

*Reprinted 3/25*

MAR 14 1980

HOUSE FILE 2536

By COMMITTEE ON CITIES

Place On Calendar

(Formerly Study Bill 747)

Passed House, Date 3-20-80 (p. 1267) Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 60 Nays 36 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved May 26, 1980

### A BILL FOR

1 An Act relating to housing in cities, by requiring cities to  
2 establish a housing code or be subject to the uniform  
3 housing code, establishing an interim committee to  
4 study housing codes and related areas, repealing the  
5 state housing law and authorizing penalties.

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

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2536

1 Section 1. Chapter three hundred sixty-four (364), Code  
2 1979, is amended by adding the following new section:

3 NEW SECTION. CITY HOUSING CODES.

4 1. A city with a population of fifteen thousand or more  
5 may adopt by ordinance one of the following housing codes  
6 before January 1, 1981:

7 a. The uniform housing code promulgated by the  
8 international conference of building officials.

9 b. The housing code promulgated by the American public  
10 health association.

11 c. The housing code promulgated by the building officials  
12 and code administrators.

13 d. The standard housing code promulgated by the southern  
14 building code congress international.

15 e. Minimum property standards promulgated by the United  
16 States department of housing and urban development.

17 A city which has adopted a housing code listed in this  
18 section before January 1, 1981, is no longer subject to chapter  
19 four hundred thirteen (413) of the Code.

20 2. Every city with a population of fifteen thousand or  
21 more which has not adopted another housing code under this  
22 section by January 1, 1981, is subject to and shall be con-  
23 sidered to have adopted the uniform housing code promulgated  
24 by the international conference of building officials, as  
25 amended to January 1, 1980. A city which reaches a population  
26 of fifteen thousand, as determined after the effective date  
27 of this Act, has six months after such determination to comply  
28 with this section.

29 3. A city which adopts or is subject to a housing code  
30 under this section shall adopt enforcement procedures, which  
31 may include but are not limited to the following:

32 a. A program for regular inspections and certification  
33 of inspected housing.

34 b. A schedule of civil penalties or criminal fines for  
35 violations.

1 c. Authority for the issuance of orders requiring viola-  
2 tions to be corrected within a reasonable time.

3 d. Authority for the issuance of citations pursuant to  
4 sections eight hundred five point one (805.1) through eight  
5 hundred five point five (805.5) of the Code upon a failure  
6 to satisfactorily remedy a violation.

7 e. Authority, if other methods have failed, for an offi-  
8 cer to contract to have work done as necessary to remedy a  
9 violation, the cost of which shall be assessed to the viola-  
10 tor and constitute a lien on the property until paid.

11 f. An escrow system for the deposit of rent which will  
12 be applied to the costs of correcting violations.

13 g. A receivership system to provide for correcting viola-  
14 tions.

15 h. Mediation of disputes based upon alleged violations.

16 i. Injunctive procedures.

17 The enforcement procedures shall be designed to improve  
18 housing conditions rather than to displace persons from their  
19 homes.

20 4. A city which is subject to the uniform housing code  
21 or which adopts another housing code under this section may  
22 provide reasonable variances for existing structures which  
23 cannot practicably meet the standards in the code but are  
24 not unsafe for habitation.

25 5. Cities may establish reasonable fees for inspection  
26 and enforcement procedures.

27 6. Cities with populations of less than fifteen thousand  
28 may comply with this section.

29 7. A city may adopt housing code provisions which are  
30 more stringent than those in the housing code it adopts or  
31 to which it is subject under this section.

32 Sec. 2.

33 1. The legislative council shall establish a joint sub-  
34 committee of the senate and house standing committees on  
35 cities to study subjects related to city and state housing

1 codes during the 1980 interim.

2 2. The joint subcommittee shall be composed of five mem-  
3 bers from each house, no more than three from each house to  
4 be from the same party.

5 3. The subcommittee's study shall include, but need not  
6 be limited to the following subjects:

7 a. Possible reorganization of state government to provide  
8 for administration of housing codes, building codes including  
9 rehabilitation codes, and fire prevention codes under one  
10 state agency.

11 b. Whether there is a need for a state housing code and  
12 state housing code administration.

13 c. Whether there is a need for the state to mandate  
14 specific housing code enforcement procedures by cities.

15 d. Whether cities with a population of less than fifteen  
16 thousand should be required to adopt housing codes.

17 e. Consideration of the need for statutory guidelines  
18 regarding nuisance abatement procedures by cities as applied  
19 to housing which constitutes a nuisance, including procedures  
20 for the demolition of condemned buildings.

21 f. The most desirable state role in the areas of housing,  
22 building, rehabilitation and fire prevention codes, balancing  
23 the state's concerns against the concept of home rule for  
24 cities.

25 4. The subcommittee shall present its conclusions and  
26 recommendations, in the form of a final report with necessary  
27 bill drafts, to the legislative council upon its request and  
28 to the general assembly which convenes in January, 1981.

29 Sec. 3. Chapter four hundred thirteen (413), Code 1979,  
30 is repealed effective January 1, 1981.

31 EXPLANATION

32 The bill repeals the housing law in chapter 413 of the  
33 Code, effective January 1, 1981, and requires all cities with  
34 15,000 or more population to adopt one of several nationally  
35 recognized housing codes or become subject to the uniform

1 housing code promulgated by the international conference of  
 2 building officials on that date. It also mandates an interim  
 3 joint subcommittee to study housing codes and related subjects  
 4 and the state's role in promulgation and enforcement. The  
 5 bill would take effect July first.

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## FISCAL NOTE

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House File 2536

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Requested by Representative Krewson  
March 13, 1980

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11 In compliance with a written request there is hereby submitted  
 12 a Fiscal Note for House File 2536 pursuant to Joint Rule 16.

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House File 2536, An Act relating to housing in cities, by requiring cities to establish a housing code or be subject to the uniform housing code, establishing an interim committee to study housing codes and related areas, repealing the state housing law and authorizing penalties.

This bill repeals the housing law in Chapter 413 of the Code effective January 1, 1981, and requires all cities with 15,000 or more population to adopt one of several nationally recognized housing codes or become subject to the uniform housing code promulgated by the international conference of building officials on that date. It also mandates an interim joint subcommittee to study housing codes and related subjects and the state's role in promulgation and enforcement.

There are presently 23 cities with a population over 15,000. It is safe to say that the majority of these cities have a housing code at the present. House File 2536 calls for the cities to establish reasonable fees for inspection and enforcement procedures. Therefore, if properly administered, the fee schedule should offset the expenses.

House File 2536 requires an interim study committee of five House members and five Senate members. Estimated expense would be:

10 members X \$90 per day per member = \$900 per day

Source: Office for Planning and Programming

FILED MARCH 20, 1980

BY GERRY D. RANKIN

Legislative Fiscal Bureau

LSB 4357H 68

jb/rh/8.1

HOUSE FILE 2536

H-5583

- 1 Amend House File 2536 as follows:
- 2 1. Page 2, by striking lines 13 and 14.

H-5583 FILED BY LORENZEN of Scott  
MARCH 19, 1980  
*Adopted 3/20 (p. 1065)*

HOUSE FILE 2536

H-5590

- 1 Amend House File 2536 as follows:
- 2 1. Page 1, line 4, by striking the word "fifteen"
- 3 and inserting in lieu thereof the word "twenty-five".
- 4 2. Page 1, line 20, by striking the word "fifteen"
- 5 and inserting in lieu thereof the word "twenty-five".
- 6 3. Page 1, line 26, by striking the word "fifteen"
- 7 and inserting in lieu thereof the word "twenty-five".
- 8 4. Page 2, line 27, by striking the word "fifteen"
- 9 and inserting in lieu thereof the word "twenty-five".
- 10 5. Page 3, line 15, by striking the word "fifteen"
- 11 and inserting in lieu thereof the word "twenty-five".

H-5590 FILED BY TYRRELL of Iowa  
MARCH 19, 1980  
*Adopted 3/20 (p. 1062)*

HOUSE FILE 2536

H-5600

- 1 Amend House File 2536 as follows:
- 2 1. Page 1, line 15, by striking the words "Minimum
- 3 property" and inserting in lieu thereof the words
- 4 "Housing quality".
- 5 2. Page 1, line 16, by inserting after the word
- 6 "development" the words "for use in assisted housing
- 7 programs".

H-5600 FILED BY KREWSON of Polk  
MARCH 19, 1980  
*Adopted 3/20 (p. 1064)*

HOUSE FILE 2536

H-5617

- 1 Amend House File 2536 as follows:
- 2 1. Page 2, by inserting after line 3) the
- 3 following:
- 4 "8. No rent shall be recoverable by the owner
- 5 or lessee of any dwelling which does not comply with
- 6 the housing code adopted by the city until such time
- 7 as the dwelling does comply with the housing code
- 8 adopted by the city."

H-5617 FILED BY RAPP of Black Hawk  
MARCH 20, 1980  
MOTION TO SUSPEND RULES, LOST (p. 1066)

HOUSE FILE 2536

H-5618

- 1 Amend amendment H-5583 to House File 2536 as follows:
- 2 1. Page 1, by inserting after line 2 the following:
- 3 "2. Page 1, line 31, by striking the word "may" and
- 4 inserting in lieu thereof the word "shall"."

H-5618 FILED  
MARCH 20, 1980  
LOST (p. 1065)

BY BRANDT of Black Hawk

Amended per 5/15/80  
& Do Base 4/12 (p. 1262)

HOUSE FILE 2536

By COMMITTEE ON CITIES

(As Amended and Passed by the House)

Passed House, Date 4/25/80 (p. 2112) Passed Senate, Date 4/14/80 (p. 1502)

Vote: Ayes 62 Nays 33 Vote: Ayes 42 Nays 4

Approved May 26, 1980

## A BILL FOR

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2 establish a housing code or be subject to the uniform  
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House Amendments \_\_\_\_\_

Language Stricken \*

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14 building code congress international.

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16 States department of housing and urban development for use  
17 in assisted housing programs.

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22 more which has not adopted another housing code under this  
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6 hundred five point five (805.5) of the Code upon a failure  
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10 violation, the cost of which shall be assessed to the viola-  
11 tor and constitute a lien on the property until paid.

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29 is repealed effective January 1, 1981.

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SENATE AMENDMENT TO  
HOUSE FILE 2536

H-6118

- 1 Amend House File 2536, as amended, passed and  
2 reprinted by the House, as follows:
- 3 1. Page 1, line 5, by inserting after the word  
4 "ordinance" the words "the latest version of".
- 5 2. Page 1, by striking lines 11 and 12 and in-  
6 serting in lieu thereof the following:  
7 "c. The basic housing code promulgated by the  
8 building officials conference of America."
- 9 3. Page 1, line 31, by inserting after the word  
10 "which" the words "shall include a program for regular  
11 rental inspections, rental inspections upon receipt  
12 of complaints, and certification of inspected rental  
13 housing, and".
- 14 4. Page 1, by striking lines 33 and 34, paragraph  
15 a.
- 16 5. By relettering the remaining paragraphs of  
17 subsection 3.
- 18 6. Page 2, by inserting after line 18, the  
19 following new lettered paragraph:  
20 "i. Authority by ordinance to provide that no  
21 rent shall be recoverable by the owner or lessee of  
22 any dwelling which does not comply with the housing  
23 code adopted by the city until such time as the  
24 dwelling does comply with the housing code adopted  
25 by the city."
- 26 7. Page 2, line 29, by inserting before the word  
27 "housing" the word "model".
- 28 8. Page 2, line 32, by striking the word "shall"  
29 and inserting in lieu thereof the word "may".

H-6118 FILED APRIL 16, 1980

RECEIVED FROM THE SENATE

*Lawrence 4/25 (H-6118)*

HOUSE FILE 2536

H-6252

- 1 Amend H-6118, the Senate amendment to House File  
2 2536, as follows:
- 3 1. Page 1, by striking lines 13 through 20 and  
4 inserting in lieu thereof the following: "housing,  
5 and authority by ordinance to provide that no".
- 6 2. Page 1, by striking line 25 and inserting in  
7 lieu thereof the following: ""by the city, and".
- 8 4. Page 1, by striking lines 33 and 34, paragraph  
9 a.
- 10 5. By relettering the remaining paragraphs of  
11 subsection 3."

H-6252 FILED APRIL 21, 1980 By RAPP of Black Hawk

*Law 4/25 (H-6252)*

HOUSE FILE 2536

S-5729

1 Amend Senate amendment, S-5720, to House File 2536,  
2 as amended, passed and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 4 and 5 and inserting  
5 in lieu thereof the following:

6 "8. A city of any size which has not adopted a  
7 housing code relating to the installation and  
8 maintenance of smoke detectors is subject to and shall  
9 be considered to have adopted the following provisions  
10 relating to smoke detectors:

11 a. For the purpose of the issuance of a policy  
12 of fire insurance, construction of apartment buildings  
13 with more than four units, hotels, motels and rooming  
14 houses begun after December 31, 1980 shall include  
15 the installation of at least one smoke detector per  
16 apartment, per hotel or motel unit and per rooming  
17 house bedroom. All smoke detectors shall display  
18 either an underwriters laboratory or a factory mutual  
19 label. All apartment buildings with more than four  
20 units, hotels, motels and rooming houses, existing  
21 on January 1, 1981, shall comply with the installation  
22 requirements of this paragraph by January 1, 1984.

23 b. After December 31, 1980 an insurance company  
24 shall not issue an initial policy of fire insurance  
25 for an apartment building with more than four units,  
26 a hotel, motel, or rooming house, the construction  
27 of which is begun after December 31, 1980, unless  
28 the insurance company, upon inspection, determines  
29 that the requirements of paragraph a of this subsection  
30 are met. After December 31, 1983 an insurance company  
31 shall not issue a renewal policy of fire insurance  
32 for any apartment building with more than four units,  
33 or any hotel, motel, or rooming house, that was  
34 constructed before January 1, 1981, unless the  
35 insurance company, upon inspection, determines that  
36 the requirements of paragraph a of this subsection  
37 are met. If the installation requirements are met  
38 and an insurance company provides insurance coverage  
39 for an apartment building, the insured shall only  
40 be required to inspect all smoke detectors as in place  
41 and operable when tenants vacate a unit of occupancy.  
42 If an apartment tenant or rooming house roomer finds  
43 that a smoke detector is inoperable the insured or  
44 the insured's designee shall correct the situation  
45 within fourteen days after written notification by  
46 the tenant or roomer to the insured or the insured's  
47 designee."

S-5729 FILED  
APRIL 14, 1980

BY RICHARD COMITO

*Filed on a of order 4/15 (S-1476)*

S-5749

- 1 Amend Senate amendment, S-5720, to House File 2536,  
 2 as amended, passed and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by striking lines 4 and 5 and inserting  
 5 in lieu thereof the following:  
 6 "8. A city of any size which does not have a  
 7 housing code provision relating to the installation  
 8 and maintenance of smoke detectors is subject to and  
 9 shall be considered to have adopted the following  
 10 provision relating to smoke detectors:  
 11 a. Before a financial institution makes or renews  
 12 a loan secured by a mortgage on real estate the  
 13 proceeds of which were to be used for the purpose  
 14 of acquiring or improving real property in the form  
 15 of an apartment building with more than four units,  
 16 a hotel or motel, the mortgagor shall certify to the  
 17 financial institution that at least one smoke detector  
 18 per apartment, hotel or motel unit is or will be  
 19 installed and operable. All smoke detectors shall  
 20 display either an underwriters laboratory or a factory  
 21 mutual label.  
 22 b. The owner of such real property or the owner's  
 23 designee shall inspect all smoke detectors as in place  
 24 and operable when a tenant vacates a unit of occupancy.  
 25 If a tenant finds that a smoke detector is inoperable  
 26 the owner or the owner's designee shall correct the  
 27 situation within fourteen days after written  
 28 notification by the tenant to the owner or the owner's  
 29 designee."

S-5749 FILED  
 APRIL 16, 1980

BY RICHARD COMITO

RULED OUT OF ORDER (p. 1492)

HOUSE FILE 2536

S-5750

- 1 Amend House File 2536 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 2, by inserting after line 30 the  
 4 following:  
 5 "8. No rent shall be recoverable by the owner  
 6 or lessee of any dwelling which does not comply with  
 7 the housing code adopted by the city until such time  
 8 as the dwelling does comply with the housing code  
 9 adopted by the city."

S-5750 FILED  
 APRIL 16, 1980

BY TOM SLATER

RULED OUT OF ORDER (p. 1501)

HOUSE FILE 2536

S-5753

- 1 Amend House File 2536 as amended, passed and re-  
 2 printed by the House as follows:  
 3 1. Page 2, by inserting after line 18, the following  
 4 new lettered paragraph:  
 5 "i. Authority by ordinance to provide that no rent  
 6 shall be recoverable by the owner or lessee of any  
 7 dwelling which does not comply with the housing code  
 8 adopted by the city until such time as the dwelling  
 9 does comply with the housing code adopted by the city."

S-5753 FILED  
 APRIL 16, 1980  
 ADOPTED (p. 1501)

BY GARY L. BAUGHER  
 DICK RAMSEY

HOUSE FILE 2536

S-5720

- 1 Amend House File 2536 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 2, by inserting after line 30, the following:
- 4 "8. A city of any size shall adopt a housing code
- 5 relating to smoke detector systems in rental housing."

S-5720 FILED

BY C. W. HUTCHENS

APRIL 11, 1980

*On 4/16/80 (p. 1496)*

HOUSE FILE 2536

S-5636

- 1 Amend House File 2536, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 31, by inserting after the word
- 4 "which" the words "shall include a program for regular
- 5 rental inspections, rental inspections upon receipt
- 6 of complaints, and certification of inspected rental
- 7 housing, and".
- 8 2. Page 1, by striking lines 33 and 34, paragraph
- 9 a.
- 10 3. By relettering the remaining paragraphs of
- 11 subsection 3.
- 12 4. Page 2, line 29, by inserting before the word
- 13 "housing" the word "model".

S-5636 FILED  
APRIL 2, 1980

*Adopted 4/16 (p. 1483)*

BY COMMITTEE ON CITIES  
DAVID READINGER, CHAIRPERSON

HOUSE FILE 2536

S-5672

- 1 Amend House File 2536 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 2, line 32, by striking the word "shall"
- 4 and inserting in lieu thereof the word "may".

S-5672 FILED  
APRIL 8, 1980

*Adopted 4/16 (p. 1494)*

BY RAY TAYLOR  
CALVIN O. HULTMAN

HOUSE FILE 2536

S-5709

- 1 Amend House File 2536, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "ordinance" the words "the latest version of".
- 5 2. Page 1, by striking lines 11 and 12 and in-
- 6 serting in lieu thereof the following:
- 7 "c. The basic housing code promulgated by the
- 8 building officials conference of America."

S-5709 FILED  
APRIL 10, 1980

*Adopted 4/16 (p. 1495)*

BY DAVID M. READINGER

HOUSE FILE 2536

S=5719

- 1 Amend the Committee on Cities amendment S-5636 to
- 2 House File 2536 as amended, passed and reprinted by
- 3 the House as follows:
- 4 1. Page 1, lines 6 and 7, by striking the words
- 5 "and certification of inspected rental housing,".

S-5719 FILED  
APRIL 11, 1980

*Adopted 4/16 (p. 1482)*

BY ARTHUR A. SMALL, JR.

HOUSE FILE 2536

AN ACT

RELATING TO HOUSING IN CITIES, BY REQUIRING CITIES TO ESTABLISH A HOUSING CODE OR BE SUBJECT TO THE UNIFORM HOUSING CODE, ESTABLISHING AN INTERIM COMMITTEE TO STUDY HOUSING CODES AND RELATED AREAS, REPEALING THE STATE HOUSING LAW AND AUTHORIZING PENALTIES.

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

Section 1. Chapter three hundred sixty-four (364), Code 1979, is amended by adding the following new section:

NEW SECTION. CITY HOUSING CODES.

1. A city with a population of fifteen thousand or more may adopt by ordinance the latest version of one of the following housing codes before January 1, 1981:

- a. The uniform housing code promulgated by the international conference of building officials.
- b. The housing code promulgated by the American public health association.
- c. The basic housing code promulgated by the building officials conference of America.
- d. The standard housing code promulgated by the southern building code congress international.
- e. Housing quality standards promulgated by the United States department of housing and urban development for use in assisted housing programs.

A city which has adopted a housing code listed in this section before January 1, 1981, is no longer subject to chapter four hundred thirteen (413) of the Code.

2. Every city with a population of fifteen thousand or more which has not adopted another housing code under this section by January 1, 1981, is subject to and shall be considered to have adopted the uniform housing code promulgated by the international conference of building officials, as

amended to January 1, 1980. A city which reaches a population of fifteen thousand, as determined after the effective date of this Act, has six months after such determination to comply with this section.

3. A city which adopts or is subject to a housing code under this section shall adopt enforcement procedures, which shall include a program for regular rental inspections, rental inspections upon receipt of complaints, and certification of inspected rental housing, and may include but are not limited to the following:

- a. A schedule of civil penalties or criminal fines for violations.
- b. Authority for the issuance of orders requiring violations to be corrected within a reasonable time.
- c. Authority for the issuance of citations pursuant to sections eight hundred five point one (805.1) through eight hundred five point five (805.5) of the Code upon a failure to satisfactorily remedy a violation.
- d. Authority, if other methods have failed, for an officer to contract to have work done as necessary to remedy a violation, the cost of which shall be assessed to the violator and constitute a lien on the property until paid.
- e. An escrow system for the deposit of rent which will be applied to the costs of correcting violations.
- f. Mediation of disputes based upon alleged violations.
- g. Injunctive procedures.

The enforcement procedures shall be designed to improve housing conditions rather than to displace persons from their homes.

h. Authority by ordinance to provide that no rent shall be recoverable by the owner or lessee of any dwelling which does not comply with the housing code adopted by the city until such time as the dwelling does comply with the housing code adopted by the city.

4. A city which is subject to the uniform housing code or which adopts another housing code under this section may

provide reasonable variances for existing structures which cannot practicably meet the standards in the code but are not unsafe for habitation.

5. Cities may establish reasonable fees for inspection and enforcement procedures.

6. Cities with populations of less than fifteen thousand may comply with this section.

7. A city may adopt housing code provisions which are more stringent than those in the model housing code it adopts or to which it is subject under this section.

Sec. 2.

1. The legislative council may establish a joint subcommittee of the senate and house standing committees on cities to study subjects related to city and state housing codes during the 1980 interim.

2. The joint subcommittee shall be composed of five members from each house, no more than three from each house to be from the same party.

3. The subcommittee's study shall include, but need not be limited to the following subjects:

a. Possible reorganization of state government to provide for administration of housing codes, building codes including rehabilitation codes, and fire prevention codes under one state agency.

b. Whether there is a need for a state housing code and state housing code administration.

c. Whether there is a need for the state to mandate specific housing code enforcement procedures by cities.

d. Whether cities with a population of less than fifteen thousand should be required to adopt housing codes.

e. Consideration of the need for statutory guidelines regarding nuisance abatement procedures by cities as applied to housing which constitutes a nuisance, including procedures for the demolition of condemned buildings.

f. The most desirable state role in the areas of housing, building, rehabilitation and fire prevention codes, balancing

the state's concerns against the concept of home rule for cities.

4. The subcommittee shall present its conclusions and recommendations, in the form of a final report with necessary bill drafts, to the legislative council upon its request and to the general assembly which convenes in January, 1981.

Sec. 3. Chapter four hundred thirteen (413), Code 1979, is repealed effective January 1, 1981.

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WILLIAM H. HARBOR  
Speaker of the House

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TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2536, Sixty-eighth General Assembly.

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BRUCE GRAHAM  
Assistant Chief Clerk of the House

Approved 5/20/ 1980

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ROBERT D. RAY  
Governor