

FEB 2 1966
HUMAN RESOURCES

HOUSE FILE 366
BY FORD

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the establishment of a lead-safe housing
2 registry, including provisions related to property owner,
3 managing agent, or employee liability, and providing a
4 penalty.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 366

1 Section 1. NEW SECTION. 135.105D LEAD-SAFE HOUSING
2 REGISTRY.

3 1. The department shall establish and maintain a registry
4 of lead-safe housing to provide the public with a listing of
5 residential and multifamily dwelling units and child-occupied
6 facilities that have been issued a certificate of lead-free
7 status or a certificate of lead-safe status. The department
8 shall publish the registry of lead-safe housing on the
9 department's website and shall provide a copy of the registry
10 to any person upon request.

11 2. The department shall adopt rules regarding minimum
12 requirements for certifying residential and multifamily
13 dwelling units and child-occupied facilities as lead-free or
14 as lead-safe, including certification procedures and
15 certification suspension and revocation requirements. The
16 department shall establish fees in amounts sufficient to
17 defray the cost of the certification and registry programs.
18 Fees received shall be considered repayment receipts as
19 defined in section 8.2.

20 3. An owner, managing agent, or employee of a residential
21 or multifamily dwelling unit or a child-occupied facility who
22 obtains a certificate by fraud or violates a condition of the
23 certificate is subject to a civil penalty not to exceed five
24 thousand dollars for each offense.

25 Sec. 2. NEW SECTION. 135.105E PRESUMPTION OF REASONABLE
26 CARE -- CERTIFICATE.

27 An owner, managing agent, or employee of a residential or
28 multifamily dwelling unit or a child-occupied facility who has
29 been issued a certificate of lead-free status or lead-safe
30 status for the dwelling or facility is entitled to a
31 presumption that such person exercised reasonable care in the
32 maintenance of the dwelling or facility. This presumption is
33 subject to rebuttal if the person asserting the claim proves
34 by a preponderance of the evidence any of the following:

35 1. The owner, managing agent, or employee obtained the

1 certificate by fraud.

2 2. The owner, managing agent, or employee violated a
3 condition of the certificate.

4 3. After receiving the certificate, the owner, managing
5 agent, or employee created a lead-bearing paint hazard during
6 renovation, remodeling, maintenance, or repair of the dwelling
7 or facility that was present in the dwelling or facility at
8 the time the lead poisoning or lead exposure occurred.

9 4. The owner, managing agent, or employee failed to
10 respond in a timely manner to notification by a tenant, the
11 department, or a local health department that a lead-based
12 paint might be present in the dwelling or facility.

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EXPLANATION

14 This bill relates to the establishment of a lead-safe
15 housing registry, including provisions related to property
16 owner, managing agent, or employee liability, and provides a
17 penalty.

18 The bill provides that the Iowa department of public health
19 shall establish and maintain a registry of lead-safe housing
20 to provide the public with a listing of residential and
21 multifamily dwelling units and child-occupied facilities that
22 have been issued a certificate of lead-free status or a
23 certificate of lead-safe status. The department shall publish
24 the registry of lead-safe housing on the department's website
25 and shall provide a copy of the registry to any person upon
26 request. The department shall establish fees in amounts
27 sufficient to defray the cost of the certification and
28 registry programs. The bill further provides that an owner,
29 managing agent, or employee of a residential or multifamily
30 dwelling unit or a child-occupied facility who obtains a
31 certificate by fraud or violates a condition of the
32 certificate is subject to a civil penalty not to exceed \$5,000
33 for each offense.

34 The bill further provides that an owner, managing agent, or
35 employee of a residential or multifamily dwelling unit or a

1 child-occupied facility who has been issued a certificate is
2 entitled to a presumption that such person exercised
3 reasonable care in the maintenance of the dwelling or
4 facility. This presumption is subject to rebuttal if the
5 person asserting the claim proves by a preponderance of the
6 evidence that the owner, managing agent, or employee obtained
7 the certificate by fraud, violated a condition of the
8 certificate, created a lead-bearing paint hazard during
9 renovation, remodeling, maintenance, or repair of the dwelling
10 or facility that was present in the dwelling or facility at
11 the time the lead poisoning or lead exposure occurred after
12 receiving the certificate, or failed to respond in a timely
13 manner to notification by a tenant, the department, or a local
14 health department that a lead-based paint might be present in
15 the dwelling or facility.

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