

JAN 21 2021

A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1 SECTION 1. Section 514B-153, Hawaii Revised Statutes, is
2 amended by amending subsection (e) to read as follows:

3 "(e) The managing agent, resident manager, or board shall
4 keep an accurate and current list of members of the association
5 and their current addresses, including electronic mail
6 addresses, and the names and addresses, including electronic
7 mail addresses, of the vendees under an agreement of sale, if
8 any. The list shall be maintained at a place designated by the
9 board, and a copy shall be available, at cost, to any member of
10 the association as provided in the declaration or bylaws or
11 rules and regulations or, in any case, to any member who
12 furnishes to the managing agent or resident manager or the board
13 a duly executed and acknowledged affidavit stating that the
14 list:

15 (1) Will be used by the owner personally and only for the
16 purpose of soliciting votes or proxies or providing



1 information to other owners with respect to
2 association matters; and

3 (2) Shall not be used by the owner or furnished to anyone
4 else for any other purpose.

5 A board may prohibit commercial solicitations.

6 Where the condominium project or any units within the
7 project are subject to a time share plan under chapter 514E, the
8 association shall only be required to maintain in its records
9 the name and address, including electronic mail addresses, of
10 the time share association as the representative agent for the
11 individual time share owners unless the association receives a
12 request by a time share owner to maintain in its records the
13 name and address, including electronic mail addresses, of the
14 time share owner."

15 SECTION 2. Section 514B-154.5, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) Notwithstanding any other provision in the
18 declaration, bylaws, or house rules, if any, the following
19 documents, records, and information, whether maintained, kept,
20 or required to be provided pursuant to this section or section
21 514B-152, 514B-153, or 514B-154, shall be made available to any



1 unit owner and the owner's authorized agents by the managing
2 agent, resident manager, board through a board member, or the
3 association's representative:

4 (1) All financial and other records sufficiently detailed
5 in order to comply with requests for information and
6 disclosures related to the resale of units;

7 (2) An accurate copy of the declaration, bylaws, house
8 rules, if any, master lease, if any, a sample original
9 conveyance document, and all public reports and any
10 amendments thereto;

11 (3) Detailed, accurate records in chronological order of
12 the receipts and expenditures affecting the common
13 elements, specifying and itemizing the maintenance and
14 repair expenses of the common elements and any other
15 expenses incurred and monthly statements indicating
16 the total current delinquent dollar amount of any
17 unpaid assessments for common expenses;

18 (4) All records and the vouchers authorizing the payments
19 and statements kept and maintained at the address of
20 the project, or elsewhere within the State as
21 determined by the board, subject to section 514B-152;



1 (5) All signed and executed agreements for managing the
2 operation of the property, expressing the agreement of
3 all parties, including but not limited to financial
4 and accounting obligations, services provided, and any
5 compensation arrangements, including any subsequent
6 amendments;

7 (6) An accurate and current list of members of the
8 condominium association and the members' current
9 addresses, including electronic mail addresses, and
10 the names and addresses, including electronic mail
11 addresses, of the vendees under an agreement of sale,
12 if any. A copy of the list shall be available, at
13 cost, to any unit owner or owner's authorized agent
14 who furnishes to the managing agent, resident manager,
15 or the board a duly executed and acknowledged
16 affidavit stating that the list:

17 (A) Shall be used by the unit owner or owner's
18 authorized agent personally and only for the
19 purpose of soliciting votes or proxies or for
20 providing information to other unit owners with
21 respect to association matters; and



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- 1 (B) Shall not be used by the unit owner or owner's
2 authorized agent or furnished to anyone else for
3 any other purpose;
- 4 (7) The association's most current financial statement, at
5 no cost or on twenty-four-hour loan, at a convenient
6 location designated by the board;
- 7 (8) Meeting minutes of the association, pursuant to
8 section 514B-122;
- 9 (9) Meeting minutes of the board, pursuant to section
10 514B-126, which shall be:
- 11 (A) Available for examination by unit owners or
12 owners' authorized agents at no cost or on
13 twenty-four-hour loan at a convenient location at
14 the project, to be determined by the board; or
- 15 (B) Transmitted to any unit owner or owner's
16 authorized agent making a request for the minutes
17 within fifteen days of receipt of the request by
18 the owner or owner's authorized agent; provided
19 that:
- 20 (i) The minutes shall be transmitted by mail,
21 electronic mail transmission, or facsimile,



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1 by the means indicated by the owner or
2 owner's authorized agent, if the owner or
3 owner's authorized agent indicated a
4 preference at the time of the request; and
5 (ii) The owner or owner's authorized agent shall
6 pay a reasonable fee for administrative
7 costs associated with handling the request,
8 subject to section 514B-105(d);
9 (10) Financial statements, general ledgers, the accounts
10 receivable ledger, accounts payable ledgers, check
11 ledgers, insurance policies, contracts, and invoices
12 of the association for the duration those records are
13 kept by the association, and any documents regarding
14 delinquencies of ninety days or more shall be
15 available for examination by unit owners or owners'
16 authorized agents at convenient hours at a place
17 designated by the board; provided that:
18 (A) The board may require unit owners or owners'
19 authorized agents to furnish to the association a
20 duly executed and acknowledged affidavit stating
21 that the information is requested in good faith



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- 1 for the protection of the interests of the
2 association, its members, or both; and
- 3 (B) Unit owners or owners' authorized agents shall
4 pay for administrative costs in excess of eight
5 hours per year;
- 6 (11) Proxies, tally sheets, ballots, unit owners' check-in
7 lists, and the certificate of election subject to
8 section 514B-154(c);
- 9 (12) Copies of an association's documents, records, and
10 information, whether maintained, kept, or required to
11 be provided pursuant to this section or section
12 514B-152, 514B-153, or 514B-154;
- 13 (13) A copy of the management contract from the entity that
14 manages the operation of the property before the
15 organization of an association;
- 16 (14) Other documents requested by a unit owner or owner's
17 authorized agent in writing; provided that the board
18 shall give written authorization or written refusal
19 with an explanation of the refusal within thirty
20 calendar days of receipt of a request for documents
21 pursuant to this paragraph; and



1 (15) A copy of any contract, written job description, and
2 compensation between the association and any person or
3 entity retained by the association to manage the
4 operation of the property on-site, including but not
5 limited to the general manager, operations manager,
6 resident manager, or site manager; provided that
7 personal information may be redacted from the contract
8 copy, including but not limited to the manager's date
9 of birth, age, signature, social security number,
10 residence address, telephone number, non-business
11 electronic mail address, driver's license number,
12 Hawaii identification card number, bank account
13 number, credit or debit card number, access code or
14 password that would permit access to the manager's
15 financial accounts, or any other information that may
16 be withheld under state or federal law."

17 SECTION 3. New statutory material is underscored.

18 SECTION 4. This Act shall take effect on July 1, 2021.

19
INTRODUCED BY:

Jonathan R. Inoué



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Report Title:

Condominiums; Time Shares; Association Records; Member Lists;
Telecommunications

Description:

Requires the managing agent, resident manager, or board to keep an accurate and current list of each member of the association, and any vendee under an agreement of sale, including electronic mail addresses. Requires that a copy of the member list, including electronic mail addresses, shall be available, at cost, to any unit owner or owner's authorized agent, under certain circumstances.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

