

# House File 724 - Introduced

HOUSE FILE \_\_\_\_\_  
BY FORD

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

## A BILL FOR

1 An Act relating to the establishment of a lead-safe housing  
2 registry, including provisions related to property owner,  
3 managing agent, or employee liability, and providing a  
4 penalty.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 2777HH 82  
7 eg/gg/14

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1 1 Section 1. NEW SECTION. 135.105E LEAD=SAFE HOUSING  
1 2 REGISTRY.  
1 3 1. The department shall establish and maintain a registry  
1 4 of lead-safe housing to provide the public with a listing of  
1 5 residential and multifamily dwelling units and child-occupied  
1 6 facilities that have been issued a certificate of lead-free  
1 7 status or a certificate of lead-safe status. The department  
1 8 shall publish the registry of lead-safe housing on the  
1 9 department's website and shall provide a copy of the registry  
1 10 to any person upon request.  
1 11 2. The department shall adopt rules regarding minimum  
1 12 requirements for certifying residential and multifamily  
1 13 dwelling units and child-occupied facilities as lead-free or  
1 14 as lead-safe, including certification procedures and  
1 15 certification suspension and revocation requirements. The  
1 16 department shall establish fees in amounts sufficient to  
1 17 defray the cost of the certification and registry programs.  
1 18 Fees received shall be considered repayment receipts as  
1 19 defined in section 8.2.  
1 20 3. An owner, managing agent, or employee of a residential  
1 21 or multifamily dwelling unit or a child-occupied facility who  
1 22 obtains a certificate by fraud or violates a condition of the  
1 23 certificate is subject to a civil penalty not to exceed five  
1 24 thousand dollars for each offense.  
1 25 Sec. 2. NEW SECTION. 135.105F PRESUMPTION OF REASONABLE  
1 26 CARE == CERTIFICATE.  
1 27 An owner, managing agent, or employee of a residential or  
1 28 multifamily dwelling unit or a child-occupied facility who has  
1 29 been issued a certificate of lead-free status or lead-safe  
1 30 status for the dwelling or facility is entitled to a  
1 31 presumption that such person exercised reasonable care in the  
1 32 maintenance of the dwelling or facility. This presumption is  
1 33 subject to rebuttal if the person asserting the claim proves  
1 34 by a preponderance of the evidence any of the following:  
1 35 1. The owner, managing agent, or employee obtained the  
2 1 certificate by fraud.  
2 2 2. The owner, managing agent, or employee violated a  
2 3 condition of the certificate.  
2 4 3. After receiving the certificate, the owner, managing  
2 5 agent, or employee created a lead-bearing paint hazard during  
2 6 renovation, remodeling, maintenance, or repair of the dwelling  
2 7 or facility that was present in the dwelling or facility at  
2 8 the time the lead poisoning or lead exposure occurred.  
2 9 4. The owner, managing agent, or employee failed to  
2 10 respond in a timely manner to notification by a tenant, the  
2 11 department, or a local health department that a lead-based  
2 12 paint might be present in the dwelling or facility.  
2 13 5. The owner, managing agent, or employee created a  
2 14 lead-based hazard, other than a lead-based paint hazard, from  
2 15 a source of lead in the dwelling or facility at the time the  
2 16 lead poisoning or lead exposure occurred.  
2 17 EXPLANATION  
2 18 This bill relates to the establishment of a lead-safe

2 19 housing registry, including provisions related to property  
2 20 owner, managing agent, or employee liability, and provides a  
2 21 penalty.  
2 22 The bill provides that the department of public health  
2 23 shall establish and maintain a registry of lead-safe housing  
2 24 to provide the public with a listing of residential and  
2 25 multifamily dwelling units and child-occupied facilities that  
2 26 have been issued a certificate of lead-free status or a  
2 27 certificate of lead-safe status. The department shall publish  
2 28 the registry of lead-safe housing on the department's website  
2 29 and shall provide a copy of the registry to any person upon  
2 30 request. The department shall establish fees in amounts  
2 31 sufficient to defray the cost of the certification and  
2 32 registry programs. The bill further provides that an owner,  
2 33 managing agent, or employee of a residential or multifamily  
2 34 dwelling unit or a child-occupied facility who obtains a  
2 35 certificate by fraud or violates a condition of the  
3 1 certificate is subject to a civil penalty not to exceed \$5,000  
3 2 for each offense.  
3 3 The bill further provides that an owner, managing agent, or  
3 4 employee of a residential or multifamily dwelling unit or a  
3 5 child-occupied facility who has been issued a certificate is  
3 6 entitled to a presumption that such person exercised  
3 7 reasonable care in the maintenance of the dwelling or  
3 8 facility. This presumption is subject to rebuttal if the  
3 9 person asserting the claim proves by a preponderance of the  
3 10 evidence that the owner, managing agent, or employee obtained  
3 11 the certificate by fraud, violated a condition of the  
3 12 certificate, created a lead-bearing paint hazard during  
3 13 renovation, remodeling, maintenance, or repair of the dwelling  
3 14 or facility that was present in the dwelling or facility at  
3 15 the time the lead poisoning or lead exposure occurred after  
3 16 receiving the certificate, failed to respond in a timely  
3 17 manner to notification by a tenant, the department, or a local  
3 18 health department that a lead-based paint might be present in  
3 19 the dwelling or facility, or created a lead-based hazard,  
3 20 other than a lead-based paint hazard, from a source of lead in  
3 21 the dwelling or facility at the time the lead poisoning or  
3 22 lead exposure occurred.  
3 23 LSB 2777HH 82  
3 24 eg:rj/gg/14