

CHAPTER 66
BOARDING HOMES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

481—66.1(1350) Definitions.

“Activities of daily living” means the following self-care tasks: bathing, dressing, grooming, eating, transferring, toileting, and ambulation.

“Affiliated person or entity” means an individual operating as a sole proprietorship who is related within the third degree of consanguinity to the boarding home owner or lessee; or a business entity with common ownership or with 25 percent or more ownership by the boarding home owner or lessee.

“Assistance” means aid or help.

“Assistance with activities of daily living” does not mean routine, total dependence on staff for the performance of activities of daily living or nursing care.

“Boarding home” means a premises used by its owner or lessee for the purpose of letting rooms for rental to three or more persons not related within the third degree of consanguinity to the owner or lessee where supervision or assistance with activities of daily living is provided to such persons. A boarding home does not include a facility, home, or program otherwise subject to licensure or regulation by the department of human services, the department of inspections and appeals, or the department of public health.

“Commencing operations” means the date on which a premises becomes a boarding home by renting to a third individual who meets the requirements pursuant to the definition of “boarding home.”

“Department” means the department of inspections and appeals.

“Director” means the director of the department of inspections and appeals.

“Known” means information that an owner, a lessee, or a manager possesses without seeking additional information from tenants.

“Lessee” means a person who leases the boarding home from its owner.

“Multidisciplinary team” means a team consisting of members of various departments as is appropriate for an investigation. The team may include employees of the department of inspections and appeals, the department of human services, the state fire marshal and the division of criminal investigation of the department of public safety, the department of justice, or other local, state, and federal agencies.

“Premises” means a room and the structure of which it is a part and facilities and appurtenances to it and grounds, areas and facilities held out for the use of tenants generally or whose use is promised to the tenant.

“Preponderance of the evidence” means that the evidence, considered and compared with the evidence opposed to it, produces the belief in a reasonable mind that the allegations are more likely true than not true. A “preponderance of the evidence” standard does not require that the investigator personally witnessed the alleged violation.

“Probable cause” means a reasonable suspicion to believe that a boarding home is in violation of Iowa Code chapter 1350 or licensing or other regulatory requirements of the department of human services, department of inspections and appeals, or department of public health; or that dependent adult abuse of any individual living in the boarding home has occurred or is occurring.

“Responsible party” means the individual designated on the registration of a boarding home as the department’s primary contact.

“Room” means an apartment, group of rooms, or single room that is occupied as a separate living quarter or, if vacant, that is intended for occupancy as a separate living quarter, in which a tenant can live and sleep separately from any other persons in the building and that has direct access from the outside of the building or through a common hall.

“Supervision” means oversight necessary to prevent accidents or ensure the health, safety, and welfare of the tenant.

“Third degree of consanguinity” means the following relatives of the owner or lessee: spouse, children, parents, siblings or half-siblings, grandchildren, grandparents, uncles, aunts, nephews, nieces, great-grandparents, and great-grandchildren.

[ARC 8243B, IAB 10/21/09, effective 1/1/10; ARC 7034C, IAB 5/31/23, effective 7/5/23]

481—66.2(1350) Registration of boarding homes.

66.2(1) A boarding home shall complete and submit to the department the boarding home registration form located on the department's website within 60 days of commencing operations.

66.2(2) The registration form may be submitted electronically via the department's website; by mail to the Department of Inspections and Appeals, Health Facilities Division, Lucas State Office Building, Third Floor, 321 E. 12th Street, Des Moines, Iowa 50319-0083; or by fax to (515)242-5022.

66.2(3) The registrant shall include, at a minimum, the following information on the statement of registration:

- a. Name(s) of the owner, lessee, and manager, as applicable;
- b. Number of rooms available for rent and maximum number of tenants for the entire boarding home;
- c. Location of the boarding home, including street address, city, and ZIP code;
- d. Contact information for the owner, lessee, and manager, including telephone number, mailing address, and email address;
- e. Occupant loads as calculated in accordance with the building and fire codes as adopted by the applicable jurisdictions;
- f. Whether the building is equipped with a fire sprinkler system;
- g. Whether the building is equipped with a centralized kitchen in which meals are prepared; and
- h. Name of the responsible party. The department will send all notices regarding the boarding home to the responsible party.

66.2(4) Failure to file a statement of registration in a timely manner may result in a penalty of no more than \$500.

66.2(5) The boarding home shall notify the department of any changes to the information on the initial statement of registration within 30 days of when the change occurs, including cessation of operation. Changes shall be submitted in the manner described in subrule 66.2(2).

[ARC 8243B, IAB 10/21/09, effective 1/1/10; ARC 7034C, IAB 5/31/23, effective 7/5/23]

481—66.3(1350) Occupancy reports.

66.3(1) Each boarding home shall update its boarding home registration form with the department annually between January 1 and January 31 in the same manner as provided in subrule 66.2(2).

66.3(2) The owner or lessee shall include, at a minimum, the following information on the occupancy report. If the owner or lessee is unable to answer the question because the owner or lessee does not have such information, the owner or lessee shall indicate such on the report.

- a. Current number of rooms occupied;
- b. Current number of tenants residing in the boarding home;
- c. If applicable, date of last fire inspection and any deficiencies noted and how such deficiencies have been corrected;
- d. If known, the number of tenants receiving Medicaid;
- e. If known, the number of tenants receiving food assistance benefits (EBT cards);
- f. If known, the number of tenants receiving other types of state assistance and the types of state assistance received;
- g. Types of services provided or arranged by the owner, lessee, manager or an affiliated person or entity; frequency of services by type; and the name and contact information of the person or entity providing or arranging such services;
- h. Any assistance or supervision provided to tenants by the owner, lessee or manager;
- i. Method of rent payments, such as cash, check, or state assistance; and
- j. If known, the number of tenants with a power of attorney, guardian or conservator.

[ARC 8243B, IAB 10/21/09, effective 1/1/10; ARC 7034C, IAB 5/31/23, effective 7/5/23]

481—66.4(1350) Complaints and investigations.

66.4(1) *Complaints.*

- a. The process for filing a complaint is as follows:

(1) Any person with a concern regarding the operation of a boarding home may file a complaint with the department in writing, by use of the complaint hotline at 1-877-686-0027 or through the department's website at dia.iowa.gov.

(2) When the nature of the complaint is outside the department's authority, the department shall forward the complaint to the appropriate investigatory entity.

(3) If other state agencies receive a complaint that relates to boarding homes, the agencies shall forward the complaint to the department.

b. The department shall act on anonymous complaints unless the department determines that the complaint is intended to harass the boarding home or is without a reasonable basis. If the department, upon preliminary review, determines that the complaint is intended to harass or is without a reasonable basis, the department may dismiss the complaint.

66.4(2) *Content of complaint reports.* The complaint shall include as much of the following information as possible: the complainant's name, address and telephone number; the complainant's relationship to the boarding home and tenant; and the reason for the complaint. The complainant's name and identifying information shall be confidential information and shall not be released by the department.

66.4(3) *Initiation of investigations and time frames for investigation of complaints.* Investigations may be initiated because of a complaint or other information received by the department. If the department determines there is probable cause to believe that a boarding home is an unregistered boarding home or that a registered boarding home is not in compliance with applicable law, an investigation shall be initiated. The department shall evaluate whether other local, state, or federal agencies, including law enforcement, should be provided a referral or included in the investigation. An investigation of the boarding home shall be initiated within 45 working days. If there is the likelihood of immediate danger, the department shall initiate an investigation of the boarding home within two working days of receipt of the complaint. If there is an allegation of harm, the department shall initiate an investigation of the boarding home within 20 working days of receipt of the complaint.

66.4(4) *Standard for determining whether a complaint is substantiated.* The department shall apply a preponderance of the evidence standard in determining whether a complaint is substantiated.

66.4(5) *Notification of the boarding home or alleged boarding home of results of investigation.* The department shall notify the boarding home or alleged boarding home, in writing, of the final report of the complaint investigation.

66.4(6) *Notification of the complainant of results of investigation.* The complainant, if known, shall be notified of the final findings of a complaint investigation. The complainant, if known, shall also be notified if the department determines not to investigate a complaint and shall receive an explanation of the department's decision.

[ARC 8243B, IAB 10/21/09, effective 1/1/10; ARC 7034C, IAB 5/31/23, effective 7/5/23]

481—66.5(83GA,SF484) Investigations. Rescinded ARC 7034C, IAB 5/31/23, effective 7/5/23.

481—66.6(135O) Penalties. The director shall consider the following when determining whether to assess a penalty for violation of Iowa Code chapter 135O or rules adopted thereunder, and when determining the amount of the penalty:

1. The duration of the noncompliance;
2. The nature of the noncompliance;
3. The response of the owner or lessee upon notification of noncompliance;
4. The number of tenants affected; and
5. The impact to the tenants.

[ARC 8243B, IAB 10/21/09, effective 1/1/10; ARC 7034C, IAB 5/31/23, effective 7/5/23]

481—66.7(135O) Public and confidential information.

66.7(1) *Public disclosure.* The following records are open and available for inspection:

- a.* Registration forms and accompanying materials;

b. Final findings of investigations, unless otherwise confidential by law, such as investigative findings of the division of criminal investigation of the department of public safety or dependent adult abuse investigations; and

c. Official notices of penalties.

66.7(2) *Confidential information.* Confidential information includes the following:

a. Information that does not comprise a final finding;

b. Names and identifying information of all complainants;

c. Names of tenants of a boarding home, identifying personal or medical information, copies of documentation appointing a legal representative, and the address of anyone other than an owner or lessee; and

d. Social security or employer identification numbers (EIN).

66.7(3) *Redaction of confidential information.* If a record normally open for inspection contains confidential information, the confidential information shall be redacted prior to an agency's providing the record for inspection.

66.7(4) *Searchable database of all registered boarding homes.* The department shall maintain a searchable database of all registered boarding homes on the health facilities division's website at dia-hfd.iowa.gov.

[ARC 8243B, IAB 10/21/09, effective 1/1/10; ARC 7034C, IAB 5/31/23, effective 7/5/23]

These rules are intended to implement Iowa Code chapter 135O.

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