

# New Laws of Interest to Cities 2022 Legislative Session



## Reminder:

The text of each bill is accessible from the General Assembly's website: [www.legis.iowa.gov](http://www.legis.iowa.gov)

The 2022 legislative session adjourned sine die on May 25, more than 30 full days after the legislative per diem expired. This adjournment also concluded the second and final session of the 89th General Assembly.

The 2022 legislative session focused on several themes such as tax cuts on corporate and personal income, workforce issues such as housing, unemployment, childcare and deregulating industry such as preempting home-based businesses and simplifying alcohol licenses. While the League highlights the impact on cities, the majority of legislation that passed did not impact local governments.

The bills summarized in this annual publication include the bills passed into law that affect city government. Many bills were drafted, filed and considered during the session, which did not pass. Bills that did not pass but were considered often highlight possible future topics for the legislative session, such as alterations to the property tax system, alterations to Local Option Sales and Service Tax, and preempting local decisions in areas such as building and maintenance code. As we work through the changes caused by the 2022 legislative session, it is never too early to prepare for the next legislative session.

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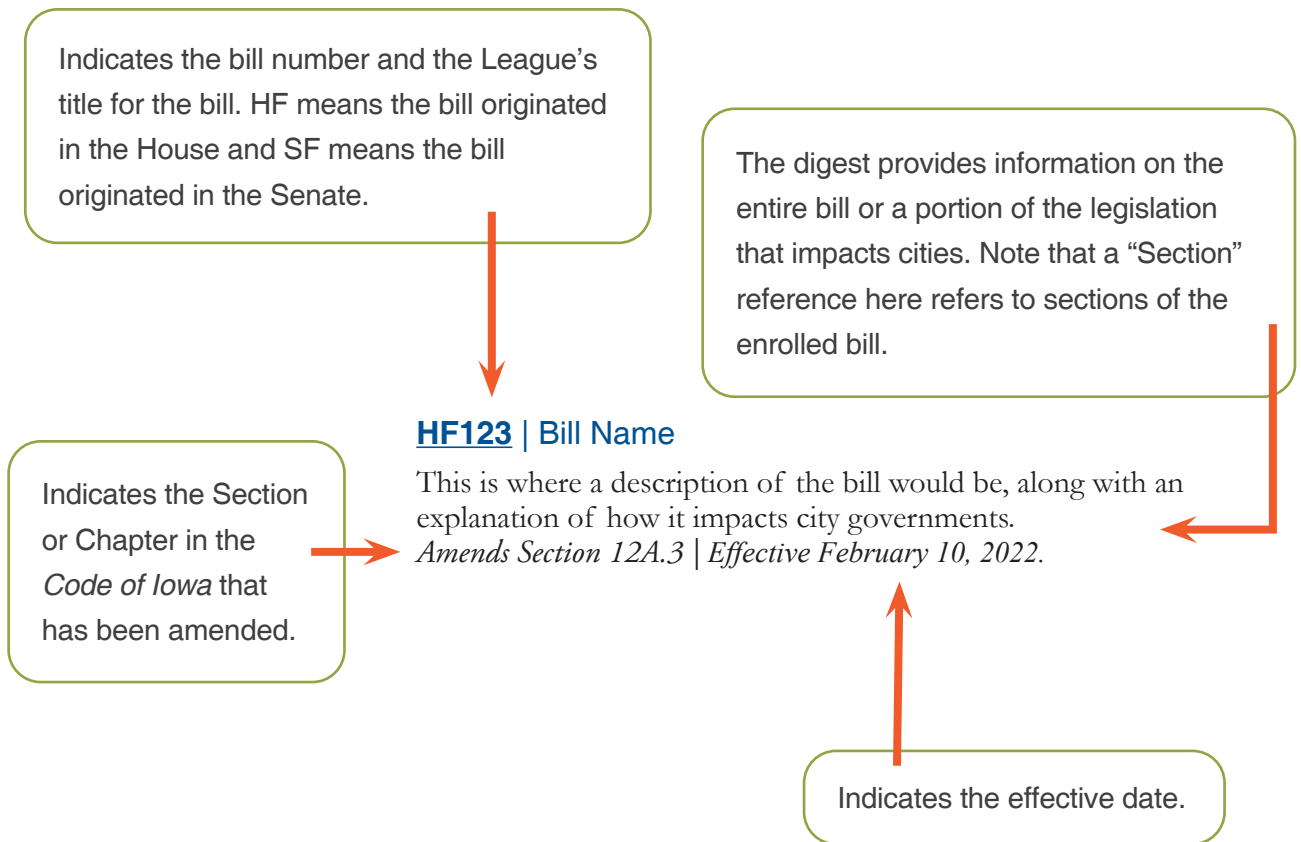
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## Reader's Guide to New Laws Summaries

This Special Report outlines legislation passed during the 2022 legislative session that affects cities and is categorized in subject areas for easier reading. The sample entry below explains what type of information this report contains.

*Note: The report is intended as a reference guide to new laws that may interest your community. This report should not act as a substitute for the actual final enrolled legislation, nor should it substitute for advice from an attorney.*



## Legislative Values

Legislative Values are more than just annual priorities. They are intended to represent what cities and the officials that govern them need, want, and expect to meet the challenges of their communities. Developed over time, they are reviewed before each General Assembly, which span two legislative sessions. The values below were reviewed by the Legislative Policy Committee, ratified by the Executive Board on August 13, 2020, then presented to and approved by League members at the League's Annual Conference on September 18, 2020.

### Cities across the state value...

#### Local Control

Home Rule is the right to make local decisions at the local level – where decisions are made closest to those affected and can be tailored to fit unique conditions, needs, and concerns free from state interference.

#### Public Safety

Safety is essential to the health, stability, and vitality of communities. Cities must have the human and economic resources, tools, and technology to provide appropriate public safety services for their communities and citizens.

#### Infrastructure

Iowa's infrastructure is in need of repair and upgrade. It is vital that cities of all sizes have the resources to meet the infrastructure, technology, and human needs necessary to connect, transport, and grow.

#### Financial Stability

The commitment to reimburse local governments for lost resources due to state action must be maintained to prevent an increased burden on property tax payers or a reduction in city services. Mandates imposed on local governments must include appropriate funding mechanisms. Local governments need diversified revenue options that are fair and related to cost drivers.

#### Economic Development

Maintaining the flexibility of economic development tools is essential for economic growth in cities of all sizes and is vital to the success and advancement of the State of Iowa and its economy. Iowa needs more tools and funding to promote quality of life, community vitality, economic development, and to address housing needs.

Like our membership, the Iowa League of Cities is a non-partisan, service oriented organization that does not participate in elections, make campaign contributions, or have a political action committee (PAC).



## Legislation Passed In 2022

### Appropriations

#### **SF 2325 | High-Quality Jobs and Workforce Housing Tax Incentive**

Extends the repeal of the Iowa Energy Center until 2027, alters the definition of a county in distress in order to make it easier to qualify for the high-quality jobs program and grants the Iowa Economic Development Authority the ability to provide an additional extension to housing tax incentive programs.

*Amends Section 15.335C and 15.352 | Multiple effective dates*

#### **HF 2564 | Economic Development Authority Appropriation**

Appropriates funds for use by the Iowa Economic Development Authority, including various line items including Councils of Governments Assistance, Tourism Office, Empower Rural Iowa, Housing Renewal Pilot program, Employer Child Care Tax Credit and others.

*Amends numerous Sections | Effective July 1, 2022*

#### **HF 2579 | Rebuild Iowa Infrastructure Fund**

Appropriates funds from the Rebuild Iowa Infrastructure Fund to various projects and departments, including the Water Quality Initiative Fund, Community Attraction and Tourism Fund, Sports Tourism Infrastructure Program, Water Trails and Low Head Dam Safety Grants and others.

*Amends numerous Sections | Effective July 1, 2022*

### Miscellaneous

#### **HF 2295 | Emergency Response Liability for the State**

Grants the state liability protections from local government tort under specific circumstances. This liability protection requires a declared disaster emergency and authorization from the local government to the state, which requests the state's aid in disaster remediation and the state acted in good faith.

*Amends Section 29C.6 | Effective July 1, 2022*

#### **SF 183 | Alternate Project Delivery Model**

Provides cities with an additional project delivery model known as Construction Manager-At-Risk, which can be utilized for vertical infrastructure public improvements. Construction Manager-At-Risk, or CMaR, is characterized as having a Construction Manager assume liability for project cost overruns.

*Creates Chapter 26A | Effective July 1, 2022*

#### **SF 2298 | Emergency Management and Joint 911 Board**

Allows an emergency management commission to assume the responsibilities of a joint 911 service board if two-thirds of each board vote in favor of such a proposal.

*Amends Section 29C.9 and 34A.3 | Effective July 1, 2022*

#### **SF 2266 | IPERS Retirement Employment Benefits**

Alters the amount a retired IPERS employee can make without negatively affecting their benefits from IPERS. Increases this threshold from \$30,000 to \$50,000 a year.

*Amends Section 97B.48A and 279.7A | Effective March 23, 2022*

### **SF 2378 | Bottle Bill**

Updates Iowa's container deposit system. Increases handler fees to three cents, reduces retailers' obligation to maintain a redemption center and makes other changes to convenience and distributor responsibilities.

*Amends Section 22.7 and various divisions of 455C | Multiple effective dates*

### **Preemption**

### **HF 2130 | Registration and Use of ATV & UTV**

Prohibits a city from charging a fee to operate an all-terrain or off-road utility vehicle (ATV or UTV) within city limits. Maintains the authority for cities to regulate the operation of an ATV and UTV and cities may designate specific streets or areas within their corporate limits where they can be operated. These vehicles, however, are allowed to use the most direct route between an all-terrain trail or two secondary roads which are not contiguous.

*Amends Section 321.385, 321I.8 and 321I.10 | Effective July 1, 2022*

### **HF 2475 | Utility Board Removal**

Creates a new standard and burden for the removal of utility board members. Requires unanimous approval by the city council and creates a finite list of reasons that a utility board member can be removed from office. Exempts cities from these new standards that are above 200,000 in population.

*Amends Section 388.3 | Effective May 17, 2022*

### **HF 2562 | Mobile Home Bill**

Expands nonconforming use protections for mobile home park residents, requires mandatory notification for utility increases and provides other protections for the owners of mobile and manufactured homes from mobile and manufactured housing park owners.

*Amends Section 335.3 and 414.1 | Multiple effective dates*

### **SF 2296 | Expected Privacy of Garbage**

Creates a policy of the state that garbage placed outside of a residence has no reasonable expectation of privacy and clarifies that local governments cannot create a reasonable expectation of privacy for garbage placed outside of a residence.

*Amends Section 808.16 | Effective July 1, 2022*

### **SF 2383 | Workforce Housing Omnibus**

Preempts a local government from requiring an inspection of a mobile home that has already been inspected under federal mandates. Prohibits a city from enforcing some parking violations, with exceptions, to a vehicle displaying a license plate indicating they are a former prisoner of war, a Medal of Honor recipient, a Purple Heart Recipient, or has a 100% veteran disability rating.

*Creates Section 335.30 and 414.28, amends Section 321.191 | Effective July 1, 2022*

### **HF 2431 | Home-Based Business**

Creates a definition for a no-impact home-based business and preempts local governments from regulating these businesses.

*Creates Section 335.35 and 414.33, amends Section 137D.1 | Effective July 1, 2022*

**[SF 2285](#) | Firework Zoning Preemption, Pre-Annexation Agreements, Zoning Board of Adjustment Membership**

Makes additional requirements for county-appointed members to the city board of adjustment, prevents a city from requiring a landowner to sign a voluntary annexation agreement as a condition of granting a zoning change and prevents a city from spot zoning fireworks within industrial or commercial areas.

*Creates Section 335.2A, amends Section 414.23 | Multiple effective dates*

**Public Safety**

**[HF 2340](#) | Public Safety Nuisance**

Creates a mechanism for cities to declare as bar a public safety nuisance and have the city or county attorney file suit to mitigate the nuisance. There are specific criteria laid out in the law, such as the patrons of the bar contributing to rioting on several occasions, discharging firearms, or assaults, as well as proximity requirements for these actions.

*Creates Section 123.56 | Effective July 1, 2022*

**[SF 333](#) | Emergency Vehicle Permissions**

Grants additional permissions to the operator of an emergency vehicle when in pursuit of an individual suspected of committing a felony or misdemeanor. Grants the authority for an emergency vehicle to utilize lights and sirens during a parade. Grants liability for injury or costs arising from an emergency vehicle's use in response to an emergency call or incident.

*Amends various Sections within Chapter 321 | Effective May 24, 2022*

**[SF 551](#) | Vehicle Operation by Volunteer Emergency Responders**

Allows a trained and identifiable emergency services volunteer to exceed the speed limit while traveling to an emergency. Expunges certain traffic violations for volunteer emergency services providers who have been convicted of certain traffic violations while traveling to an emergency.

*Creates Section 321.231A, amends Section 321.423 | Effective July 1, 2022*

**[HF 2496](#) | Brady-Giglio List Regulations**

Provides regulations and procedural requirements over a prosecuting agency's creation of a "Brady-Giglio" list. This list would contain the names of officers who lack the credibility to take the stand due to untruthfulness, criminal convictions, candor issues, or some other type of incident which calls into question an officer's credibility. Prevents a law enforcement agency from disciplining an officer for being placed on such a list.

*Amends Section 80F.1 | Effective July 1, 2022*

**[SF 2267](#) | Emergency Response Districts**

Authorizes the establishment of Emergency Response Districts for the purpose of providing certain emergency services through the consolidation of emergency response areas. Allows cities to assign the responsibility for providing fire and emergency medical services to the district if a city participates.

*Amends various Sections in 357J | Effective July 1, 2022*

## Records & Open Meetings

### **HF 2154** | Confidential Records of MFPRSI

Creates a list of confidential records that pertain to *Code of Iowa* Chapter 411. This list includes records containing social security numbers, specific financial information within a member's accounts, names of 411 members and their beneficiaries, records of payment amounts, and records that, if divulged, could lead to a loss to the retirement system or the provider of the information.

*Amends Section 411.5 | Effective July 1, 2022*

### **SF 2279** | Electronic Submission of Bids

Grants local governments the authority to accept public construction bidding contracts electronically. Lays out regulations for opening and receiving electronic bids.

*Amends Section 26.7 | Effective July 1, 2022*

### **SF 2322** | Public Records Examination Fees

Requires a lawful custodian of public records to attempt to provide a record at no cost other than for copying so long as the records take less than 30 minutes to produce. Requires any cost associated with a record request to be reasonable. Clarifies that legal review and associated fees only be utilized for the redaction of legally protected information. Allows for the reasonableness of a record request to be challenged.

*Amends Section 22.3 | Effective July 1, 2022*

## Taxes & Fees

### **HF 2552** | Business Property Tax Credit

Transitions the existing Business Property Tax Credit into an assessment limitation. This assessment limitation applies the residential rollback to the first \$150,000 of taxable valuation of commercial, industrial, and railway properties for the purposes of property taxation. Appropriates up to \$125 million as a backfill to prevent an immediate reduction in local government revenues.

*Amends Section 2.48, 331.512, 357H.9, 403.20, 426C.10 and 441.21 | Effective July 1, 2022*

### **SF 2374** | Alcohol Retail License

Changes liquor control licenses to alcohol retail licenses. Alters the designation, authority and fees of alcohol licenses.

*Amends numerous Sections within Chapter 123 | Multiple effective dates*

### **SF 2367** | Department of Revenue Omnibus, Local Option Sales and Service Tax (LOSST) Distributions

Makes many changes to the administration and collection of taxes. Exempts certain products such as child and adult diapers as well as feminine hygiene products from sale tax collection. Makes distributions of LOSST to local governments based on actual collections rather than estimates.

*Amends Section 423.3 and 423B.7 | Multiple effective dates*