

**261—174.4(15) IVF (2005) wage waivers; HQJC eligibility requirement waivers.****174.4(1) Waivers.**

a. Applicants may request that the board waive the IVF (2005) wage requirement or HQJC eligibility requirements (see rule 261—68.2(15) for HQJC eligibility requirements) upon a showing of good cause. For purposes of this paragraph, “good cause” includes but is not limited to the following:

(1) The community in which the project will be located can demonstrate economic distress based on a combination of factors including but not limited to:

1. A county family poverty rate significantly higher than the state average.
2. A county unemployment rate significantly higher than the state average.
3. A unique opportunity to use existing unutilized facilities in the community.
4. A significant downsizing or closure by one of the community’s major employers.
5. An immediate threat posed to the community’s workforce due to the downsizing or closure of a business.

(2) The proposed project meets all of the following criteria:

1. The business is in one of the state’s targeted industry clusters: life sciences, information solutions, and advanced manufacturing.
2. All jobs created as a result of the project will have a starting wage, not including benefits, equal to or greater than 100 percent of the average county wage.
3. The business is headquartered in Iowa or, as a result of the proposed project, will be headquartered in Iowa. In lieu of the business’s being headquartered in Iowa, the project has unique aspects which will assist the department in meeting one or more of its strategic objectives.

b. Requests to waive an eligibility requirement must be submitted in writing to the department when the business’s application is submitted. The waiver request shall include documentation from other sources confirming the statistical data cited in the request. The waiver request will be reviewed as part of the application review process and acted upon by the board. If the request for a waiver is approved, the board will proceed with a final decision on the application.

c. The board will give extra consideration to wage waiver requests when the request is for a VAAPFAP project or for a project located in an economic enterprise area. “Economic enterprise area” means an area that consists of at least one county containing no city with a population of more than 23,500 and that shall meet at least three of the following criteria:

- (1) A per-capita income of 80 percent or less than the national average.
- (2) A household median income of 80 percent or less than the national average.
- (3) Twenty-five percent or more of the population of the economic enterprise area with an income level of 150 percent or less of the United States poverty level as defined by the most recently revised poverty income guidelines published by the U.S. Department of Health and Human Services.
- (4) A population density in the economic enterprise area of less than ten people per square mile.
- (5) A loss of population as shown by the 2000 certified federal census when compared with the 1990 certified federal census.
- (6) An unemployment rate greater than the national rate of unemployment.
- (7) More than 20 percent of the population of the economic enterprise area consists of people over the age of 65.

**174.4(2) CEBA wage requirement waiver.** Where the community can document to the department’s satisfaction that a significant differential exists between the actual local county wage (as determined by a local employer survey) and the average county wage or average regional wage, the department may substitute the community survey results for the average county wage or average regional wage for consideration in a specific project. Qualification of a project would not be anticipated unless the starting project wage was clearly above the survey wage.