

**Senate File 2333 - Introduced**

SENATE FILE 2333  
BY COMMITTEE ON LOCAL  
GOVERNMENT

(SUCCESSOR TO SSB 3112)

**A BILL FOR**

1 An Act relating to the powers of public and nonpublic schools  
2 and political subdivisions regarding the sale, lease, or  
3 transfer of real property for educational purposes.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 279.41, Code 2024, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 3. The disposition of real property  
4 containing a building or structure under this section is  
5 subject to section 280.36.

6 Sec. 2. NEW SECTION. **280.36 Political subdivision property**  
7 **for sale, lease, or transfer.**

8 1. For purposes of this section, "*political subdivision*"  
9 includes a county, city, or township.

10 2. Except as otherwise provided in this section, a political  
11 subdivision shall not adopt, enforce, or administer an  
12 ordinance, policy, or resolution that prohibits real property  
13 containing a building or structure sold, leased, or transferred  
14 by a public school from being used for any lawful educational  
15 purpose by a nonpublic school.

16 3. A political subdivision shall not impose or enforce  
17 any deed restriction that prohibits real property containing  
18 a building or structure sold, leased, or transferred by  
19 the political subdivision from being used for any lawful  
20 educational purpose by a public school or a nonpublic school.

21 4. If a nonpublic school is the highest bidder for the  
22 purchase of real property containing a building or structure,  
23 the public school shall sell the property to the nonpublic  
24 school.

25 5. A public school or a nonpublic school shall not implement  
26 a deed restriction that prohibits a public school or a  
27 nonpublic school from bidding on or purchasing real property  
28 containing a building or structure. A deed restriction  
29 violating this subsection shall be void and severable from the  
30 deed and the deed may continue as valid.

31 Sec. 3. Section 297.15, subsection 1, Code 2024, is amended  
32 to read as follows:

33 1. Any sale, lease, or transfer of real estate<sub>7</sub> owned  
34 by a school district<sub>7</sub> containing less than two acres<sub>7</sub> and  
35 situated wholly outside of a city, and not adjacent thereto,

1 and heretofore used as a schoolhouse site ~~shall~~ must be in  
2 accordance with section 280.36. If the real estate is not  
3 purchased or leased by or transferred to a public school or a  
4 nonpublic school, the building or structure shall revert to the  
5 then owner of the tract from which the same was taken, provided  
6 that said owner of the tract last aforesaid shall, within the  
7 time hereinafter prescribed, pay the value thereof to such  
8 school district.

9 Sec. 4. Section 297.22, subsection 1, paragraph a, Code  
10 2024, is amended to read as follows:

11 a. The Subject to section 280.36, the board of directors  
12 of a school district may sell, lease, or dispose of, in whole  
13 or in part, a schoolhouse, school site, or other property  
14 belonging to the district. If the real property contains less  
15 than two acres, is located outside of a city, is not adjacent  
16 to a city, and was previously used as a schoolhouse site, the  
17 procedure contained in [sections 297.15 through 297.20](#) shall be  
18 followed in lieu of [this section](#).

19 Sec. 5. Section 297.22, subsection 2, paragraph a, Code  
20 2024, is amended to read as follows:

21 a. The Subject to section 280.36, the board of directors of  
22 a school district may sell, lease, exchange, give, or grant,  
23 and accept any interest in real property to, with, or from  
24 a county, municipal corporation, school district, township,  
25 or area education agency if the real property is within the  
26 jurisdiction of both the grantor and grantee.

27 Sec. 6. Section 331.301, Code 2024, is amended by adding the  
28 following new subsection:

29 NEW SUBSECTION. 23. a. Except as otherwise provided  
30 in this subsection, a county shall not adopt, enforce, or  
31 administer an ordinance, policy, or resolution that prohibits  
32 real property containing a building or structure sold, leased,  
33 or transferred by the county from being used for any lawful  
34 educational purpose by a public school or a nonpublic school.

35 b. A county shall not adopt or enforce any deed restriction

1 that prohibits real property containing a building or structure  
2 sold, leased, or transferred by the county from being used  
3 for any lawful educational purpose by a public school or a  
4 nonpublic school.

5 Sec. 7. Section 359.37, Code 2024, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. 3. *a.* Except as otherwise provided in this  
8 subsection, a township shall not adopt, enforce, or administer  
9 a policy or resolution that prohibits real property containing  
10 a building or structure sold, leased, or transferred by the  
11 township from being used for any lawful educational purpose by  
12 a public school or a nonpublic school.

13 *b.* A township shall not adopt or enforce any deed  
14 restriction that prohibits real property containing a building  
15 or structure sold, leased, or transferred by the township from  
16 being used for any lawful educational purpose by a public  
17 school or a nonpublic school.

18 Sec. 8. Section 364.3, Code 2024, is amended by adding the  
19 following new subsection:

20 NEW SUBSECTION. 18. *a.* Except as otherwise provided in  
21 this subsection, a city shall not adopt, enforce, or administer  
22 an ordinance, policy, or resolution that prohibits real  
23 property containing a building or structure sold, leased,  
24 or transferred by the city from being used for any lawful  
25 educational purpose by a public school or a nonpublic school.

26 *b.* A city shall not adopt or enforce any deed restriction  
27 that prohibits real property containing a building or structure  
28 sold, leased, or transferred by the city from being used  
29 for any lawful educational purpose by a public school or a  
30 nonpublic school.

31

#### EXPLANATION

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

34 This bill relates to the power of public and nonpublic  
35 schools and political subdivisions regarding the sale, lease,

1 or transfer of property for educational purposes. A political  
2 subdivision includes a county, city, or township. Political  
3 subdivisions are prohibited from adopting and enforcing  
4 an ordinance, policy, or resolution prohibiting the sale,  
5 lease, or transfer of real property containing a building or  
6 structure to a public or nonpublic school solely because the  
7 public or nonpublic school intends to use the property for a  
8 lawful educational purpose. The bill prohibits a political  
9 subdivision, public school, or nonpublic school from adopting  
10 or enforcing a deed restriction prohibiting a public or  
11 nonpublic school from bidding on or purchasing real property  
12 containing a building or structure or using such property,  
13 once acquired, for any lawful educational purpose. If a  
14 public school is accepting bids for a real property containing  
15 a building or structure and a nonpublic school submits the  
16 highest bid, the public school shall sell the property to the  
17 nonpublic school.

18 The bill provides a public school and nonpublic school  
19 the opportunity to purchase or lease property of less than  
20 two acres outside the limits of a city that is owned by a  
21 school district before the former owner of the real estate may  
22 purchase the property.