

CHAPTER 9
CULTURAL AND ENTERTAINMENT DISTRICTS

221—9.1(81GA, HF868) Purpose. The purpose of cultural and entertainment districts is to encourage city and county governments, organizations, businesses, and individuals to enhance the quality of life for citizens of this state and enrich local economies through developing and sustaining cultural facilities in a synergetic fashion. Certified cultural and entertainment districts will receive technical assistance from the department's staff, will be eligible for certain incentives, and may have professional services of other state agencies to draw upon in order to facilitate the local program.

221—9.2(81GA, HF868) Definitions.

"Certified cultural and entertainment district" means a cultural and entertainment district that has been certified by the Iowa department of cultural affairs pursuant to these rules. A certified cultural and entertainment district must be a well-defined, compact, contiguous geographic area that includes both residential and commercial property and a high concentration of cultural facilities. Only certified cultural and entertainment districts are eligible for the incentives set forth in these rules.

"Cultural and entertainment district" means a well-recognized, labeled, compact mixed-use area in which a high concentration of cultural facilities serves as the anchor.

"Cultural facilities" are physical and cultural assets that play a vital role in the life and development of the community and contribute to the public through interpretive, educational, and recreational uses, including but not limited to museums, libraries, performance halls, studios, galleries, arts-related retail shops, music or media production houses, arboreta, and artist live/work spaces.

"Department" means the Iowa department of cultural affairs.

"Director" means the director of the Iowa department of cultural affairs.

221—9.3(81GA, HF868) Eligible applicants. All applicants shall represent a public-private partnership.

9.3(1) Public element of partnership. All cities and counties are eligible to serve as the public component of the partnership. Two or more cities or counties may apply jointly for certification of a district that extends across a common boundary.

9.3(2) Private element of partnership. A local community organization (nonprofit or for-profit) is eligible to serve as the private component of the partnership.

221—9.4(81GA, HF868) Program administration.

9.4(1) Administering agency. The cultural and entertainment district certification program will be administered by the Iowa department of cultural affairs.

9.4(2) Advisory committee. The director shall appoint a cultural and entertainment district advisory committee composed of individuals knowledgeable in subjects including but not limited to historic preservation, arts, tourism, and economic development to advise the director on the various elements of the program. The advisory committee shall have nine members who serve three-year staggered terms. At least one member will be a representative from the Iowa department of economic development.

9.4(3) Request for proposals (RFP). The department will distribute a request for proposals that describes the cultural and entertainment district certification program, outlines eligibility requirements, and includes an application and a description of the application procedures.

9.4(4) Applications. The department shall develop and make available a standardized application pertaining to the certification of cultural and entertainment districts. Applications may be obtained by contacting the Historic Preservation Bureau, Department of Cultural Affairs, Historical Building, 600 East Locust Street, Des Moines, Iowa 50319-0290; telephone (515)242-6152; www.culturalaffairs.org.

9.4(5) Deadline. A completed application shall be returned to the department, postmarked no later than the date specified by the department in the RFP, and shall contain the information requested in the application.

221—9.5(81GA, HF868) Selection.

9.5(1) The department shall establish criteria for the selection of cultural and entertainment districts for certification. The following factors shall be considered:

- a. Management structure.
- b. Presence of cultural assets.
- c. Level of community support.
- d. Local incentives.
- e. Plan for developing and sustaining the district.

9.5(2) The director will determine the number of cultural and entertainment districts to be selected for certification.

9.5(3) Cultural and entertainment districts will be selected for certification on a competitive basis from the applications received.

9.5(4) Staff review. Applications shall be reviewed by department staff to ensure compliance with the program's administrative rules and guidelines. Applications meeting the requirements shall be forwarded to the advisory committee.

9.5(5) Advisory committee review. The advisory committee will review applications and make recommendations to the director.

9.5(6) Final selection. The director shall make final certification decisions. The director reserves the right to withhold certification if applications submitted do not adequately achieve the purposes of the cultural and entertainment district certification program.

221—9.6(81GA, HF868) Certification.

9.6(1) *Timing.* At least annually, the director will announce the certification of cultural and entertainment districts. If no new certifications have been issued, the director will so state.

9.6(2) *Compliance.* Certified cultural and entertainment districts must submit an annual report to the department. Continued certification is contingent upon acceptable performance. The department may amend, suspend, or terminate certification for reasons that may include, but are not limited to, a consistent failure to report, a dissolution of the management structure, or a significant deviation from the plan for cultural development.

221—9.7(81GA, HF868) Incentives. The department shall encourage development projects and activities located in certified cultural and entertainment districts through incentives.

9.7(1) Owners of property located in certified cultural and entertainment districts may request tax benefits for substantial rehabilitation work on historic buildings. Property owners desiring these tax benefits shall make application under 223—Chapters 47 and 48 and shall comply with all requirements therein.

9.7(2) The department shall provide incentives under cultural grant programs administered by the department. Specific incentives may be reflected in the application instructions for each grant program.

9.7(3) Additional incentives may from time to time be offered by the department, other state agencies, and other organizations.

221—9.8(81GA, HF868) Appeals. Eligible applicants may informally appeal a decision of the director not to certify a cultural and entertainment district on any of the following bases:

1. Action was outside statutory authority;
2. Decision was influenced by a conflict of interest;
3. Action violated state law, administrative rule, or written policy;
4. Insufficient public notice was given; and
5. Alteration of the review process was detrimental to the applicant.

Informal appeals shall be submitted in writing within 15 days of the notice of denial. All informal appeals shall be directed to the Director, Department of Cultural Affairs, Historical Building, 600 East Locust Street, Des Moines, Iowa 50319-0290. All informal appeals shall contain the facts of the case, argument in favor of the appeal, and remedy sought.

The director shall consider and rule on the informal appeal after receiving all documentation from the appellant and shall notify the appellant in writing of the decision within 30 days. Decisions by the director may be appealed through the contested case process as set out in Iowa Code sections 17A.10 to 17A.19.

These rules are intended to implement 2005 Iowa Acts, House File 868, section 19.

[Filed 2/26/04, Notice 1/21/04—published 3/17/04, effective 4/21/04]

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