

February 6, 1969
Cities and Towns, Pass 3-24
Gen. " " " 4-17, Pass 4-22

HOUSE FILE 196

By TAPSCOTT, BRINCK, BAKER,
MAYBERRY, FRANKLIN, JESSE,
SCHWARTZ, CROSIER, GANNON
and MIDDLESWART

Passed House, Date 4-11-69 Passed Senate, Date 5-5-69

Vote: Ayes 114 Nays 4 Vote: Ayes 35 Nays 20

Approved _____

Motion to reconsider tabled 4-5

A BILL FOR

- 1 An Act relating to the referendum for approval of low rent
- 2 housing projects.
- 3 *Be It Enacted by the General Assembly of the State of Iowa:*
- 4 Section 1. Section four hundred three A point five
- 5 (403A.5), Code 1966, is hereby amended as follows:
- 6 1. By striking lines ten (10) through fourteen (14),
- 7 inclusive, and inserting in lieu thereof the words "in
- 8 this section."
- 9 2. By striking from line twenty (20) the word "prior"
- 10 and inserting in lieu thereof a period.
- 11 3. By striking lines twenty-one (21) and twenty-two (22).
- 12 Sec. 2. Section four hundred three A point twenty-five
- 13 (403A.25), Code 1966, is hereby repealed.

*Conference Committee
Maggid, Brink, Haled,
and Hill
Koch, O'Brien, Fischer,
and Depew*

*Second Conference Committee 5-22
Shaw, Bennett, Lawry & Miller
Murray, Unsworth, Sullivan
and Ahrens. 5-22
New 5/23*

*Passed Senate per second
Conference Committee Report
5/23; 32-10*

*Passed House per
Second Conference
Committee Report 5/23
87-17*

EXPLANATION OF HOUSE FILE 196

The bill repeals the sections or parts of sections that allude to or require that each low-rent housing project must be approved by the voters at an election.

- 1 Amend House File 196 as follows:
- 2 By striking all of Section 2 and inserting in lieu
- 3 thereof the following:
- 4 Sec. 2. Section four hundred three A point twenty-
- 5 five (403A.25), Code 1966, is hereby amended as follows:
- 6 1. Line five (5) by inserting after the word
- 7 "project" the words ", except those designated for occupancy
- 8 by persons over sixty-five years of age,".
- 9 2. Line six (6) by striking the words "at least"
- 10 and inserting in lieu thereof the words "more than".
- 11 3. Line thirty-three (33) by striking everything
- 12 after the word "both" and by striking all of lines thirty-
- 13 four (34) and thirty-five (35) and inserting a period.

Filed - Withdrawn 4-11
April 3, 1969

SHAW of Scott

1 House File 196 is hereby amended by striking all after
2 the enacting clause, and inserting in lieu thereof the follow-
3 ing:

4 Section 1. Section four hundred three A point twenty-
5 five (430A.25), Code 1966, is hereby amended as follows:

6 1. By inserting in line ten (10) after the word
7 "municipality" the words ", except as otherwise provided in
8 this chapter".

9 2. By adding the following:

10 "As an optional procedure, a municipality or low-rent
11 housing agency may proceed to exercise the powers granted by
12 this chapter on its own motion without such an election, if
13 the scope of property acquisition for the low-rent housing
14 project or projects is specifically limited by the resolution
15 to proceed to the use of dwelling units existing structures
16 to be leased from private owners, subject to the following:

17 1. Before adoption of the resolution to proceed upon
18 such a project or projects, the governing body of the municipality
19 shall cause a notice of the proposed resolution to be published
20 at least once in a newspaper of general circulation within the
21 municipality, at least fifteen days prior to the meeting of
22 which it is proposed to take action on the resolution to proceed.

23 2. If at any time before the date fixed for such meeting,
24 a petition is filed with the clerk of the municipality signed
25 by qualified electors of the city or town equal in number to
26 ten percent of those who voted for the office of governor at
27 the last general election asking that the question of under-
28 taking such project activities be submitted to the legal
29 voters of the municipality, the governing body shall either
30 by resolution declare the proposal to have been abandoned,
31 or shall cause a special election to vote upon the question
32 of undertaking such project activities.

33 3. If a petition is filed and the governing body of
34 the municipality calls an election to vote on the question,
35 the proposition shall be submitted in the following form:
36 "Shall the (name of municipality or low-rent housing
37 agency) proceed with low-rent housing project activities
38 through the use of dwelling units in existing structures to
39 be leased from private owners as prescribed and limited by
40 chapter four hundred three A (403A) of the Code?"

41 4. Notice of such election, stating the date of the
42 election, the hours of opening and closing the polls, the pre-
43 cincts and polling places, and the question to be submitted,
44 shall be published once each week for three consecutive weeks
45 in some newspaper published in the municipality, or if none
46 be published therein, in a newspaper published in the county

47 and having a general circulation in the municipality. The
48 election shall be held on a day not less than five nor more
49 than twenty days after the last publication of notice.

50 5. The proposition voted upon shall not be deemed carried
51 or adopted unless the vote in favor of such authorization is
52 equal to at least fifty percent of the total vote cast for
53 and against the proposition at the election.

54 6. If no petition is filed, or if a petition is filed
55 and the proposition is approved by the voters at an election,
56 the municipality or low-rent housing agency may proceed to
57 exercise the powers granted by this chapter as to low-rent
58 housing of the type so approved."

Filed - *Adopted as amended 4-11*
April 7, 1969

KOCH of Woodbury
O'HEARN of Scott
DOOLEY of Woodbury
HOLDEN of Scott

- 1 Amend the Koch, et al., amendment to House File 196, filed
2 April 7, 1969, as follows:
3 1. Line twenty-one (21) by striking the word "fifteen"
4 and inserting in lieu thereof the word "forty-five".
5 2. Line twenty-six (26) by striking the word "ten" and
6 inserting in lieu thereof the word "five".
7 3. Line forty-eight (48) by striking the word "day" and
8 inserting in lieu thereof the word "Tuesday".

Filed - *Last 4-11*
April 10, 1969

FREEMAN or Buena Vista

- 1 Amend the Koch, et al., amendment filed April 7, 1969 to
2 House File 196 as follows:
3 1. By striking lines six (6) through eight (8) of the
4 amendment and inserting in lieu thereof the following:
5 "1. By inserting in line five (5) after the word
6 'project' the words 'except those designated for occupancy
7 by persons over sixty-five years of age,'.
8 2. By striking from line six (6) the words 'at least'
9 and inserting in lieu thereof the words 'more than'.
10 3. By inserting in line ten (10) after the word 'munici-
11 pality' the words ', except as otherwise provided in this
12 chapter'.
13 4. By striking from line thirty-three (33) everything
14 after the word 'both' and by striking all of lines thirty-
15 four (34) and thirty-five (35) and inserting in lieu thereof
16 a period."
17 2. By striking from line nine (9) the figure "2" and
18 inserting in lieu thereof the figure "5".
19 3. By inserting in line twenty-nine (29) after the word
20 "shall" the words "except in the case of a project designated
21 for occupancy by persons sixty-five years of age,".

Filed and adopted ✓
April 11, 1969

SHAW of Scott

Reprinted

April 15, 1969

HOUSE FILE 196
By TAPSCOTT, BRINCK, BAKER,
MAYBERRY, FRANKLIN, JESSE,
SCHWARTZ, CROZIER, GANNON,
and MIDDLESWART
(AS AMENDED AND PASSED BY THE HOUSE)

Passed House, Date Passed Senate, Date.....

Vote: Ayes Nays Vote: Ayes Nays

Approved

A BILL FOR

1 An Act relating to the referendum for approval of low rent
2 housing projects.

3 *Be It Enacted by the General Assembly of the State of Iowa:*

4 Section 1. Section four hundred three A point twenty-
5 five (403A.25), Code 1966, is hereby amended as follows:

6 1. By inserting in line five (5) after the word "project"
7 the words "except those designated for occupancy by persons
8 over sixty-five years of age,".

9 2. By striking from line six (6) the words "at least"
10 and inserting in lieu thereof the words "more than".

11 3. By inserting in line ten (10) after the word
12 "municipality" the words ", except as otherwise provided
13 in this chapter".

14 4. By striking from line thirty-three (33) everything
15 after the word "both" and by striking all of lines thirty-
16 four (34) and thirty-five (35) and inserting in lieu thereof
17 a period.

18 By adding the following:

19 "As an optional procedure, a municipality or low-rent
20 housing agency may proceed to exercise the powers granted by
21 this chapter on its own motion without such an election if
22 the scope of property acquisition for the low-rent housing
23 project or projects is specifically limited by the resolution
24 to proceed to the use of dwelling units in existing
25 structures to be leased from private owners, subject to the

1 following:

2 a. Before adoption of the resolution to proceed upon
3 such a project or projects, the governing body of the
4 municipality shall cause a notice of the proposed
5 resolution to be published at least once in a newspaper
6 of general circulation within the municipality, at least
7 fifteen days prior to the meeting of which it is proposed
8 to take action on the resolution to proceed.

9 b. If at any time before the date fixed for such
10 meeting, a petition is filed with the clerk of the
11 municipality signed by qualified electors of the city or
12 town equal in number to ten percent of those who voted
13 for the office of governor at the last general election
14 asking that the question of undertaking such project
15 activities be submitted to the legal voters of the
16 municipality, the governing body shall except in the case
17 of a project designated for occupancy by persons sixty-five
18 years of age, either by resolution declare the proposal to
19 have been abandoned, or shall cause a special election to
20 vote upon the question of undertaking such project activities.

21 c. If a petition is filed and the governing body of
22 the municipality calls an election to vote on the question,
23 the proposition shall be submitted in the following form:

24 "Shall the (name of municipality or low-rent housing
25 agency) proceed with low-rent housing project activities
26 through the use of dwelling units in existing structures
27 to be leased from private owners as prescribed and limited
28 by chapter four hundred three A (403A) of the Code?"

29 d. Notice of such election, stating the date of the
30 election, the hours of opening and closing the polls, the
31 precincts and polling places, and the question to be
32 submitted, shall be published once each week for three
33 consecutive weeks in some newspaper published in the
34 municipality, or if none be published therein in a news-
35 paper published in the county and having a general circulation

1 in the municipality. The election shall be held on a day
2 not less than five nor more than twenty days after the
3 last publication of notice.

4 e. The proposition voted upon shall not be deemed
5 carried or adopted unless the vote in favor of such
6 authorization is equal to at least fifty percent of the
7 total vote cast for and against the proposition at the
8 election.

9 f. If no petition is filed, or if a petition is
10 filed and the proposition is approved by the voters at an
11 election, the municipality or low-rent housing agency may
12 proceed to exercise the powers granted by this chapter
13 as to low-rent housing of the type so approved."

EXPLANATION OF HOUSE FILE 196

This bill repeals the sections or parts of sections that allude to or require that each low rent housing project must be approved by the voters at an election.

- 1 1. Amend House File 196, page two (2), line sixteen
- 2 (16), by inserting a comma after the word "shall".
- 3 2. Page two (2), line eighteen (18), insert after
- 4 the word "age" the words "or older".
- 5 3. Page two (2), line nineteen (19), strike all and
- 6 insert "have been abandoned or call a special election
- 7 to"

Filed - *Withdrawn 5-5*
May 2, 1969

By RIGLER

- 1 House File 196 as reprinted is hereby amended as follows:
- 2 1. By striking from page two (2), line seven (7),
- 3 the word "fifteen" and inserting in lieu thereof the word
- 4 "thirty".
- 5 2. By striking from page two (2), line twelve (12),
- 6 the word "ten" and inserting in lieu thereof the word
- 7 "five".

Filed - *Withdrawn 5-5*
May 2, 1969

By MOGGED and SULLIVAN

- 1 Amend House File 196, page two (2), by striking
- 2 lines five (5) through eight (8) and inserting in
- 3 lieu thereof the following:
- 4 "resolution to be published at least twice in a
- 5 newspaper of general circulation within the municipality,
- 6 at least six days apart. The last publication shall be
- 7 at least fifteen days prior to the meeting of which it
- 8 is proposed to take action on the resolution to proceed."

Filed - *Withdrawn 5-5*
May 2, 1969

By MOGGED and SULLIVAN

1 Amend House File 196 as amended and passed by the House,
2 by striking all after the enacting clause and inserting in
3 lieu thereof the following:
4 "Section 1. Section four hundred three A point five
5 (403A.5), Code 1966, is hereby amended as follows:
6 1. By striking lines ten (10) through fourteen (14),
7 inclusive, and inserting in lieu thereof the words "in this
8 section."
9 2. By striking from line twenty (20) the word "prior"
10 and inserting in lieu thereof a period.
11 3. By striking lines twenty-one (21) and twenty-two
12 (22).
13 Sec. 2. Section four hundred three A point twenty-five
14 (403A.25), Code 1966, is hereby repealed and the following
15 is inserted in lieu thereof.:
16 "Before creating any low-rent housing agency as provided
17 in section four hundred three A point twenty-five (403A.25)
18 of the Code and before adoption of any resolution to proceed
19 with any low-rent housing project, the governing body of
20 the municipality shall hold a public hearing thereon,
21 and shall cause a notice of the hearing and of the proposed
22 action to be published at least once in a newspaper of general
23 circulation within the municipality, at least thirty days
24 before the hearing."

Filed - *Adopted as amended 5-5 - Motion to reconsider lost 5-5 House refused*
May 2, 1969 By WALSH, STANLEY, POTGETER and NEU *Senate inserted 5-4 to Concur 5-8*

1 Amend the amendment to House File 196 by Walsh, Stanley,
2 Potgeter and Neu, filed May 2, by striking line 17 and inserting
3 in lieu thereof the following: "in section four hundred three
4 A point five (403A.5)".

Filed and Adopted
May 5, 1969

By WALSH

REPORT OF CONFERENCE COMMITTEE
(House File 196)

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on House File 196, a bill for an act relating to the referendum for approval of low-rent housing projects, respectfully submit the following recommendation:

Amend House File 196 as follows:

1. By striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section four hundred three A point five (403A.5), Code 1966, is hereby amended by inserting in line twelve (12), before the word 'until', the words 'for which the approval of the electors of the municipality is required by this chapter'.

Sec. 2. Section four hundred three A point twenty-five (403A.25), Code 1966, is hereby amended by inserting in line ten (10), after the word 'municipality', the words ', except as otherwise provided in this chapter'.

Sec. 3. Chapter four hundred three A (403A), Code 1966, is hereby amended by adding thereto the following new section:

'As an optional procedure, a municipality or low-rent housing agency may proceed to exercise the powers granted by this chapter on its own motion without an election, in the manner and subject to the limitations prescribed by this section. Before adoption of the resolution to proceed, the governing body of the municipality shall cause a notice of the proposed resolution to be published at least once in a newspaper of general circulation within the municipality, at least fifteen days prior to the meeting at which it is proposed to take action on the resolution to proceed. The scope of property acquisition for the low-rent housing project or projects shall be specifically limited, by the resolution to proceed, to:

1. The use of dwelling units in existing structures to be leased from private owners.
2. The construction or acquisition of dwelling units which are specifically designed for, and the occupancy of which is to be limited to, persons who are sixty-two years of age or older, or who are physically handicapped.

The authority of any municipality or low-rent housing agency to construct new dwelling units pursuant to subsection two (2) of this section shall be limited, in total, in relation to the population of the municipality in which the units are to be constructed as determined by the most recent federal decennial census, in accordance with the following table.

Official census population	Number of units
Up to 10,000	20
15,000	30
20,000	40
25,000	50
35,000	60
50,000	75
75,000	100
100,000	200
125,000	225
150,000	250
175,000	275
200,000	300
250,000	325

House failed to concur 5-22

The municipality or low-rent housing agency may construct a greater number of new dwelling units, intended for the purposes prescribed in subsection two (2) of this section, than is permitted by the foregoing table if the construction of any such units in excess of the number permitted by the table has been approved by a referendum as provided in section four hundred three A point twenty-five (403A.25)."

2. By striking from page one (1), line one (1), the words "the referendum for approval of".

On the Part of the Senate:
CHARLES G. MOGGED, Chairman
JAMES E. BRILES
JOHN M. WALSH

On the Part of the House:
EDGAR J. KOCH, Chairman
TRAVE E. O'HEARN
HAROLD O. FISCHER

REPORT OF THE SECOND CONFERENCE COMMITTEE

House File 196

Senate adopted 5/23
House adopted 5/23

Senator Mowry submitted the following report and moved its adoption:

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on House File 196, a bill for an act relating to the referendum for approval of low-rent housing projects, respectfully submit the following recommendation:

Amend House File 196 as follows:

1. By striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section four hundred three A point five (403A.5), Code 1966, is hereby amended by inserting in line twelve (12), before the word 'until', the words 'for which the approval of the electors of the municipality is required by this chapter'.

Sec. 2. Section four hundred three A point twenty-five (403A.25), Code 1966, is hereby amended by inserting in line ten (10), after the word 'municipality', the words ', except as otherwise provided in this chapter'.

Sec. 3. Chapter four hundred three A (403A), Code 1966, is hereby amended by adding thereto the following new section:

'As an optional procedure, a municipality or low-rent housing agency may proceed to exercise the powers granted by this chapter on its own motion without an election, in the manner and subject to the limitations prescribed by this section. Before adoption of the resolution to proceed, the governing body of the municipality shall cause a notice of the proposed resolution to be published at least once in a newspaper of general circulation within the municipality, at least fifteen days prior to the meeting at which it is proposed to take action on the resolution to proceed. The scope of property acquisition for the low-rent housing project or projects shall be specifically limited, by the resolution to proceed, to:

1. The use of dwelling units in existing structures to be leased from private owners.

2. The construction or acquisition of dwelling units which are specifically designed for, and the occupancy of which is to be limited to, persons who are sixty-two years of age or older, or who are physically handicapped together with their spouses, if married, during the period of being physically handicapped and said project shall not be used for other rental or occupancy except for such limited part or parcel used by the superintendent or manager of such dwelling unit.

Sec. 4. Any provision of chapter four hundred three A (403A) of the Code notwithstanding, no housing project shall be approved unless as a condition at least ten percent of all rents and supplemental rental aid shall be paid annually as taxes to the office of the treasurer in the respective county in which said project is located, except as to the use of dwelling units in existing structures leased from private owners.

On the Part of the House:

ELIZABETH O. SHAW, Chairman
VERNON N. BENNETT
MURRAY C. LAWSON
FLOYD MILLEN

On the Part of the Senate:

JOHN L. MOWRY, Chairman
ARTHUR A. NEU
C. JOSEPH COLEMAN