

House File 2235 - Introduced

HOUSE FILE 2235

BY JUDGE and NORDMAN

A BILL FOR

1 An Act relating to the election of a unit owners association
2 executive board.

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

1 Section 1. NEW SECTION. 499C.3 Executive board members.

2 1. If an executive board appoints a board member to fill a
3 vacancy on the board, the appointed board member shall stand
4 for election for the remaining length of the term for which the
5 member was appointed at the next annual meeting of the unit
6 owners association.

7 2. If, at any given time, a majority of the board members
8 of an executive board are either serving by appointment or by
9 extension of the board member's term through the distribution
10 of unserved time from other board members vacating their board
11 positions, a petition bearing the signatures of one-fourth of
12 all unit owners shall force an open election for all executive
13 board seats occupied by an appointed member or a member serving
14 an extended term. An election required under this subsection
15 shall be held no more than sixty days after the filing of the
16 petition. A petition may not force an election less than sixty
17 days prior to a regular election.

18 3. An executive board shall provide written notice, in
19 the form and manner as may be established by the bylaws, to
20 all unit owners no more than thirty calendar days prior to an
21 election pursuant to subsection 1 or 2. All unit owners shall
22 be eligible to vote in such an election in the form and manner
23 established by the bylaws.

24 4. An executive board's refusal or failure to hold an
25 election in compliance with this section shall be grounds for
26 any unit owner to bring an action in small claims court if
27 the small claims court has jurisdiction based on the amount
28 in controversy pursuant to section 631.1 or, if the amount is
29 unknown or the small claims court does not have jurisdiction,
30 in the district court in the county where the unit owners
31 association is located to request that the court order the
32 executive board and the unit owners to mediate, and that the
33 court appoint the mediator.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to the appointment and election of an
3 executive board (board).

4 The bill requires an election for a board member who has been
5 appointed to fill a vacancy on the board. The appointed board
6 member must stand for election at the next annual meeting of
7 the unit owners association in order to serve the remaining
8 length of the appointed board member's term.

9 The bill permits one-fourth of the unit owners to petition
10 the board to hold an election when a majority of the board
11 members currently serve either by appointment or through the
12 extension of the board member's term by the distribution of
13 unserved time for a vacated board position. The election shall
14 be for all board members currently serving by appointment or by
15 the extension of the board member's term. The election shall
16 be held no more than 60 days after the filing of the petition.
17 A petition may not force an election less than 60 days prior to
18 a regular election.

19 The bill requires the board to provide written notice,
20 in the form and manner required by the bylaws, to all unit
21 owners prior to an election no more than 30 days prior to
22 the election. All unit owners shall be eligible to vote in
23 an election required under the bill in the form and manner
24 established by the bylaws.

25 If a board refuses or fails to comply with the requirements
26 of the bill, the bill permits a unit owner to bring an action in
27 small claims court or, if the amount in controversy is unknown
28 or the small claims court does not have jurisdiction, in the
29 district court in the county where the unit owners association
30 is located to request that the court order the board and the
31 unit owners to mediate with a court-appointed mediator.