

Senate File 2018 - Introduced

SENATE FILE 2018

BY SINCLAIR

A BILL FOR

1 An Act relating to building design element regulation by
2 governmental subdivisions, and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 103A.8D Design element regulation
2 by governmental subdivisions.

3 1. For purposes of this section:

4 a. "National model code" includes any of the last three
5 publications of the following codes that apply to the
6 construction, renovation, maintenance, or other alteration of a
7 building or structure:

8 (1) The international building code.

9 (2) The international residential code.

10 (3) The international existing building code.

11 (4) The international energy conservation code.

12 (5) Any code published by the national fire protection
13 association.

14 (6) The building construction safety code.

15 (7) The national plumbing code.

16 (8) The national electrical code.

17 b. (1) "Residential building" means any single or
18 multifamily residential dwelling and includes single-family and
19 two-family dwellings, apartments, townhouses, and condominiums
20 primarily used for residential purposes, and also includes all
21 secondary structures and improvements ancillary to such single
22 or multifamily residential dwelling.

23 (2) "Residential building" does not include any commercial
24 or industrial building that is primarily used for purposes
25 other than a residence.

26 c. (1) "Residential building design element" means any of
27 the following:

28 (a) The type or style of exterior cladding or finish
29 materials.

30 (b) The style or materials of roof structures, roof pitches,
31 or porches.

32 (c) Exterior nonstructural architectural ornamentation.

33 (d) The location, design, placement, or architectural
34 styling of windows and doors including garage doors and garage
35 structures.

1 (e) The number and types of rooms.

2 (f) The interior layout of rooms.

3 (g) The minimum square footage of a structure.

4 (2) "*Residential building design element*" does not include
5 any of the following:

6 (a) The height, bulk, orientation, or location of a
7 structure on a lot.

8 (b) Buffering or screening elements located at the
9 perimeter of the property that are used for any of the
10 following purposes:

11 (i) Minimizing visual impacts.

12 (ii) Mitigating the impacts of light and noise.

13 (iii) Protecting the privacy of neighbors.

14 2. A governmental subdivision shall not adopt or enforce a
15 rule, charter provision, ordinance, order, building code, or
16 other regulation that does any of the following:

17 a. Prohibits or limits, directly or indirectly, the use
18 or installation of a building product or material in the
19 construction, renovation, maintenance, or other alteration of
20 a residential or commercial building or structure, including
21 secondary structures or improvements ancillary to such building
22 or structure, if the building product or material is approved
23 for use by a national model code.

24 b. Establishes a standard for a building product, material,
25 or aesthetic method in construction, renovation, maintenance,
26 or other alteration of a residential or commercial building
27 or structure, including secondary structures or improvements
28 ancillary to such building or structure, if the standard is
29 more stringent than a standard for the product, material, or
30 aesthetic method under a national model code.

31 c. Establishes a new, or amends an existing, residential
32 building design element requirement unless any of the following
33 conditions apply:

34 (1) The residential building is any of the following:

35 (a) Located in an area formally designated and declared as a

1 state or local historic district under applicable law.

2 (b) Designated as a local, state, or national historic
3 landmark.

4 (c) Located on a property that is governed by a regulation
5 created by a valid zoning classification, plan, or contract
6 mutually negotiated and consented to between property owners
7 and a governmental subdivision including but not limited to a
8 planned unit development.

9 (d) Located on a property that is governed by the
10 application of a governmental subdivision's policy, regulation,
11 or ordinance affecting the public safety of residential
12 building design elements and such policy, regulation, or
13 ordinance was duly and properly adopted by the applicable
14 governing body in accordance with applicable law.

15 (e) Located on a property that is governed by a policy or
16 regulation as set forth within a duly adopted tax increment
17 finance district or a business improvement district.

18 (f) Located on a property that is governed by a policy or
19 regulation of an overlay or a special purpose zoning district
20 that is adopted pursuant to applicable law.

21 (g) Located in an existing neighborhood designated as a
22 blighted area or redevelopment district.

23 (2) The requirement directly and substantially relates to
24 the safety of life or property or the requirement is adopted as
25 a condition for participation in the national flood insurance
26 program.

27 3. This section does not prohibit or diminish the rights
28 of private parties to enact regulations as created by valid
29 private covenants or other contractual agreements among
30 property owners relating to residential building design
31 elements including but not limited to restrictive covenants
32 and declarations such as those created under chapter 499B or
33 otherwise permitted under Iowa law.

34 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
35 importance, takes effect upon enactment.

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EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill relates to the regulation of building design elements by governmental subdivisions.

The bill defines "national model code", "residential building", and "residential building design element".

The bill prohibits a governmental subdivision from adopting or enforcing a rule, charter provision, ordinance, order, building code, or other regulation that governs building design elements by a governmental subdivision in three primary manners. First, a governmental subdivision cannot prohibit or limit, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building or structure if the building product or material is approved for use by a recently published national model code that applies to the construction, renovation, maintenance, or other alteration of the building or structure. Second, a governmental subdivision cannot establish a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building or structure if the standard is more stringent than a standard for the product, material, or aesthetic method under a recently published national model code. Third, a governmental subdivision cannot establish a new, or amend an existing, residential building design element requirement unless certain conditions apply to either the building or the requirement.

The bill does not prohibit or diminish the rights of private parties to enact regulations as created by valid private covenants or other contractual agreements among property owners relating to residential building design elements including but not limited to restrictive covenants and declarations such as those relating to condominiums or otherwise permitted under

S.F. 2018

1 Iowa law.

2 The bill takes effect upon enactment.