

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
3 home inspection information.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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
6 any 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
13 cost of production or reproduction of the records or documents.
14 Upon request, the unit owner or the unit owner's authorized
15 agent shall be provided reasonable documentation supporting
16 the fee charged to ensure the fee does not exceed the cost of
17 production 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
26 buyer's authorized agent those portions of a home inspection
27 report that relate to the remediation requests made by the
28 buyer or the buyer's authorized agent. If the buyer or the
29 buyer's authorized agent fails to provide the applicable
30 portions of the inspection report to the seller, the seller may
31 cancel the purchase contract for the inspected property without
32 penalty.

33

EXPLANATION

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

1 This bill relates to access to records of unit owners
2 associations and the disclosure of home inspection information
3 in residential real estate transactions.

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

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

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