



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

February 2, 2009

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit:

House File 64, an Act relating to disaster assistance by providing for jumpstart housing assistance, unmet needs disaster grants, a rebuild Iowa office, and community disaster grants, making appropriations, and providing effective and retroactive applicability dates.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester Culver".

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 64

AN ACT

RELATING TO DISASTER ASSISTANCE BY PROVIDING FOR JUMPSTART HOUSING ASSISTANCE, UNMET NEEDS DISASTER GRANTS, A REBUILD IOWA OFFICE, AND COMMUNITY DISASTER GRANTS, MAKING APPROPRIATIONS, AND PROVIDING EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

JUMPSTART HOUSING ASSISTANCE

Section 1. APPROPRIATION.

1. There is appropriated from the Iowa economic emergency fund created in section 8.55 to the Iowa finance authority for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the jumpstart housing assistance program:

..... \$ 24,000,000

2. The authority shall adopt rules for the jumpstart housing assistance program consistent with all of the following:

a. An eligible resident must have a family income equal to or less than one hundred fifty percent of the area median family income. An application for assistance must be submitted by September 1, 2009.

b. Forgivable loans awarded after the effective date of this division of this Act shall be awarded pursuant to the following priorities:

(1) First priority shall be given to eligible residents who have not received any moneys under the jumpstart housing assistance program prior to the effective date of this division of this Act.

(2) Second priority shall be given to eligible residents who have received less than twenty-four thousand nine hundred ninety-nine dollars under the jumpstart housing assistance program prior to the effective date of this division of this Act.

(3) Third priority shall be given to eligible residents who have received twenty-four thousand nine hundred ninety-nine dollars under the jumpstart housing assistance program prior to the effective date of this division of this Act and who continue to have unmet needs for down payment assistance, emergency housing repair or rehabilitation, interim mortgage assistance, or energy efficiency assistance. An eligible resident shall not receive more than an additional twenty-four thousand nine hundred ninety-nine dollars under this subparagraph.

c. Except as provided in paragraph "b", subparagraph (3), an eligible resident who meets the area median family income requirement shall not receive more than twenty-four thousand nine hundred ninety-nine dollars under the program.

3. Notwithstanding section 8.33 and section 8.55, subsection 3, paragraph "a", moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 2. EMERGENCY RULES. The authority may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this division of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 3. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to September 1, 2008, and is applicable on and after that date.

DIVISION II

IOWA UNMET NEEDS DISASTER GRANT PROGRAM

Sec. 4. IOWA UNMET NEEDS DISASTER GRANT PROGRAM --
APPROPRIATION.

1. There is appropriated from the Iowa economic emergency fund created in section 8.55 to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For providing individual disaster grants for unmet needs pursuant to the requirements in this section:

..... \$ 10,000,000

2. From the moneys appropriated in this section, there is transferred to the department of human rights two hundred fifty thousand dollars for deposit in the individual development account state match fund created in section 541A.7. Notwithstanding other provisions to the contrary in section 541A.3, subsection 1, moneys appropriated to the individual development account state match fund under this subsection shall be used to provide the state match to account holders affected by a natural disaster occurring in 2008 for which the president of the United States declared a disaster area, and who have a household income that is equal to or less than three hundred percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

3. The department of human services shall establish and administer an Iowa unmet needs disaster grant program for purposes of reimbursing expenses for unmet needs for persons located in an area which was declared a disaster area by the president of the United States due to a disaster occurring after May 24, 2008, and before August 14, 2008.

4. Determination of eligibility under the program and certification of unmet needs under the program shall be made by area long-term disaster committees and the disaster recovery case management program established by the rebuild Iowa office. An eligible participant shall receive reimbursement for expenses upon presenting a receipt for an eligible unmet need or shall receive a voucher through a voucher system administered jointly by the department of human services and the area long-term disaster committees. The

voucher system shall ensure sufficient data collection to discourage and prevent fraud. A grant recipient shall not receive more than two thousand five hundred dollars per household. A grant recipient must have an income that is equal to or less than three hundred percent of the federal poverty level based on the number of people in the household of the recipient as defined by the most recently revised poverty income guidelines as published by the United States department of health and human services. Unmet needs disaster grants shall not supplant any other financial support, assistance, or grants provided by any other federal or state government, nonprofit agency, or faith-based agency.

5. Unmet need expenses eligible for reimbursement shall be limited to expenses associated with personal property, home repair, food assistance, mental health assistance, child care, and temporary housing.

6. An area long-term disaster committee shall be reimbursed for administrative expenses incurred in an amount not to exceed three percent of the grant moneys awarded for the area pursuant to an intergovernmental agreement to be established between the department of human services and the agency of record responsible for the long-term disaster committee in each area. The department of human services shall not be reimbursed for using moneys appropriated in this section for administrative costs associated with administering the Iowa unmet needs disaster grant program.

7. Notwithstanding section 8.33 and section 8.55, subsection 3, paragraph "a", moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 5. EMERGENCY RULES. The department of human services may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this division of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 6. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. This division of this Act, being deemed of immediate

importance, takes effect upon enactment, is retroactively applicable to May 24, 2008, and is applicable on and after that date.

DIVISION III
COMMUNITY DISASTER GRANTS

Sec. 7. COMMUNITY DISASTER GRANTS -- APPROPRIATION.

1. There is appropriated from the Iowa economic emergency fund created in section 8.55 to the department of public defense for the homeland security and emergency management division for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For providing community disaster grants to cities and counties:

..... \$ 22,000,000

2. a. Using moneys appropriated under this section, the homeland security and emergency management division shall award grants to cities and counties based on their pro rata share of damage costs associated with presidential disaster declaration DR-1763-IA occurring after May 24, 2008, and before August 14, 2008, as calculated by obligated funds from the federal emergency management agency individual assistance program and small business administration disaster loan program as of the effective date of this division of this Act. Every city or county in a disaster area shall receive at least two thousand dollars.

b. Moneys awarded pursuant to this section shall be used by the recipient for disaster-related costs not otherwise funded by federal or nonfederal sources and for any of the following purposes:

(1) Nonprofit organization assistance.

(2) Assistance for the public purchase of land and accompanying structures if financial assistance for such purchases is not available from the federal emergency management agency or when a nonfederal match is required for a grant involved in the public purchase of land and accompanying structures.

(3) Assistance for the repair, replacement, or upgrade of public infrastructure damaged by the disaster including measures to assist in the mitigation of future damage due to natural disasters.

(4) Assistance for increased costs associated with the revaluation and assessment of property due to a natural disaster occurring in 2008.

(5) Small business assistance.

(6) Assistance for the replacement or rehabilitation of housing.

3. Immediately following the effective date of this division of this Act, the homeland security and emergency management division shall notify each eligible recipient of the availability of funds and the associated application process.

4. By April 1, 2009, an eligible grant recipient under this section must submit a written application in the form as specified by the homeland security and emergency management division. The application shall contain information on the recipient's proposed uses of the moneys and any other information required by the homeland security and emergency management division.

5. After April 1, 2009, any funds allocated to an eligible grant recipient who does not complete and submit an application by April 1, 2009, shall be awarded on a pro rata basis as defined in subsection 2, paragraph "a".

6. By January 1, 2010, each grant recipient under this section shall submit a written report to the homeland security and emergency management division specifying the allocation and uses of moneys received pursuant to this section. By January 8, 2010, the division shall compile and forward copies of all reports received to the governor and the general assembly.

7. The department of public defense may request the auditor of state to perform any audits needed in the administration of this division of the Act and reimburse the auditor of state for the costs of the audits.

8. Notwithstanding section 8.33 and section 8.55, subsection 3, paragraph "a", moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 8. EMERGENCY RULES. The department of public defense may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement

the provisions of this division of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 9. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV

REBUILD IOWA OFFICE

Sec. 10. REBUILD IOWA OFFICE.

1. A rebuild Iowa office is created for purposes of coordinating the state activities associated with the rebuilding efforts following the declaration of a disaster area by the president of the United States after May 24, 2008, and before June 30, 2011. The homeland security and emergency management division of the department of public defense shall provide administrative support to the rebuild Iowa office.

2. The rebuild Iowa office shall be administered by an executive director who shall be appointed by the governor and confirmed by the senate pursuant to section 2.32. The executive director shall annually compile a comprehensive budget which reflects all fiscal matters related to the operation of the office and each activity of the office in accordance with section 8.23.

3. The rebuild Iowa office shall do all of the following:

- a. Enter into contracts.
- b. Receive intradepartmental and interdepartmental transfers of moneys pursuant to section 8.39.
- c. Perform all other lawful actions consistent with the purposes and duties of the office.
- d. Establish and pursue short-term priorities for recovery and long-term plans for redevelopment.
- e. Establish federal and state goals for the recovery and rebuilding efforts and coordinate such efforts among governmental entities to implement the goals.
- f. Identify funding sources and innovative financing alternatives to adequately fund recovery and redevelopment.
- g. Assist in establishing guidelines for the disbursing of federal moneys.
- h. Establish goals, benchmarks, and objectives by which progress in disaster recovery and long-term reconstruction can be measured. Such goals, benchmarks, and objectives shall include, but not be limited to, all of the following:

(1) Measures on returning displaced residents to permanent homes.

(2) Progress on economic restoration in disaster areas such as opening or reopening of businesses, employment, and sales tax receipts.

(3) Progress on the public purchase of land and accompanying structures both with and without financial assistance from the federal emergency management agency.

(4) Progress on natural disaster forecasting, watershed management, and floodplain management.

(5) Measures on the expediency of obligation and distribution of federal and state moneys for disaster recovery.

i. Provide a means for members of the general public, the business community, nonprofit organizations, communities, and other stakeholders to have input regarding the recovery process.

j. Provide state and local government with guidance for long-term recovery and redevelopment after a disaster.

k. By January 10, April 10, July 10, and October 10 of each year, as applicable, submit a written report to the governor and the general assembly regarding the activities of the office during the previous three months. The report shall include an updated budgetary and financial analysis including full-time equivalent positions, and progress in obtaining goals, benchmarks, and objectives established pursuant to paragraph "h".

1. By January 1, 2011, submit a written report to the governor and the general assembly identifying for consideration transition issues for disaster recovery assistance due to the elimination of the office on June 30, 2011.

4. a. A coordinating council is established to facilitate communication between state agencies and the rebuild Iowa office. The rebuild Iowa office shall provide staffing for the council and the executive director of the rebuild Iowa office shall serve as the chairperson. The members of the council shall not receive a per diem and shall not be reimbursed for their actual and necessary expenses while in attendance at any meeting of the council and shall not be reimbursed for their expenses for going to and from a meeting. Legislative members of the commission shall not receive per

diem or reimbursement for necessary travel and actual expenses pursuant to section 2.10 or 2.12.

b. The council shall consist of the director, or the director's designee, of all of the following:

- (1) The department of economic development.
- (2) The Iowa finance authority.
- (3) The department of human services.
- (4) The department of education.
- (5) The department of cultural affairs.
- (6) The college student aid commission.
- (7) The department of public health.
- (8) The department of workforce development.
- (9) The department of public defense, homeland security and emergency management division.
- (10) The board of regents.
- (11) The department of transportation.
- (12) The department of natural resources.
- (13) The department of management.
- (14) The department of elder affairs.
- (15) The department of agriculture and land stewardship.
- (16) The office of energy independence.
- (17) The Iowa utilities board.
- (18) One representative of the Iowa league of cities appointed by the league.
- (19) One representative of the Iowa state association of counties appointed by the association.
- (20) One representative of a council of governments appointed by the governor.
- (21) Four members of the general assembly serving as ex officio, nonvoting members, one representative to be appointed by the speaker of the house of representatives, one representative to be appointed by the minority leader of the house of representatives, one senator to be appointed by the president of the senate after consultation with the majority leader of the senate, and one senator to be appointed by the minority leader of the senate.

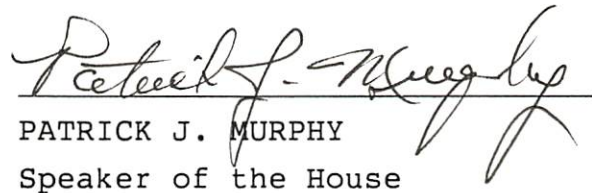
c. The executive director of the rebuild Iowa office may request representation on the council from other state agencies.


5. All state agencies shall, to the greatest extent practicable, cooperate with and provide support to the rebuild Iowa office.

6. This section is repealed June 30, 2011.

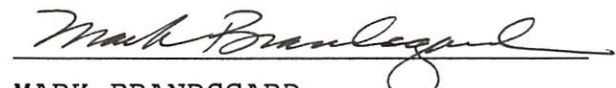
Sec. 11. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

This division of this Act, being deemed of immediate importance, takes effect upon enactment, applies retroactively to June 27, 2008, and applies on and after that date.

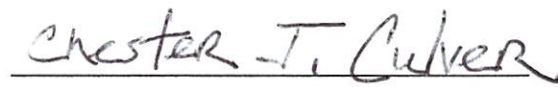

PATRICK J. MURPHY
Speaker of the House


JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 64, Eighty-third General Assembly.


MARK BRANDSGARD
Chief Clerk of the House

Approved Feb 2nd, 2009


CHESTER J. CULVER
Governor