

Senate File 125 - Introduced

SENATE FILE _____
BY BOETTGER

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to zoning provisions for the premises of home and
2 community-based services waiver providers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1557SS 82
5 pf/es/88

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1 1 Section 1. NEW SECTION. 335.34 HOME AND COMMUNITY=BASED
1 2 SERVICES WAIVER PROVIDER.
1 3 A county, county board of supervisors, or county zoning
1 4 commission shall consider the premises of a home and
1 5 community-based services waiver provider as a residential use
1 6 of property for the purposes of zoning and shall treat the use
1 7 of the premises by the home and community-based services
1 8 waiver provider as a permitted use in all residential zones or
1 9 districts, including all single-family residential zones or
1 10 districts, of the county. A county, county board of
1 11 supervisors, or a county zoning commission shall not require
1 12 that a home and community-based services waiver provider
1 13 obtain a conditional use permit, special use permit, special
1 14 exception or variance. A county, county board of supervisors,
1 15 or a county zoning commission shall not establish limitations
1 16 regarding the proximity of one proposed home and
1 17 community-based services waiver provider to another. For the
1 18 purposes of this section, "home and community-based services
1 19 waiver provider" means an agency certified by the department
1 20 of human services to provide home and community-based services
1 21 under a medical assistance waiver approved by the federal
1 22 government and implemented under the medical assistance
1 23 program.

1 24 Sec. 2. NEW SECTION. 414.32 HOME AND COMMUNITY=BASED
1 25 SERVICES WAIVER PROVIDER.
1 26 A city, city council, or city zoning commission shall
1 27 consider the premises of a home and community-based services
1 28 waiver provider as a residential use of property for the
1 29 purposes of zoning and shall treat the use of the premises by
1 30 the home and community-based services waiver provider as a
1 31 permitted use in all residential zones or districts, including
1 32 all single-family residential zones or districts, of the city.
1 33 A city, city council, or city zoning commission shall not
1 34 require that a home and community-based services waiver
1 35 provider obtain a conditional use permit, special use permit,
2 1 special exception or variance. A city, city council, or city
2 2 zoning commission shall not establish limitations regarding
2 3 the proximity of one proposed home and community-based
2 4 services waiver provider to another. For the purposes of this
2 5 section, "home and community-based services waiver provider"
2 6 means an agency certified by the department of human services
2 7 to provide home and community-based services under a medical
2 8 assistance waiver approved by the federal government and
2 9 implemented under the medical assistance program.

2 10 EXPLANATION
2 11 This bill provides that for the purposes of city and county
2 12 zoning, the premises of a home and community-based services
2 13 waiver provider is to be considered a residential use of
2 14 property. The bill defines "home and community-based services
2 15 waiver provider" as an agency certified by the department of
2 16 human services to provide home and community-based services
2 17 under a medical assistance waiver approved by the federal
2 18 government and implemented under the medical assistance
2 19 program.
2 20 LSB 1557SS 82

