



## Waiver of Administrative Rules

### Waiver

Section 17A.9A of the Iowa Administrative Procedure Act establishes a procedure for any person to petition an agency for a waiver from the requirements of an administrative rule. In essence this is a request for a temporary exception from requirements established by a rule. Agencies establish procedures by rule for submitting a petition for a waiver.

### Agency Discretion

The decision to grant or deny a petition for a waiver is within the “sole discretion” of the agency and is subject to stringent limitations. The petitioner bears the legal burden to meet the various requirements of §17A.9A. To ensure that waivers do not have broad application, the statute requires that an agency evaluate a petition for a waiver based on the “unique, individual circumstances” set out in the petition and that any waiver be drafted to provide the narrowest exception possible to the provisions of the rule. An agency may place any condition on a waiver that the agency finds desirable to protect the public health, safety, and welfare. An agency cannot waive a requirement imposed by statute. An agency cannot waive the requirements of a rule unilaterally; an agency can only do so in response to a petition for a waiver.

### Lack of Permanency

A waiver is not permanent unless the petitioner can show that a temporary waiver would be impracticable. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the agency, a waiver may be renewed.

### Online Listing of Waiver Information

Agencies are required to submit information on waivers they have granted or denied within 60 days to the Legislative Services Agency for publication online. To view this information please visit: <https://www.legis.iowa.gov/law/administrativeRules/additionalInfo/searchWaivers>.

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