

Senate File 174 - Introduced

SENATE FILE 174
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SF 43)

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.