

# House Amendment 3472

## Amendment Text

PAG LIN

1 1 Amend the amendment, [H-3327](#), to [House File 166](#) as  
1 2 follows:  
1 3 #1. Page 2, by inserting after line 17 the  
1 4 following:  
1 5 "\_\_\_\_. "Homeowner" means a person who owns and  
1 6 permanently occupies a residence that the person may  
1 7 claim as a homestead under chapter 425."  
1 8 #2. Page 3, by inserting after line 46 the follow-  
1 9 ing:  
1 10 "Sec. \_\_\_\_\_. NEW SECTION. 651A.7A HOMEOWNER RIGHT  
1 11 OF ACTION.  
1 12 1. A homeowner may commence an action in state  
1 13 court in the district where the homeowner's residence  
1 14 is located to recover financial compensation for any  
1 15 diminution or loss in the value of the homeowner's  
1 16 homestead against any person whose activity conducted  
1 17 pursuant to state law has caused or significantly  
1 18 contributed to the diminution or loss in value of the  
1 19 homestead. In bringing such action, the homeowner  
1 20 shall have the burden of demonstrating that the  
1 21 activity conducted by the defendant pursuant to state  
1 22 law caused a reduction in the value or use of the  
1 23 homeowner's homestead.  
1 24 2. A homeowner authorized to bring suit under this  
1 25 section shall be entitled to recover against the  
1 26 person an amount equal to the diminution or loss in  
1 27 value of the homestead. Compensation for diminution  
1 28 or loss in value shall be determined by the fair  
1 29 market value of the homestead in the absence of the  
1 30 challenged activity minus the fair market value of the  
1 31 homestead reduced by the effects of the activity. The  
1 32 court also may enjoin violations of any statute, rule,  
1 33 or permit, the violation of which has caused or  
1 34 contributed to the diminution or loss of the  
1 35 homeowner's homestead value.  
1 36 3. A homeowner who receives a compensation award  
1 37 under this section shall be awarded reasonable  
1 38 attorney's fees, including the cost of expert  
1 39 witnesses and other reasonable court costs as are  
1 40 necessarily incurred by the prevailing homeowner.  
1 41 4. Prior to filing suit under this section, a  
1 42 homeowner shall deliver a notice of intent to sue to  
1 43 the person allegedly liable under this section, and to  
1 44 the head of the agency implementing the law governing  
1 45 the challenged activity, at least thirty days prior to  
1 46 the filing of the suit. If either party requests that  
1 47 the agency attempt to achieve an informal resolution  
1 48 of a claim, the agency head shall convene a meeting of  
1 49 the parties and use best efforts to arrive at a just  
1 50 resolution of the claim in order to avoid unnecessary  
2 1 litigation costs."  
2 2 #3. Page 3, by inserting after line 49 the  
2 3 following:  
2 4 "#\_\_\_\_. Title page, line 3, by inserting after the  
2 5 word "action" the following: "or other action, "."  
2 6  
2 7

2 8 \_\_\_\_\_  
2 9 [KOENIGS](#) of Mitchell  
2 10 [HF 166](#).507 76  
2 11 da/jw