

499C.1 Definitions.

As used in [this chapter](#), unless the context otherwise requires:

1. “Bylaws” means the instruments, however denominated, that contain the procedures for conducting the affairs of a unit owners association or an executive board regardless of the form in which the association is organized, including any amendments to such instruments.
2. “Common element” means:
 - a. For a cooperative under [chapter 499A](#) or a horizontal property regime under [chapter 499B](#), all portions of the common interest community other than the units.
 - b. For a planned community, any real estate within the planned community which is owned or leased by the unit owners association, other than a unit.
 - c. For all common interest communities, any other interests in real estate for the benefit of unit owners identified in the declaration.
3.
 - a. “Common interest community” means real estate described in a declaration with respect to which a person, by virtue of the person’s ownership of a unit, is obligated to pay for a share of real estate taxes, insurance premiums, maintenance, or improvement of, or services or other expenses related to, common elements, other units, or other real estate described in the declaration. “Common interest community” includes a planned community, a cooperative under [chapter 499A](#), and a horizontal property regime under [chapter 499B](#).
 - b. “Common interest community” does not include:
 - (1) A covenant that requires the owners of separate parcels of real estate to share costs or other obligations related to a wall, driveway, well, or other similar structure, unless all such owners consent in writing to the creation of a common interest community.
 - (2) Real estate described in paragraph “a” if all units are owned by a single owner.
 - (3) Real estate described in paragraph “a” that is managed by the original developer of the real estate.
4. “Declarant” means a person or group of persons who, as the record title owner of real estate, by a declaration, creates a common interest community.
5. “Declaration” means the instrument, however denominated, that creates a common interest community, including any amendments to the instrument.
6. “Executive board” means the body, regardless of name, designated in the declaration or bylaws to act on behalf of a unit owners association.
7. “Planned community” means a common interest community that is not solely a cooperative under [chapter 499A](#) or solely a horizontal property regime under [chapter 499B](#), and includes property owner or homeowner associations. A cooperative under [chapter 499A](#) or a horizontal property regime under [chapter 499B](#), however, may be part of a planned community.
8. “Rule” means a policy, guideline, restriction, procedure, or regulation, however denominated, which is not set forth in the declaration or bylaws. For a common interest community comprised of less than one thousand units, “rule” does not include, mean, or attempt to effectuate a restrictive covenant that has expired.
9. “Unit” means a portion of a common interest community designated for separate ownership or occupancy or as otherwise defined in the statute under which the common interest community is organized, including but not limited to an apartment as defined in [section 499B.2](#).
10. “Unit owner” means a declarant or other person that owns a unit, but does not include a person having an interest in a unit solely as security for an obligation. In a horizontal property regime under [chapter 499B](#) or a planned community, the declarant is the owner of a unit. In a cooperative under [chapter 499A](#), the declarant is the owner of any unit to which an interest has been allocated until that unit has been conveyed to another person.
11. “Unit owners association” means an association, regardless of name, organized as a for-profit or nonprofit corporation, trust, limited liability company, partnership, unincorporated association, or any other form of organization authorized by the laws of this state, the membership of which consists solely of unit owners except following termination

of the common interest community, at which time the association shall consist of all former unit owners entitled to distributions of proceeds or their heirs, successors, or assigns.

[2023 Acts, ch 137, §1](#)

NEW section