

**Senate File 43 - Introduced**

SENATE FILE 43  
BY WEBSTER

**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  
20 of a residential building or structure, including secondary  
21 structures or improvements ancillary to such building or  
22 structure, if the building product or material is approved for  
23 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 building or structure,  
27 including secondary structures or improvements ancillary to  
28 such building or structure, if the standard is more stringent  
29 than a standard for the product, material, or aesthetic method  
30 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 policy or  
5 regulation as set forth within a duly adopted tax increment  
6 finance district or a business improvement district.

7 (d) Located on a property that is governed by a policy or  
8 regulation of an overlay or a special purpose zoning district  
9 that is adopted pursuant to applicable law.

10 (2) The requirement directly and substantially relates to  
11 the safety of life or property or the requirement is adopted as  
12 a condition for participation in the national flood insurance  
13 program.

14 3. This section does not prohibit or diminish the rights  
15 of private parties to enact regulations as created by valid  
16 private covenants or other contractual agreements among  
17 property owners relating to residential building design  
18 elements including but not limited to restrictive covenants  
19 and declarations such as those created under chapter 499B or  
20 otherwise permitted under Iowa law.

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

23 EXPLANATION

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

26 This bill relates to the regulation of building design  
27 elements by governmental subdivisions. The bill defines  
28 "national model code", "residential building", and "residential  
29 building design element".

30 The bill prohibits a governmental subdivision from adopting  
31 or enforcing a rule, charter provision, ordinance, order,  
32 building code, or other regulation that governs building design  
33 elements in three primary manners. First, a governmental  
34 subdivision cannot prohibit or limit the use or installation of  
35 a building product or material in the construction, renovation,

1 maintenance, or other alteration of a residential building  
2 or structure if the building product or material is approved  
3 for use by an applicable, recently published national model  
4 code. Second, a governmental subdivision cannot establish a  
5 standard for a building product, material, or aesthetic method  
6 in construction, renovation, maintenance, or other alteration  
7 of a residential building or structure if the standard is  
8 more stringent than a standard for the product, material, or  
9 aesthetic method under a recently published national model  
10 code. Third, a governmental subdivision cannot establish a  
11 new, or amend an existing, residential building design element  
12 requirement unless certain conditions apply to either the  
13 building or the requirement.

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

21 The bill takes effect upon enactment.