

Senate Study Bill 3144 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY CHAIRPERSON
BOUSSELOT)

A BILL FOR

1 An Act relating to residential real estate, including access to
2 records of unit owners associations and the disclosure of home
3 inspection information.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 499C.2, subsection 1, Code 2026, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *f.* A certification concerning the payment of
4 dues, fees, or assessments that states whether the dues, fees,
5 or assessments are paid in full or delinquent, and identifies any
6 known future dues, fees, or assessments.

7 Sec. 2. Section 499C.2, subsection 3, Code 2026, is amended
8 to read as follows:

9 3. A unit owners association, a unit owners association's
10 designee, or a unit owners association's management company may
11 charge a reasonable fee for all records and documents provided
12 under this section. The fee shall not exceed the estimated cost
13 of production or reproduction of the records or documents. Upon
14 request, the unit owner or the unit owner's authorized agent
15 shall be provided reasonable documentation supporting the fee
16 charged to ensure the fee does not exceed the cost of production
17 or reproduction of the records or documents.

18 Sec. 3. Section 558A.4A, subsection 5, Code 2026, is amended
19 to read as follows:

20 5. Except as otherwise required by law, a home inspector
21 shall not deliver a home inspection report to any person other
22 than the client of the home inspector without the client's
23 consent. The seller shall have the right, upon request, to
24 receive without charge ~~a copy of a home inspection report from~~
25 the person for whom it was prepared from the buyer or the buyer's
26 authorized agent those portions of a home inspection report that
27 relate to the remediation requests made by the buyer or the
28 buyer's authorized agent. If the buyer or the buyer's authorized
29 agent fails to provide the applicable portions of the inspection
30 report to the seller, the seller may cancel the purchase contract
31 for the inspected property without penalty.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill relates to access to records of unit owners

1 associations and the disclosure of home inspection information in
2 residential real estate transactions.

3 Code section 499C.2 (records and documents — access) requires
4 a unit owners association, the association's designee, or the
5 association's management company to make certain records and
6 documents available to a unit owner or the unit owner's
7 authorized agent upon request. The bill requires a unit owners
8 association, the association's designee, or the association's
9 management company to make available certification concerning
10 the payment of dues, fees, or assessments that states whether
11 dues, fees, or assessments are paid in full or delinquent, and
12 identifies any known future dues, fees, or assessments.

13 Under current law, a unit owners association, a unit owners
14 association's designee, or a unit owners association's management
15 company may charge a reasonable fee for any required record
16 produced under Code section 499C.2. The bill requires that, upon
17 request, a unit owner or the unit owner's authorized agent be
18 provided reasonable documentation supporting the fee charged to
19 ensure the fee does not exceed the cost of producing the required
20 records.

21 Under current law, following the completion of a home
22 inspection report by a home inspector, the person to whom the
23 report was prepared must provide a copy without charge of the
24 home inspection report upon the request of the seller of the
25 inspected property. The bill strikes this requirement and
26 instead requires the buyer or the buyer's authorized agent to
27 provide without charge portions of the home inspection report
28 that relate to the remediation requests made by the buyer or the
29 buyer's authorized agent upon the request of the seller of the
30 inspected property. The bill provides that if the buyer or the
31 buyer's authorized agent fails to provide the applicable portions
32 of the inspection report to the seller of the inspected property,
33 the seller may cancel the purchase contract for the inspected
34 property without penalty.