
A BILL FOR AN ACT

RELATING TO ASSOCIATION RECORDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 514B-153, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[\+]§514B-153[\+] **Association records; records to be**
4 **maintained.** (a) An accurate copy of the declaration, bylaws,
5 house rules, if any, master lease, if any, a sample original
6 conveyance document, and all public reports [~~and~~] including any
7 amendments thereto, shall be kept at the managing agent's
8 office.

9 (b) The managing agent or board shall keep detailed,
10 accurate records in chronological order, of the receipts and
11 expenditures affecting the common elements, specifying and
12 itemizing the maintenance and repair expenses of the common
13 elements and any other expenses incurred. The managing agent or
14 board shall also keep monthly statements indicating the total
15 current delinquent dollar amount of any unpaid assessments for
16 common expenses.

17 (c) Subject to section 514B-152, all records and the
18 vouchers authorizing the payments and statements shall be kept



1 and maintained at the address of the project, or elsewhere
2 within the State as determined by the board.

3 (d) The developer or affiliate of the developer, board,
4 and managing agent shall ensure that there is a written contract
5 for managing the operation of the property, expressing the
6 agreements of all parties including but not limited to financial
7 and accounting obligations, services provided, and any
8 compensation arrangements, including any subsequent amendments.
9 Copies of the executed contract and any amendments shall be
10 provided to all parties to the contract.

11 (e) The managing agent or resident manager or board shall
12 keep an accurate and current list of members of the association
13 and their current addresses, and the names and addresses of the
14 vendees under an agreement of sale, if any. The list shall be
15 maintained at a place designated by the board, and a copy shall
16 be available, at cost, to any member of the association as
17 provided in the declaration or bylaws or rules and regulations
18 or, in any case, to any member who furnishes to the managing
19 agent or resident manager or the board a duly executed and
20 acknowledged affidavit stating that the list:

21 (1) Will be used by [~~such owner~~] the member personally and
22 only for the purpose of soliciting votes or proxies,



1 or for providing information to other [~~owners~~] members
 2 with respect to association matters; and
 3 (2) Shall not be used by the [~~owner~~] member or furnished
 4 to anyone else for any other purpose.

5 A board may prohibit commercial solicitations.

6 (f) The managing agent shall not use or distribute the
 7 list of members of the association for any purpose other than to
 8 provide it to a member pursuant to subsection (e), except as
 9 directed by the real estate commission in accordance with
 10 section 467-4. Any disclosure of information contained in the
 11 list by the managing agent is a violation of this section and
 12 the managing agent shall be liable for damages incurred by the
 13 association and the members."

14 SECTION 2. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 3. This Act shall take effect upon its approval.

17

INTRODUCED BY:

Rider T. R. Cubanillo
John M. Nigro
 Karen Arana
 Alan ...
 Kirk Caldwell

Report Title:

Association records

Description:

Prevents the managing agent from providing a list of current members to anyone but a member.

