

LITIGATION HIGHLIGHTS IN THE POVERTY LAW PRACTICE OF IOWA LEGAL AID

Approved for one hour of state CLE accreditation

Consumer

Low-income Iowans frequently have problems related to a debt they might owe. Iowa Legal Aid has sought to enforce laws that protect consumers.

- People receiving notice of garnishment or execution must be told that creditors cannot get at certain property, called exempt property, and must be told how to raise those exemptions.

Medina v. Appanoose County (S.D. Iowa 1989); *Burr v. Des Moines County* (S.D. Iowa 1987); *Kobliska v. Chickasaw County* (S.D. Iowa 1986). These cases challenged state execution and garnishment procedures where there was no notice of exempt property or the means to raise the exemption. It resulted in administrative directives from the Iowa State Court Administrator that established procedures and forms for use in both execution and garnishment proceedings.

- Exemptions in the law apply to administrative offsets for debts owed to the state.

Smith-Porter v. Iowa Department of Human Services, 590 N.W.2d 541 (Iowa 1999). The court decided that rent reimbursement payments on behalf of a person who is disabled are exempt from administrative offset for debts owed to the state.

- Creditors cannot take advantage of debtors by filing lawsuits in counties far away from their home counties or charging excess fees.

Mueller v. Midwest Collection Services (Iowa District Court 1989). Debtors were sued in Marshall County, often far away from their home counties, and fees were added in excess of those allowed by law; in settlement, over 1,500 people had their debts wiped out.

- A man shining shoes at the bank was entitled to protect the money he received for shining shoes, even though the bank said he was an independent contractor.

Marian Health Center v. Cooks, 451 N.W.2d 846 (Iowa App. 1990). Independent contractors as well as employees have wage protections under Iowa law.

- A creditor cannot get a lien on a car that is exempt.

Printen v. James, 474 N.W.2d 807 (Iowa 1991). Execution levied on a car can only result in a lien if the car is not exempt under Iowa law.

- Even though a creditor files in small claims court, the creditor has to tell the debtor certain basic information about how it figured out the amount of money owed.

ITT Financial Services v. Zimmerman, 464 N.W.2d 486 (Iowa App.,1990). A creditor must list in a small claims petition the facts of a default, the amount of money the creditor is entitled to, and how the amount was determined; in obtaining a default judgment, the creditor must include a verified statement and how the amount claimed was calculated.

Education

Without a good education, the future for low-income children is bleak. Iowa Legal Aid has fought to remove barriers to success for low-income students, and to ensure fairness when disputes arise.

- Special education rights apply to children who are placed in a state facility.

A.B. v. Norman (S.D. Iowa 1988). A child in need of special education was placed in a state facility. The facility refused to comply with the Education for All Handicapped Children Act (now called the Individuals with Disabilities Education Act). Iowa Legal Aid filed a class action law suit in federal court, which was settled by agreement of the parties. The facility agreed to follow the special education law for all children with disabilities placed in its care.

- A hearing on whether the appropriate special education services are being provided must be conducted by an independent hearing officer.

Robert M. v. Benton, 634 F.2d 1139 (8th Cir. 1980). The Superintendent of Public Instruction was the hearing officer in a special education due process hearing. The Superintendent was prohibited by law from being the hearing officer. An outside, independent person had to conduct the hearing.

- Low-income families are entitled to a waiver of school fees.

Every fall, Iowa Legal Aid would hear from clients whose children were not allowed to enroll because their parents had not paid school fees. In one incident, the principal physically barred the door to the elementary classroom to prevent the student from entering. In other cases, the school read the names of students over the intercom, and then posted the names on the bulletin board. Other students were denied participation in graduation, or had report cards withheld. Iowa Legal Aid filed a rulemaking proceeding to require school districts to waive school fees for low-income families, and in 1996 the rule became effective.

Family

Protecting clients from domestic violence is a significant percent of Iowa Legal Aid's caseload and a significant portion of appellate cases.

- A person seeking a protective order can talk about an incident that was not set out in the petition.

Knight v. Knight, 525 N.W.2d 841 (Iowa 1994). Due process is not violated when a protective order is issued against a defendant, in part, on the basis of an incident not set forth in the petition.

- Judges should rarely dismiss a protective order case before having a hearing.

Smith v. Smith, 513 N.W.2d 728 (Iowa 1994). Motions to dismiss a pro se domestic abuse protective order petition should be rarely granted; the length of time between an assault and the filing of a petition only goes to the relief that may be granted, not to a dismissal of the petition.

- A divorce decree can be vacated when the woman leaves the state to avoid domestic abuse.

Marconi v. Marconi, 584 N.W.2d 331 (Iowa 1998). In vacating a judgment in a divorce case, the Supreme Court determined that domestic abuse was a sufficient reason to flee and established grounds to meet the test of unavoidable casualty or misfortune.

- A person can file both a divorce and a domestic abuse petition.

Conklin v. Conklin, 586 N.W.2d 703 (Iowa 1998). The Supreme Court determined that the filing of a dissolution action should not result in the dismissal of a domestic abuse action unless specific findings were made regarding the abuse.

- A woman was able to get a protective order because her abuser pounded on her car window and pulled his car out in front of her to cut her off.

Parrott v. Parrott, 2002 WL 575588, (Iowa App. 2002). A domestic abuse protective order was denied based on the court's conclusion that there was no physical violence, although there was evidence that the defendant had pounded on the window of her car, pulled his car in front of hers to cut her off and had physically assaulted her earlier. On appeal the appellate court found that the allegations met the standard under Iowa Code §708.1.

- A person can have both a criminal and a civil no contact order.

Haley v. Haley, 662 N.W.2d 375 (Iowa App. 2003). A domestic abuse client's petition for a civil protective order was dismissed because a criminal no contact order was in effect. On appeal, the court determined that a criminal no contact order did not preclude seeking a civil protective order and that generally a hearing had to be held before dismissing the petition.

- Fifteen minutes a side was not enough time to present a domestic abuse case.

Rasmussen v. Rasmussen, 686 N.W.2d 235 (Iowa App. 2004). Client sought a protective order but testimony at the hearing was limited to 15 minutes a side. On appeal from a denial of the protective order, the court of appeals overturned the denial and determined that 15 minutes a side was not sufficient to present a case.

- Nonparties can only be held in contempt of a court order if they act in concert with the person to whom the court's order is directed.

Bellamy v. Iowa Dist. Ct. for Polk County, 759 N.W.2d 4 (Iowa App. 2008). The defendant, against whom an order of protection had been entered, filed a contempt action against the protected party, alleging that the protected party had violated the order. The appellate court overruled the district court's order of contempt and found that the protected party's action in going to the defendant's home to pick up her children was not contempt of the order.

- Evidence of prior bad acts is admissible in a protective order hearing to establish the intent necessary to show an assault.

Matthews v. Desplanques, 770 N.W.2d 851 (Iowa App. 2009). The trial court excluded evidence of prior significant domestic abuse, believing that it was impermissible character evidence. The appellate court determined that such evidence was admissible to prove intent.

- The Iowa Department of Human Services exceeded its authority in placing a person on the child abuse registry for a failure to supervise a child.

Doe v. Iowa Department of Human Services, 786 N.W.2d 853 (Iowa 2010). A victim of domestic abuse was placed on the child abuse registry for being battered while her children were in the home. Many issues were raised on appeal, including challenging the statutory authority for placement on the registry under this particular category and that the experience of being abused, which is completely out of the control of the victim, does not amount to affirmative child abuse committed by the victim. The court decided the case based on the statutory argument, but the case resulted in a change to Iowa's legislation regarding domestic abuse and placement on the registry. The new legislation makes clear that being victimized with children in the home is not to be considered abuse sufficient for placement on the registry. Iowa Code §232.68(2).

Other family law matters involve significant issues as well:

- Which state can consider the custody of children was clarified.

In re Guardianship of TH, 589 N.W.2d 67 (Iowa 1999). The court decided that the Parental Kidnapping Prevention Act, 28 U.S.C.A. §1738A would not allow Iowa to take jurisdiction of a guardianship case where there were prior Colorado court orders regarding custody of the children and the parents still lived in Colorado.

- The state was required to provide an attorney for a client whose parental rights were being terminated.

In re Interest of S.A.J.B., 679 N.W.2d 645 (Iowa 2004). In a private termination of parental rights case, Iowa Legal Aid sought the appointment of counsel for a client whose rights were being terminated. There was no statutory right to counsel in private termination cases. The request was based on equal protection and due process grounds. The court granted the request for interlocutory appeal and on equal protection grounds determined that Iowa Legal Aid's client had the right to court appointed counsel.

- Even when there is a child support order against a parent, the child support paid under the order cannot be used to reimburse the state for public benefits received by the family when that parent is in the household.

Hundt v. DHS, 545 N.W.2d 306 (Iowa 1996). The state cannot recover public benefits paid to a family receiving benefits under the unemployed parents program even if there is a child support order against a family member.

- Even in termination of guardianship cases, guardians have to prove that the parents are not suitable to take care of their child.

In re Guardianship of Hall, 666 N.W.2d 619 (Iowa App. 2003). When mother of child was not doing well, she voluntarily signed guardianship papers giving custody of her daughter to her brother and sister-in-law. After she was able to care for the child, she requested return of the child but was denied. On appeal, the court determined that guardians have to prove that parents are not suitable to take care of a child in order for the guardianship to continue. There was not a sufficient showing that the return to her parents would severely disrupt the child's life.

- Medical and mental health records are generally protected from discovery in civil cases.

Mulligan v. Ashenfelter, 792 N.W.2d 665 (Iowa 2010). Grandparents sought visitation with their grandson. In seeking to prove their case that mom was unfit, grandparents sought substantial mental health records of daughter in discovery. On appeal, the court held that mental health records are protected in a civil case based on the statutory privilege under Iowa Code §622.10 and under the constitutional right to privacy. Although the court did not decide whether a balancing test is appropriate in civil cases, it did conclude that the grandparents did not assert a counterbalancing consideration sufficient to override the privilege.

- Medical and mental health records are generally protected from discovery in a case involving child custody.

In re Marriage of Mulligan, 802 N.W.2d 237 (Iowa App. 2011). The parent filing a case involving child custody did not assert a sufficient counterbalancing consideration to override the privilege protecting mental health records.

Housing

Losing your home is one of the most traumatic experiences that a family can go through. Iowa Legal Aid has sought to ensure that tenants receive the full protection of the law.

- Judges have to give reasons for their decisions when evicting tenants.

Jack Moritz Co. v. Walker, 429 N.W.2d 127 (Iowa 1988). A magistrate should state reasons for the decision, as well as district court, for a decision on appeal. Waiver of a first breach renders second notice of breach insufficient to terminate tenancy.

- Tenants are entitled to a notice that lets them know that they have three days to pay the rent due.

Symonds v. Green, 493 N.W.2d 801 (Iowa 1992). When rent is due, a landlord must give a tenant a three-day notice to cure the rent due before the lease is terminated.

- Tenants are entitled to a notice that lets them know they have broken the lease and gives them time to fix the problems before the lease is ended.

Liberty Manor v. Rinnels, 487 N.W.2d 324 (Iowa 1992). When a tenant is being evicted for breach of the rental agreement, the landlord must give a notice to cure the breach before the lease is terminated.

- The notice to cure must include only amounts legally owed.

Seldin Co. v. Calabro, 702 N.W.2d 504 (Iowa App. 2005). The notice to cure was defective because it included illegal late fees. Attorneys fees could only be awarded if there was willful behavior on the part of the tenant.

- When a landlord claims damages against a tenant, the landlord has to prove actual damages and has to try to minimize the damages owed.

D.R. Mobile Homes v. Frost, 545 N.W.2d 302 (Iowa 1996). The landlord has a duty to mitigate damages and has the burden of proving actual damages.

- A tenant can either move to set aside a default or appeal a default judgment; legal issues can be argued on an appeal.

Rowan v. Everhard, 554 N.W.2d 548 (Iowa 1996). Tenants were not required to move to set aside default judgment entered against them in small claims court in order to appeal to district court; although default judgment precluded tenants from arguing issues of fact on appeal, tenants could argue issues of law concerning sufficiency of various notices and timing of eviction hearing.

- Tenants in a HUD subsidized housing project can only be removed from the housing for good cause, even at the end of a lease.

Horizon Homes of Davenport v. Nunn, 684 N.W.2d 221 (Iowa 2004). Federal law requires good cause for termination of a lease in a HUD subsidized housing project even when it is at the end of a lease term. Guidance found in a HUD Handbook is an agency interpretation entitled to some deference.

- A seventeen year old can get federal housing assistance.

Bates v. City of Iowa City (S.D. Iowa 1982) A seventeen year old seeking housing assistance can contract for necessities and cannot be denied federal housing benefits based on her age.

- Service of eviction notices by certified mail, whether or not the person picked up the mail, was held to be unconstitutional.

War Eagle v. Plummer 775 N.W.2d 714 (Iowa 2009). A tenant did not get notice of the hearing at which she could have contested the landlord's decision to evict her. The statutory scheme that deemed the notice received upon mailing whether or not it was actually received, coupled with the short time frame in which an eviction hearing must occur resulted in a situation where the notice was not reasonably calculated to reach the intended recipient. As a result, it violated due process. Subsequently, the legislature changed the law to require notices that would more likely reach tenants and inform them of the termination of a lease and any resulting court proceedings.

The road to home ownership is sometimes a bumpy one. Iowa Legal Aid has tried to make it less difficult.

- A contract seller could only use a summary judicial proceeding to remove a contract buyer if the contract to sell set up a landlord/tenant relationship.

Black v. Robinson, 607 N.W.2d 676 (Iowa 2000). In a contract forfeiture case, the court determined that a Forcible Entry and Detainer action would only be appropriate if there was some type of landlord/tenant relationship. Since the attorneys for the sellers did not put the contract in evidence, the court could not tell if such a relationship was supposed to arise after the contract was forfeited. As a result, the district court order was vacated.

- A lender has a duty to borrower to act in good faith; in this case, the lender had to make sure that prior mortgages were paid off.

Nationwide Advantage Mortgage Company v. Echeverria, 725 N.W.2d 659 (Iowa App. 2006). The lender breached their duty to borrower by paying money borrowed

to seller without ensuring that prior mortgages were paid off.

- Even though a transaction is structured as a sale with the seller able to buy back the property under certain conditions, an equitable mortgage may have been created.

Tullis v. Weeks, 741 N.W.2d 824 (Iowa App. 2007). The court looked at three factors in determining whether an equitable mortgage had been created: (1) intent of the parties; (2) consideration for transfer and (3) retention of possession. Because the property was transferred for an amount significantly less than the value of the property, the seller remained in possession and was given an option to buy back the property, and there was testimony that the arrangement was more like a mortgage than a sale with a lease, the court determined that an equitable mortgage had been created.

The Fair Housing Laws protect people against discrimination based on race, sex, disability, family status and other classifications. It is a powerful tool to protect clients.

- Clients with mental disabilities were able to stay in their subsidized housing after receiving reasonable accommodations.

Doe v. Marengo Housing Authority (Iowa District Court 2003). The clients in this case are persons with mental disabilities who were being evicted from federally subsidized housing for people who are elderly and disabled. After filing an affirmative suit alleging defendant's failure to reasonably accommodate the clients' disabilities under the Fair Housing and Rehabilitation Acts, the defendants settled.

- Mobile home park residents received financial assistance to move after the city tried to close down the park and evict all of the families living there. The families included a higher percentage of persons with disabilities and minorities than the rest of the town.

Echevarria-Lee v. City of Middletown (Iowa District Court 2004). Iowa Legal Aid represented 13 clients in an affirmative action brought to stop the city of Middletown from closing down a mobile home park alleging that the city discriminated on the basis of race, national origin and disability. After the court entered a preliminary injunction barring any further attempts to evict the residents pending a final resolution of the lawsuit, the case settled with approximately \$30,000 going to residents.

Individual Rights

The rights of persons with disabilities have always been a priority for Iowa Legal Aid.

- Residents of a county care facility received the treatment they needed as well as being free from routine searches of their belongings and confiscation of personal items, such as diaries.

Deckard v. Cerro Gordo County (N.D. Iowa 1982) A comprehensive settlement was reached regarding conditions of confinement at a county care facility for persons with mental illness.

- Persons living at Woodward were able to see an attorney.

Wyatt v. Reagen (S.D. Iowa 1984) A settlement was reached regarding improved attorney access to clients and records at the state hospital-school for persons with mental retardation.

- Residents of counties who did not have legal settlement received the services that other residents could receive. Legal settlement is a way for counties to determine who will end up paying for services and looks at whether the person has received mental health services in the past, as well as how long the person lived in the county.

Smith v. Polk County (S.D. Iowa 1989); *Doe v. Dubuque County* (N.D. Iowa 1991). Mental health services were denied because the person did not have settlement in the county. Policy was challenged as a violation of the constitutional right to travel. Agreement reached to provide those services.

- Persons with mental illness who have been committed have the opportunity to contest decisions about placement.

Salcido v. Woodbury County, et al, 119 F. Supp.2d 900 (N.D. Iowa 2000). The civil commitment statute was declared unconstitutional on its face because there was no process to contest placement decisions and the board of supervisors were not neutral decision makers to decide appeals.

- Persons with mental disabilities are able to retain decision-making in areas where they have functional capacity.

In re Guardianship of Hedin, 528 N.W.2d 567 (Iowa 1995). In all guardianship cases, the court must consider whether a limited guardianship is appropriate, apply a clear and convincing standard as the burden of proof and place the burden of persuasion that a guardianship is necessary on the guardian.

- A county has to give a person who is entitled to mental health services notice and a hearing before stopping those services.

Putzier v. Woodbury County, Lundin v. Woodbury County (N.D. Iowa 1995). The county terminated funding for vocational services to these clients (who had mental retardation and thus a right to services) without providing for notice and hearing. Cases were settled, with the county agreeing to a notice and hearing process.

- Persons with disabilities have a right to a reasonable accommodation for their disability. In particular, they don't need to crawl up steps to get to the housing office.

Kerr v. Oskaloosa, (S.D. Iowa 1995). Damages were recovered and injunctive relief obtained for a person with a disability who was unable to access the city building since it was not handicap accessible.

- Legislative and regulatory changes have also impacted the rights of persons with disabilities.

In the early 1980's residents' rights for nursing home residents were adopted. In the mid-1990's, guardianship law was changed to require that court approval be obtained before moving a ward to a more restrictive living setting.

Public Benefits

For many low-income Iowans, various public benefit programs are absolutely essential for their survival. When the benefits are denied, it can lead to devastating results. Iowa Legal Aid has fought to ensure that process used gives people a chance to argue their side and that the agency follows the law.

- Persons applying for general relief were routinely denied benefits and required to work before getting assistance. This included people who were applying for Social Security Disability, were not able to work and had doctor's letters asking them to be exempt from work requirements. The county rules eventually were changed.

Daniels v. Woodbury County, 742 F.2d 1128 (8th Cir 1984). Applicants for general relief are entitled to due process which the county did not provide. The injunction issued by the district court needed to be more specific.

- Hearing officers have to consider whether evidence is reliable and not consider all evidence the same.

Pedersen v. EAB, 1999 WL 711443 (Iowa App. 1999). In this unemployment case, the court determined that when the evidence is composed solely of hearsay, the court must evaluate the quantity and quality of the evidence to see whether it rises to necessary levels of trustworthiness, credibility and accuracy. The court found that the hearsay evidence in this case did not meet that requirement.

- Sometimes persons who receive disability benefits are overpaid but can ask to have the overpayment waived. When a client who couldn't read or write cashed a check and spent most of it before being told he was not entitled to it, he shouldn't have to pay it back out of his small disability benefit.

Coulston v. Apfel, 224 F.3d 897 (8th Cir. 2000). The Eighth Circuit Court of Appeals reversed the decision of the Social Security Administration (SSA) to refuse to waive an overpayment for the client. The client, who never had a bank account and could not read or write, cashed and spent most of a large payment before being told by SSA that he should not have received such a large check. SSA held that his friends should have told him that he may not be eligible for the check and that he should have known he wasn't entitled to the check because he had received an overpayment 17 years before.

- It can take years to get Social Security Disability benefits. At times when the errors were caused by the agency, the district court can order benefits to start.

Hoffman v. Apfel, (N.D. Iowa). The district court held that it was within the equitable powers of the court and appropriate in this case, to award interim SSI benefits when remanding a case back to the SSA.

- Funds that a family can not access should not be used to deny food stamp benefits.

Rouse v. Iowa Department of Human Service, 2000 WL 1827218 (Iowa App. 2000). Client was initially denied food stamp benefits because client's daughter had a conservatorship where money was not available until the daughter turned 18. The court determined that the funds were unavailable and therefore could not be counted towards client's eligibility.

- Iowa has a law that allows an employer to do work place drug testing. If the employer does not follow the law, the employer cannot claim that the employee should be denied unemployment benefits.

Harrison v. Victor Plastic and EAB, 659 N.W.2d 581 (Iowa 2003). In this case a client was fired from his job for his alleged failure to pass work place drug screening. The employer failed to comply with most of the drug screening law. The Employment Appeal Board allowed the drug screening to be the basis of the discharge even though it was not in compliance with Iowa law. The Iowa Supreme Court held that an employer must comply with the drug screening law if it is to be the basis of a finding of misconduct for unemployment benefits.

- Although Medicaid does not have to pay for every treatment, it could not deny the only treatment that was available.

Pinneke v. Preisser, 623 F.2d 546 (8th Cir. 1980). State Medicaid cannot deny the only medical treatment that could cure a particular medical problem.

- Property tax relief is now more available to low-income Iowans.

Iowa law provides for the suspension of property taxes for individuals who receive Supplemental Security Income (SSI) benefits. Iowa law also provides for a property tax credit in varying amounts depending on income for low-income individuals who are elderly or have a disability. Until Iowa Legal Aid pointed out the problem, people could either have their taxes suspended or take a credit; they were not allowed to first take advantage of the credit and then have the remainder of their property taxes suspended.

- When one spouse moves to a nursing home, it is important that a fair amount of income is made available to the community spouse.

Beginning the late 1970's, Iowa Legal Aid offices were seeing low-income elderly women whose husbands had moved to a nursing home and they were being provided no income to maintain their own basic necessities other than income that was solely in their name. Iowa Legal Aid was involved in extensive appeals and lawsuits over the issue of "deeming" of income over the years. The system that is now in place is a much fairer system nationwide, but literally hundreds of low-income Iowans were victims of bad public policy and bad decision making on the way to the system that is now in place.

Real Estate—farm land

When the farm crisis was at its worst, Iowa Legal Aid’s farm project handled thousands of cases for farmers, establishing rights under the laws passed to protect family farms.

- Farmers who lived on the land had the right to get first chance to rent the land after the farm had gone into foreclosure. Farmers hoped to make enough money to get their farm back.

Federal Land Bank v. Herren, 398 N.W.2d 839 (Iowa 1987). Preference was given to farmers in possession to lease the land.

- Family farmers trying to hold on to their land made an agreement in bankruptcy court to allow the creditor to foreclose on their property, but in return the farmers got the right to try to buy back their property.

Federal Land Bank v. Bollin, 408 N.W.2d 56 (Iowa 1987). A stipulated agreement between the parties in bankruptcy court, that revived redemption rights, was binding on the parties in district court.

Utility

Utility services are critical to maintaining a home. Utility companies have a powerful debt collection mechanism in denying further service to those the utility believe owe a bill. To ensure that the laws are applied fairly, Iowa Legal Aid has been involved in cases before the Iowa Utility Board.

- A landlord's past bill does not have to be paid by a new tenant in order to get service.

In re MidAmerican Energy, Iowa Utilities Board 2002. In this case MidAmerican requested a Declaratory Judgment that would allow it to continue its practice of denying service to a new customer who is a tenant when the landlord has a past unpaid bill at the premise. Written arguments were provided as to why MidAmerican could not rely upon their tariff to deny service to a tenant. The Iowa Utilities Board adopted much of Iowa Legal Aid's reasoning and held that MidAmerican could not deny services to a tenant based on a past bill of the landlord.

- Adults moving into a residence do not have to pay bills of another resident before getting service.

Hobbs v. Alliant Energy, Iowa Utilities Board 2002. A formal complaint was filed and hearing held before the Iowa Utilities Board challenging the practices of Alliant Energy and a tariff they rely upon to hold adults responsible for the debts of another customer when they move into the same residence. Alliant and many other utility companies refuse service or make the new customer pay bills of "old" customers when they reside in the same residence. Iowa Legal Aid argued that this practice violates state law and regulations. The Utilities Board agreed.

- For many years, gas and electric utilities were allowed to refuse to provide utility service for a particular residence if any person living in the residence had a delinquent utility bill. This was true even when a third party was willing and able to pay for the utility service. Utilities would not provide service to a credit-worthy friend or relative willing to purchase utility service for the delinquent (and possibly disconnected) customer unless the "good Samaritan" was also willing to pay the past due bill of the utility's former customer. In adopting changes supported by Iowa Legal Aid, the Board agreed to change the regulation to make it clear that utilities cannot refuse service to a third person simply because the services would benefit a disconnected customer. The rule became effective in 2004.