

**In this week's edition of Hill Notes:**

**Lead Based Paint Abatement**

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**Storm water management**

**Private cause of action/fraud legislation**

**Lead Based Paint Abatement**

**Senate File 213 and House File 448** are companion bills that require testing and abatement of lead hazards in residential dwellings and child care facilities. It requires inspections of residential housing for lead hazards prior to sale, and establishes a childhood lead poisoning prevention and control committee, and provides a penalty.

**HF 534** This legislation requires a health care provider who performs blood lead testing on a child and confirms that the child has elevated blood lead levels to report the results of the test and the child's home address to the county assessor's office. The Assessor is required to list the home on a lead registry which would be accessible to the public.

**The IAR opposes both of the lead proposals listed above because of the cost to remediate and it is likely that the lead testing will be mandated during real property transfer. The IAR will attend subcommittees on the bills this week.**

**Utility Disclosure**

**Senate File 184** is a bill that would mandate the disclosure of annual utility costs by a transferor of real property to a transferee.

**The IAR opposes this legislation as it is information that is readily available to buyers upon request.**

**Storm water Impact Fees**

**Senate Study Bill 1273** is legislation that allows cities to assess fees for the connection of property to storm water drainage systems. Current law allows cities to charge fees for the connection of property to the city sewer or water utility by ordinance (after notice and a public hearing). Each person whose property will be served by connecting to the city sewer or water utility is required to pay a connection fee to the city. A connection fee may include the equitable cost of extending the utility to the properties, including reasonable interest from the date of construction to the date of payment.

**The IAR opposes this legislation as it is an impact fee on new development.**

## **FLOOD INSURANCE**

**House Study Bill 182 and Senate File 367** is legislation mandating homeowners who live in a five hundred year flood plain to purchase flood insurance as of July 1, 2010. A homeowner living in a five hundred year flood plain that does not have flood insurance after this date will not be eligible to receive any flood disaster-related financial assistance from the state.

**The IAR has concerns as to how homeowner's will be notified they must obtain flood insurance, the cost of the flood insurance to homeowner's, and also on the availability and accuracy of the flood maps. It is unclear as to how this legislation will be implemented and what it will mean for redevelopment or new development of communities within the 500 year floodplain. The IAR will continue to work on this legislation.**

## **STORM WATER MANAGEMENT PLANS**

**HF 338** would require any new development to submit a storm water management plan to the DNR and the city for their approval. **The IAR opposes this legislation because it prohibits development projects from commencing construction until the DNR has approved the storm water management plan.** This legislation would significantly slow any new development as DNR does not have the staff or funding to manage, go out to the sites, and approve these types of projects. It also requires the use of retention ponds in development projects.

## **PRIVATE CAUSE OF ACTION UPDATE**

**HSB 80 UPDATE:** The House Judiciary Committee approved the private cause of action legislation Thursday evening with no amendment to exempt real estate licensees. The bill is now eligible for debate in both the Senate and the House. The IAR has several legislators sponsoring an amendment to exempt real estate licensees in both chambers. **Thank you, to those of you who responded to the call to action in the last few weeks! Your voices are being heard and the legislators appreciate your input!**

**Senate File 178/HSB 80** is legislation that would allow individuals to hire their own attorneys and sue many types of businesses for consumer fraud. In this legislation consumer fraud is very broad and poorly defined. An unclear law invites abusive lawsuits and no one is safe – not even an honest, ethical business. The bill does not include the traditional requirements of proving wrongful conduct and leaves many businesses including REALTORS® at risk of being sued. There are several groups of licensees that are currently exempt from this legislation as written; some of the groups who are protected are doctors, hospitals, lawyers, insurance companies, engineers and many others. **Real estate licensees are not currently exempt, but the IAR is working on an amendment to include real estate.**

Please go to the Legislative website at [www.legis.state.ia.us](http://www.legis.state.ia.us) to view any of the bills mentioned.