

Owner Threats & Harassment: Protecting Your Board & Community

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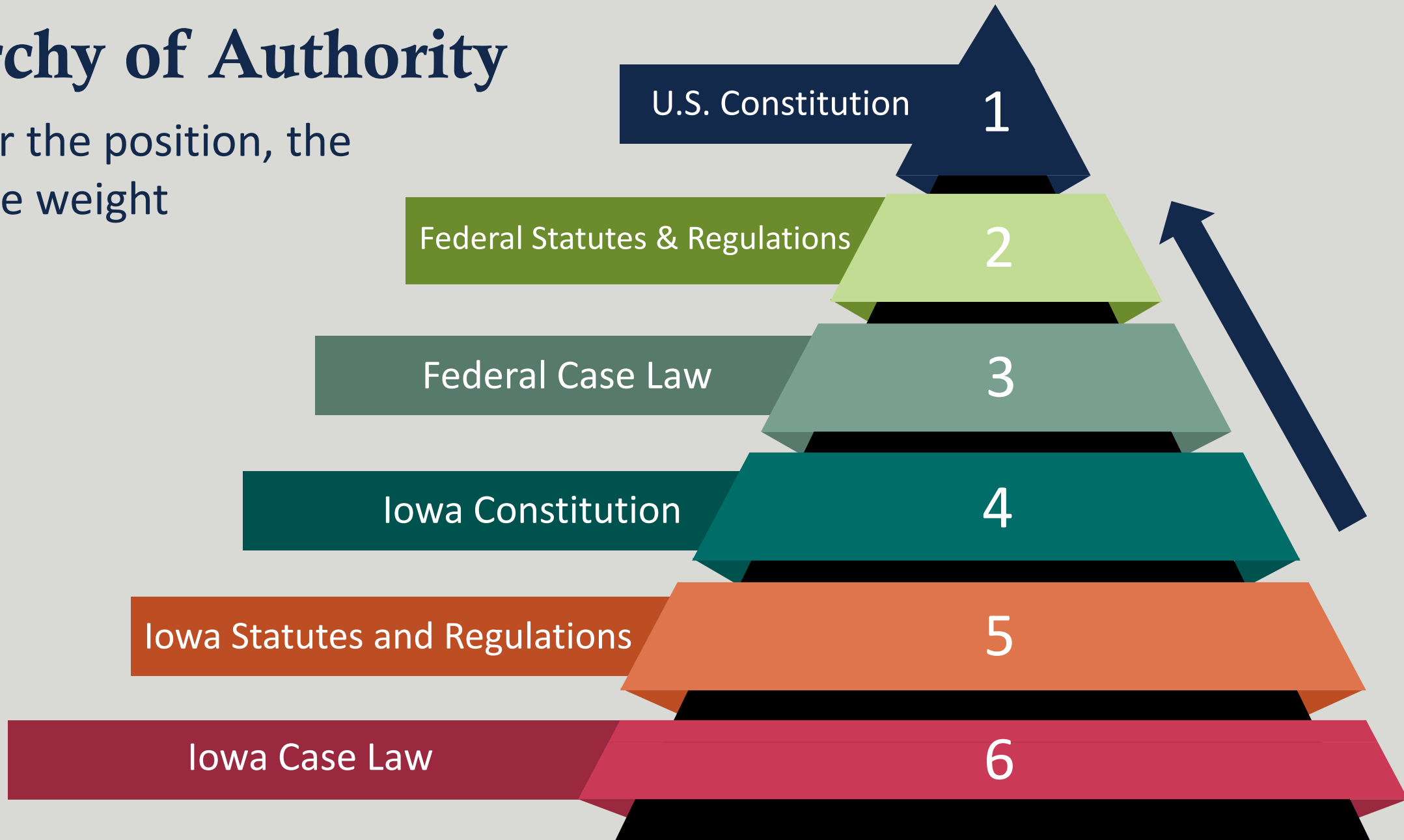
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Agenda

- Hierarchy of Authority
- Learning the Language
- Overview of Some Applicable Statutes
- Roles of Board, Management Company and Owners
- Discrimination and HUD Guidance
- Neighbor-to-Neighbor Disputes
- Proactive Processes and De-escalation
- Setting Boundaries and Expectations
- Good Governance
- The Art of Addressing Threats and Harassment

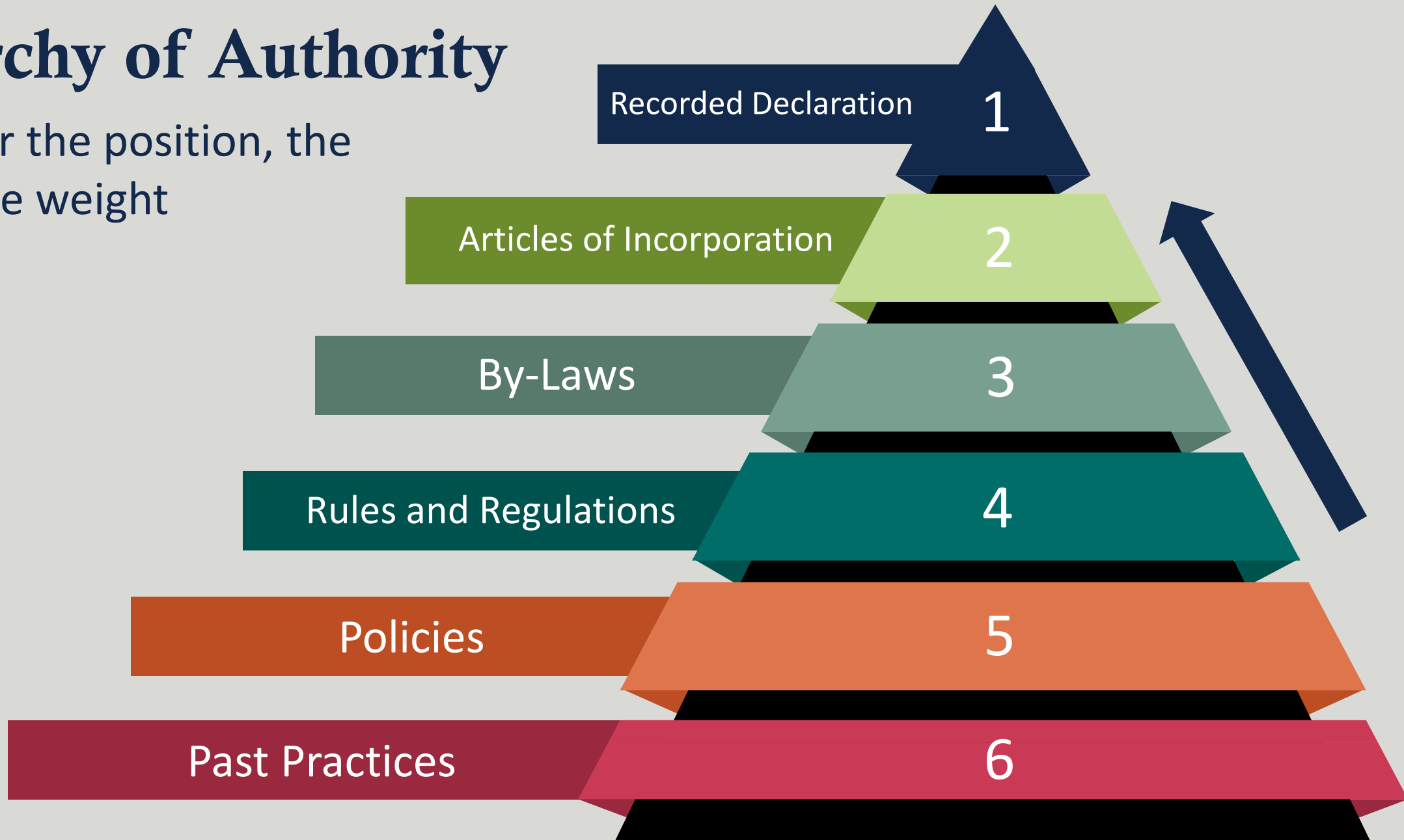
Hierarchy of Authority

The higher the position, the greater the weight



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Learning the Language



- Declaration, Covenants, Restrictions, Roadway Agreement
 - Recorded agreement that runs with the land
- Planned Community
 - Lots v. Common Ground
- Condominium
 - Units v. Common Elements
- Cooperative
 - Corporation owns the land, right to use an apartment

Learning the Language



- The governing entity
 - The recognized legal entity of the planned community or condominium
- The governing body
 - Governing entity acts through a governing body unless decision is reserved to its members
 - Board of directors, managers, executive board, trustees, etc.
 - Elected by its members
- The officers
 - Elected by the board
 - Division of labor; not responsibilities

Statutes

- Federal
 - Fair Housing Act, Fair Housing Amendments Act
 - Bankruptcy Code
 - Fair Debt Collections Practices Act
- Access to Records (2023, 2026, Chap. 499C)
- Revised Iowa Nonprofit Corporation Act (updated/adopted in 2004; Chap. 504)
- Iowa Horizontal Property Act (adopted in 1963, Chap. 499B)
- Iowa Civil Rights Act
- Use Restrictions Expiration (Sect. 614.24)

Role of the Board

- Governance and Administration of the Association
- Enforcement of the Association's Governing Documents
- Maintenance of the common ground/areas

Role of the Management Company & Owner

- Management Company
 - Implement Decisions of the Board
- Owner
 - Understand the Business
 - Compliance and Good Faith
 - Participate
 - Enforcement?

Discrimination in Housing & HUD Guidance

- Protected Classes
 - Race, religion, national origin, gender, sexual orientation, and disability.
- HUD
 - Knew or should have known about the discrimination and harassment.
 - Have the authority and power to act upon such discrimination and harassment.
 - Failed to take prompt action to correct the discrimination and harassment.

Neighbor-to-Neighbor Disputes

- Elderly Ladies Yelling At Each Other
- Pet Waste
- Smoking
- Noise
- Alterations
- Domestic Relationships
- *Reminder: an association is never a substitute for the police*
- *Association need to be involved at all?*

Proactive Processes & De-Escalation

- Procedure for Neighbor-to-Neighbor Disputes
 - Voluntary Process Adopted Before the Dispute
 - Concept of mediation
- Enforcement Procedure for Association and Owner Disputes
 - Concerned Warning v. Warning
 - Notice of Intent to Fine with Opportunity to be Heard
 - Levy of Fines
- Boundaries & Good Governance

Setting Boundaries and Expectations

- Board acts at Board meetings so....
 - It is reasonable to ask an owner to send an email so entire board can review and take action
 - Unreasonable to ignore, say, when is the next Board meeting
 - Unreasonable to not engage in oversight of each other
- Decorum
 - Reasonable to use the strict procedures of parliamentary procedure to maintain order and decorum
 - Unreasonable to use parliamentary procedure to silence dissent
- Engagement
 - Board is to make an informed decisions for best interests of the association
 - Board is not to engage in bullying or retaliate.
 - Do you need to engage at all?

Good Governance

- Proactive Distribution of Records and Agendas
- Open Meetings
- Quarterly Townhall Meetings (sort of)
- Setting Boundaries and Expectations
- Volunteer Leader Code of Conduct
- Adopting Procedures
- Not engaging with bullying behavior
- Social Media
- Artificial Intelligence

Art of Addressing Threats and Harassment

- Don't feed the fire or assume it is even a fire.
- The more the owner talks....
- Owner consulting with an attorney can be a positive.
- Finding a friend....
- Time is a strategic tool (but not necessarily a fun one)
- Don't be afraid of an insurance claim
- Don't be afraid of silence



THANK YOU!
QUESTIONS?



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