
LEGAL UPDATE

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IOWA SUPREME COURT DECISION — PLEADING REQUIREMENTS UNDER THE IOWA MUNICIPAL TORT CLAIMS ACT

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1000 Friends of Iowa; Bill Barnes, Inc.; Bradley E. Coulson; Teresa M. Coulson; Sondra K. Feldstein Revocable Trust; and Stuart I. Feldstein Revocable Trust v. Polk County Board of Supervisors
Filed April 4, 2025

No. 23-1199

www.iowacourts.gov/courtcases/21182/embed/SupremeCourtOpinion

Factual and Procedural Background. The Family Leader Foundation (Foundation) attempted to purchase a portion of farmland in an unincorporated area of Polk County. The land at issue was formerly used for activities related to agriculture and the Foundation intended to build a destination office and event venue on the parcel. To accommodate this usage, the Foundation applied to the Polk County Board of Supervisors (Board) to have the Polk County Zoning Commission (Commission) change the zoning. County staff recommended that the Board deny the application on the basis that the surrounding area was primarily agricultural and that existing infrastructure would be insufficient for the proposed usage, among other reasons. The Commission recommended that the rezoning application be denied, although the Board ultimately approved the Foundation's application. Five individual landowners and 1000 Friends of Iowa, a membership organization concerned with land use, sued under Iowa Code section 335.18 (petition to court) to challenge the rezoning decision. The lawsuit was based upon three claims: (1) the decision of the Board violated Polk County's land use plan, (2) the actions of the Board violated Polk County zoning ordinances, and (3) the action constituted illegal spot zoning. The lawsuit did not seek any claim for monetary damages. The Board moved to dismiss the case on the grounds that the individual landowners and 1000 Friends of Iowa lacked standing and that they were precluded from amending the petition under Iowa Code section 670.4A (qualified immunity), which requires dismissal with prejudice if a petitioner fails to meet its heightened pleading standards. The district court granted the Board's motion to dismiss, finding that the case fell under Iowa Code section 670.4A of the Iowa Municipal Tort Claims Act (Act), and because the Act's heightened pleading standards were not met, the Act required dismissal of the case with prejudice. The individual landowners and 1000 Friends of Iowa appealed this decision to the Iowa Supreme Court, asserting that the Act's heightened pleading standards and the remedy of dismissal with prejudice did not apply to the case.

Issues. Whether the heightened pleading standards and the remedy of dismissal with prejudice apply to a claim under the Act when the claim does not include a claim for monetary damages and whether the plaintiffs have sufficiently pleaded standing.

Holding. The Court reversed the district court's finding that the Act's heightened pleading standards and remedy of dismissal with prejudice applied to a claim under the Act when the claim did not include a claim for monetary damages. The Court found that the individual plaintiffs had sufficiently pleaded standing and that the organizational plaintiff (1000 Friends of Iowa) should have been granted leave to amend its petition to establish standing.

Analysis. The Court first analyzes the two subsections of Iowa Code section 670.4A that are at issue in the case. Iowa Code section 670.4A, subsection 1, provides, in pertinent part, that an employee or officer subject to a claim brought under the Act is not liable for monetary damages under certain circumstances. Subsection 3 provides the heightened pleading standards for the Act as well as the remedy of dismissal with prejudice if the heightened pleading standards are not met. The Court found that, generally, subsections of a particular Iowa Code section should be read together rather than as independent parts, particularly when those subsections were enacted at the same time in the same enactment. See *MIMG CLXXII Retreat on 6th, LLC v. Miller*, 16 N.W.3d 489, 495 (Iowa 2025); see also *State v. Hall*, 969 N.W.2d 299, 309 (Iowa 2022). However, the Court concluded a full reading of the Act does not require the heightened pleading standards and the remedy of dismissal with prejudice due to the fact the plaintiff was not seeking monetary damages in this case. The Court also cited with approval *Nahas v. Polk County*, 991 N.W.2d 770, 780 (Iowa 2023), a prior case in which the Court had analyzed subsection 1 of Iowa Code section 670.4A in conjunction with subsection 3.

Having found that the heightened pleading standard and the remedy of dismissal with prejudice of the Act do not apply, the Court next turned to the question of whether the individual landowners and 1000 Friends of Iowa had sufficiently pleaded standing. The Court identified four factors from *Reynolds v. Dittmer*, 312 N.W.2d 75, 78 (Iowa Ct. App. 1981), that can be used to determine whether a plaintiff has a sufficiently specific interest or property right to give the plaintiff standing to challenge a zoning decision. Those factors are: (1) the proximity of the plaintiff's property to the property at issue, (2) the character of the neighborhood, (3) the nature of the proposed change, and (4) whether the plaintiff is a person who is entitled to receive notice under the zoning ordinance. Weighing the factors, the Court found that the individual landowners had pleaded a sufficiently specific interest or property right to give them standing to challenge the zoning decision.

Turning to the question of whether organizational plaintiff 1000 Friends of Iowa had sufficiently pleaded standing, the Court found that 1000 Friends of Iowa had not alleged facts establishing that any of its members would have had standing to sue, which would grant it organizational standing, nor facts indicating that it had a particularized interest in the subject property, which would grant it private party standing. However, the Court also found that 1000 Friends of Iowa should have been granted leave to amend its petition to establish standing.

Concurrence in Part and Dissent in Part. Three justices concurred with the conclusion that the Act and its heightened pleading standards and remedies do not apply to this case, but dissented from the conclusion that the organizational plaintiff 1000 Friends of Iowa was aggrieved by the decision of the Board, and had standing in this case.

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