Water quality benefit.

46.2(4) *Approval.* Complete and eligible applications that are recommended for approval based on the criteria in Iowa Code section 16.154(2) will be considered by the authority board. The board may approve, deny, or defer an application.

[ARC 9823C, IAB 12/10/25, effective 1/14/26]

265—46.3(16) Administration.

46.3(1) The authority will notify successful applicants in writing of an approved application for financial assistance. The terms of the financial assistance may be negotiated by the authority and shall be included in a written agreement with the recipient. The agreement may include any other term that the authority deems necessary or convenient for the efficient administration of the program. All eligible costs shall be documented to the satisfaction of the authority before financial assistance may be disbursed. Recipients shall pay a loan initiation fee to the authority upon loan closing. The fee may be up to 2 percent of the full loan commitment amount, not to exceed \$100,000.

46.3(2) The recipient shall maintain records that document all costs associated with the project. The recipient shall provide access to these records to the authority, the auditor of the state of Iowa, or their agents or designees upon request. The recipient shall retain such records and documents for a period of three years from the date of the final disbursement of financial assistance.

46.3(3) The recipient shall provide the authority or its agents or designees access to the project site on request to verify that the financial assistance is being used for the purpose intended and that the construction work meets applicable state and federal requirements, and that the project is being operated and maintained as designed.

46.3(4) The recipient’s accounting procedures shall conform to generally accepted government accounting standards.

46.3(5) All loans made by the authority to finance projects under the program shall meet the following requirements:

- a. Repayment must begin within 30 days after project completion or by the date specified in the loan agreement;
- b. A loan term cannot exceed 20 years; and

c. A recipient may prepay a loan at any time with no penalty.

46.3(6) Loans made by the authority to municipalities shall meet the following additional requirements:

a. The recipient shall provide an enforceability opinion of counsel in a form acceptable to the authority; and

b. The loan shall be secured by a first lien upon the dedicated source of repayment that may rank on a parity basis with other obligations or, with the approval of the director, may be subordinate in right of payment to one or more of the recipient's other outstanding revenue obligations.

46.3(7) Noncompliance. The authority may, for cause, find that a recipient is not in compliance with the requirements of the program. Remedies for noncompliance may include penalties up to and including withholding of or return of financial assistance. Findings of noncompliance may include but are not limited to the use of financial assistance for activities not described in the application for the grant; failure to begin construction within one year of execution of a loan agreement; or failure to comply with any applicable state or federal rules, regulations, or laws.

[ARC 9823C, IAB 12/10/25, effective 1/14/26]

These rules are intended to implement Iowa Code section 16.134A and chapter 16, subchapter X, part 4.

[Filed ARC 4453C (Notice ARC 4372C, IAB 3/27/19), IAB 5/22/19, effective 6/26/19]

[Filed ARC 9823C (Notice ARC 9533C, IAB 9/3/25), IAB 12/10/25, effective 1/14/26]

CHAPTER 47
HOUSING RENEWAL PILOT PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/26/28

265—47.1(89GA, HF2564) Purpose. Pursuant to 2022 Iowa Acts, House File 2564, division III, a housing renewal program fund is established under the control of the Iowa finance authority. The authority shall provide moneys from the fund to a nonprofit Iowa affiliate to award grants under the program. Grantees shall use the funds for the purpose of investing in housing rehabilitation and redevelopment for resale to an income-qualified buyer who occupies the home as the buyer's primary residence.

[ARC 6956C, IAB 3/22/23, effective 4/26/23]

265—47.2(89GA, HF2564) Definitions.

"Authority" means the Iowa finance authority created in Iowa Code section 16.1A.

"Eligible participant" means a city, a county, a consortium of local governments, or an organization exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code with whom a nonprofit affiliate elects to partner.

"Grantee" means an eligible participant awarded a grant under the program.

"Nonprofit Iowa affiliate" or *"nonprofit affiliate"* means a nonprofit Iowa affiliate of a nonprofit international organization whose primary activity is the promotion of the construction, remodeling, or rehabilitation of one-family or two-family dwellings for use by low-income families.

"Redevelopment" means activities including new construction of housing on vacant or demolished properties on infill lots or the conversion of property from a nonresidential use to housing.

"Rehabilitation" means renovation, remodeling and repair of existing housing units for continued residential use.

[ARC 6956C, IAB 3/22/23, effective 4/26/23]

265—47.3(89GA, HF2564) Agreement.

47.3(1) The authority will prepare an agreement between the authority and the nonprofit affiliate. The agreement may include terms and conditions reasonably necessary for implementation of the program pursuant to this chapter and 2022 Iowa Acts, House File 2564.

47.3(2) Any substantive change to the nonprofit affiliate's proposed uses of funds shall require an amendment to the agreement. Amendments shall be requested in writing. No amendment shall be valid until approved by the authority.

47.3(3) The nonprofit affiliate must prepare an agreement for each project approved for an award. The agreement will reflect the terms of the award and may include other terms and conditions reasonably necessary for implementation of the program pursuant to this chapter and 2022 Iowa Acts, House File 2564. The nonprofit affiliate and the grantee must execute an agreement before funds are disbursed by the nonprofit affiliate. The nonprofit affiliate must provide a copy of each agreement executed by the affiliate and a grantee to the authority within 30 days of execution.

[ARC 6956C, IAB 3/22/23, effective 4/26/23]

265—47.4(89GA, HF2564) Reporting.

47.4(1) The nonprofit affiliate must submit a report to the authority on or before November 30 of each year.

47.4(2) In addition to the requirements described in 2022 Iowa Acts, House File 2564, division III, the nonprofit affiliate must report on each of the following:

- a. A description of each grantee's project and grantee's progress toward completion of its projects.
- b. The sale price and sale closing date of each ownership unit.
- c. The income level of each homebuyer purchasing an ownership unit.
- d. The street address, city, zip code and county of each ownership unit.
- e. The amount of funds awarded to each grantee.
- f. The amount of funds expended by each grantee.

- g.* The amount of funds obligated by each grantee.
- h.* The amount of funds leveraged by each grantee.
- i.* Any other information reasonably requested by the authority in sufficient detail to permit the authority to prepare any reports required by the authority, the general assembly or the governor's office.

[ARC 6956C, IAB 3/22/23, effective 4/26/23]

These rules are intended to implement 2022 Iowa Acts, House File 2564, division III.

[Filed ARC 6956C (Notice ARC 6819C, IAB 1/11/23), IAB 3/22/23, effective 4/26/23]