

**Senate File 656 - Introduced**

SENATE FILE 656  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 589)  
(SUCCESSOR TO SSB 1190)

**A BILL FOR**

1 An Act allowing property owners to temporarily opt out of  
2 solid waste collection and disposal services, and providing  
3 penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **331.465A Solid waste collection and**  
2 **disposal services — opt-out.**

3 1. For purposes of this section:

4 a. "Opt-out period" means the period of time the property  
5 owner, at the request of the property owner, temporarily  
6 discontinues utilizing county-provided or county-contracted solid  
7 waste collection and disposal services.

8 b. "Solid waste collection and disposal services" means the  
9 collection and disposal of refuse, sludge, and other discarded  
10 solid materials from residential activities, excluding yard  
11 waste, bulky items, and specialized collections.

12 2. a. A county board of supervisors shall allow a  
13 residential real property owner to opt out of using  
14 county-provided or county-contracted solid waste collection and  
15 disposal services if all the following conditions apply:

16 (1) The property is an eligible homestead for which the  
17 property owner is receiving a homestead credit under chapter 425.

18 (2) The property owner submits to the county a completed  
19 application that requests an opt-out period not exceeding five  
20 consecutive months.

21 (3) The property owner submits the application at least eight  
22 weeks prior to the start of the opt-out period.

23 b. The county board of supervisors shall approve the  
24 application unless the application was incorrectly filed or  
25 submitted outside of the submission periods required by this  
26 subsection.

27 3. If the property owner opts out of county-provided or  
28 county-contracted solid waste collection and disposal services,  
29 any fee charged by the county relating to the services shall be  
30 suspended during the opt-out period. The suspended fee shall be  
31 the same as is charged to similar residential customers based on  
32 the information provided on the application.

33 4. The suspension of services shall continue for the property  
34 until the end date of the opt-out period as indicated on  
35 the application, unless the property owner files an amended

1 application to opt back in at an earlier date. If ownership  
2 of the property changes during the opt-out period, the  
3 property owner that filed the application shall file an amended  
4 application to initiate services for the new owner of the  
5 property. A new owner of the property may file an application  
6 to start services, based on required proof of ownership. An  
7 amended application must be filed at least three weeks prior to  
8 the restarting of services.

9 5. An application for an opt-out shall be made on a  
10 form provided by the county and shall, at a minimum, contain  
11 information necessary to show proof of ownership and any  
12 information necessary to approve the suspension of services for  
13 the opt-out period. An application may be submitted in person,  
14 by mail, or through a submission process on the county's internet  
15 site, if applicable. The county may impose an application fee  
16 that shall be submitted with the application and shall not exceed  
17 five dollars for each month of the requested opt-out period.  
18 If the application is denied, the fee shall be refunded to the  
19 applicant within thirty days.

20 6. Only one application to opt out of county-provided or  
21 county-contracted solid waste collection and disposal services  
22 may be filed for each twelve-month period.

23 7. Solid waste collection and disposal services and fees  
24 shall resume upon completion of the full or amended opt-out  
25 period.

26 8. A property owner who knowingly provides false information  
27 on an application filed pursuant to this section commits a civil  
28 offense punishable by a civil penalty of not more than seven  
29 hundred fifty dollars for each violation or if the infraction  
30 is a repeat offense a civil penalty not to exceed one thousand  
31 dollars for each repeat offense.

32 Sec. 2. NEW SECTION. **384.84B Solid waste collection and**  
33 **disposal services — opt-out.**

34 1. For purposes of this section:

35 a. "Opt-out period" means the period of time the property

1 owner, at the request of the property owner, temporarily  
2 discontinues utilizing city-provided or city-contracted solid  
3 waste collection and disposal services.

4     *b. "Solid waste collection and disposal services"* means the  
5 collection and disposal of refuse, sludge, and other discarded  
6 solid materials from residential activities, excluding yard  
7 waste, bulky items, and specialized collections.

8     2.   *a.* A city council shall allow a residential real property  
9 owner to opt out of using city-provided or city-contracted solid  
10 waste collection and disposal services if all of the following  
11 conditions apply:

12       (1) The property is an eligible homestead for which the  
13 property owner is receiving a homestead credit under chapter 425.

14       (2) The property owner submits to the city a completed  
15 application that requests an opt-out period not exceeding five  
16 consecutive months.

17       (3) The property owner submits the application at least eight  
18 weeks prior to the start of the opt-out period.

19     *b.* The city council shall approve the application unless the  
20 application was incorrectly filed or submitted outside of the  
21 submission periods required by this subsection.

22     3. If the property owner opts out of city-provided or  
23 city-contracted solid waste collection and disposal services,  
24 any fee charged by the city relating to the services shall be  
25 suspended during the opt-out period. The suspended fee shall be  
26 the same as is charged to similar residential customers based on  
27 the information provided on the application.

28     4. The suspension of services shall continue for the property  
29 until the end date of the opt-out period as indicated on  
30 the application, unless the property owner files an amended  
31 application to opt back in at an earlier date. If ownership  
32 of the property changes during the opt-out period, the  
33 property owner that filed the application shall file an amended  
34 application to initiate services for the new owner of the  
35 property. A new owner of the property may file an application

1 to start services, based on required proof of ownership. An  
2 amended application must be filed at least three weeks prior to  
3 the restarting of services.

4 5. An application for an opt-out shall be made on a form  
5 provided by the city and shall, at a minimum, contain information  
6 necessary to show proof of ownership and any information  
7 necessary to approve the suspension of services for the opt-out  
8 period. An application may be submitted in person, by mail,  
9 or through a submission process on the city's internet site,  
10 if applicable. The city may impose an application fee that  
11 shall be submitted with the application and shall not exceed five  
12 dollars for each month of the requested opt-out period. If the  
13 application is denied, the fee shall be refunded to the applicant  
14 within thirty days.

15 6. Only one application to opt out of city-provided or  
16 city-contracted solid waste collection and disposal services may  
17 be filed for each twelve-month period.

18 7. Solid waste collection and disposal services and fees  
19 shall resume upon completion of the full or amended opt-out  
20 period.

21 8. A property owner who knowingly provides false information  
22 on an application filed pursuant to this section commits a civil  
23 offense punishable by a civil penalty of not more than seven  
24 hundred fifty dollars for each violation or if the infraction  
25 is a repeat offense a civil penalty not to exceed one thousand  
26 dollars for each repeat offense.

27 **EXPLANATION**

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

30 This bill relates to solid waste collection and disposal  
31 services by creating exemptions for service charges. The bill  
32 allows real property owners to opt out of solid waste collection  
33 and disposal services (services) provided or contracted by a  
34 county or city if the property is an eligible homestead for which  
35 the property owner is receiving a homestead credit, the property

1 owner submits a completed application that requests an opt-out  
2 period not exceeding five months, and the property owner submits  
3 the application at least eight weeks prior to the start of the  
4 opt-out period.

5 Any fee associated with the services from the county or  
6 city shall be suspended during the opt-out period. The opt-out  
7 period will continue until the end date of the opt-out period as  
8 provided on the application or if the real property owner files  
9 an amended application to opt back in to the services.

10 To opt out of services, the real property owner must submit  
11 to the county or city an application that provides information  
12 necessary to show proof of ownership and any information  
13 necessary to approve the suspension of services for the opt-out  
14 period. The county or city may impose an application fee not  
15 to exceed \$5 for each month of the requested opt-out period,  
16 which fee shall be refunded within 30 days if the application is  
17 denied. An application must be approved unless unsatisfactory  
18 information is provided. A property owner may file only one  
19 application to opt out of services in a 12-month period.  
20 Services and the imposition of fees shall resume upon the  
21 expiration of the opt-out period.

22 A property owner who knowingly provides false information on  
23 an application filed pursuant to the bill is subject to civil  
24 penalties.