

441—2.4(23A,225C) Leasing of space at state institutions. All determinations regarding leasing space at state institutions shall be made by the director of the department or designee. All determinations are considered final and binding and are not appealable. The director of the department or designee shall weigh the following criteria in making the determination.

2.4(1) Available space. Space shall be available on one or more of the campuses.

2.4(2) Activities. Lessees may not engage in activities that will interfere with, impede, or conflict with the basic treatment, habilitation, or care programs operated on the campuses by the department. Lessees may not engage in activities that will endanger or otherwise threaten the safety and well-being of department consumers of services, the community at large, or department employees.

2.4(3) Nonprofit status. Lessees must be public or private nonprofit entities as defined by Iowa Code chapter 504A and must provide documentation of nonprofit status upon request of the department.

2.4(4) Needs and priorities. Needs of the residents of Iowa shall be considered before needs of the residents of other states. Needs shall be prioritized as follows:

- a. Needs of the department other than current occupancy and use.
- b. Needs of other state or local governmental bodies for human or social service related purposes that benefit Iowans before citizens of other states.
- c. Needs of other state or local governmental bodies for other than human or social service related purposes.
- d. Needs of private, nonprofit entities for human or social service related purposes.
- e. Needs of private, nonprofit entities for other than human or social service related purposes that are determined to be compatible uses of state institution buildings and grounds.

2.4(5) Services. Lessees must use the leased premises to provide disability services or other services normally delivered by the lessee.