

House File 594 - Introduced

HOUSE FILE 594
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HF 350)

A BILL FOR

1 An Act relating to the rights of members of a residential
2 cooperative, owners of a condominium, or owners of certain
3 other residential property.

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

1 Section 1. NEW SECTION. 335.26 Display of American flag
2 or campaign signs.

3 A regulation or restriction pertaining to the use of
4 residential property that prohibits the display of the American
5 flag or the display of a political sign within six weeks of the
6 day of an election, is void as against the public policy of
7 this state and shall not be given legal or equitable effect.

8 Sec. 2. Section 499A.2A, Code 2011, is amended to read as
9 follows:

10 **499A.2A Bylaws.**

11 1. The initial bylaws of the cooperative shall be adopted by
12 the cooperative's board of directors. Prior to the admission
13 of members to the cooperative, the power to alter, amend, or
14 repeal the bylaws or adopt new bylaws is vested in the board
15 of directors. Following the admission of members to the
16 cooperative, the power to alter, amend, or repeal the bylaws or
17 adopt new bylaws is vested in the members in accordance with
18 the method set forth in the bylaws.

19 2. The bylaws may contain any provisions for the
20 regulation and management of the affairs of the cooperative
21 not inconsistent with law or the articles of incorporation.
22 However, the bylaws must provide for:

23 ~~1-~~ a. The number of members of the board of directors and
24 the term of the members.

25 ~~2-~~ b. The election of a president, vice president,
26 treasurer, and secretary by the board of directors.

27 ~~3-~~ c. The qualifications, powers and duties, terms of
28 office, and manner of electing and removing board members and
29 officers and filling vacancies of such members.

30 ~~4-~~ d. The method of amending the bylaws.

31 3. The bylaws shall not prohibit or restrict a member from:

32 a. Displaying the flag of the United States on residential
33 property in which the member has a separate ownership interest
34 or a right to exclusive possession or use.

35 b. Displaying political signs for six weeks prior to the day

1 of an election.

2 Sec. 3. Section 499B.15, Code 2011, is amended to read as
3 follows:

4 **499B.15 Contents of bylaws.**

5 1. The bylaws must provide for at least the following:

6 ~~1.~~ a. The form of administration, indicating whether
7 this shall be in charge of an administrator or of a board of
8 administration, or otherwise, and specifying the powers, manner
9 of removal, and, where proper, the compensation thereof.

10 ~~2.~~ b. If the form of administration is a board of
11 administration, board meetings must be open to all apartment
12 owners except for meetings between the board and its attorney
13 with respect to proposed or pending litigation where the
14 contents of the discussion would otherwise be governed by
15 the attorney-client privilege. Notice of each board meeting
16 must be mailed or delivered to each apartment owner at least
17 seven days before the meeting. Minutes of meetings of the
18 board of administration must be maintained in written form
19 or in another form that can be converted into written form
20 within a reasonable time. The official records of the board
21 of administration must be open to inspection and available for
22 photocopying at reasonable times and places. Any action taken
23 by a board of administration at a meeting that is in violation
24 of any of the provisions of this subsection is not valid or
25 enforceable.

26 ~~3.~~ c. Method of calling or summoning the co-owners
27 to assemble; what percentage, if other than a majority of
28 apartment owners, shall constitute a quorum; who is to preside
29 over the meeting and who will keep the minute book wherein the
30 resolutions shall be recorded.

31 ~~4.~~ d. Maintenance, repair, and replacement of the common
32 areas and facilities and payments therefor including the method
33 of approving payment vouchers.

34 ~~5.~~ e. Manner of collecting from the apartment owners their
35 share of the common expenses.

1 ~~6.~~ f. Designation and removal of personnel necessary for
2 the maintenance, repair, and replacement of the common areas
3 and facilities.

4 ~~7.~~ g. The percentage of votes required to amend the bylaws.

5 2. The bylaws shall not prohibit or restrict an owner from:

6 a. Displaying the flag of the United States on residential
7 property in which the owner has a separate ownership interest
8 or a right to exclusive possession or use.

9 b. Displaying political signs for six weeks prior to the day
10 of an election.

11 Sec. 4. NEW SECTION. **558B.1 Display of American flag or**
12 **campaign signs.**

13 A restriction, reservation, condition, exception, or
14 covenant in a subdivision plan, warranty deed, or other
15 instrument of or pertaining to the transfer, sale, lease, or
16 use of residential property that prohibits the display of the
17 American flag or the display of a political sign within six
18 weeks of the day of an election, is void as against the public
19 policy of this state and shall not be given legal or equitable
20 effect.

21

EXPLANATION

22 This bill provides that a person whose residence is part of
23 a cooperative or condominium, or whose residence is governed
24 by a restrictive covenant or other restrictive conditions may
25 display the American flag on that property under the person's
26 control. The person may also display political signs for six
27 weeks prior to the day of an election.