

Reprinted

FILED JAN 18 1989

SENATE FILE 56  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 20)

Passed Senate, Date 1-23-89 (p. 147) Passed House, Date 4-13-89 (p. 1562)  
Vote: Ayes 43 Nays 5 Vote: Ayes 98 Nays 0

Approved May 22, 1989

Motion to reconsider (p. 15) prevailed 126

Repassed Senate 1/26/89 (p. 200)  
48-0

**A BILL FOR**

- 1 An Act establishing familial status as a protected class in
- 2 Iowa's discriminatory housing law and providing an exception
- 3 for housing for elderly persons.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

**SENATE FILE 56**

**S-3023**

- 1 Amend Senate File 56 as follows:
- 2 1. Page 2, by inserting after line 10 the fol-
- 3 lowing:
- 4 "Sec. 4. Section 601A.12, Code 1989, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 7. The rental or leasing of a
- 7 housing accommodation in a building which contains
- 8 housing accommodations for not more than four families
- 9 living independently of each other, if the owner
- 10 resides in one of the housing accommodations for which
- 11 the owner qualifies for the homestead tax credit under
- 12 section 425.1."
- 13 2. Title page, line 3, by inserting after the
- 14 word "persons" the following: "and certain owner-
- 15 occupied housing".

SF 56

By JOE WELSH  
LARRY MURPHY  
JIM LIND

**S-3023 FILED JANUARY 26, 1989**  
**ADOPTED (p. 200)**

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1 Section 1. Section 601A.2, Code 1989, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 12. "Familial status" means one or more  
4 individuals under the age of eighteen domiciled with either of  
5 the following:

6 a. A parent or another person having legal custody of the  
7 individual or individuals.

8 b. The designee of the parent or the other person having  
9 custody of the individual or individuals, with the written  
10 permission of the parent or other person.

3023 >

11 Sec. 2. Section 601A.8, subsections 1 through 3, Code  
12 1989, are amended to read as follows:

13 1. To refuse to sell, rent, lease, assign or sublease any  
14 real property or housing accommodation or part, portion or  
15 interest therein, to any person because of the race, color,  
16 creed, sex, religion, national origin, or disability, or  
17 familial status of such person.

18 2. To discriminate against any person because of the  
19 person's race, color, creed, sex, religion, national origin,  
20 or disability, or familial status, in the terms, conditions or  
21 privileges of the sale, rental, lease assignment or sublease  
22 of any real property or housing accommodation or any part,  
23 portion or interest therein.

24 3. To directly or indirectly advertise, or in any other  
25 manner indicate or publicize that the purchase, rental, lease,  
26 assignment, or sublease of any real property or housing  
27 accommodation or any part, portion or interest therein, by  
28 persons of any particular race, color, creed, sex, religion,  
29 national origin, or disability, or familial status is  
30 unwelcome, objectionable, not acceptable or not solicited.

31 Sec. 3. Section 601A.12, Code 1989, is amended by adding  
32 the following new subsection:

33 NEW SUBSECTION. 6. Housing accommodations provided under  
34 any state or federal program specifically designed and  
35 operated to assist elderly persons, as defined in the state or

1 federal program, and housing for older persons. As used in  
2 this subsection, "housing for older persons" means housing  
3 communities consisting of accommodations intended for either  
4 of the following:

5 a. For ninety percent occupancy by at least one person  
6 fifty-five years of age or older per unit, and providing  
7 significant facilities and services specifically designed to  
8 meet the physical or social needs of such persons.

9 b. For and occupied solely by persons sixty-two years of  
10 age or older.

11 EXPLANATION

12 This bill defines familial status and establishes familial  
13 status as a protective class in Iowa's law regarding unfair or  
14 discriminatory housing practices. This bill also exempts  
15 certain housing for older persons from Iowa's law regarding  
16 unfair or discriminatory housing practices.

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39657

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399/31

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18 the homestead tax credit under section 425.1.

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## SENATE FILE 56

H-3965

1 Amend Senate File 56 as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 562A.36A BLACKLISTING  
6 PROHIBITED.

7 1. A landlord or group of landlords shall not  
8 enter into an agreement or understanding, or engage in  
9 a practice, to refuse to enter into a rental agreement  
10 for a dwelling unit with a person based upon that  
11 prospective tenant's past relationship with other  
12 landlords as reported or related by a landlord.

13 2. A tenant blacklist shall not be maintained.  
14 Maintenance of a tenant blacklist is a serious  
15 misdemeanor.

16 3. A prospective tenant denied the occupancy and  
17 use of a dwelling unit based in whole or in part upon  
18 the landlord's use of a tenant blacklist has a cause  
19 of action against the landlord who denied the  
20 prospective tenant the occupancy and use of the  
21 dwelling unit and against the group of landlords which  
22 maintained or contributed to the blacklist, for the  
23 actual monetary damages incurred, plus reasonable  
24 attorney fees and court costs. If the court  
25 determines that a prospective tenant has been denied  
26 the occupancy and use of a dwelling unit based in  
27 whole or in part upon the landlord's use of a tenant  
28 blacklist, the court shall award the prospective  
29 tenant punitive damages in the amount of one thousand  
30 five hundred dollars per occurrence, per participant  
31 or contributor to the blacklist.

32 4. This section does not prohibit a landlord from  
33 refusing to enter into a rental agreement with a  
34 tenant based upon the tenant's rental application or  
35 upon court records.

36 Sec. \_\_\_\_ . NEW SECTION. 562B.32A BLACKLISTING  
37 PROHIBITED.

38 1. A landlord or group of landlords shall not  
39 enter into an agreement or understanding, or engage in  
40 a practice, to refuse to enter into a rental agreement  
41 for a mobile home space with a person based upon that  
42 prospective tenant's past relationship with other  
43 landlords as reported or related by a landlord.

44 2. A tenant blacklist shall not be maintained.  
45 Maintenance of a tenant blacklist is a serious  
46 misdemeanor.

47 3. A prospective tenant denied the occupancy and  
48 use of a mobile home space based in whole or in part  
49 upon the landlord's use of a tenant blacklist has a  
50 cause of action against the landlord who denied the

H-3965

Page 2

1 prospective tenant the occupancy and use of the mobile  
2 home space and against the group of landlords which  
3 maintained or contributed to the blacklist, for the  
4 actual monetary damages incurred, plus reasonable  
5 attorney fees and court costs. If the court  
6 determines that a prospective tenant has been denied  
7 the occupancy and use of a mobile home space based in  
8 whole or in part upon the landlord's use of a tenant  
9 blacklist, the court shall award the prospective  
10 tenant punitive damages in the amount of one thousand  
11 five hundred dollars per occurrence, per participant  
12 or contributor to the blacklist.

13 4. This section does not prohibit a landlord from  
14 refusing to enter into a rental agreement with a  
15 tenant based upon the tenant's rental application or  
16 upon court records."

17 2. Title page, line 1, by inserting after the  
18 word "Act" the following: "relating to human rights  
19 by remedying and protecting against discrimination by  
20 prohibiting the maintenance of tenant blacklists and  
21 by".

22 3. Title page, line 4, by inserting after the  
23 word "housing" the following: "and imposing  
24 penalties".

25 4. By renumbering as necessary.

By TEAFORD of Black Hawk  
HARPER of Black Hawk  
SHOULTZ of Black Hawk

H-3965 FILED APRIL 11, 1989

*Not Germane 4-13-89 (p. 1361)*



SENATE FILE 56

H-3991

- 1 Amend Senate File 56, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 31 through page 2,
- 4 line 10.
- 5 2. By renumbering as necessary.

By HALVORSON of Webster

H-3991 FILED APRIL 12, 1989

*Adopted 4-13-89 (p. 1360)*

HOUSE AMENDMENT TO  
SENATE FILE 56

S-3837

- 1 Amend Senate File 56, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 31 through page 2,
- 4 line 10.
- 5 2. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3837 FILED APRIL 20, 1989

*Senate Refused to Concur 4-25-89 (p. 1673)*  
*House Receded 4-28-89 (p. 2172)*

HANNON, CH.  
MURPHY  
TAYLOR

SSB 20  
HUMAN RESOURCES

Now

SENATE FILE 56  
BY (PROPOSED CIVIL RIGHTS  
COMMISSION BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act establishing familial status as a protected class in  
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3 for housing for elderly persons.

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

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1 Section 1. Section 601A.2, Code 1989, is amended by adding  
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4 individuals under the age of eighteen domiciled with either of  
5 the following:

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13 status as a protective class in Iowa's law regarding unfair or  
14 discriminatory housing practices. This bill also exempts  
15 certain housing for older persons from Iowa's law regarding  
16 unfair or discriminatory housing practices.

17 BACKGROUND STATEMENT

18 SUBMITTED BY THE AGENCY

19 These changes are needed because "familial status" is  
20 included in the Fair Housing Amendments Act of 1988. The Act  
21 bars discrimination in the sale or rental of housing because  
22 there are children in a family, but exempts housing for older  
23 persons. The Act becomes effective March 12, 1989, after  
24 which the Iowa Civil Rights Commission has 40 months in which  
25 to change the Iowa Code to comply with its requirements.

26 The impact on the Iowa Civil Rights Commission is  
27 considerable in that failure to comply would jeopardize the  
28 \$50,000 per year in HUD funding received by the Commission.

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SENATE FILE 56

AN ACT

ESTABLISHING FAMILIAL STATUS AS A PROTECTED CLASS IN IOWA'S  
DISCRIMINATORY HOUSING LAW AND PROVIDING AN EXCEPTION FOR  
HOUSING FOR ELDERLY PERSONS AND CERTAIN OWNER-OCCUPIED  
HOUSING.

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accommodation in a building which contains housing

accommodations for not more than four families living independently of each other, if the owner resides in one of the housing accommodations for which the owner qualifies for the homestead tax credit under section 425.1.

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JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 56, Seventy-third General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved May 22, 1989

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TERRY E. BRANSTAD  
Governor