

MAR 9 2004

WAYS AND MEANS

HOUSE FILE 2526

BY COMMITTEE ON ENVIRONMENTAL PROTECTION

(SUCCESSOR TO HF 2331)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to lead abatement and property owner or agent  
2 liability, and providing for the establishment of fees.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

HF 2526

1 Section 1. NEW SECTION. 135.105D VOLUNTARY LEAD HAZARD  
2 REMEDIATION -- LIABILITY.

3 1. The department shall adopt rules, pursuant to chapter  
4 17A, setting forth voluntary lead hazard remediation standards  
5 for an owner or managing agent of target housing or a child-  
6 occupied facility constructed prior to 1978. In promulgating  
7 these rules, the department shall consult with state  
8 associations of real estate agents and landlords.

9 2. The department shall also adopt rules, pursuant to  
10 chapter 17A, setting forth the conditions under which an owner  
11 or managing agent of target housing or a child-occupied  
12 facility constructed prior to 1978 who has voluntarily  
13 completed lead hazard remediation and who is sued by a current  
14 or former occupant seeking damages for injuries allegedly  
15 arising from exposure to lead-based paint hazards shall be  
16 immune from liability.

17 3. The department shall adopt rules, pursuant to chapter  
18 17A, to develop and administer a central registry of target  
19 housing or child-occupied facilities constructed prior to 1978  
20 that meet the lead hazard remediation standards promulgated by  
21 the department pursuant to subsection 1. The department shall  
22 establish by rule fees in amounts sufficient to defray the  
23 costs of administering the central registry. Fees received  
24 shall be considered repayment receipts as defined in section  
25 8.2. The department shall consider providing internet access  
26 to the registry.

27 4. For purposes of this section, "child-occupied  
28 facility", "lead-based paint hazard", and "target housing"  
29 shall mean the same as defined in departmental rules.

30 EXPLANATION

31 This bill relates to lead abatement and property owner or  
32 agent liability and provides for the establishment of fees.

33 The bill provides that the department of public health  
34 shall adopt rules, pursuant to chapter 17A, setting forth  
35 voluntary lead hazard remediation standards for an owner or

1 managing agent of target housing or a child-occupied facility  
2 constructed prior to 1978. For the purposes of the bill,  
3 "child-occupied facility", "lead-based paint hazard", and  
4 "target housing" mean the same as defined by departmental  
5 rule.

6 The bill also provides that the department shall adopt  
7 rules setting forth the conditions under which an owner or  
8 managing agent of target housing or a child-occupied facility  
9 constructed prior to 1978 who has voluntarily completed lead  
10 hazard remediation and who is sued by a current or former  
11 occupant seeking damages for injuries allegedly arising from  
12 exposure to lead-based paint hazards shall be immune from  
13 liability.

14 The bill further provides that the department shall adopt  
15 rules to develop and administer a central registry of target  
16 housing or child-occupied facilities constructed prior to 1978  
17 that are in compliance with the lead hazard remediation  
18 standards promulgated by the department. The department shall  
19 establish fees to defray the costs of administering the  
20 registry.

21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35