

**House File 490 - Introduced**

HOUSE FILE 490  
BY P. THOMPSON

**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 two  
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, as adopted under 661  
9 IAC ch. 201 and 661 IAC ch. 301.

10 (2) The international residential code, as adopted under  
11 661 IAC ch. 301.

12 (3) The international existing building code, as adopted  
13 under 661 IAC ch. 301 and 661 IAC ch. 350.

14 (4) The international energy conservation code, as adopted  
15 under 661 IAC ch. 303.

16 (5) Any code published by the national fire protection  
17 association.

18 (6) The building construction safety code.

19 (7) The uniform plumbing code, as adopted under 641 IAC ch.  
20 25.

21 (8) The national electrical code, as adopted under 661 IAC  
22 ch. 504.

23 (9) The international property maintenance code.

24 b. "Residential building" means any single or multifamily  
25 residential dwelling and includes single-family and two-family  
26 dwellings and townhouses; condominiums and apartments with  
27 a maximum of twelve units per building; and all secondary  
28 structures to such a single or multifamily residential  
29 dwelling.

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

32 (a) The type or style of exterior cladding or finish  
33 materials.

34 (b) The style or materials used to construct a roof,  
35 provided the style or materials comply with all applicable fire

1 and safety codes.

2 (c) Exterior nonstructural architectural ornamentation.

3 (d) The location, design, placement, or architectural  
4 styling of windows and doors including garage doors and garage  
5 structures, provided the location, design, placement, or  
6 architectural styling complies with all applicable fire and  
7 safety codes.

8 (e) The number and types of rooms, provided the number or  
9 type complies with all applicable fire and safety codes.

10 (f) The interior layout of rooms, provided the interior  
11 layout complies with all applicable fire and safety codes.

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

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

15 (a) The height, bulk, orientation, or location of a  
16 structure on a lot.

17 (b) Buffering or screening elements located at the  
18 perimeter of the property that are used for any of the  
19 following purposes:

20 (i) Minimizing visual impacts.

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

22 (iii) Protecting the privacy of neighbors.

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

26 a. Prohibits or limits, directly or indirectly, the use  
27 or installation of a building product or material in the  
28 construction, renovation, maintenance, or other alteration  
29 of a residential building or structure, including secondary  
30 structures or improvements ancillary to such building or  
31 structure, if the building product or material is approved  
32 for use by a national model code and the building product or  
33 material has not been removed from a national model code for  
34 failing to meet fire and safety standards.

35 b. Establishes a standard for a building product, material,

1 or aesthetic method in construction, renovation, maintenance,  
2 or other alteration of a residential building or structure,  
3 including secondary structures or improvements ancillary to  
4 such building or structure, if the standard is more stringent  
5 than a standard for the product, material, or aesthetic method  
6 under a national model code.

7 c. Establishes a new, or amends an existing, residential  
8 building design element requirement unless any of the following  
9 conditions apply:

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

11 (a) Located in an area formally designated and declared as a  
12 state or local historic district under applicable law.

13 (b) Designated as a local, state, or national historic  
14 landmark.

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

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

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

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1           the explanation's substance by the members of the general assembly.

2       This bill relates to the regulation of building design  
3 elements by governmental subdivisions. The bill defines  
4 "national model code", "residential building", and "residential  
5 building design element".

6       The bill prohibits a governmental subdivision from adopting  
7 or enforcing a rule, charter provision, ordinance, order,  
8 building code, or other regulation that governs building design  
9 elements in three primary manners. First, a governmental  
10 subdivision cannot prohibit or limit the use or installation of  
11 a building product or material in the construction, renovation,  
12 maintenance, or other alteration of a residential building  
13 or structure if the building product or material is approved  
14 for use by an applicable, recently published national model  
15 code and the building product or material has not been removed  
16 from a national model code for failing to meet fire and  
17 safety standards. Second, a governmental subdivision cannot  
18 establish a standard for a building product, material, or  
19 aesthetic method in construction, renovation, maintenance, or  
20 other alteration of a residential building or structure if the  
21 standard is more stringent than a standard for the product,  
22 material, or aesthetic method under a recently published  
23 national model code. Third, a governmental subdivision cannot  
24 establish a new, or amend an existing, residential building  
25 design element requirement unless certain conditions apply to  
26 either the building or the requirement.

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

34       The bill takes effect upon enactment.