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LEGISLATIVE REFERENCE BUREAU  
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November 25, 2025

The Honorable Ronald D. Kouchi  
Senate President  
415 South Beretania Street  
Hawaii State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Nadine K. Nakamura  
Speaker, House of Representatives  
415 South Beretania Street  
Hawaii State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kouchi and Speaker Nakamura:

Subject: Five States' Approaches to Aspects of Condominium Law

We are pleased to inform you that an electronic copy of the publication: *Five States' Approaches to Aspects of Condominium Law*, which was prepared in response to Act 43, Session Laws of Hawaii 2024 (Act 43), has been transmitted to you via the Legislature's web-based application. This publication was prepared for the Bureau by The RAND Corporation pursuant to section 6 of Act 43. An electronic copy of the report may also be accessed on the Bureau's Library website at:

<https://lrb.hawaii.gov/wp-content/uploads/Five-States-Approaches-to-Aspects-of-Condominium-Law.pdf>

A limited number of printed copies will be available shortly from the Bureau's Library.

We hope this publication will be of assistance to you and your staff. If you have any questions or require further assistance, please contact Matthew Coke or Jordon Higa by phone at 808-587-0666 or by email at [coke@capitol.hawaii.gov](mailto:coke@capitol.hawaii.gov) or [j.higa@capitol.hawaii.gov](mailto:j.higa@capitol.hawaii.gov).

Very truly yours,

A handwritten signature in black ink, reading 'Charlotte A. Carter-Yamauchi'.

Charlotte A. Carter-Yamauchi  
Director

as

cc: Senators  
Representatives

# Five States' Approaches to Aspects of Condominium Law

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RAND Education, Employment, and Infrastructure, Infrastructure and Justice Program

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## About This Project Report

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In this report, we provide an in-depth examination of condominium regulation in California, Delaware, Florida, Massachusetts, and Nevada, emphasizing key areas of state condominium oversight:

1. condominium operations and governance
2. condominium ombudsmen
3. dedicated alternative dispute resolution programs
4. owner access to condominium documents
5. owner education at the point of sale
6. licensing of condominium management.

Act 43, Session Laws of Hawaii 2024 (S.B. 2726) authorized a comparative study of condominium governance and regulatory frameworks following recommendations from Hawaii's Condominium Property Regime Task Force, established under Act 189, Session Laws of Hawaii 2023 (H.B. 1509). Act 189 recognized that common-interest developments are the fastest-growing form of housing globally and represent a major component of land development in Hawaii. Although condominium-enabling statutes historically emphasize self-governance with limited government involvement, Act 189 raised concerns that existing dispute resolution mechanisms may impose disproportionate costs on owners, prompting a review of alternative oversight models. Act 43 directed a study of the six key issues listed previously and identified California, Delaware, Florida, Massachusetts, and Nevada for inclusion in a comparative analysis of condominium regulation. The jurisdictions examined in this report represent a spectrum of condominium regulatory approaches, ranging from minimal governmental intervention to comprehensive statutory oversight, enabling Hawaii to evaluate diverse models and identify best practices applicable to the state's unique condominium landscape. Drawing on statutory review, expert interviews, and existing research, we examine how these five states regulate condominiums and highlight best practices and policy considerations relevant to future oversight and governance in Hawaii.

## RAND Education, Employment, and Infrastructure

This work was conducted in the Infrastructure and Justice Program of RAND Education, Employment, and Infrastructure, a division of RAND that aims to improve educational opportunity, economic prosperity, and civic life for all. For more information, visit [www.rand.org/eei](http://www.rand.org/eei) or email [eei@rand.org](mailto:eei@rand.org).

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Finally, we would like to thank and recognize the contributions of the experts, state officials, and other stakeholders who shared their perspectives on condominium regulation in California, Delaware, Florida, Massachusetts, and Nevada. Their input informed our comparative assessment and enriched our understanding of the practical application and enforcement of condominium laws and policies across state contexts.

## Summary

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This report provides an in-depth examination of condominium regulation in California, Delaware, Florida, Massachusetts, and Nevada, emphasizing key areas of state condominium oversight:

- governmental regulation and enforcement of condominium operations and governance
- condominium ombudsmen
- dedicated alternative dispute resolution programs
- owner access to condominium documents
- owner education at the point of sale
- condominium management licensing requirements.

Across the United States, millions of people live in *condominiums*, a form of real property ownership established through a state condominium statute. This statute creates the legal framework that defines the condominium property interest and provides for an association composed of all unit owners. The association is responsible for the operation, maintenance, and management of the condominium project, ensuring that common property and shared interests are collectively governed. When an individual purchases a condominium unit, membership in the association automatically attaches to the ownership and cannot be separated from it.<sup>1</sup> The underlying philosophy of condominium enabling acts is to promote self-governance within the community, with minimal government involvement in the community's day-to-day affairs.<sup>2</sup>

Condominiums can be an important component of a state's housing market, helping to ensure that the state has sufficient housing stock for its residents. Condominiums and other common-interest communities (which also include homeowners associations and other forms of cooperative housing) can be desirable housing options for many people because the

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<sup>1</sup> Restatement (Third) of Property: Servitudes § 6.2 (Definition); Restatement (Third) of Property: Servitudes § 6.5 (Obligation to Pay Assessments).

<sup>2</sup> California Senate Judiciary Committee. *Committee Analysis of Senate Bill No. 432 (Wieckowski): Common Interest Developments*. Regular Session 2021–2022, Version February 12, 2021, Hearing Date: May 4, 2021. Sacramento, Calif.: California Senate Judiciary Committee, 2021. As of November 3, 2025: [https://sjud.senate.ca.gov/sites/sjud.senate.ca.gov/files/sb\\_432\\_wieckowski\\_sjud\\_analysis.pdf](https://sjud.senate.ca.gov/sites/sjud.senate.ca.gov/files/sb_432_wieckowski_sjud_analysis.pdf) (“The Davis-Stirling Act sets forth a system for HOA self-governance.”); Hawaii Real Estate Commission. *Final Report to the Legislature — Recodification of HRS Chapter 514A: Condominium Property Regimes*. Honolulu: State of Hawaii Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division, December 31, 2003 (“The philosophy guiding Part V (Condominium Management) is minimal government involvement and self-governance by the condominium community.”); Cowburn, M. 2019. “Condominium Self-Governance? Issues, External Interests, and the Limits of Statutory Reform.” *Housing Studies*, 35(6): 1–25. <https://doi.org/10.1080/02673037.2019.1646217> (“In these statutes that were introduced in North America in the 1960s (Risk, 1968), condos are assumed to resemble ‘self-governing communities with rules and by-laws to guide their operations and business affairs.’”).

condominium association is responsible for operations and upkeep that condominium unit owners would be responsible for in single-family housing. Condominiums may also include amenities, such as gyms or green space, that are attractive features for residents. These features may complement or even serve in the place of government-provided services, reducing state costs. Condominium governing documents also constrain how unit owners can alter or use their dwellings, extending beyond state or local building codes for single-family homes—for example, by regulating architectural modifications, exterior design elements, or allowable structural changes within units.

As a fundamental matter, individuals have the right to enter into contracts, including contracts to purchase condominium units (along with the benefits and limitations of the condominium association governing documents, which are part of the contract agreement). However, states may wish to ensure that individuals have enough information to make informed decisions when entering into these contracts. States also have an interest in ensuring that both condominium unit owners and associations have effective and efficient mechanisms for resolving conflicts.<sup>3</sup>

In this report, we provide detailed information on the laws and regulations of each relevant state, describe the strengths and weaknesses of different approaches to condominium regulation identified through expert interviews and a review of relevant research, and highlight best practices and lessons learned to inform future decisions about condominium regulatory structures. This report was prepared for the Hawaii State Legislature and the Condominium Property Regime Task Force to inform decisions about regulatory structures for condominium governance in Hawaii. Its findings are intended to guide deliberations on potential modifications to state oversight, dispute resolution, and enforcement mechanisms. The comparative analysis of these five states' approaches may also offer insights for legislatures and regulators in other jurisdictions considering similar condominium governance reforms.

## State Regulation and Enforcement of Condominium Operations and Governance

Condominium unit owners and associations must have mechanisms to enforce their rights under state law and condominium association governing documents. This can range from individual enforcement through the court system to state enforcement through a government agency. States use different regulatory structures and oversight mechanisms for condominium regulation and enforcement, as shown in Table S.1. These regulatory approaches include varying combinations of state oversight bodies, enforcement mechanisms, financial reporting requirements, and dispute-resolution processes for condominium associations and their governance. We provide a detailed examination of the various state approaches in Chapter 3.

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<sup>3</sup> Restatement (Third) of Property: Introductory Note.

**Table S.1. State Regulation and Enforcement of Condominium Operations and Governance in Five Selected States**

State	Enforcement Body	Jurisdiction	Investigation	Enforcement
<b>CA</b>	California Department of Real Estate	Limited jurisdiction over developers	No authority	No penalties
<b>DE</b>	Ombudsman, advisory council	No enforcement powers	Subpoenas	No penalties
<b>FL</b>	Florida Division of Condominiums, Timeshares, and Mobile Homes	Complete jurisdiction over developers, limited over unit owners	Subpoenas, court enforcement	\$500–\$5,000 fines; removal of board members, cease and desist
<b>MA</b>	No structure	No enforcement	No authority	No penalties
<b>NV</b>	Nevada Real Estate Division, Commission for Common-Interest Communities and Condominium Hotels, Ombudsman	Broad jurisdiction over all parties	Subpoenas	Administrative fines, cease and desist

### *Key Findings*

- State-level regulation and enforcement generally fall into two distinct models: strong central oversight and comparatively light-touch or advisory oversight.
- Interviewees generally regarded their state’s respective framework as functioning adequately or well and indicated that there is limited demand for structural reform, regardless of whether the state used the strong central oversight or light-touch or advisory oversight model.
- In states without dedicated funding structures, regulatory programs face capacity constraints and rely more heavily on voluntary compliance or external partnerships.
- Analyses of states with more-robust oversight mechanisms indicate that the following enhance administrative efficiency:
  - clearly describing authority and scope in law improves compliance
  - subpoena authority supports effective investigations
  - multiple complaint pathways increase accessibility for owners and facilitate timely resolution of issues.

### *Policy Considerations and Best Practices*

- States should select a regulatory model that reflects their individual challenges—such as developer misconduct, governance concerns, or owner disputes—and broader preferences for government involvement.
- Effective regulatory bodies have explicit legal powers (e.g., subpoena authority, ability to impose fines, power to remove board members). States should clearly describe this scope in law to improve compliance and set expectations.
- States providing government enforcement should establish clear pathways for filing a complaint.
- States should provide predictable funding to support the desired level of enforcement capacity.

- Oversight and advisory bodies should represent both association priorities and individual unit-owner interests to fairly represent stakeholder interests and enhance trust in the system.

## Condominium Ombudsman's Offices

Condominium ombudsman's offices serve as intermediaries between unit owners and condominium associations. While responsibilities vary by state, common functions of ombudsman's offices include providing education, dispute resolution assistance, election monitoring, oversight and enforcement of state law, and research and analysis for state legislatures and other governmental bodies. A broad overview of ombudsman's offices across the relevant states is provided in Table S.2; a detailed examination of the various state approaches is in Chapter 4.

**Table S.2. Overview of Condominium Ombudsmen in Five Selected States**

State	Status	Core Functions	Funding Model	Strengths or Potential Benefits	Challenges or Implementation Concerns
CA	Failed (2005–2009)	N/A	Proposed assessment (\$10 per condominium unit)	<ul style="list-style-type: none"> <li>• Education (complicated and fast-changing laws)</li> <li>• Relieve court burden</li> </ul>	<ul style="list-style-type: none"> <li>• Ability of office to effectively address wide variety of condominium complaints</li> </ul>
DE	Active (est. 2014)	<ul style="list-style-type: none"> <li>• Education</li> <li>• Elections</li> <li>• Disputes</li> </ul>	State appropriations (statutory capacity of \$242,100)	<ul style="list-style-type: none"> <li>• Education (major focus)</li> <li>• Complaint investigation</li> <li>• Informal relationships with other organizations</li> </ul>	<ul style="list-style-type: none"> <li>• Resources (understaffed)</li> <li>• Complaint management and resolution (capacity constraints and frivolous complaints)</li> </ul>
FL	Active (est. 2004)	<ul style="list-style-type: none"> <li>• Education</li> <li>• Elections</li> <li>• Disputes</li> </ul>	Division trust fund (fees, penalties, and appropriations)	<ul style="list-style-type: none"> <li>• Election monitoring</li> <li>• Education (when done)</li> </ul>	<ul style="list-style-type: none"> <li>• Confusion about what the office is responsible for</li> <li>• Hard to staff (expertise is important but hard to get)</li> </ul>
MA	Introduced	<ul style="list-style-type: none"> <li>• Proposed               <ul style="list-style-type: none"> <li>– Education</li> <li>– Disputes</li> </ul> </li> </ul>	Proposed fee on sales (\$50 per condominium sale)	<ul style="list-style-type: none"> <li>• Education</li> <li>• ADR (complaint filtering)</li> </ul>	<ul style="list-style-type: none"> <li>• Opposition to perceived mandatory ADR component of ombudsperson office</li> </ul>
NV	Active (est. 1997)	<ul style="list-style-type: none"> <li>• Education</li> <li>• Disputes</li> </ul>	Unit assessment (up to \$4.25 per unit)	<ul style="list-style-type: none"> <li>• Education</li> <li>• ADR (complaint filtering)</li> </ul>	<ul style="list-style-type: none"> <li>• Financial resources</li> </ul>

NOTE: ADR = alternative dispute resolution; est. = established.



## Key Findings

- Ombudsman’s offices can offer educational resources to associations and unit owners, election monitoring, and ADR. The success of such offices may depend on clear prioritization of functions from a state’s legislature and the provision of resources that match the requirements of the office.
- Condominium association board members and unit owners may expect an ombudsman’s office to serve as a “one-stop shop” for all condominium-related governmental services. This may cause confusion or frustration if multiple government bodies are responsible for condominium issues.

## Policy Considerations and Best Practices

- States should identify the common issues facing condominium associations, unit owners, and regulators to choose the scope of services for an ombudsman’s office.
  - *Education and outreach*: An ombudsman can offer clear, accessible information about condominium laws and governance, strengthening compliance and reducing conflicts.
  - *ADR*: An ombudsman’s facilitation of disputes can provide a faster, more affordable alternative to litigation.
  - *Election monitoring*: Ombudsman oversight can promote fairness and transparency in association elections.
  - *Research and reporting*: An ombudsman’s ability to collect and analyze data on condominium issues can uncover systemic trends and inform legislative or regulatory improvements.
- States should identify pressing and recurring issues to appropriately tailor the role of an ombudsman’s office according to need and available resources.
- States should clearly define the ombudsman’s role relative to other agencies to improve coordination and prevent duplication. Simultaneously, states should clearly communicate the roles of all agencies involved in condominium regulation, including an ombudsman’s office, to ensure that stakeholders know where to turn for assistance.
- States should provide reliable funding for an ombudsman’s office to enable sustained assistance to condominium communities to match state goals for the office.

## Dedicated Alternative Dispute Resolution Programs

Condominium associations and unit owners may resolve disputes by bringing lawsuits in the state court system. Litigation can be time-consuming and expensive for parties to the lawsuit and create strain on the court system. Some states have created ADR programs, such as mediation or arbitration, where parties to a condominium-related dispute may bring their complaint before or instead of litigation. States have adopted varying approaches to ADR for condominium disputes, from mandatory prelitigation requirements to voluntary programs or no specific mechanisms at all (see Table S.3). A detailed examination of the various state approaches is in Chapter 5.

**Table S.3. Condominium ADR in Five Selected States**

State	Requirement	Covered Disputes	IDR* Required	Cost Structure	Timeline
<b>CA</b>	Mandatory	Governing document enforcement, state law enforcement (excludes small claims, assessments)	Yes	Parties pay (division unspecified)	90 days to complete
<b>DE</b>	Voluntary	All disputes may go through ombudsman's office	Yes	\$35 filing plus \$100 per hour. Fee is equally divided unless specified.	No timeline specified
<b>FL</b>	Mandatory	Board actions, meetings, termination plans, and structural integrity issues	No	Equal sharing (mediation), prevailing party recovers (arbitration)	90 days (mediation), 60 days (arbitration)
<b>MA</b>	None	General arbitration only (may be in bylaws)	No	N/A	N/A
<b>NV</b>	Mandatory	Governing document interpretation, assessment procedures	No	\$500 cap (3-hour mediation), \$300 per hour arbitration	60 days (mediation)

\* IDR = internal dispute resolution; N/A = not applicable.

### *Key Findings*

- Interviewees usually approve of the status quo in their state, whether the state has a strongly regulated mandatory ADR program, a voluntary program, or no requirements.
- The nonbinding nature of ADR for certain disputes can lead to drawn-out litigation of even relatively straightforward disputes and skepticism toward the ADR process.
- Arbitration and mediation are the two most common ADR approaches. Arbitration can be more costly and more adversarial than mediation, but it can provide greater subject-matter expertise and jurisprudence than mediation.

### *Policy Considerations and Best Practices*

- When deciding whether to adopt an ADR program dedicated to condominium disputes, states should balance the need for ADR (if condominium disputes are creating strain on the court system or left unaddressed because litigation is too expensive or time-consuming) with the resources needed to fund an ADR program to adequately address these issues.
- States can prioritize scarce resources by limiting ADR to specific dispute types (e.g., the most common dispute areas or disputes where timely resolution is especially important).
- Another option for resource prioritization is for states to provide early issue screening through mandatory IDR or government preliminary review. This can help resolve straightforward matters quickly and reserves ADR for specific disputes.
- States can make ADR more accessible by providing equitable cost structures, such as government subsidies, transparent fee limits, and clear cost-sharing arrangements.

## Requirements for Owner Access to Association Documents

Condominium association documents set forth the rules governing the condominium association. Unit owners must have access to these documents to understand their rights and obligations within the condominium association. States have established varying requirements for condominium unit owner access to association documents, from comprehensive statutory frameworks with detailed enforcement mechanisms to basic inspection rights with minimal procedural guidance (see Table S.4). A detailed examination of the various state approaches is in Chapter 6.

**Table S.4. Overview of Requirements for Owner Access to Association Documents in Five Selected States**

State	Access Framework	Document Scope	Timeline	Fees	Enforcement	Online Access
<b>CA</b>	Comprehensive statutory	Financial, governance, contracts, and elections	Varies by type	\$10 per hour for redaction, copy costs	None specified	If requested, documents must be shared electronically.
<b>DE</b>	Pre-2009: Financial records Post-2009: Comprehensive statutory	Pre-2009: Financial records Post-2009: Also meeting notes, governance documents	Post-2009: Five days	Copy costs	None specified	N/A
<b>FL</b>	Comprehensive statutory	Extensive: e.g., financial, governance, election, insurance	10 working days	Copy costs	Division, ADR	Mandatory for 150 or more units (→ 25 or more units in 2026)
<b>MA</b>	Basic access rights	Master deed, bylaws, financial, insurance	Available during business hours	Copy costs	None specified	N/A
<b>NV</b>	Comprehensive statutory	Financial statements, budgets, reserve studies, contracts, and relevant court records	21 days	\$25 per day penalties, \$25 per hour for review	Ombudsman	Mandatory for 150 or more units; encouraged for others

NOTE: N/A/ = not applicable.

### Key Findings

- Interviewees across all five states supported transparency efforts related to association documents.
- There was near-universal support for using online portals to provide access to association documents. Support for *requiring* associations to use online portals was strong but more mixed.

- The cost of obtaining documents and potential stonewalling from condominium associations may limit the extent to which documents are truly accessible to unit owners.
- Interviewees reported that association document requirements are complex and may be difficult for unit owners and boards to understand.
- Access to documents is a common source of condominium disputes. (For states that have ADR or complaint investigation mechanisms, common issues include unit owners alleging lack of access to documents and boards alleging unreasonable requests by unit owners.)

### *Policy Considerations and Best Practices*

- States should provide clear guidance to both associations and unit owners on which documents must be available to unit owners.
- States should encourage or mandate online portals. States can tailor requirements based on association size and technology cost and availability.
- Because disputes related to access to association documents are common, states may wish to dedicate resources to providing defined processes for enforcing document access (e.g., through a regulatory agency, ombudsman's office, ADR).
- States may wish to allow associations to set reasonable rules for unit owners to request documents, including recovery of actual costs for preparing and providing documents.

## Requirements for Owner Disclosure and Education at the Point of Sale

Before purchasing a condominium unit, it is important that prospective owners understand the governance and operation of the condominium association and their rights and obligations as a unit owner within the association. Most requirements in the examined states are primarily disclosure-based, with information provided to prospective buyers through documents distributed at the point of sale (see Table S.5). Except for Massachusetts, which does not require any disclosures or documents, all other examined states require some level of disclosure at the point of sale and allow prospective owners to cancel the contract after receiving the required documents. These materials typically include governance documents—such as declarations, bylaws, and rules—and financial information, including budgets, assessments, reserve studies, and unpaid obligations. Florida also requires the provision of additional structural safety documentation. Legal and risk disclosures include litigation, violations, liens, insurance coverage, and use restrictions. A detailed examination of the various state approaches is in Chapter 7.

**Table S.5. Requirements for Owner Disclosure and Education at the Point of Sale in Five Selected States**

State	Overview	Scope	Cancellation Period	Document Preparation/ Delivery Costs
CA	Same for developer and resale	All units	Three days (if hand delivered), five days (if mailed)	Cost-based, no fees for electronic delivery
DE	Developer: Public offering statement Resale: Certificate	More than 20 units	Five days if public offering statement not provided more than five days prior to contract execution (developer), five days (resale)	Resale: \$200 for electronic, \$50 extra for paper copy if delivered within 10 days
FL	Developer: Extensive documentation Resale: Basic governance and financial	Buildings with more than 20 units require additional documentation	15 days (developer), seven days (resale)	Developer: At developer's expense Resale: At seller's expense
MA	No requirement	N/A	N/A	N/A
NV	Developer: Public offering, educational information statement Resale: Package, educational info statement	All units	Five days (both)	Resale: Association can charge owner \$185 per certificate, \$165 per statement of demand

### *Key Findings*

- Interviewees reported that while disclosure is imperfect, it is beneficial to prospective owners by providing them with key information about the condominium.
- However, buyers often do not read or understand the required documentation, which is especially problematic when there is a short cancellation period.

### *Policy Considerations and Best Practices*

- States should consider offering concise, plain-language materials highlighting key considerations—such as assessment obligations, governance structure, and foreclosure risk—to help prospective purchasers make informed decisions. States can also provide associations with templates to outline essential contents of required documents to promote consistency and easier comparison across properties.
- States should ensure that laws provide adequate cancellation periods to allow buyers sufficient time to examine documents before finalizing a purchase.
- States should encourage or provide training or informational sessions for real estate professionals to strengthen their ability to guide buyers through association requirements and critical contract provisions.

## Condominium Management Licensing Requirements

Community association management professionals (including those who manage condominiums) help boards oversee association operations, such as meeting legal obligations, collecting dues, running board elections, and managing finances. These professionals must have the requisite knowledge and skills to do their jobs, and the consequences of poor performance could have serious safety, legal, and financial consequences for condominium associations and unit owners. State regulation of community association management professionals falls across a spectrum from no regulatory oversight to comprehensive licensing systems (see Table S.6). A detailed examination of the various state approaches to licensing is in Chapter 8.

**Table S.6. Condominium Management Licensing Requirements in Five Selected States**

State	Approach	Initial Requirements	Continuing Education Requirements
CA	Optional certification <sup>a</sup>	<ul style="list-style-type: none"> <li>• 30 hours of education</li> <li>• Exam</li> </ul>	N/A
DE	No requirements	N/A	N/A
FL	Licensing	<ul style="list-style-type: none"> <li>• 16 live hours of education<sup>c</sup></li> <li>• Exam (score 75 percent or higher to pass)</li> <li>• \$205.50 fee</li> <li>• 18 years or older</li> <li>• Good moral character</li> <li>• Fingerprinting</li> <li>• Application form (online option)</li> </ul>	<ul style="list-style-type: none"> <li>• 15 hours of continuing education<sup>d</sup></li> <li>• \$100 renewal fee</li> <li>• Renewal form (online option)</li> <li>• Renewal every two years</li> </ul>
MA	No requirements	N/A	N/A
NV	Certification <sup>b</sup>	<ul style="list-style-type: none"> <li>• 60 hours of education</li> <li>• Exam (\$100)</li> <li>• \$300 fee</li> <li>• Certificate application</li> </ul>	<ul style="list-style-type: none"> <li>• 18 hours of continuing education</li> <li>• \$200 renewal fee</li> <li>• Renewal every two years</li> </ul>

NOTE: N/A = not applicable.

<sup>a</sup> Although the certification is optional for those managing condominiums and other common-interest communities, managers are required to disclose any relevant certifications or licenses.

<sup>b</sup> Although some literature refers to mandatory systems as *licensing* and optional ones as *certification*, Nevada uses the term *certification* for its required system.

<sup>c</sup> *Live hours* means that the instruction may not be recorded, but virtual education is allowed.

<sup>d</sup> Continuing education is not required after 10 continuous years of practice.

### Key Findings

- Literature related to occupational licensing indicates that there are costs and benefits of such requirements, such as the protection of the public (if tailored for the occupation), higher prices for consumers, and higher wages and employment stability for licensed workers.
- Interviewees were generally supportive of licensing, especially for states with complicated or fast-changing condominium laws.

### *Policy Considerations and Best Practices*

- States should weigh the need to address ineffective or unqualified condominium association managers against the potential effects of added requirements on workforce availability and consumer costs.
- States with licensing requirements should tailor these requirements so that professionals have sufficient knowledge to ensure that managers are prepared to fulfill their duties without creating unnecessary barriers to entry for the profession.
- States should provide waivers or reciprocity policies for qualified individuals—such as out-of-state professionals or military families—to support workforce mobility and inclusivity.
- Apart from licensing requirements, states with sufficient resources should provide guidance and educational support for volunteer boards and managers to help maintain adherence to condominium laws and improve governance.

# Contents

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About This Project Report .....	iii
Summary .....	v
State Regulation and Enforcement of Condominium Operations and Governance .....	vi
Condominium Ombudsman's Offices .....	viii
Dedicated Alternative Dispute Resolution Programs .....	ix
Requirements for Owner Access to Association Documents .....	xi
Requirements for Owner Disclosure and Education at the Point of Sale .....	xii
Condominium Management Licensing Requirements .....	xiv
Contents .....	xvi
Figures and Tables .....	xix
Chapter 1. Background .....	1
Study Objectives.....	1
Statutory Framework for Condominiums.....	2
Scale and Financial Dimensions of Condominium and Community Associations Across Selected States .....	4
Chapter 2. Methodology .....	7
Study Design and Data Collection.....	7
Stakeholder Outreach and Interviews.....	7
Data Analysis.....	8
Limitations.....	9
Chapter 3. State Regulation and Enforcement of Condominium Operations and Governance....	10
California.....	10
Delaware.....	13
Florida .....	17
Massachusetts.....	25
Nevada.....	26
Cross-State Summary and Best Practices: State Regulation and Enforcement of Condominium Operations and Governance.....	33
Chapter 4. Condominium Ombudsman's Offices.....	36
California.....	36
Delaware.....	37
Florida .....	42
Massachusetts.....	46
Nevada.....	47
Cross-State Summary and Best Practices: Condominium Ombudsman's Offices.....	50
Chapter 5. Dedicated Alternative Dispute Resolution Programs.....	53
California.....	53



Delaware.....	56
Florida .....	59
Massachusetts .....	65
Nevada.....	66
Cross-State Summary and Best Practices: Dedicated ADR Programs .....	69
Chapter 6. Requirements for Owner Access to Association Documents.....	72
California.....	72
Delaware.....	75
Florida .....	76
Massachusetts .....	79
Nevada.....	80
Cross-State Summary and Best Practices: Requirements for Owner Access to Association Documents .....	84
Chapter 7. Requirements for Owner Disclosure and Education at the Point of Sale.....	87
California.....	87
Delaware.....	88
Florida .....	90
Massachusetts .....	92
Nevada.....	93
Cross-State Summary and Best Practices: Requirements for Owner Disclosure and Education at the Point of Sale.....	96
Chapter 8. Condominium Management Licensing Requirements .....	98
California.....	99
Delaware.....	101
Florida .....	101
Massachusetts .....	105
Nevada.....	105
Cross-State Summary and Best Practices: Condominium Management Licensing .....	108
Costs and Benefits of Occupational Licensing .....	109
Chapter 9. Key Findings, Policy Considerations, and Best Practices.....	111
State Regulation and Enforcement of Condominium Operations and Governance .....	112
Condominium Ombudsman’s Offices .....	113
Dedicated Alternative Dispute Resolution Programs .....	114
Requirements for Owner Access to Association Documents .....	115
Requirements for Owner Disclosure and Education at the Point of Sale .....	116
Condominium Management Licensing Requirements .....	117
Appendix A. Additional Details Related to Condominium Documentation Access Requirements .....	119
California.....	120
Delaware.....	121
Florida .....	122
Massachusetts .....	124

Nevada.....	125
Appendix B. Point-of-Sale Requirement Details.....	126
California.....	127
Delaware.....	128
Florida .....	131
Nevada.....	135
Nevada Common-Interest Community Disclosure Form (NRS Section 116.41095).....	137
Appendix C. Emerging Issues Identified by Interviewees.....	141
Appendix D. How Associations Handle Unexpected Expenses .....	143
California.....	143
Delaware.....	144
Florida .....	145
Massachusetts .....	146
Nevada.....	146
Appendix E. Florida Milestone Inspections and Structural Integrity Reserve Studies.....	148
Appendix F. Hawaii Condominium Governance and Regulation Across Six Selected Topics .	151
State Regulation and Enforcement of Condominium Operations and Governance .....	151
Condominium Ombudsman’s Office.....	154
Dedicated Alternative Dispute Resolution Programs .....	154
Requirements for Owner Access to Association Documents .....	155
Requirements for Owner Disclosure and Education at the Point of Sale .....	156
Condominium Management Licensing Requirements .....	157
Abbreviations .....	158
References .....	159

## Figures and Tables

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### Figures

Figure 3.1. Filing a Complaint in Nevada.....	31
Figure 6.1. Request for Records: Flow Chart .....	82

### Tables

Table S.1. State Regulation and Enforcement of Condominium Operations and Governance in Five Selected States .....	vii
Table S.2. Overview of Condominium Ombudsmen in Five Selected States .....	viii
Table S.3. Condominium ADR in Five Selected States .....	x
Table S.4. Overview of Requirements for Owner Access to Association Documents in Five Selected States .....	xi
Table S.5. Requirements for Owner Disclosure and Education at the Point of Sale in Five Selected States .....	xiii
Table S.6. Condominium Management Licensing Requirements in Five Selected States .....	xiv
Table 1.1. Nevada Common-Interest Community Statutes and Regulations .....	3
Table 1.2. California Common Interest Development Civil Code .....	3
Table 1.3. Delaware Common Interest Ownership Statutes .....	4
Table 1.4. Florida Condominium Statutes and Regulations .....	4
Table 1.5. Massachusetts Condominium Statutes.....	4
Table 1.6. Community Association Statistics for Selected States .....	5
Table 3.1. Applicability of DUCIOA versus UPA .....	14
Table 3.2. Complaint Processing Timeliness for the Florida Division of Condominiums, Timeshares, and Mobile Homes, FY 2020–2021 to 2023–2024 .....	22
Table 3.3. Complaint Allegation Categories, Florida Division of Condominiums, Timeshares, and Mobile Homes, FY 2020–2021 to 2023–2024.....	22
Table 3.4. Florida Division of Condominiums, Timeshares, and Mobile Homes Funding and Staffing, FY 2021–2022 to FY 2025–2026 .....	24
Table 3.5. Government Regulation and Enforcement of Condominium Operations in Five Selected States .....	35
Table 4.1. Condominium Ombudsman’s Offices in Five Selected States .....	50
Table 5.1. Types of ADR.....	57
Table 5.2. Organizing Features of Nonbinding Arbitration and Presuit Mediation .....	59
Table 5.3. Covered ADR Disputes .....	60

Table 5.4. Dedicated ADR Programs in Five Selected States .....	71
Table 6.1. Requirements for Owner Access to Association Documents in Five Selected States.	85
Table 7.1. Requirements for Owner Disclosure and Education at the Point of Sale in Five Selected States .....	96
Table 8.1 Certification Requirements for California Common-Interest Development Managers	99
Table 8.2. Initial and Renewal Licensing Requirements for Florida Community Association Managers .....	103
Table 8.3. Licensing Requirements for Individuals Involved in the Management of Condominiums .....	108

# Chapter 1. Background

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## Study Objectives

Act 189, Session Laws of Hawaii 2023 (H.B. 1809) established a condominium property regime task force to examine concerns that existing dispute resolution mechanisms impose disproportionate costs on individual unit owners, despite condominium law’s historical emphasis on self-governance with limited government involvement.<sup>4</sup> The task force identified key issues regarding the effectiveness and accessibility of existing mediation and litigation processes, the distribution of costs and legal remedies among stakeholders, the respective authorities of association boards and unit owners, and the scope of governmental oversight.<sup>5</sup> Act 43, Session Laws of Hawaii 2024 (S.B. 2726) authorized a comparative study of condominium governance and regulatory frameworks across California, Delaware, Florida, Massachusetts, and Nevada.<sup>6</sup> These jurisdictions represent a spectrum of regulatory approaches from minimal governmental intervention to comprehensive statutory oversight. Act 43 directed examination of the following six key policy areas related to governance, governmental oversight, and dispute resolution processes:

1. governmental regulation and enforcement of condominium operations and governance
2. condominium ombudsmen or similar oversight positions
3. dedicated alternative dispute resolution (ADR) programs for condominium-related disputes
4. requirements for owner access to condominium documents
5. requirements for owner education at the point of sale
6. licensing requirements for individuals involved in condominium management.

Drawing on statutory analysis, expert interviews, and a review of relevant research, in this report, we describe how different states structure and implement condominium regulation and highlight best practices and policy considerations that could inform future approaches to oversight and governance.

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<sup>4</sup> State of Hawaii, *Act 189 (H.B. 1509)*, 2023. Available at: <https://legiscan.com/HI/bill/HB1509/2023>.

<sup>5</sup> See Hawaii Department of Commerce and Consumer Affairs, Condominium Property Regime Task Force. Minutes of Meeting. Honolulu, HI: State of Hawaii, Department of Commerce and Consumer Affairs. Available at [https://cca.hawaii.gov/wp-content/uploads/2023/12/CPM\\_Task-Force\\_10-27-23\\_Agenda-with-Attachments.pdf](https://cca.hawaii.gov/wp-content/uploads/2023/12/CPM_Task-Force_10-27-23_Agenda-with-Attachments.pdf).

<sup>6</sup> State of Hawaii, *Act 43 (S.B. 2726)*, 2024. Available at: <https://legiscan.com/HI/bill/SB2726/2024>.

## Statutory Framework for Condominiums

A *condominium* is a form of real property ownership established through a condominium statute. This statute creates the legal framework that defines the condominium property interest and provides for an association composed of all unit owners. The association is responsible for the operation, maintenance, and management of the condominium project, ensuring that common property and shared interests are collectively governed. When an individual purchases a condominium unit, membership in the association automatically attaches to the ownership and cannot be separated from it.<sup>7</sup> The underlying philosophy of condominium enabling acts is to promote self-governance within the community, with minimal government involvement in the community's day-to-day affairs.<sup>8</sup>

Community associations that govern condominiums occupy a hybrid space, sharing characteristics with both municipal governments and corporations while differing from each in important ways. Similar to municipalities, these organizations manage shared property, enforce land-use limitations, levy assessments secured by liens, and deliver services, such as maintenance and security. Similar to corporations, they operate through contracts, employ a board structure with voting based on ownership rather than residency, and vary in size and function. However, associations are unique: They wield significant power over residents' daily lives through detailed design controls and behavioral rules that often exceed typical municipal ordinances, affect what is commonly homeowners' largest financial asset, and rely on unpaid volunteers who may lack relevant training or experience. Since the 1960s, condominium and planned development law in the United States has evolved rapidly, culminating in national models, such as the Uniform Acts (1982, updated 1994) and the Restatement Third of Property (2000). These frameworks, which are applicable across jurisdictions, set out key condominium association board obligations, including exercising prudent care, treating owners fairly, acting reasonably in discretionary matters, and providing access to financial information. Yet relying solely on courts to resolve disputes or address board misconduct remains expensive and time-

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<sup>7</sup> Restatement (Third) of Property: Servitudes § 6.2 (Definition); Restatement (Third) of Property: Servitudes § 6.5 (Obligation to Pay Assessments).

<sup>8</sup> California Senate Judiciary Committee. *Committee Analysis of Senate Bill No. 432 (Wieckowski): Common Interest Developments*. Regular Session 2021–2022, Version February 12, 2021, Hearing Date: May 4, 2021. Sacramento, Calif.: California Senate Judiciary Committee, 2021. As of November 3, 2025: [https://sjud.senate.ca.gov/sites/sjud.senate.ca.gov/files/sb\\_432\\_wieckowski\\_sjud\\_analysis.pdf](https://sjud.senate.ca.gov/sites/sjud.senate.ca.gov/files/sb_432_wieckowski_sjud_analysis.pdf) (“The Davis-Stirling Act sets forth a system for HOA self-governance.”); Hawaii Real Estate Commission. *Final Report to the Legislature — Recodification of HRS Chapter 514A: Condominium Property Regimes*. Honolulu: State of Hawaii Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division, December 31, 2003 (“The philosophy guiding Part V (Condominium Management) is minimal government involvement and self-governance by the condominium community.”); Cowburn, M. 2019. “Condominium Self-Governance? Issues, External Interests, and the Limits of Statutory Reform.” *Housing Studies*, 35(6): 1–25. <https://doi.org/10.1080/02673037.2019.1646217> (“In these statutes that were introduced in North America in the 1960s (Risk, 1968), condos are assumed to resemble ‘self-governing communities with rules and by-laws to guide their operations and business affairs.’”).

consuming. As common-interest communities have grown in significance and complexity, questions have emerged about the appropriate level of state involvement in their governance. Some scholars and policymakers advocate for stronger state oversight—including education, open access to documents, regulatory bodies, alternative dispute resolution, and enforcement mechanisms—while others support lighter-touch approaches that preserve association autonomy and self-regulation. This ongoing debate reflects differing views on how best to balance the interests of individual owners, condominium associations, and the public good.<sup>9</sup>

The tables that follow outline the major statutes and administrative codes that govern condominium and common-interest community operations in each of the five selected states reviewed in this study. These are the laws—and related policies—that shape how states oversee condominium governance, regulate manager conduct, enforce board and owner responsibilities, and provide mechanisms for resolving disputes. As detailed in the sections that follow, these laws create varying degrees of state oversight, from the comprehensive regulatory frameworks of Nevada and Florida to the comparatively limited or decentralized approaches found in Massachusetts and other states.

**Table 1.1. Nevada Common-Interest Community Statutes and Regulations**

Chapter Title	Statute	Regulation
Mediation and Arbitration	<a href="#">NRS 38</a>	<a href="#">NAC 38</a>
Common-Interest Ownership (Uniform Act)	<a href="#">NRS 116</a>	<a href="#">NAC 116</a>
Common-Interest Communities: Regulation of Community Managers and Other Personnel	<a href="#">NRS 116A</a>	<a href="#">NAC 116A</a>
Condominium Hotel Act	<a href="#">NRS 116B</a>	<a href="#">NAC 116B</a>

**Table 1.2. California Common Interest Development Civil Code**

Chapter Title	Statute
Davis-Stirling Common Interest Development Act	<a href="#">CA CIV. Division 4, Part 5</a>
Nonprofit Mutual Benefit Corporation Law	<a href="#">CA CORP §7110-8910.</a>
Certified Common Interest Development Manager	<a href="#">CA BPC, Division 4, Part 4</a>

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<sup>9</sup> See Susan F. French, “Making Common Interest Communities Work: The Next Step.” UCLA School of Law, Research Paper No. 05-12. Social Science Research Network (SSRN), 2005. <http://ssrn.com/abstract=713523>.

**Table 1.3. Delaware Common Interest Ownership Statutes**

Chapter Title	Statute
Delaware Uniform Common Interest Ownership Act	<a href="#">25 Del. C. 81</a>
Unit Property Act	<a href="#">25 Del. C. 22</a>
State Department of Justice	<a href="#">29 Del. C. 25</a>

**Table 1.4. Florida Condominium Statutes and Regulations**

Chapter Title	Statute
Condominiums	<a href="#">Ch. 718, Fla. Stat. (2025)</a>
Community Association Management	<a href="#">§§ 468.431-438, Fla. Stat. (2025)</a>
Presuit Mediation	<a href="#">§ 720.311, Fla. Stat. (2025)</a>
Condominium Regulations	<a href="#">Fla. Admin. Code R. 61B-15, 17, 18, 19, 20-25, 45, 50</a>

**Table 1.5. Massachusetts Condominium Statutes**

Chapter Title	Statute
Condominiums	<a href="#">Mass. Gen. Laws ch. 183A</a>

## Scale and Financial Dimensions of Condominium and Community Associations Across Selected States

Table 1.6 highlights the significance of condominium and community association governance across the selected states. Millions of residents live in these associations, which collectively manage billions of dollars in annual assessments and reserve funds. The scale of these populations and finances underscores why effective governance and regulatory oversight are critical policy issues. Condominiums tie residents' largest financial assets to mandatory membership in associations that wield significant power over property use, finances, and daily life through volunteer boards that often lack training in complex legal requirements. Effective state oversight helps balance community self-governance with essential protections for individual owners and public safety.



**Table 1.6. Community Association Statistics for Selected States**

State	Association Rank*	Estimated Association Count	Population Living in Association	Population as % of Total Population	Assessments	Reserves
CA	1	51,250	14,412,000	36.72%	\$21,252,634,722	\$5,313,158,681
DE	41	1,300	101,000	10.04%	\$173,513,167	\$43,378,292
FL	2	50,100	9,506,000	43.35%	\$16,401,905,000	\$4,100,476,250
MA	8	11,600	1,678,000	24.00%	\$2,784,940,889	\$696,235,222
NV	26	3,800	1,298,000	41.33%	\$2,106,602,622	\$526,650,656

SOURCE: Community Associations Institute, *Foundation for Community Associations Research: Factbook Data & Statistics*, 2024, <https://foundation.caionline.org/publications/factbook/fact-book-2024-dashboard/>. Accessed September 30, 2025 (number of associations, number of residents in associations, and units in associations for Delaware; association ranking for all states)

NOTE: \*By number of community associations in state.

Table 1.6 includes information about all community associations in each state, which includes both condominiums and noncondominium community associations (e.g., homeowners associations) in each state. With respect to condominium units and associations specifically:

- California: There are an estimated 1.2 million condominium units; the number of condominium associations is unknown.<sup>10</sup>
- Delaware: We were unable to find any data about the number of condominium units.
- Florida: There are approximately 1.5 million condominium units and 27,000 condominium associations.<sup>11</sup>
- Massachusetts: There are approximately 286,900 condominium units and 68,800 condominium associations.<sup>12</sup>
- Nevada: We were unable to find any data about the number of condominium associations and condominium units.<sup>13</sup>

<sup>10</sup> Community Associations Institute, *California Condominium Data and Statistics*, undated. <https://www.caionline.org/getmedia/ae78c2b0-63db-4bda-b4e0-54fbf15b9ec3/californiacondostats.pdf>. Accessed on October 8, 2025.

<sup>11</sup> Bill Hughes, “Florida’s new condo laws recognize the total price of living on the beach,” *The Conversation*, October 25, 2024, <https://theconversation.com/floridas-new-condo-laws-recognize-the-total-price-of-living-on-the-beach-239163>. Accessed on October 13, 2025. Community Associations Institute, *Florida Condominium Data & Statistics*, undated. <https://www.caionline.org/getmedia/bfa0f496-1d0d-45c2-88ef-30948da996cb/Florida-Condominium-Data-revised.pdf>. Accessed on October 13, 2025.

<sup>12</sup> Community Associations Institute, *Massachusetts Condominium Data and Statistics*, undated. As of October 10, 2025: <https://www.caionline.org/getmedia/c6a8fe40-cf36-4b4f-944c-9442a0c1466f/massachusettscondostats.pdf>.

<sup>13</sup> Nevada Real Estate Division, Office of the Ombudsman for Common-Interest Communities and Condominium Hotels, *Common-Interest Communities and Condominium Hotels Ombudsman’s Office: Reporting Period July 1, 2024–April 30, 2025, Fiscal Year 25*, Carson City, Nev.: Nevada Real Estate Division, 2025, [https://red.nv.gov/uploadedFiles/rednv.gov/Content/Meetings/CIC/2025/Supporting\\_Materials/June/Ombudsman-Report\\_April-2025.pdf](https://red.nv.gov/uploadedFiles/rednv.gov/Content/Meetings/CIC/2025/Supporting_Materials/June/Ombudsman-Report_April-2025.pdf). Accessed September 27, 2025. The report includes subcategories for regular associations

The following chapters examine how these five states have approached the challenges of condominium governance through different statutory frameworks, oversight mechanisms, and administrative practices. In each chapter, we analyze a key area of regulation, identify notable approaches and implementation experiences, and discuss lessons that may inform decisions about how best to structure condominium oversight and support effective community management.

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(2,888 as of April 2025), master associations (112 as of April 2025), sub-associations (737 as of April 2025), and hotel associations (9 as of April 2025). The office does not report on condominium association registrations.

## Chapter 2. Methodology

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We employed a mixed-methods approach to examine six areas of condominium governance and regulation: (1) state regulation and enforcement of condominium operations and governance; (2) condominium ombudsman’s offices; (3) dedicated alternative dispute resolution (ADR) programs; (4) requirements for owner access to association documents; (5) requirements for owner disclosure and education at the point of sale; and (6) condominium management licensing requirements. Data collection combined a systematic review of statutes and administrative codes, a synthesis of academic and gray literature (materials produced outside traditional academic or commercial publishing, such as government reports, policy papers, and professional association documents), and semistructured interviews with regulators, policymakers, and industry professionals. All activities followed RAND protocols for human subjects protection.

### Study Design and Data Collection

The project comprised the following four interrelated tasks:

1. **Inventory of regulations:** Identification and cataloging of legal provisions addressing the six topic areas using legal databases and official repositories.
2. **Landscape review:** Analysis of peer-reviewed literature, government reports, and practitioner sources to assess policy implementation and effectiveness.
3. **Stakeholder interviews:** Collection of practitioner, regulatory, and advocacy perspectives to validate findings from law and literature reviews and to clarify state-specific practices.
4. **Analysis and reporting:** Integration of findings from all data sources to identify cross-state strengths, weaknesses, and policy options.

### Stakeholder Outreach and Interviews

We contacted more than 120 potential stakeholders across five states—California, Delaware, Florida, Massachusetts, and Nevada—to capture perspectives from both government and private-sector actors. Outreach occurred in August and September 2025, and interviews were conducted from August 2025 through October 2025.

In total, we completed **29 interviews**: five each in California, Delaware, Massachusetts, and Nevada; seven in Florida; and two cross-jurisdictional sessions.

Interviewees represented a broad variety of expertise, including:

- state regulators, legislators, and other public officials
- attorneys and legal specialists in condominium or community association law
- Community Associations Institute (CAI) chapter and committee leaders
- association board members
- mediators and arbitrators experienced in condominium ADR

- homeowner advocates
- academics and researchers specializing in real estate and housing policy

To protect confidentiality under Institutional Review Board (IRB) protocol, we do not identify interviewees' specific organizations, affiliations, and positions.

Most interviews lasted 45–60 minutes and were conducted primarily via videoconference or telephone. All sessions followed a semistructured format aligned with the six study topics and were documented in detailed notes for analysis. Each interview explored the following topics:

- **Background:** participants' experience and professional roles in condominium regulation or policy
- **ADR:** common dispute types, program effectiveness, program accessibility, and potential improvements
- **Ombudsman's offices:** education activities, complaint handling, ADR processes, and any involvement in association elections
- **Government regulation and enforcement:** strengths and weaknesses of state complaint and enforcement mechanisms
- **Licensing and community management:** responsibilities of community managers and the effectiveness of associated education and certification requirements
- **Owner education and point-of-sale disclosures:** how regulatory requirements support informed purchasing decisions and buyer protections
- **Document access:** association compliance with document access laws, enforcement practices, and transparency initiatives, such as online portals
- **General observations:** overall performance of state frameworks, innovative developments, exemplary practices in other states, and opportunities for improvement

These topic areas were consistent across all states, and minor adjustments were made to reflect relevant statutory and administrative provisions. We also used interviews to confirm understanding of statutory and administrative provisions and to ensure that report descriptions align with how the laws function in practice.

## Data Analysis

We applied descriptive and qualitative techniques across data sources:

- **legal and regulatory data:** coded by jurisdiction and topic to identify common structures and distinctions.
- **literature review:** grouped by theme and assessed for evidence on implementation, outcomes, and recurring challenges.
- **interview data:** analyzed thematically using codes tied to the six study areas; insights were also used to confirm and clarify statutory interpretations.
- **triangulation:** cross-validated findings across source types to ensure reliability and reveal discrepancies between policy design and practice.

## Limitations

Interpretation of findings is subject to several constraints: (1) the focus on six selected topics exclude certain financial or local governance issues; (2) there was limited availability of administrative data in some states that constrained direct comparison; and (3) interviews reflect expert opinion but are not statistically representative. These factors limit generalization but do not affect the validity of comparative insights.

## Chapter 3. State Regulation and Enforcement of Condominium Operations and Governance

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State approaches to condominium regulation and enforcement operate through different regulatory structures and oversight mechanisms, including varying combinations of state oversight bodies, enforcement mechanisms, financial reporting requirements, and dispute resolution processes for condominium associations and their governance. Florida and Nevada maintain comprehensive frameworks with dedicated divisions that possess investigative and enforcement authorities, including civil penalties and cease-and-desist orders. Massachusetts relies primarily on internal governance requirements, such as financial audits, for larger associations, with limited external oversight and no regulatory enforcement body. California implements extensive statutory requirements for elections, meetings, and recordkeeping without centralized enforcement. Delaware operates through an ombudsperson system with advisory council support and specialized ADR processes.

This chapter examines these diverse approaches, describing how each state handles complaints and disputes arising in condominium associations and the available pathways for owners and associations to resolve conflicts and seek enforcement of legal requirements. These approaches range from comprehensive state regulatory oversight to minimal government involvement, reflecting different policy choices about the appropriate balance between association self-governance and external accountability, as detailed in the following sections.

### California

California Civil Code Part 5, Chapter 6, §§ 4800–6150 (the Davis-Stirling Act), outlines a variety of requirements for condominium association governance, including condominium association powers, board member meetings and elections, recordkeeping and record inspection, reporting, and conflicts of interest.<sup>14</sup> Condominium associations are required to register with the California Secretary of State,<sup>15</sup> for which the maximum fee is \$30.<sup>16</sup> Condominium associations are not required to be incorporated and, unless otherwise provided for by the condominium association’s governing documents, have the same authorities as a nonprofit mutual benefit

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<sup>14</sup> [California Civil Code, Division 4, General Provisions, Part 5, Common Interest Developments, Chapter 6, Association Governance, Section 4800-5450.](#)

<sup>15</sup> California Secretary of State. “Safe at Home.” As of August 13, 2025: [California Secretary of State](#)

<sup>16</sup> [California Civil Code, Division 4, Division 4, General Provisions, Part 5, Common Interest Developments, Chapter 6, Association Governance, Section 5405.](#)

corporation.<sup>17</sup> Unincorporated condominium associations do not, however, have the authority to use corporate seals or issue membership certificates.<sup>18</sup> California does not legally consider condominium associations as separate from homeowners associations (HOAs). California Civil Code includes a provision requiring the California State Department of Consumer Affairs<sup>19</sup> and the California Bureau of Real Estate<sup>20</sup> to develop an online education course for condominium association board members “to the extent existing funds are available.”<sup>21</sup> Interviewees confirmed that this training has not been developed since that statutory requirement took effect in 2013.

California state law outlines detailed requirements for many aspects of condominium association management and governance. Interviewees noted that smaller condominium associations may not be able to stay up to date on changing statutory requirements. Some interviewees noted that law firms sometimes offer education sessions on recent statutory developments to client condominium associations to help them comply with potentially complex legal requirements.

### *Two Pathways to Pursue Complaints*

Interviewees noted that the California Department of Real Estate has limited jurisdiction over developer-related disputes in which the developer is still significantly involved in the condominium association.<sup>22</sup> However, there are no state-level remedies available when the condominium association has transferred from the developer.

#### **First Pathway: Alternative Dispute Resolution**

As detailed more fully in Chapter 5, California has a dedicated ADR process. The state requires both condominium associations and condominium association members to “have endeavored to submit their dispute” to an ADR process prior to filing an enforcement action in the superior court.<sup>23</sup> The ADR process was added to state law in 2012 by AB 805 and took effect

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<sup>17</sup> [California Civil Code, Division 4, Division 4, General Provisions, Part 5, Common Interest Developments, Chapter 6, Association Governance, Section 4800-4805.](#)

<sup>18</sup> [California Civil Code, Division 4, Division 4, General Provisions, Part 5, Common Interest Developments, Chapter 6, Association Governance, Section 4800-4805.](#)

<sup>19</sup> The [Department of Consumer Affairs](#) is part of the [Business, Consumer Services, and Housing Agency](#). California Department of Business, Consumer Services, and Housing Agency, “Department of Consumer Affairs,” undated; California Department of Business, Consumer Services, and Housing Agency, homepage.

<sup>20</sup> Following the enactment of CA CIV §5400, the Bureau of Real State was renamed the [Department of Real Estate](#). The Department of Real Estate is part of the [Business, Consumer Services, and Housing Agency](#). California Department of Business, Consumer Services, and Housing Agency, “Department of Real Estate,” undated; California Department of Business, Consumer Services, and Housing Agency, homepage.

<sup>21</sup> [California Civil Code, Division 4, Division 4, General Provisions, Part 5, Common Interest Developments, Chapter 6, Association Governance, Section 5400.](#)

<sup>22</sup> The Department of Real Estate is part of the [Business, Consumer Services, and Housing Agency](#). California Department of Business, Consumer Services, and Housing Agency, homepage, undated.

<sup>23</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5930.](#)

January 1, 2013, as part of the Davis-Stirling Act.<sup>24</sup> The ADR process is only applicable to certain disagreements, including enforcement of the condominium association governing documents, enforcement of the Nonprofit Mutual Benefit Corporation Law, and enforcement of the Davis-Stirling Common Interest Development Act, the section of California Civil Code that regulates common-interest developments and is cited in this summary.<sup>25</sup> California's ADR process does not apply to small claims action or assessment disputes.<sup>26</sup>

### Second Pathway: Internal Dispute Resolution (IDR)

As detailed more fully in Chapter 5, California has a mandatory internal dispute resolution process. Condominium associations are allowed to adopt their own IDR process as part of their governing documents, but the IDR process outlined in California Civil Code applies to condominium associations that do not include an IDR process in their governing documents.<sup>27</sup> The IDR process outlined in statute must be free to association members and is initiated by a written request.<sup>28</sup>

### *Civil Lawsuits*

In instances in which ADR and IDR are not applicable or when these processes do not resolve the dispute, California statute does not preclude individuals from taking civil action related to a condominium dispute.

### *Financial Oversight*

There is limited oversight of condominium associations in California, and the state does not require the submission of financial information.<sup>29</sup> As described previously, the California Department of Real Estate has limited jurisdiction over condominium associations in cases in which the developer is still significantly involved in the condominium association. California state statute requires condominium associations to adopt an annual budget.<sup>30</sup> In fiscal years when

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<sup>24</sup> [California Assembly, Common interest developments, AB-805, 2012](#). See also [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5925-5965](#).

<sup>25</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5930](#). see also CA AB 805, 2012. August 13, 2025, available at: [https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill\\_id=201120120AB805](https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill_id=201120120AB805).

<sup>26</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5930](#).

<sup>27</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5900](#).

<sup>28</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5915](#).

<sup>29</sup> Statement by Unincorporated Common Interest Development Association. California Secretary of State. Accessed on November 5, 2025: <https://bpd.cdn.sos.ca.gov/corp/pdf/so/ucid.pdf>

<sup>30</sup> [California Civil Code, Chapter 6, Association Governance, Article 7, Annual Reports, Section 5300](#)



an association has a gross income of more than \$75,000, it is required to undergo an audit by a licensed accountant.<sup>31</sup>

### *Funding for Regulatory Structure*

There is very limited state-level regulation of condominium associations in California, and interviewees did not note any statewide funding sources to support oversight of condominium associations. For example, a state law proposed the development of an online education course for condominium association board members “to the extent existing funds are available,” but funds were not allocated toward this effort.<sup>32</sup>

### *Strengths and Weaknesses of California’s Approach*

California’s approach allows condominium associations to maintain local autonomy, but the complexity of the relevant state statute presents challenges to condominium associations and unit owners in terms of understanding and potentially complying with requirements.

## **Delaware**

Delaware has two sets of laws governing condominium associations. The first are the requirements in the Delaware Uniform Common Interest Ownership Act (DUCIOA),<sup>33</sup> which applies to common-interest communities created after September 30, 2009, as well as those created prior to that date, but “only with respect to events and circumstances occurring after the effective date, and do not invalidate existing provisions of the declaration, bylaws, code of regulations, declaration plan, or plats or plans of those preexisting common-interest communities and approved common-interest communities that do not conflict with this chapter.” In short, condominiums built prior to September 30, 2009, may also amend their declarations to have DUCIOA, not Unit Property Act (UPA), apply.<sup>34</sup> In addition, DUCIOA does not apply to condominiums with 20 or fewer units.<sup>35</sup> However, some sections of DUCIOA apply to all condominiums regardless of when they were built. Apart from the DUCIOA sections that apply universally, for condominium associations created before September 30, 2009, or with 20 or

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<sup>31</sup> [California Civil Code, Chapter 6, Association Governance, Article 7, Annual Reports, Section 5305](#)

<sup>32</sup> [California Civil Code, Division 4, Division 4, General Provisions, Part 5, Common Interest Developments, Chapter 6, Association Governance, Section 5400.](#)

<sup>33</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter III, Management of the Common Interest Community, Section 318.](#)

<sup>34</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Part 2, Applicability, Section 119.](#)

<sup>35</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Part 2, Applicability, Section 117.](#)

fewer units who do not chose to amend their declarations so that DUCIOA applies, the Unit Property Act (UPA) applies.<sup>36</sup>

**Table 3.1. Applicability of DUCIOA versus UPA**

When DUCIOA Applies	When UPA Applies
<ul style="list-style-type: none"> <li>• Universal sections of statute (e.g., Office of the Ombudsperson)</li> <li>• Associations with more than 20 units created after September 30, 2009</li> <li>• Associations that amend their declarations so that DUCIOA applies</li> </ul>	<ul style="list-style-type: none"> <li>• Associations created before September 30, 2009</li> <li>• Associations with 20 or fewer units (regardless of when created)</li> </ul>

SOURCE: 25 Del. C. 81 §§ [117](#), [119](#), [318](#). [25 Del. C. 22](#)

Delaware’s external governance structure consists of the Office of the Ombudsperson, which receives advice and recommendations from an advisory council (discussed in Chapter 4). This structure was created by the Delaware Uniform Common Interest Ownership Act (DUCIOA),<sup>37</sup> and applies to all condominium associations regardless of when they were created.

The Advisory Council has 18 members, including unit owners; various city, county, and state officials; lawyers; the President of the Home Builders Association of Delaware; and the Chief Executive Officer of Community Associations Institute.<sup>38</sup> In 2023, the council met five times, with 50 to 70 members of the public participating each time.<sup>39</sup> The council is responsible for advising the ombudsperson on matters related to assessment mechanisms, the development of conflict resolution procedures, ADR, mechanisms for registering common-interest communities, and to study and recommend “to the Ombudsperson the adoption, amendment, or rescission of Delaware law or rule of court procedure designed to improve the regulation and operation of common-interest communities.”<sup>40</sup> The council does not have the power to regulate or enforce laws. One interviewee noted that membership on the advisory council is heavily skewed toward condominium associations and noted that, in general, there is limited oversight of boards, leading to “unchecked power and abuse.”<sup>41</sup>

<sup>36</sup> [Delaware Code, Title 25, Property, Chapter 22, Unit Properties](#)

<sup>37</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act](#)

<sup>38</sup> [Delaware Code, Title 25, Property, Chapter 22, Unit Properties, Subchapter IV, Common Interest Community Ombudsperson, Section 2546](#)

<sup>39</sup> [Delaware Department of Justice, Common Interest Community Ombudsperson, 2023 Annual Report. Dover, Del.: Delaware Department of Justice, 2023](#), p. 9.

<sup>40</sup> [Delaware Code, Title 25, Property, Chapter 22, Unit Properties, Subchapter IV, Common Interest Community Ombudsperson, Section 2546](#)

<sup>41</sup> Delaware Interview, September 19, 2025.

DUCIOA imposes certain operational requirements on condominium associations and the executive board: The association must meet at least yearly,<sup>42</sup> and the executive board must meet at least quarterly.<sup>43</sup>

### *Pathway to Pursue Complaints*

Apart from civil lawsuits, individuals may seek to resolve disputes by filing a complaint with the Office of the Ombudsperson. The Office of the Ombudsperson has the power to investigate complaints, including to subpoena witnesses, administer oaths, take evidence and require the production of documents, records, and other evidence “needed for the exercise of the powers or the performance of the duties vested in the Ombudsperson.” Complainants must go through the IDR process before submitting a complaint to the Office of the Ombudsperson. The ombudsperson then refers meritorious cases to ADR (as discussed in Chapter 5) or relevant law enforcement agencies for prosecution, as appropriate.<sup>44</sup>

In 2023, the office received 77 formal complaints. Of those, 28 were formally resolved.<sup>45</sup> The office made 12 referrals to the Court of Common Pleas’ community mediation program, four of which were mediated and closed, one failed, and seven scheduled for 2024. The office also received and handled 453 formal email inquiries, 57 of which were deemed informal complaints.<sup>46</sup>

### *Civil Lawsuits*

Unit owners and associations may bring disputes to civil court in Delaware. Under DUCIOA, “any person or class of persons adversely affected by” a failure to comply with the provisions of DUCIOA or the association declaration or bylaws may bring a case in court. As appropriate, the court “may award court costs and reasonable attorneys’ fees.”<sup>47</sup> Challenges to actions taken by executive boards must be brought in court within 60 days of the approval of minutes of the meeting where the action was approved “or after the record of that action is distributed to unit owners.” When boards fail to provide adequate meeting notice and approve contracts with third parties, and when the third party “had no knowledge of that failure,” the contract “is not invalid

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<sup>42</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter III, Management of the Common Interest Community, Section 308.](#)

<sup>43</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter III, Management of the Common Interest Community, Section 308a.](#)

<sup>44</sup> [Delaware Code, Title 29, State Government, Chapter 25, State Department of Justice, Subchapter IV, Common Interest Community Ombudsperson, Section 2544.](#)

<sup>45</sup> [Delaware Department of Justice Common Interest Community Ombudsperson, 2023 Annual Report](#), p. 11.

<sup>46</sup> [Delaware Department of Justice Common Interest Community Ombudsperson, 2023 Annual Report](#), p. 12.

<sup>47</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter IV, Protection of Purchasers, Section 417.](#)

solely because of the board’s failure to give notice.”<sup>48</sup> The UPA states that noncompliance with condominium association governing documents and other rules “shall be grounds for an action for the recovery of damages or for injunctive relief or both maintainable by any member of the council on behalf of the council or the unit owners or in a proper case by an aggrieved unit owner or by any person who holds a mortgage lien upon a unit and is aggrieved by any such noncompliance.”<sup>49</sup>

### *Financial Oversight*

Under DUCIOA, association executive boards must prepare and adopt a budget annually.<sup>50</sup> In addition, condominium associations with more than 50 unit owners must conduct independent audits at least every three years and have reviews in intervening years.<sup>51</sup> Under the UPA, the association treasurer is required to “keep detailed records of all receipts and expenditures, including expenditures affecting the common elements specifying and itemizing the maintenance, repair and replacement expenses of the common elements and any other expenses incurred.”<sup>52</sup> Records must also include “an accurate record of such assessments and of the payment thereof by each unit owner.”<sup>53</sup> However, neither DUCIOA nor the UPA designate any state agency to receive, review, or oversee condominium financial reports.

### *Funding for Regulatory Structure*

As described in Chapter 4, the Delaware Office of the Ombudsperson is funded through the Delaware state appropriations process.<sup>54</sup> The office’s budget is part of the general operating budget of the Attorney General.<sup>55</sup> As of this writing, the Office of the Ombudsperson consists of the ombudsperson and half a paralegal.<sup>56</sup>

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<sup>48</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter III, Management of the Common Interest Community, Section 308\(g\).](#)

<sup>49</sup> [Delaware Code, Title 25, Property, Chapter 22, Unit Properties, Subchapter III, Administrative Provisions, Section 2210.](#)

<sup>50</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter III, Management of the Common Interest Community, Section 324.](#)

<sup>51</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter III, Management of the Common Interest Community, Section 306\(6\).](#)

<sup>52</sup> [Delaware Code, Title 25, Property, Chapter 22, Unit Properties, Subchapter III, Administrative Provisions, Section 2218.](#)

<sup>53</sup> [Delaware Code, Title 25, Property, Chapter 22, Unit Properties, Subchapter III, Administrative Provisions, Section 2218.](#)

<sup>54</sup> [Community Associations Institute, Report on Offices of Community Association Ombudsman, July 2025, p. 11.](#)

<sup>55</sup> Delaware Interview, September 10, 2025.

<sup>56</sup> Delaware Interview, August 28, 2025.

## *Strengths and Weaknesses of Delaware's Approach*

Most interviewees said that the Office of the Ombudsperson needed additional resources to more effectively process complaints, although one interviewee thought that existing levels of oversight were sufficient. One interviewee was in favor of the ombudsperson's oversight of complaints but expressed that filtering out frivolous complaints was essential for a well-functioning system. One interviewee thought that the distinction between DUCIOA and the UPA creates unnecessary confusion and that all condominium associations should be regulated under DUCIOA.

## Florida

Florida regulates condominiums primarily through the Condominium Act, codified in Chapter 718 of Florida law. Florida law often distinguishes requirements for condominiums with timeshares from those that do not contain timeshares; in this report, we do not cover requirements for condominium timeshares that differ from non-timeshare condominiums.<sup>57</sup> The regulatory structure of Florida condominium law establishes requirements for the creation of condominiums, the structure and operation of condominium associations, and association governing documents, which detail the general administration of condominiums, including elections, meeting requirements, and financial matters.<sup>58</sup> Regulation is enforced by the Division of Florida Condominiums, Timeshares, and Mobile Homes, which sits within the Department of Business and Professional Regulation.<sup>59</sup> The department oversees professional licensing and the regulation of businesses in Florida, and various divisions operate within the department, working on specific regulatory areas.<sup>60</sup>

The division is authorized to “enforce and ensure compliance” with condominium law and regulation related “to the development, construction, sale, lease, ownership, operation, and management of residential condominium units and complaints.” The division has two levels of jurisdiction. For condominium associations still under developer control, the division has

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<sup>57</sup> For example, as discussed in Chapter 6, rules requiring condominium association official records to be made available to unit owners within 45 miles of the condominium or within the same county do not apply to timeshare condominium associations. [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.111\(12\)\(b\)](#). Different requirements for timeshares will usually be within or near the statutory section describing the requirements for condominiums generally.

<sup>58</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums](#).

<sup>59</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.501](#), [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 103\(18\)](#)

<sup>60</sup> [Florida Statutes, Title IV, Executive Branch, Chapter 20, Organizational Structure, Section 20.165](#), [Florida Statutes, Title XXXII, Regulation of Professions and Occupations, Chapter 455, Business and Professional Regulation: General Provisions](#). See also, [Florida Department of Business & Professional Regulation, DBPR Organizational Chart, June 2, 2023, https://www2.myfloridalicense.com/os/documents/DBPROrgChart\\_000.pdf](#) Although there are multiple divisions within the department, when discussing Florida law, references to “the division” will exclusively refer to the Division of Florida Condominiums, Timeshares, and Mobile Homes.

“complete jurisdiction to investigate complaints and enforce compliance.” Once turnover has occurred and the association is under unit owner control, the division has jurisdiction to review records and investigate complaints related only to:<sup>61</sup>

1. “procedural aspects and records relating to financial issues” (e.g., annual financial reporting, annual operating budget, allocation of reserve funds, financial records)
2. elections, board member recalls, and electronic voting
3. association record maintenance and related unit owner access
4. “the procedural aspects of meetings, including unit owner meetings, quorums, voting requirements, proxies, board of administration meetings, and budget meetings”
5. disclosures of conflicts of interest
6. board of director or officer removal
7. “the procedural completion of structural integrity reserve studies” and “milestone inspections”
8. “completion of repairs required by a milestone inspection”
9. “any written inquiries by unit owners to the association relating to such matters”
10. “the requirement for associations to maintain an insurance policy or fidelity bonding for all persons who control or disperse funds of the association”
11. board member education requirements
12. “reporting requirements for structural integrity reserve studies”<sup>62</sup>

For unit owner-controlled condominium associations, the division does not have jurisdiction over complaints related to issues other than those that have been listed, such as violation of association documents, contract disputes, criminal behavior,<sup>63</sup> discrimination, or internal disputes (e.g., related to pets, parking).<sup>64</sup>

### *Two Pathways to Pursue Complaints*

In addition to civil lawsuits, individuals may seek to resolve complaints through ADR or by filing a complaint with the division.

#### **First Pathway: ADR (Covered Disputes)**

As described in Chapter 5, both unit owners and associations may file a petition with the division for nonbinding arbitration<sup>65</sup> or by directly serving a written demand to the responding

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<sup>61</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.501\(1\)\(a\)](#)

<sup>62</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.501\(1\)\(a\)](#).

<sup>63</sup> While the division will not investigate complaints of criminal behavior, if during an investigation over which the division has jurisdiction it discovers that criminal activity has occurred, it will refer such activity to local law enforcement. [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.501\(1\)\(o\)](#).

<sup>64</sup> Florida Division of Condominiums, Timeshares, and Mobile Homes, *Instructions for Filing a Condominium / Cooperative Complaint*, <https://www2.myfloridalicense.com/lsc/documents/cccomplaint.pdf>, accessed November 2025. See also Peter M. Dunbar, *The Condominium Concept, A Practical Guide for Officers, Owners, Realtors, Attorneys, and Directors of Florida Condominiums*, 17<sup>th</sup> ed., 2024, p. 245.

<sup>65</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.1255](#).

party for presuit mediation.<sup>66</sup> With the exception of election-related disputes, which may be filed directly in district court, covered disputes must be brought through ADR before filing a civil lawsuit.<sup>67</sup>

## Second Pathway: Complaints Filed with Division

Complaints may be filed on the department's website or mailed to the division.<sup>68</sup> Within 30 days of receiving a complaint, the division must provide written acknowledgement that it has received the complaint and notify the complainant whether the subject of the complaint is within the division's jurisdiction and must notify the complainant if any additional information is needed from the complainant. When conducting an investigation, the division must show "due regard for the interests of the affected parties." The division is required to "take action upon the complaint" within 90 days after receiving the original complaint or receiving "timely requested additional information." The division may continue its investigation or take administrative action after this 90-day window "if reasonable cause exists to believe that a violation of this chapter or a rule has occurred." If the investigation is not completed within 90 days, the division will, "on a monthly basis, notify the complainant in writing of the status of the investigation." When the division describes any action it took to the complainant, the division will notify the complainant of an applicable right to a hearing under the Florida Administrative Procedure Act.<sup>69</sup>

The division has the authority to engage in "public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms." The division director or designated officer or employee

may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence.

If a person fails "to obey a subpoena or to answer questions propounded by the investigating officer," after giving "reasonable notice to all affected persons, the division may apply to the circuit court for an order compelling compliance."<sup>70</sup>

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<sup>66</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Homeowners' Associations, Section 720.311.](#)

<sup>67</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.1255\(4\)\(a\).](#)

<sup>68</sup> The division maintains a [webpage](#) with information on complaints, a link to the department website where complaints can be filed online, and a [document with instructions and a complaint template](#).

<sup>69</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.501\(n\).](#)

<sup>70</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.501\(1\)\(b\)-\(d\).](#)



The division has the authority to institute enforcement proceedings “against any developer, bulk assignee, bulk buyer, association, officer, or member of the board of administration, or its assignees or agents” if it has “reasonable cause to believe that a violation of any provision of this chapter or related rule has occurred.” The division may pursue the following enforcement mechanisms<sup>71</sup>:

1. consent proceedings
2. cease-and-desist orders
3. court action to ensure restitution from the developer (the division may also opt to revoke developer filing until restitution is paid)
4. court-appointed receivership or conservatorship to ensure developer restitution
5. application for a circuit court order for restitution
6. civil penalties for willful and knowing violations of the Condominium Act; removal of officers or board members (and prohibition “from serving in that capacity for a period of time”)
7. subpoenas for the “production of requested official records where a unit owner has been denied such access.”<sup>72,73</sup>

The division may seek to impose a civil penalty of \$500 to \$5,000 “through the circuit court for any violation for which the division may issue a notice to show cause” under the Florida Administrative Procedures Act. The court may “award to the prevailing party court costs and reasonable attorney fees and, if the division prevails, may also award reasonable costs of investigation.”<sup>74</sup>

If the division believes a person “has altered, destroyed, concealed, or removed any record, document, or thing required to be kept or maintained by this chapter with the purpose to impair its verity or availability in the department’s investigation” it will refer the matter to local law enforcement. The division will also refer to local law enforcement “any person whom the division believes has engaged in fraud, theft, embezzlement, or other criminal activity or when the division has cause to believe that fraud, theft, embezzlement, or other criminal activity has occurred.”<sup>75</sup>

Since 2022, Florida has enacted four key laws that have made major changes to the regulatory landscape for condominiums.<sup>76</sup> Corresponding with new requirements in Florida’s

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<sup>71</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.501\(1\)\(e\).](#)

<sup>72</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.501\(1\)\(e\).](#)

<sup>73</sup> The unit owner must provide proof that he or she requested access in writing by certified mail twice, the second time after 10 days elapsed, and that 10 additional days have elapsed since the second request and the association failed or refused to provide the access required by the Condominium Act.

<sup>74</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.501\(1\)\(e\).](#)

<sup>75</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.501\(1\)\(o\).](#)

<sup>76</sup> Largely a response to the Champlain Towers collapse and high-profile criminal cases involving community associations, these laws include provisions such as requirements to complete Structural Integrity Reserve Studies and Milestone Inspections (discussed in greater detail in Appendix E), stricter rules related to access to association records, and rules related to reserve funding. Jim Ash, *Bill to Enhance Safety Measures Becomes Law*, The Florida



condominium laws, the division has seen a marked increase in the number of complaints to the division. The division tracks how many complaints are made each year, how many allegations are made by type, and the division's response to those complaints. Information from complaints received between fiscal year (FY) 2020–2021 to FY 2023–2024 can be found in Tables 3.2 and 3.3; information on allegation types can be found in Table 3.4 (because some complaints contain multiple allegations, there are more allegations than complaints).

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Bar News, June 18, 2024. <https://www.floridabar.org/the-florida-bar-news/bill-to-enhance-condo-safety-measures-becomes-law/>; Michael L. Hyman, *Legislature Adds Teeth to Florida's Community Association Fraud Laws*, Miami Herald, April 8, 2024. <https://www.miamiherald.com/news/business/real-estate-news/article287117315.html>. The division created an educational website with information on SB 4D (2022), SB 154 (2023), HB 1021, and HB 913 (2025) to help affected parties understand and comply with these legislative changes. Florida Department of Business and Professional Regulation, homepage, undated. Accessed November 2025, <https://condos.myfloridalicense.com>.

**Table 3.2. Complaint Processing Timeliness for the Florida Division of Condominiums, Timeshares, and Mobile Homes, FY 2020–2021 to 2023–2024**

Fiscal Year	Total Complaints	Complaints Acknowledged within 30 Days	Complaints Acted on Within 90 Days	Investigations Resolved Within 90 Days
2023–2024	2,678	2,512 (93.8%)	2,678 (100%)	2,300 (85.9%)
2022–2023	2,382	2,366 (99.3%)	2,382 (100%)	2,307 (96.8%)
2021–2022	1,598	1,596 (99.8%)	1,598 (100%)	1,472 (92.1%)
2020–2021	1,464	1,453 (99.2%)	1,464 (100%)	1,317 (90.0%)

SOURCE: Florida Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares and Mobile Homes, [2020-21 Annual Report](#); [2021-22 Annual Report](#); [2022-23 Annual Report](#); [2023-24 Annual Report](#).

**Table 3.3. Complaint Allegation Categories, Florida Division of Condominiums, Timeshares, and Mobile Homes, FY 2020–2021 to 2023–2024**

Fiscal Year	Total Allegations	Records Allegations	Non-Jurisdictional Allegations	Financial Management Allegations	Election / Recall Allegations
2023–2024	4,317	1,248	1,168	1,090	504
2022–2023	3,204	962	1,008	631	400
2021–2022	2,263	561	486	480	321
2020–2021	2,013	550	400	486	261

SOURCE: Florida Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares and Mobile Homes, [2020-21 Annual Report](#); [2021-22 Annual Report](#); [2022-23 Annual Report](#); [2023-24 Annual Report](#).

NOTE: This table shows the four complaint categories with the highest numbers of complaints; additional categories can be found in the Annual Reports.

## Civil Lawsuits

As discussed in Chapter 5, for disputes covered by ADR requirements (except election disputes, which may be filed directly in district court), parties must go through the ADR process before filing in court. However, once parties have satisfied the ADR requirements, they may file a case in court. Disputes not covered by ADR requirements may be filed directly in a civil lawsuit.<sup>77</sup>

<sup>77</sup> In addition to defining the disputes that are covered by ADR requirements, Florida statute specifically calls out several areas of disagreement that are not covered by ADR requirements as those primarily related to:

title to any unit or common element; the interpretation or enforcement of any warranty; the levy of a fee or assessment, or the collection of an assessment levied against a party; the eviction or other removal of a tenant from a unit; alleged breaches of fiduciary duty by one or more directors; or claims for damages to a unit based upon the alleged failure of the association to maintain the

## *Financial and Other Oversight*

All condominium associations are required to create and maintain an online account with the division.<sup>78</sup> Associations required by law to conduct structural integrity reserve studies (SIRS)<sup>79</sup> are required to submit a SIRS reporting form to the department within 45 days of the study's completion.<sup>80</sup>

Associations must annually prepare a financial report, which must be delivered to each unit owner. The criteria for financial reports are based on the association's total revenues. The lowest level of detail is for associations with total annual revenues of less than \$150,000, which must prepare a report detailing cash receipts and expenditures. The highest level of detail is for associations with annual revenue of \$500,000 or more, which must prepare audited financial statements.<sup>81</sup>

Association boards must prepare annual budgets with detailed estimated revenues and expenses and the "amounts budgeted by accounts and expense classifications." The board is required to "adopt the annual budget at least 14 days before the start of the association's fiscal year." The budget must also "include reserve accounts for capital expenditures and deferred maintenance." These accounts must include any deferred maintenance costs exceeding \$25,000 and expenses related to "roof replacement, building painting, and pavement resurfacing," regardless of cost. For associations that are required to obtain SIRS, described in the following section, the budget must also include the reserves necessary to maintain items listed in the study if the association is responsible for those items in the condominium declaration. The reserve amounts "must be based on the findings and recommendations of the association's most recent structural integrity reserve study."<sup>82</sup>

As discussed in Chapter 5, beginning July 1, 2027, disputes related to milestone inspections and SIRS will be covered by ADR requirements and must go through presuit mediation before complainants may file a civil lawsuit. Individuals may file a complaint related to financial issues

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common elements or condominium property. ([Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.1255.](#))

<sup>78</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.501\(3\).](#)

Condominium associations were required to create this account by October 1, 2025. The division is authorized to request information pertaining to contact information, association buildings, assessments, and structural integrity reserve studies (the statute lists exact information that the division may request).

<sup>79</sup> SIRS assesses the structurally important components of condominium properties, including how long components are expected to last, how much it will cost to replace them, and a reserve funding plan for replacement. Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.112(2)(g). Additional information on SIRS requirements can be found in Appendix E.

<sup>80</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.112\(2\)\(g\)12.](#) The [reporting form](#) includes a "statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section."

<sup>81</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.111\(13\).](#)

<sup>82</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.112\(2\)\(f\).](#)

with the division, including financial reporting and the annual budget, as well as “[r]eporting requirements for structural integrity reserve studies.”<sup>83</sup>

### *Funding for Regulatory Structure*

The division is funded by a combination of state appropriations and the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund, which is funded by “fees, fines, or penalties or from costs awarded to the division by a court or administrative final order.”<sup>84</sup> Condominium associations with three or more units pay fees of \$4 per residential unit.<sup>85</sup> In the past five years, the state has increased the number of staffed positions and overall funding for the division, as shown in Table 3.4.

**Table 3.4. Florida Division of Condominiums, Timeshares, and Mobile Homes Funding and Staffing, FY 2021–2022 to FY 2025–2026**

Fiscal Year	Salary Rate	Positions	General Revenue	Trust Funds
2025–2026	\$9,206,267	181	\$5,719,192	\$12,497,870
2024–2025	\$8,468,413	171	\$1,473,560	\$9,467,557
2023–2024	\$5,760,709	118	\$0	\$7,644,747
2022–2023	\$4,595,086	102	\$0	\$6,134,639
2021–2022	\$4,331,735	102	\$0	\$5,934,602

SOURCE: State of Florida Executive Office of the Governor, Florida Condominiums, Timeshares, and Mobile Homes Operating Budget, FY: [2025-26](#), [2024-25](#), [2023-24](#), [2022-23](#), [2021-22](#).

NOTE: This table represents funding for the division as a whole, which includes noncondominium activity.

### *Strengths and Weaknesses of Florida’s Approach*

Interviewees familiar with division investigations and enforcement generally agreed that division investigations of complaints were effective and well run. Many interviewees noted that in previous years, the division did not have the resources or staffing to appropriately investigate all complaints.<sup>86</sup> However, with recent changes to condominium law, the governor and legislature have pushed for additional division staffing and appropriated the necessary resources for the division to meet its investigation responsibilities. There was some disagreement about whether the division has the necessary staffing to effectively review and investigate all complaints, but even interviewees who thought the division still needed additional staff members

<sup>83</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.501\(1\).](#)

<sup>84</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.509.](#)

<sup>85</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.501\(2\)\(a\)](#)

<sup>86</sup> Referring to the system in place in the 1980’s, farther back than referenced by others, one interviewee mentioned that the more limited jurisdiction of the division for unit owner-controlled condominiums was the result of an overwhelming number of complaints by a small group of individuals filing repeated claims, overwhelming the investigative system.

thought that the division was very close to necessary staffing numbers. Two interviewees pointed out that one of the reasons that division staffing is so important is because if the division does not respond to all complaints, including clearly communicating the reasons the division chooses not to pursue an investigation, it can damage faith in the system and lead to individuals who might have a complaint worthy of investigation from refraining from filing a complaint.

Several interviewees noted that enforcement can vary significantly based on the priorities of the individual leading the department. At times the division and department may focus on education, such as communicating legal obligations to those violating legal requirements and usually only fining repeat offenders. At other times, the division and department may focus on strict enforcement, issuing fines for first-time violations. One interviewee stressed that most association board members were volunteers, so it was important to provide them with education and distinguish between bad actors and those violating the law with minor infractions or through lack of knowledge. Another interviewee stated that while the division investigation process works very well, enforcement operates through the department. Division staff members are more specialized, where department staff work on a much wider variety of issues, so this lack of specialization means that enforcement can take a long time. The interviewee thought that the previous system, where the division handled both investigation and enforcement, was more effective and should be returned to. Despite disagreements on the ideal model for enforcement, interviewees generally expressed satisfaction with complaint investigation and enforcement.

## Massachusetts

### *No Condominium-Specific Pathways to Pursue Complaints*

Massachusetts does not have an external governance or oversight structure or any condominium-specific regulatory or enforcement body. Interviewees described the state's 1960s-era condominium law as an enabling statute and little more, designed to give condominium boards significant flexibility. As noted in Chapter 4, Massachusetts does not have an ombudsperson position, despite repeated legislative attempts. The state also does not provide a specific ADR mechanism or forum for condominium unit owners and associations. As discussed in Chapter 5, Section 12 of Chapter 183A of the General Laws of Massachusetts provides that condominium bylaws *may* but are not required to include "a procedure for submitting the disputes arising from the administration of the condominium to arbitration."<sup>87</sup> If arbitration is provided for in the condominium bylaws, then Chapter 251 of the Massachusetts General Laws, the Uniform Arbitration Act for Commercial Disputes, applies.<sup>88</sup>

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<sup>87</sup> [Massachusetts General Laws, Part II, Real and Personal Property and Domestic Relations, Title 1, Title to Real Property, Chapter 183A, Condominiums, Section 12](#)

<sup>88</sup> [Massachusetts General Laws, Part II, Remedies Relating to Real Property, Title IV, Certain Writs and Proceedings in Special Cases, Chapter 251, Uniform Arbitration Act for Commercial Disputes.](#)

Interviewees noted that one reason that legislative action has been limited may be the passage of Massachusetts's strong super-lien law in the 1990s,<sup>89</sup> which gives condominium associations the position of first lien-holder after taxes on properties that are about to default. The model code does not provide this level of protection, so it would have to be renegotiated, which many condominium boards fear.<sup>90</sup>

### *Civil Lawsuits*

In the absence of any condominium-specific mechanism for filing complaints or resolving disputes, condominium owners and associations in Massachusetts must rely on civil litigation or voluntary arbitration procedures that may be included in their condominium bylaws.

### *Financial Oversight*

Massachusetts law requires periodic financial reviews by an independent certified public accountant for condominiums with 50 or more units.<sup>91</sup> However, the law does not designate any state agency to receive, review, or oversee condominium financial reports.

### *Funding for Regulatory Structure*

Because Massachusetts does not have a condominium-specific regulatory or enforcement entity, no funding mechanism exists to support such a structure.

### *Strengths and Weaknesses of Massachusetts's Approach*

Interviewees described Massachusetts's condominium law as an enabling statute that gives condominium boards significant flexibility, which most viewed positively. As noted previously, they observed that limited legislative action may stem from the state's strong super-lien provision. Interviewees did not discuss additional strengths or weaknesses beyond these points because the existing structure provides boards with considerable autonomy and strong lien protections but results in little direct state involvement.

## **Nevada**

General governance and operational oversight of condominiums in Nevada is primarily regulated through the Nevada Revised Statutes (NRS) and the Nevada Administrative Code (NAC). The NRS and NAC establish a structured framework for the Nevada Real Estate

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<sup>89</sup> [Massachusetts General Laws, Part II, Real and Personal Property and Domestic Relations, Title 1, Title to Real Property, Chapter 183A, Condominiums, Section 6\(c\).](#)

<sup>90</sup> See Massachusetts Interview September 3, 2025.

<sup>91</sup> [Massachusetts General Laws, Part II, Real and Personal Property and Domestic Relations, Title 1, Title to Real Property, Chapter 183A, Condominiums, Section 10\(d\).](#)

Division (“division”)<sup>92</sup> and the Commission for Common-Interest Communities and Condominium Hotels (“commission”), which acts in an advisory capacity to the division.<sup>93</sup> NRS § 116.750 grants the Real Estate Division, ombudsman, commission, and hearing panels jurisdiction over associations, executive board members, community managers, reserve study specialists, declarants, unit owners, and tenants.<sup>94</sup>

The commission serves as the primary regulatory authority, composed of seven members appointed by the Governor: one Nevada unit owner with executive board experience, two Nevada unit owners without such experience, one developer of common-interest communities, one certified community manager, one certified public accountant, and one attorney.<sup>95</sup> This commission is endowed with broad powers to adopt regulations, conduct hearings, and enforce compliance with statutory provisions.<sup>96</sup> Among its responsibilities, the commission is tasked with developing educational programs for unit owners and board members, creating enforcement guidelines for governing documents, and overseeing mediation and arbitration processes to resolve disputes.<sup>97</sup> Furthermore, the commission can delegate its enforcement powers to independent hearing panels.<sup>98</sup>

The Nevada Real Estate Division administers the provisions of Nevada Revised Statutes Chapter 116, known as the Uniform Common-Interest Ownership Act, under the supervision of the Department of Business and Industry.<sup>99</sup> The division employs specialized personnel, including certified public accountants and attorneys to ensure compliance with the statutes and regulations governing condominium operations, although the statute does not specify the actual number of employees. Additionally, the statute requires the attorney general to designate a deputy attorney general to act as the division’s attorney, and this deputy must have “legal experience and expertise in cases involving fraud or fiscal malfeasance.”<sup>100</sup>

Importantly, the division also houses the Office of the Ombudsman for Owners in Common-Interest Communities (“office of the ombudsman”), which facilitates initial dispute resolutions before formal enforcement actions are taken.<sup>101</sup> While the ombudsman plays a crucial role in

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<sup>92</sup> The Nevada Real Estate Division is a division under the Nevada Department of Business and Industry. Nevada Department of Business and Industry, “Nevada Real Estate Division,” undated. Retrieved from <https://www.business.nv.gov/about/business-and-industry-divisions/>.

<sup>93</sup> Nevada Real Estate Division. “CICCH/HOA COMMISSION INFO,” undated. Accessed August 10, 2025: <https://red.nv.gov/content/cic/commission/>

<sup>94</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.750.](#)

<sup>95</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.600.](#)

<sup>96</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.615,](#) [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.665.](#)

<sup>97</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.670.](#)

<sup>98</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.675.](#)

<sup>99</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.615.](#)

<sup>100</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.620.](#)

<sup>101</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.625.](#)



mediation and resolving alleged violations generally, it is the division that conducts investigations into alleged violations and files formal complaints with the commission when necessary.<sup>102</sup> This creates a delineation between the investigative function of the division and the adjudicative role of the commission.

### *Three Pathways to Pursue Complaints*

Apart from filing a civil lawsuit, there are three pathways for individuals to pursue complaints related to common-interest communities in Nevada. Each of these pathways covers specific subject matter.

#### **First Pathway: ADR (Governing Documents or Assessment Procedures)**

As detailed more fully in Chapter 5, Nevada has implemented specialized ADR systems for condominium and common-interest community disputes, which are separate from general dispute resolution programs. Civil actions regarding governing documents or assessment procedures must undergo mediation or a specialized program before court action, and noncompliant cases are dismissed by the courts.<sup>103</sup> The Real Estate Division manages these programs with specialized personnel,<sup>104</sup> while the ombudsman assists in processing claims.<sup>105</sup>

#### **Second Pathway: Intervention Affidavit (Violations of Law)**

For complaints involving alleged violations of NRS Chapter 116 or any division order—including such issues as election procedures, access to records, meeting notices, financial practices, or the imposition of fines—complainants may submit a notarized Intervention Affidavit to the office of the ombudsman. Affidavits may be filed against association officers, employees, agents, board members, or unit owners.<sup>106</sup> Under NRS § 116.760, an aggrieved person has one year to file an affidavit after discovering an alleged violation.<sup>107</sup>

After a complainant submits an intervention affidavit to the division, office of the ombudsman staff members examine the submission to verify compliance with statutory requirements under NRS § 116.760 or NRS § 116B.885.<sup>108</sup> A fundamental requirement mandates that complainants provide certified mail notification regarding allegations to

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<sup>102</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section §116.765.](#)

<sup>103</sup> [Nevada Revised Statutes, Chapter 38, Mediation and Arbitration, Section 38.310.](#)

<sup>104</sup> [Nevada Revised Statutes, Chapter 38, Mediation and Arbitration, Section 38.300](#), [Nevada Revised Statutes, Chapter 38, Mediation and Arbitration, Section 38.325.](#)

<sup>105</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.625.](#)

<sup>106</sup> Nevada Real Estate Division, *Pathway of Complaints*, undated. Retrieved from [https://red.nv.gov/uploadedFiles/rednv.gov/Content/CIC/Program\\_Training/Presentations/Pathway-of-Complaints.pdf](https://red.nv.gov/uploadedFiles/rednv.gov/Content/CIC/Program_Training/Presentations/Pathway-of-Complaints.pdf), slide 13.

<sup>107</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.760.](#)

<sup>108</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.760](#); [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116B.885.](#)



respondents. This notification mechanism facilitates dialogue between involved parties, often producing resolutions.

When respondents fail to engage or disputes remain unresolved, complainants may advance through the division's formal process. (If a matter involves assessments or alleged violations of governing documents, the office of the ombudsman redirects the complainant to ADR.)

Complainants must submit certified notification proof plus supporting evidence and office of the ombudsman program officers conduct investigative review if the complaint alleges violations of law. These examinations may produce party conferences, formal findings letters, or referral to the Ombudsman Compliance section for further review. Severe allegations receive immediate compliance referral without program officer involvement. Depending on the outcome of their investigation, the disposition may involve issuing a Letter of Instruction, a Compliance Demand Letter, closing the case, or presenting the case to the commission and scheduling a hearing before the commission.<sup>109</sup>

The commission has the authority to issue subpoenas for witness attendance and document production.<sup>110</sup> The commission is required to conduct hearings within 90 days of filing a complaint, providing due process to all parties involved.<sup>111</sup> After determining violations, the commission has extensive remedial authority, including the ability to impose administrative fines, issue cease-and-desist orders, and mandate corrective actions.<sup>112</sup> The Nevada Real Estate Division created the flowchart in Figure 3.1, which summarizes steps in the three processes described previously.

Pursuant to NRS § 116.760, filing a knowingly false or fraudulent affidavit can lead to fines up to \$10,000 and/or a ban from serving on an association executive board for up to 10 years. Repeated false filings can result in being labeled a “vexatious affiant,” after which the person’s future affidavits will only be accepted if reviewed and approved by the ombudsman.<sup>113</sup> On the Intervention Affidavit form (Form 530), in bold red text, it states: “Pursuant to Nevada Revised Statutes 116.760(4), the commission or a hearing panel may impose an administrative fine of not more than \$10,000 against any person who knowingly files a false or fraudulent affidavit with the division.”<sup>114</sup>

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<sup>109</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.765](#); Sonya Meriweather, “Inside the Office of the Nevada CIC Ombudsman: An Overview of Its Services and Resources.” Nevada Lawyer, vol. 33, August, 2025.

<sup>110</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.660](#).

<sup>111</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.770](#).

<sup>112</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.785](#).

<sup>113</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.760](#).

<sup>114</sup> State of Nevada, Department of Business and Industry, Real Estate Division. *Intervention Affidavit (Form 530)*, revised April 25, 2025. Accessed October 7, 2025. <https://red.nv.gov/uploadedFiles/rednvgov/Content/Forms/530.pdf?undefined=undefined>.

In its April 2025 report, the office of the ombudsman reported that the following were the most frequent issues alleged in Intervention Affidavits during the period from July 1, 2024, to April 30, 2025:

1. executive board elections and eligibility (NRS § 116.31034): 61 alleged
2. power of board/fiduciary duties (NRS § 116.3103): 42 alleged
3. executive board prohibited actions (NAC § 116.405): 21 alleged
4. study of reserves (NRS § 116.31152): 20 alleged
5. association books and records maintenance (NRS § 116.31175): 17 alleged

**Third Pathway: Statement of Facts (Complaints against Community Managers, Reserve Study Specialists, and Other Licensees or Permit Holders)**

The Statement of Facts process is used to file complaints with the Compliance Section of the Nevada Real Estate Division against community managers, reserve study specialists, and other licensees or permit holders—including inspectors, energy auditors, and asset managers. This process is the appropriate pathway when these professionals are alleged to have violated their standards of practice, such as those specified in NRS § 116A.630 for community managers or NAC § 116A.425 for reserve study specialists. No statute of limitations applies to these complaints.<sup>115</sup>

In its April 2025 report, the office of the ombudsman reported that the following were the most frequent issues alleged in Statements of Fact during the period from July 1, 2024, to April 30, 2025:

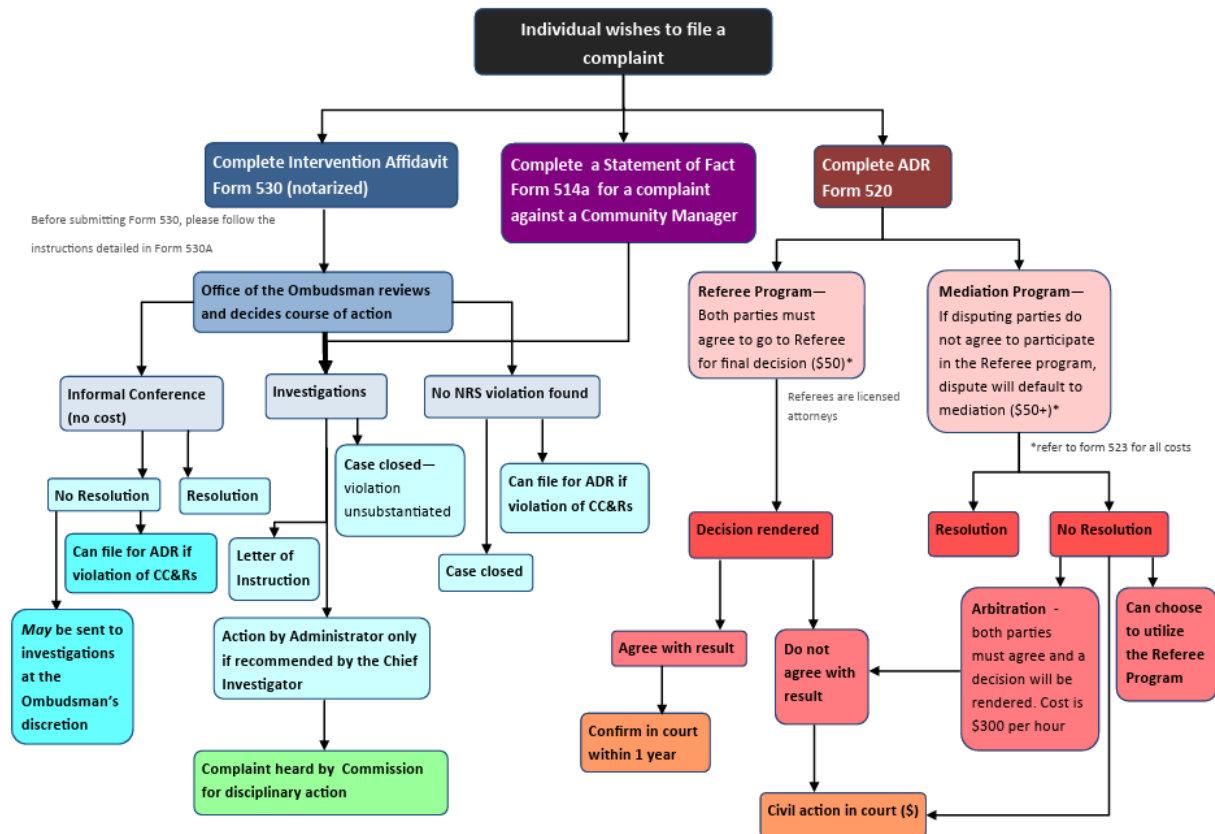
1. community manager standards violations (NAC § 116A.630): 22 cases
2. threats and harassment (NRS § 116.31184): 10 cases
3. common-interest community upkeep issues (NRS § 116.3107): 14 cases.<sup>116</sup>

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<sup>115</sup> Nevada Real Estate Division, *Pathway of Complaints*, [https://red.nv.gov/uploadedFiles/rednv.gov/Content/CIC/Program\\_Training/Presentations/Pathway-of-Complaints.pdf](https://red.nv.gov/uploadedFiles/rednv.gov/Content/CIC/Program_Training/Presentations/Pathway-of-Complaints.pdf), slide 11; Nevada Real Estate Division, “File a Complaint,” undated. Retrieved from [https://red.nv.gov/Content/Compliance/File\\_a\\_Complaint/](https://red.nv.gov/Content/Compliance/File_a_Complaint/) (describing how Intervention Affidavits and Statements of Fact should be submitted).

<sup>116</sup> Nevada Real Estate Division, *Common Interest Communities and Condominium Hotels Ombudsman’s Office: Reporting Period July 1, 2024–April 30, 2025, Fiscal Year 25, 2025*. [https://red.nv.gov/uploadedFiles/rednv.gov/Content/Meetings/CIC/2025/Supporting\\_Materials/June/Ombudsman-Report\\_April-2025.pdf](https://red.nv.gov/uploadedFiles/rednv.gov/Content/Meetings/CIC/2025/Supporting_Materials/June/Ombudsman-Report_April-2025.pdf).

**Figure 3.1. Filing a Complaint in Nevada**



SOURCE: Nevada Real Estate Division. (n.d.). *Filing a Complaint*. Retrieved from [https://red.nv.gov/uploadedFiles/rednv.gov/Content/CIC/Program\\_Training/Flowcharts/Filingacomplaint.pdf](https://red.nv.gov/uploadedFiles/rednv.gov/Content/CIC/Program_Training/Flowcharts/Filingacomplaint.pdf).

### Civil Lawsuits

Individuals may also pursue lawsuits for certain matters (subject to the ADR requirements described in Chapter 5). NRS § 116.4117 states that individuals or classes of persons suffering actual damages because of violations of the provisions of NRS Chapter 116 or governing documents of a community association may file civil actions for damages. Actions can be initiated by the association against declarants, community managers, or unit owners, and by unit owners against the association, declarants, or other unit owners. Members of the executive board are not personally liable for crimes on the property. Punitive damages may be awarded for willful violations but not against the association or board members for actions in their official capacities. Courts can award attorney's fees to the prevailing party, and these civil remedies are in addition to other penalties. The commission retains the authority to discipline executive board members as needed.<sup>117</sup>

<sup>117</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.4117.](#)

## *Financial Oversight*

In addition to these enforcement mechanisms, the Nevada regulatory framework mandates rigorous financial oversight for condominium associations. Associations are required to prepare audited financial statements that include balance sheets, income statements, cash flow statements, and fund balance changes for both operating and reserve funds. The statements must follow accounting standards, be completed within 210 days of the fiscal year's end, and be made available to the division no later than 30 days after requested by the division. In addition, associations must include budgeted revenues and details about their financial statement audits or reviews on annual registration forms submitted to the division.<sup>118</sup> Under Nevada law, a *reserve study* is defined as a comprehensive analysis that identifies the major components of a common-interest community which the association must maintain, repair, replace, or restore; estimates their remaining useful life and replacement costs; and determines the funding necessary for future repairs and replacements.<sup>119</sup> Reserve study summaries must be submitted to the division within 210 days of the executive board receiving a draft of the reserve study.<sup>120</sup>

## *Funding for Regulatory Structure*

Costs associated with governmental regulation and enforcement mechanisms are primarily funded through fees imposed on associations and master associations, not to exceed \$5 per unit, which are deposited into the Account for Common-Interest Communities and Condominium Hotels to defray costs of the commission and office of the ombudsman.<sup>121</sup> Commission members receive compensation of not more than \$80 per day plus per diem and travel expenses while engaged in commission business.<sup>122</sup> During enforcement proceedings, witness fees and mileage costs are paid by the requesting party or the division if subpoenaed by the commission,<sup>123</sup> and the commission may order respondents to pay investigation costs and reasonable attorney's fees when disciplinary action is imposed.<sup>124</sup>

According to the Nevada Legislature's budget database, the Department of Business and Industry, Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels operates within the Department of Business and Industry's Real Estate Division with 22 positions and approximately \$8.1–8.8 million annually in resources for FYs 2025–2027, funded primarily through association unit fees and other industry fees rather than

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<sup>118</sup> [Nevada Administrative Code, Chapter 116, Common-Interest Ownership, Section 116.457.](#)

<sup>119</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.31152.](#)

<sup>120</sup> [Nevada Administrative Code, Chapter 116, Common-Interest Ownership, Section 116.435.](#)

<sup>121</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.31155\(3\), Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.630\(5\).](#)

<sup>122</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.600\(6\).](#)

<sup>123</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.662.](#)

<sup>124</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.785\(4\).](#)

general state funds. This budget also covers the seven-member Commission for Common-Interest Communities and Condominium Hotels, which was created in 2003 to conduct disciplinary hearings, adopt regulations, and provide advisory oversight for the program.<sup>125</sup>

The Nevada Real Estate Division, Real Estate Administration regulates and oversees community managers for homeowner associations, reserve study specialists, and common-interest communities and condominium hotels. The division also protects the public in real estate transactions by regulating other real estate professionals including real estate agents, property appraisers, timeshare agents, property managers, building inspectors, energy auditors, and business brokers, while overseeing the sale of subdivided land, timeshares, and campgrounds. For the 2025-2026 fiscal year, the budget for the Real Estate Administration is approximately \$2.4 million to continue operations with 27 staff positions. The division generates its own revenue through various licensing fees, registration fees, testing fees, and penalties.<sup>126</sup>

### *Strengths and Weaknesses of Nevada's Approach*

All of the stakeholders whom we interviewed were supportive of Nevada's regulatory structure and recommended Nevada's structure as a model worth replicating in other states. Strengths emphasized by interviewees included the system's capacity to divert disputes away from litigation toward administrative or ADR channels, thereby reducing costs and adversarial escalation; its robustness in addressing a wide variety of existing and emerging issues; and the presence of clear pathways for resolving conflicts.

However, one interviewee expressed frustration with the length of time required to resolve disputes. Another interviewee identified the short statute of limitations as a weakness; according to NRS § 116.750, the division's jurisdiction is limited by a one-year statute of limitations from the date a violation is discovered or reasonably should have been discovered.<sup>127</sup>

## **Cross-State Summary and Best Practices: State Regulation and Enforcement of Condominium Operations and Governance**

State-level regulation and enforcement of condominium association operations and governance generally fall into two distinct models: strong central oversight and comparatively light-touch or advisory oversight. Florida and Nevada have adopted stronger and more-centralized oversight approaches that have dedicated regulatory divisions, formal complaint

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<sup>125</sup> Nevada Department of Business and Industry, *B&I - Common Interest Communities budget account 101-3820: FY 2025-2027 biennial budget*, State of Nevada, 2025

<https://www.leg.state.nv.us/App/NELIS/REL/83rd2025/Budget/10596/Text>.

<sup>126</sup> Nevada Department of Business and Industry, *B&I - Real Estate Administration budget account 101-3823: FY 2025-2027 biennial budget* [Budget document], State of Nevada, 2025

<https://www.leg.state.nv.us/App/NELIS/REL/83rd2025/Budget/10647/Text>

<sup>127</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.750.](#)

systems, robust investigative powers (including subpoena authority), and defined enforcement mechanisms, such as administrative fines, civil penalties, and cease-and-desist orders. These features are outlined in Table 3.5, which provides a comparative snapshot of each state’s regulatory structure, enforcement powers, investigative authority, penalties, strengths, and gaps.

California, Delaware, and Massachusetts have lighter oversight models. California’s framework centers on statutory governance requirements and Secretary of State registration but lacks a centralized enforcement body or investigative authority; oversight after developer turnover is minimal. Delaware operates an ombudsperson-based system supported by an advisory council. While the ombudsperson can investigate complaints and issue subpoenas, the office cannot impose penalties or directly enforce compliance, instead relying on referrals to law enforcement or courts. Delaware’s dual statutory regime—splitting governance between pre-2009 Unit Property Act and post-2009 Uniform Common Interest Ownership Act—creates confusion for boards and owners. Massachusetts delegates nearly all control to association boards and has limited external requirements and no enforcement body, investigative authority, or penalty structure.

Differences among states are particularly pronounced in enforcement authority and complaint resolution processes. Florida restricts jurisdiction after unit owner takeover but maintains focused authority over financial issues, elections, meetings, and related governance topics. Nevada’s broad jurisdiction extends to boards, managers, owners, tenants, and specialized professionals. Its three complaint pathways—ADR, Intervention Affidavit, and Statement of Facts—address separate categories of disputes, a strength highlighted in Table 3.5. By contrast, the lighter-touch states have limited or no formal complaint systems, relying instead on voluntary measures or court action.

Financial oversight also reflects these divisions. Nevada and Florida mandate the most comprehensive financial reporting, including audited statements and reserve studies at set intervals. California, Delaware, and Massachusetts impose minimal oversight with required audits but no government oversight.

Funding stability is closely linked to oversight capacity. Nevada’s unit-fee model and Florida’s mix of appropriations, condominium association fees, and penalty revenues are designed to provide predictable resources. In states without dedicated funding structures, such as Delaware and Massachusetts, regulatory programs face capacity constraints and rely more heavily on voluntary compliance or external referrals.

Key insights from these comparisons—summarized along with state-specific strengths and gaps in Table 3.5—include:

- Clear statutory authority and scope improve compliance.
- Subpoena authority is critical for effective investigations.
- Multiple complaint pathways enhance administrative efficiency.
- Dedicated funding sustains oversight capacity.
- Representation of owner interests strengthens governance trust.

**Table 3.5. Government Regulation and Enforcement of Condominium Operations in Five Selected States**

State	Structure	Enforcement	Investigation	Penalties	Strengths and Best Practices	Challenges and Gaps
<b>CA</b>	Secretary of State registration	No enforcement body	No authority	No penalties	Local autonomy	No remedies post-transition (while developer-controlled, Department of Real Estate has some authority)
<b>DE</b>	Ombudsman and Advisory Council	No enforcement powers	Subpoenas	No penalties	Investigation and subpoena process works well; IDR requests are particularly important	Legal patchwork pre- and post-2009; homeowner advocates argue that the law favors condominium boards
<b>FL</b>	Division of Condominiums, Timeshares, and Mobile Homes	Complete (developer) and limited (owner control)	Subpoenas, court enforcement	\$500–\$5,000 daily; removal of board members, officers	Investigation process works very well; funded by condominium fees	Department bottlenecks (investigation done by division, then goes to OGC for Department of Business and Professional Registration); under-resourced
<b>MA</b>	No structure	No enforcement	No authority	No penalties	High autonomy	No penalties; room for abuse and costly owner recourse
<b>NV</b>	Division and seven-member commission + ombudsman	Broad jurisdiction over all parties	Subpoenas	Administrative fines, cease and desist	Multi-channel complaints; adaptable statute	Costly governmental structure

## Chapter 4. Condominium Ombudsman's Offices

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Condominium and common-interest community ombudsman's offices serve as intermediaries between homeowners, community associations, and governing boards to prevent and resolve disputes. Although responsibilities of such offices vary by state, common functions of ombudsman's offices are providing education, dispute resolution assistance, election monitoring, oversight and enforcement of state law, and research and analysis for state legislatures and other governmental bodies. Delaware, Florida, and Nevada have established dedicated ombudsman's offices, each with varying structures, funding mechanisms, and enforcement powers. While California attempted to create such a position through multiple legislative efforts between 2005 and 2009, these initiatives were unsuccessful; Massachusetts continues to consider similar legislation with two bills under review, although the passage of either seems unlikely, according to interviewees.

Ombudsman's offices typically focus on three core functions: (1) educating stakeholders about their rights and responsibilities, (2) facilitating dispute resolution through mediation and alternative methods, and (3) providing oversight of community elections and complaint procedures, with enforcement powers varying significantly by state.

### California

California does not have an established condominium ombudsman or similar position dedicated to oversight of condominiums. Between 2005 and 2009, there were three unsuccessful legislative bills introduced to implement a condominium ombudsman in California, including creating a new \$10 fee assessment per condominium unit to fund the ombudsman.<sup>128</sup> A legislative analysis of a 2008 California bill includes the Governor's veto message expressing concerns about the cost and necessity of creating a condominium ombudsman.<sup>129</sup> Interviewees expressed differing views on whether an ombudsman's office would be beneficial in California. Some interviewees thought an ombudsman could relieve some of the current condominium-related work on the state court system or provide education to condominium associations on legal requirements, while others thought an ombudsman would be unable to effectively address the wide variety of complaints that arise in California.

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<sup>128</sup> [Community Associations Institute, \*Report on Offices of Community Association Ombudsman\*, July 2025, p. 19.](#) See also [California Senate Bill 304 \(2005-2006\)](#), which was never scheduled for hearing in a legislative policy committee. See also [California Assembly Bill 567 \(2007-2008\)](#), which was vetoed by Governor Schwarzenegger.

<sup>129</sup> Assembly Floor Analysis, October 9, 2008. As of August 8, 2025: [https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=200720080AB567](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=200720080AB567).



## *Strengths and Weaknesses of California's Approach*

Interviewees expressed that while California's lack of a condominium ombudsman allows for local flexibility, it also places a large volume of condominium association enforcement up to the court system. According to interviewees, the condominium association law is very complex and there is a need for an entity to provide education about condominium associations to both condominium associations and unit owners. Interviewees expressed mixed opinions on whether an ombudsman would be well positioned to serve that role in California. Some interviewees thought an ombudsman could take pressure off the judicial system and serve as a point of contact for condominium owner questions, while others were concerned that the large volume of condominiums and condominium associations in California would prevent an ombudsman from being effective.

## Delaware

Delaware established the Office of the Common Interest Community Ombudsperson,<sup>130</sup> located within the Attorney General's Fraud and Consumer Protection Division,<sup>131</sup> in 2014.<sup>132</sup> The office is funded through the state appropriations process.<sup>133</sup> The initial budget was \$89,300, with a statutory capacity of \$242,100 and five staffers.<sup>134</sup> As of this writing, the office consists of the ombudsperson and half a paralegal. The office's budget is part of the general operating budget of the Attorney General.<sup>135</sup> The ombudsperson, who must be a licensed attorney with experience in both real estate law and dispute resolution, is appointed by the Attorney General.<sup>136</sup>

The ombudsperson's powers and duties fall into three broad categories: (1) education and outreach; (2) assistance with elections; and (3) handling and assisting with disputes and complaints.<sup>137</sup> The office has authority over all common-interest communities, regardless of size or when they were created.<sup>138</sup>

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<sup>130</sup> Additional information available on the Office of the Ombudsperson for the Common Interest Community [website](#), accessed November 2025.

<sup>131</sup> [Delaware Code, Title 29, State Government, Chapter 25, State Department of Justice, Subchapter IV, Common Interest Community Ombudsperson, Section 2542.](#)

<sup>132</sup> [Delaware General Assembly, An Act To Amend Title 29 of the Delaware Code Relating to the State Department of Justice and the Creation of the Office of the Common Interest Community Ombudsman, Bill 308, 2013.](#)

<sup>133</sup> [Community Associations Institute, Report on Offices of Community Association Ombudsman, July 2025, p. 11.](#)

<sup>134</sup> [Community Associations Institute, Report on Offices of Community Association Ombudsman, July 2025, p. 15.](#)

<sup>135</sup> Delaware Interview, September 10, 2025.

<sup>136</sup> [Delaware Code, Title 29, State Government, Chapter 25, State Department of Justice, Subchapter IV, Common Interest Community Ombudsperson, Section 2542-2543.](#)

<sup>137</sup> [Delaware Code, Title 29, State Government, Chapter 25, State Department of Justice, Subchapter IV, Common Interest Community Ombudsperson, Section 2544.](#)

<sup>138</sup> [Delaware Department of Justice Common Interest Community Ombudsperson, 2023 Annual Report, p. 6.](#)

The law also created an Advisory Council to provide advice and support to the Office of the Ombudsperson.<sup>139</sup> Activities are also conducted by the Advisory Council, through its committees. The committees are:

- Collections; Legislation; and Processes Committee
- Community Conflict Resolution/ADR Committee
- Community Registration Committee
- Office Operation Committee
- Education Committee
- Mentoring Committee<sup>140</sup>

The Office of the Ombudsperson lacks the power to compel condominium boards to act. Indeed, according to a spokesperson, “a common misconception among homeowners is that the ombudsperson has the authority to issue orders to ... boards and force them to do something. With the exception of the ability to issue subpoenas in support of an investigation, the statute that created and controls the ombudsperson’s office does not give the ombudsperson the authority to force parties to do what they should.”<sup>141</sup>

### *Education and Outreach*

With respect to education and outreach, the ombudsperson’s duties are:

- **Information dissemination:** “[C]ontact declarants, community associations, executive boards, and unit owners to inform them about the services available through the Office.”
- **Website maintenance:** Maintain a comprehensive website that provides information about the office, its services, contact details, and other relevant resources.
- **Rights and responsibilities education:** Assist community members in understanding their rights, responsibilities, and processes according to applicable laws and governing documents.
- **Organizing educational meetings:** Conduct meetings aimed at educating declarants, associations, and unit owners about their rights and responsibilities.
- **Development of educational materials:** Prepare and publish educational and reference materials related to common-interest communities, including the roles and responsibilities of various parties and internal dispute resolution mechanisms.
- **Feedback and engagement:** Organize public meetings to gather feedback and gain insights into the issues facing common-interest communities, ensuring community voices are heard.

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<sup>139</sup> [Delaware Code, Title 29, State Government, Chapter 25, State Department of Justice, Subchapter IV, Common Interest Community Ombudsperson, Section 2546.](#)

<sup>140</sup> [Delaware Department of Justice Common Interest Community Ombudsperson, 2023 Annual Report.](#)

<sup>141</sup> Amanda Fries, “How sweeping HOA authority has left Delaware condo owners with few options,” *Delaware News Journal*, October 25, 2021, available at <http://delawareonline.com/story/news/2021/10/25/how-sweeping-hoa-authority-has-left-delaware-condo-owners-few-options/8451111002/>.

The Office of the Ombudsperson 2023 Annual Report provides the most recent overview of the activities conducted by the office. The ombudsperson conducts education and outreach to a variety of audiences and stakeholders, including legislators, state and county officials, realtors, and condominium boards.<sup>142</sup> Education is conducted via both in-person and Zoom workshops and meetings, presentations at conferences and expos, and freely distributing digital materials prepared internally or by the CAI Keystone Chapter.<sup>143</sup> In 2023, the Office of the Ombudsperson conducted or participated in 40 workshops, presentations, and meetings with owners, boards or legislators.<sup>144</sup>

The ombudsperson also collaborates with the CAI to provide on-demand learning on a variety of topics. The webinar titled “Delaware HOA Governance Issues,” for example, is jointly presented by both organizations, and includes topics such as association governance and dispute resolution.<sup>145</sup>

In 2023, The ombudsperson’s office also made four referrals to the Advisory Council mentoring committee, which provides boards practical, nonlegal advice and suggestions.<sup>146</sup>

### *Election Assistance*

With respect to elections and voting practices, the powers of the ombudsperson are:

- **Establishing fair election procedures:** The ombudsperson is tasked with developing and publicizing procedures intended to ensure fair elections for members and officers of common-interest community associations. This includes guidelines that associations must follow during the election process.
- **Monitoring and vote counting services:** The ombudsperson can provide monitoring and vote counting services to common-interest community associations. This service can be requested when at least 15% of the total voting interests of a community association, or a minimum of six unit owners, petition the ombudsperson for such assistance.
- **Education on voting rights:** The ombudsperson conducts educational initiatives to inform community members about their voting rights and the electoral processes within their associations, ensuring that unit owners understand how to participate in elections effectively.

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<sup>142</sup> [Delaware Department of Justice Common Interest Community Ombudsperson, 2023 Annual Report, p. 9.](#)

<sup>143</sup> [Delaware Department of Justice Common Interest Community Ombudsperson, 2023 Annual Report, p. 9, 15.](#)

<sup>144</sup> [Delaware Department of Justice Common Interest Community Ombudsperson, 2023 Annual Report, p. 9.](#) Presentations and workshops included the Delaware State Bar Association’s Real and Personal Property Committee, Short Topics Seminar; Advisory Council’s free Workshop on “Governance” in common interest communities, attended by 127 members of the public, and Joint ombudsperson’s/CAI “Board Leadership Development Workshop.”

<sup>145</sup> Community Associations Institute Keystone Chapter, “On-Demand Learning”, available at <https://members.caikeystone.org/store/viewproduct.aspx?id=19900113>.

<sup>146</sup> [Delaware Department of Justice Common Interest Community Ombudsperson, 2023 Annual Report, p. 12.](#)

- **Guidance on compliance:** The ombudsperson provides guidance to community associations on complying with established voting procedures and ensuring that elections are conducted according to the law and governing documents.

For election monitoring, the Office of the Ombudsperson has coordinated with Department of Elections to handle mail-in ballot collections similar to how they manage municipal elections. Depending on their size, the cost of election monitoring to the community can range from a few hundred to several thousand dollars.<sup>147</sup> Election services are relatively rare: the office conducted election tracking services for two communities in both 2023<sup>148</sup> and 2024.<sup>149</sup>

### *Complaint Management and Dispute Resolution*

Finally, with respect to complaint management and dispute resolution, the ombudsperson's powers and duties are:

- **Complaint reception:** The ombudsperson receives complaints from declarants, common-interest community associations, executive boards, unit owners, and other interested parties regarding potential violations of laws, regulations, or governing documents.
- **Investigation of complaints:** The ombudsperson investigates complaints received to determine their merit. If a complaint is found to be valid and appropriate, the ombudsperson may facilitate meetings, mediation, or other forms of ADR to assist the parties involved in resolving the issue. This may involve issuing subpoenas to witnesses, and compelling the production of evidence. The office will refer complaints with merit to law enforcement.
- **ADR services:** The ombudsperson offers mediation and other ADR services upon request from the involved parties. This service aims to help resolve disputes amicably and efficiently without resorting to formal legal action.
- **Establishment of complaint procedures:** The ombudsperson establishes templates for reasonable written procedures that community associations must adopt to handle complaints from unit owners and other interested parties. These procedures ensure a standardized approach to managing complaints.
- **Monitoring compliance:** The ombudsperson monitors how community associations adhere to established complaint procedures and ensures that complaints are handled fairly and in a timely manner.
- **Referral of violations:** If a complaint involves a meritorious violation of existing Delaware law, the ombudsperson has the authority to refer the matter to the Attorney General or the appropriate law enforcement agency for prosecution.
- **Public reporting:** The ombudsperson prepares annual reports that include statistics on the number of inquiries and complaints handled, as well as concerns expressed by community members. This reporting helps identify trends and areas needing attention.<sup>150</sup>

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<sup>147</sup> Delaware Interview, September 9, 2025.

<sup>148</sup> [Delaware Department of Justice Common Interest Community Ombudsperson, 2023 Annual Report, p. 10.](#)

<sup>149</sup> Delaware Interview, September 9, 2025.

<sup>150</sup> [Delaware Code, Title 29, State Government, Chapter 25, State Department of Justice, Subchapter IV, Common Interest Community Ombudsperson, Section 2544.](#)

The Office of the Ombudsperson investigates complaints, and refers those that are meritorious to law enforcement. The ombudsperson conducts the investigations, sometimes with support from investigators from the Office of the Attorney General Criminal Division. When requested, the assistance of those investigators is usually forthcoming.<sup>151</sup> While bank records are the most common documents subpoenaed,<sup>152</sup> the ombudsperson has also subpoenaed corporate books and records and witnesses.<sup>153</sup> The most common agencies the complaints are referred out to are the Delaware Insurance Department, as well as to the Human and Civil Rights Commission, for bias and Fair Housing Act violations. Referrals to external police agencies are less common because often they are already conducting independent investigations.<sup>154</sup> Interviewees noted that this power “has been used judiciously and effectively, especially in uncovering financial wrongdoing.”<sup>155</sup>

The Office of the Ombudsperson received 25,769 emails from individuals seeking general or administrative information in 2023. The most heard complaint made to the Office of the Ombudsperson was about boards’ refusals to provide the community’s books and records upon written request and within a timely manner. The second most heard complaint was about bylaws, including not being followed by boards, not being available to owners, or failure to create bylaws. Other complaints were about boards not filing timely IDR complaint forms, election issues, and privacy issues.<sup>156</sup>

As described in Chapter 5, the Office of the Ombudsperson also provides ADR services. Complainants must first go through an IDR process before accessing ADR through the ombudsperson. In addition to ADR run by the office, the ombudsperson works with the Delaware Court of Common Pleas,<sup>157</sup> to use their community mediation program at no cost to participants.<sup>158</sup>

### *Strengths and Weaknesses of Delaware’s Approach*

The main weakness interviewees brought up about the Office of the Ombudsperson is that it is under-resourced. With that level of staffing, one interviewee noted that the Office often fails to respond to unit owners’ complaints, either ignoring them or sending them back down to the

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<sup>151</sup> Delaware Interview, September 9, 2025.

<sup>152</sup> Delaware Interviews, August 28, September 4, September 9, 2025.

<sup>153</sup> Delaware Interview, September 9, 2025.

<sup>154</sup> Delaware Interview, September 9, 2025.

<sup>155</sup> Delaware Interview, August 28, 2025.

<sup>156</sup> [Delaware Department of Justice Common Interest Community Ombudsperson, 2023 Annual Report, p. 17-18.](#)

<sup>157</sup> Additional information on the Delaware Court of Common Pleas is available on its [website](#), accessed November 2025.

<sup>158</sup> Delaware Interviews September 4, September 9, 2025; [Delaware Department of Justice Common Interest Community Ombudsperson, 2023 Annual Report, p. 12.](#)

board for IDR. In practice, then, “nothing gets done.”<sup>159</sup> Conversely, some stakeholders expressed concern that the ombudsperson might expend substantial time and resources addressing potentially unfounded complaints submitted by “strong personalities.” These two weaknesses, from the unit owner and board perspective respectively, both speak to an ability to handle the complaints.<sup>160</sup>

A major strength of the office is how it has managed to leverage personal relationships and connections to punch above its weight. The Office has an arrangement with the Court of Common Pleas to refer disputes for no-cost, voluntary ADR.<sup>161</sup> Similarly, the Office coordinates with the Department of Elections to engage them to conduct community association board election monitoring when needed. In addition, when investigating complaints, the ombudsperson can request the use of an investigator from the Attorney General’s Office, and one is usually made available relatively quickly.<sup>162</sup> Finally, the ombudsperson relies heavily on the volunteer advisory council and committees for education, legislative work, and outreach.<sup>163</sup>

## Florida

Established in 2004,<sup>164</sup> the Florida Office of the Condominium Ombudsman is located within the Division of Florida Condominiums, Timeshares, and Mobile Homes (the division)<sup>165</sup> and is funded by the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund.<sup>166</sup> Funding deposited into the trust fund, which also provides funding for the division as a whole, includes condominium and other fees as well as penalties and fines. The state legislature appropriates money to the division from the trust fund and general appropriations.<sup>167</sup> The ombudsman is appointed by the secretary of the department and serves at the pleasure of the state governor. Officers and full-time employees of the ombudsman’s office are prohibited from

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<sup>159</sup> Delaware Interview, September 19, 2025.

<sup>160</sup> Delaware Interviews August 28, September 19, 2025.

<sup>161</sup> Delaware Interviews, August 28, September 9, 2025.

<sup>162</sup> Delaware Interview, September 9, 2025.

<sup>163</sup> Delaware Interview, September 4, 2025.

<sup>164</sup> [Laws of Florida, Chapter 2004-345, Section 718.5011](#); [Laws of Florida, Chapter 2004-345, Section 718.5012](#); [Laws of Florida, Chapter 2004-345, Section 718.5014](#)

<sup>165</sup> The division sits within the Department of Business and Professional Regulation (the department), which oversees professional licensing and the regulation of businesses in Florida. Additional information on this organizational structure can be found in Chapter 3.

<sup>166</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.5011](#). Additional information on the work of the division, which sits within the Department of Business and Professional Regulation, can be found in the Chapter 3 *Governmental Regulation and Enforcement of Condominium Operations and Governance that are Separate from an Ombudsman*.

<sup>167</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.509](#), State of Florida Executive Office of the Governor, Florida Condominiums, Timeshares, and Mobile Homes Operating Budget, FY [2025-26](#).

actively engaging in business that “directly or indirectly relates to or conflicts with his or her work in the ombudsman’s office” or in political activity such as serving as a representative of a political party, endorsing a candidate for office, or running for public office.<sup>168</sup> The ombudsman’s duties generally fall into four categories: (1) election monitoring, (2) education and resources, (3) reports and recommendations, and (4) dispute facilitation.<sup>169</sup> The ombudsman does not have the power to initiate investigations or enforcement proceedings.<sup>170</sup>

As described in further detail in a following section, interviewees had a variety of opinions as to the effectiveness of the role of the office of the ombudsman, largely based on the particular function of the office. Interviewees were most likely to view election monitoring and education as important or effective responsibilities. However, even where interviewees agreed that the duty of the ombudsman was important or effective, there was disagreement on the importance of housing that duty within an ombudsman’s office, as opposed to within the division as a whole. One interviewee thought that the division could just as effectively conduct election monitoring and education as an ombudsman. Another interviewee, however, thought that resources were more likely to be allocated to these responsibilities if they are designated to an ombudsman. Without this distinction in duties, the interviewee thought that resources might be shifted to other division priorities, such as complaint investigation.

### *Election Monitoring*

Unit owners “may petition the ombudsman to appoint an election monitor to attend the annual meeting of the unit owners and conduct the election of directors.” The petition must be submitted by six unit owners or 15 percent of the voting interests of the association, whichever is greater. The ombudsman appoints an election monitor, the costs of which must be paid by the association.<sup>171</sup> The ombudsman may also review disputes related to condominium elections or meetings and recommend “that the division pursue enforcement action in any manner where there is reasonable cause to believe that election misconduct has occurred and reviewing secret ballots cast at a vote of the association.”<sup>172</sup>

Interviewees who were familiar with the role of the ombudsman described election monitoring as effective and one of the most – if not the most – important functions of the office. They said that election monitoring can provide confidence to unit owners that elections are run fairly and the results are not rigged, but instead reflect the actual desires of the association members. One interviewee pointed out that, as with most positions, the quality of election monitoring depends on the experience and motivation of the election monitor, but still thought

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<sup>168</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.5011.](#)

<sup>169</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.5012.](#)

<sup>170</sup> This power lies with the division, as described in Chapter 3.

<sup>171</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.5012\(10\).](#)

<sup>172</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.5012\(5\).](#)



that overall the system worked well. Another interviewee mentioned that the ombudsman's office was more likely to send election monitors who are attorneys to monitor condominium elections that had complicated elements, and that this helped the system run smoothly.

### *Education and Resources*

The ombudsman is responsible for developing “policies and procedures” as well as “educational and reference material” to assist unit owners, boards of directors, board members, community association managers, and other affected parties to understand their rights and responsibilities” created by statute or their individual governing condominium documents.<sup>173</sup> The ombudsman is also responsible for providing resources for association officers and members of boards of directors to help them “carry out their powers and duties” set forth in statute or governing condominium documents.<sup>174</sup>

Even when not specifically discussing the office of the ombudsman, interviewees repeatedly stressed the importance of education for condominium associations, unit owners, and community association managers. They emphasized that Florida condominium law is complex and changes frequently, which can make understanding legal obligations difficult, especially for unit owners and association boards, the latter of which is usually made up of volunteers. Even interviewees who were less familiar with the role of the ombudsman thought that serving as an educational resource would be a valuable function for the office. Interviewees who did have knowledge of the workings of the office said that the effectiveness of the ombudsman's office in providing educational resources depended largely on the experiences and priorities of the individual filling the role of the ombudsman and the resources allocated to the office. They reported that over the more than 20 years of the role's existence, some condominium ombudsmen focused heavily on education and provided excellent resources to condominium associations and unit owners, while others did very little in this area. Several interviewees noted that it could be difficult to hire an attorney for the role because the compensation for the ombudsman is less than what most lawyers earn in private practice.<sup>175</sup> In addition, the office must have sufficient resources to create and disseminate educational materials, so funding to staff the office can impact how effective it is in providing condominium education.

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<sup>173</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.5012\(4\).](#)

<sup>174</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.5012\(7\).](#)

<sup>175</sup> Several interviewees mentioned that for most of the role's existence, being an attorney was a requirement for serving in the role, though this requirement was lifted recently, at least in part because it was too difficult to fill the role with the requirement in place. One interviewee expressed disagreement with the change, saying that because Florida condominium regulation is complex, it is important that the ombudsman have a legal background (or alternative, a community association management license) to ensure that they can be most effective in the position.



## *Reports and Recommendations*

The Florida ombudsman has the authority to create reports and recommendations to state government officials and agencies, including the governor, the Department of Business and Professional Regulation, the division, the Advisory Council on Condominiums, and state legislators. The ombudsman is responsible for recommending legislation related to “division procedures, rules, jurisdiction, personnel, and functions.”<sup>176</sup> The ombudsman may also make recommendations directly to the division regarding rules and procedures related to complaints from unit owners, associations, and managers.<sup>177</sup>

Interviewees generally agreed that while the ombudsman had the statutory authority to create reports and provide recommendations to various stakeholders, this has not been an active component of the ombudsman’s functions. One interviewee cautioned that it is important that legislators match the responsibilities they assign to an ombudsman’s office to the resources available to carry out these duties. The state can provide the authority for the ombudsman to engage in many different activities, but if the office is not provided with enough resources to actually perform these duties, they will not be performed.

## *Dispute Facilitation*

The ombudsman has the authority to “act as liaison between the division, unit owners, boards of directors, board members, community association managers, and other affected parties.” The ombudsman may also “encourage and facilitate voluntary meetings” between unit owners and associations if such meetings may help resolve a dispute before a party seeks “a formal or administrative remedy.” The ombudsman is meant to “act as a neutral resource for both the rights and responsibilities of unit owners, associations, and board members.”<sup>178</sup> The ombudsman is authorized to “assist with the resolution of disputes between unit owners and the association or between unit owners when the dispute is not within the jurisdiction of the division to resolve.”<sup>179</sup>

Interviewees familiar with the work of the ombudsman generally agreed that dispute facilitation was not a central role of the office. Interviewees generally said that to the extent dispute facilitation occurred at all, it was minor and informal. Several interviewees did think the office could take a stronger role in reviewing division complaints to help weed out frivolous complaints. Several interviewees noted that there was often confusion around the role of the office, with some unit owners or associations expecting the office to serve as a “one stop shop” where complaints would be heard and investigated, and violations enforced, even though these actions are not within the scope of the office’s role. They thought it was important for the office

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<sup>176</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.5012\(3\).](#)

<sup>177</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.5012\(6\).](#)

<sup>178</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.5012\(8\).](#)

<sup>179</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.5012\(9\).](#)

to educate the public about what government oversight and action falls within the purview of the ombudsman and what is within the scope of the division.

### *Strengths and Weaknesses of Florida's Approach*

There was widespread agreement among interviewees that election monitoring was an effective and important function of the ombudsman's office. They indicated that election monitoring provided confidence in the condominium election process and was well run.

After election monitoring, interviewees were most likely to say that educating associations and unit owners was the next most important function of the office. Many noted that condominium boards are run by volunteers, so providing them with information on the rights and obligations of condominium associations would be useful. Similarly, many unit owners do not know what their rights are under the law, and education provided by the ombudsman would be helpful. For both associations and unit owners, education is especially important because of the complexity and rate of change to Florida law, with multiple major legislative reform efforts occurring in the past few years. How effective education provided by the ombudsman's office is depends largely on the resources provided to the office and the priorities of the ombudsman, with some focusing on education much more than others.

Multiple interviewees noted that members of the public can be confused about what the ombudsman's office does and expect the office to be able to resolve all condominium complaints and issues. Because the actual role of the office is more limited, interviewees thought that educating the public about the role of the office should be a component of education efforts overall. Several interviewees questioned the need for the office at all, and instead thought that the confusion around the office could be resolved by eliminating the office entirely and moving election monitoring and education to the division as a whole. Regardless of whether key functions remained with the ombudsman or were subsumed by the division, several interviewees stated that it was important that the legislature be clear about what it wants out of the ombudsman's office, provide resources accordingly, and then clearly communicate to the public which governmental bodies provide which functions.

## Massachusetts

Massachusetts does not have an ombudsman position, although there have been several attempts to create such an office over the years.<sup>180</sup> Indeed, two different bills to establish a statewide condominium ombudsman program are under review.<sup>181</sup> The first bill would "establish an Office of the Condominium Ombudsman within the Office of the Attorney General. The

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<sup>180</sup> [Commonwealth of Massachusetts House of Representatives, An Act Establishing an Office of the Condominium Ombudsman, Bill H.1523, 2025..](#)

<sup>181</sup> [Commonwealth of Massachusetts House of Representatives, An Act Establishing an Office of the Condominium Ombudsman, Bill H.1523, 2025.](#)

functions of the office shall be funded by the Office of the Attorney General as the Attorney General would create a statewide condominium ombudsman program for the purpose of receiving, investigating and resolving through administrative action complaints received by unit owners, boards of directors, board members, community associations, and other parties.” The Office of the Condominium Ombudsman would be funded by a \$50 fee upon the sale of every condominium unit and would also include a separately funded mediation pilot program.<sup>182</sup> The second bill under review also proposes the establishment of the ombudsman’s office within the Office of the Attorney General. The ombudsperson would be “responsible for the purpose of receiving, investigating and resolving, through administrative action, complaints received from a condominium unit owner or owners about condominium governing boards and the administration and operations of a condominium,” as well as for establishing a mediation program and for owner and association education.<sup>183</sup>

These bills usually lack champions and rarely make it out of committee.<sup>184</sup>

### *Strengths and Weaknesses of Massachusetts’s Approach*

Most Massachusetts interviewees opposed creating an ombudsman’s office, primarily because of concerns about mandatory ADR requirements. However, there was greater support for an ombudsman focused on education, without the ADR function.

## **Nevada**

The Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels (within the Nevada Real Estate Division<sup>185</sup>) was established by the State Legislature during the 1997 Session through the enactment of Senate Bill (SB) 314.<sup>186</sup> The office was established “to assist homeowners and board members in common-interest communities to better understand their rights and obligations under the law and their governing documents.”<sup>187</sup>

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<sup>182</sup> [Commonwealth of Massachusetts House of Representatives, An Act Establishing an Office of the Condominium Ombudsman, Bill H.1523, 2025.](#)

<sup>183</sup> [Massachusetts Senate Bill No. 980 \(2025\).](#)

<sup>184</sup> Massachusetts Interview, September 5, 2025.

<sup>185</sup> The Nevada Real Estate Division is a division under the Nevada Department of Business and Industry. Nevada Real Estate Division. (n.d.). In *Nevada Department of Business and Industry*. Retrieved from <https://www.business.nv.gov/about/business-and-industry-divisions/>.

<sup>186</sup> Nevada Real Estate Division, *Ombudsman for Owners in Common-Interest Communities and Condominium Hotels*, undated. Retrieved from <https://red.nv.gov/Content/CIC/Ombudsman/About/>. A Common-Interest Community is defined as real estate described in a declaration with respect to which a person, by virtue of the person’s ownership of a unit, is obligated to pay for a share of real estate taxes, insurance premiums, maintenance or improvement of, or services or other expenses related to, common elements, other units or other real estate described in that declaration.

<sup>187</sup> Nevada Real Estate Division, *Ombudsman for Owners in Common-Interest Communities and Condominium Hotels*, undated. Retrieved from <https://red.nv.gov/Content/CIC/Ombudsman/About/>. A Common-Interest Community is defined as real estate described in a declaration with respect to which a person, by virtue of the

The ombudsman is appointed by the Real Estate Administrator<sup>188</sup>, with qualifications based on training and experience to perform the duties and functions of office.<sup>189</sup>

As of August 2025, the office consisted of 20 employees, in addition to the ombudsman, distributed across five functional sections. The administrative section (four employees) manages daily operations and the Intervention Affidavit process, while the education section (three employees) provides training and information services to constituents and community managers. Six employees handle ADR, registration, and fiscal operations. The compliance section (seven employees) ensures enforcement of common-interest community laws and regulations.<sup>190</sup> The Office of the Ombudsman is funded through an assessment of no more than \$4.25 per year, per unit in each community that is not exempt.<sup>191</sup> (As noted below, the Office’s 2025–2026 fiscal year budget documents show funding for 22 staff positions, with one new position designated as a staff attorney within the ombudsman’s office.)

According to the Nevada Legislature’s budget database, the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels has a budget of approximately \$8.8 million for the 2025-2026 fiscal year. This budget supports 22 staff positions and operating costs to help homeowners understand their rights, investigate disputes, handle mediation and arbitration, provide educational programs, maintain association registrations, and oversee community manager licensing and education. The budget also includes the seven-member Commission for Common-Interest Communities and Condominium Hotels.<sup>192</sup>

The ombudsman’s duties encompass (1) addressing complaints, facilitating dispute resolution, and investigating alleged violations in common-interest communities as detailed in Chapter 3, (2) educating unit owners and board members, and (3) compiling and maintaining a

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person’s ownership of a unit, is obligated to pay for a share of real estate taxes, insurance premiums, maintenance or improvement of, or services or other expenses related to, common elements, other units or other real estate described in that declaration.

<sup>188</sup> According to [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.005](#), “Administrator” means the Real Estate Administrator. According to [Nevada Revised Statutes, Chapter 232, State Departments, Section 232.520](#), the chief of the Real Estate Division is the Real Estate Administrator.

<sup>189</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.625](#).

<sup>190</sup> Meriweather, August, 2025, p. 22.

<sup>191</sup> Office of the Ombudsman. “About the Ombudsman.” Nevada Real Estate Division. Accessed August 5, 2025. <https://red.nv.gov/content/cic/ombudsman/about/>. See also [Nevada Administrative Code, Chapter 116, Common-Interest Ownership, Section 116.445](#); [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.630](#).

<sup>192</sup> Nevada Department of Business and Industry. (2025). *B&I - Common Interest Communities budget account 101-3820: FY 2025-2027 biennial budget*. State of Nevada. <https://www.leg.state.nv.us/App/NELIS/REL/83rd2025/Budget/10596/Text>.

registration<sup>193</sup> of each association organized within the state.<sup>194</sup> Additionally, the ombudsman has enforcement powers, including the authority to review association books and records on behalf of unit owners and to request that the commission issue subpoenas if denied access.<sup>195</sup>

With respect to the education component, the Office of the Ombudsman places significant emphasis on educating homeowners, board members, and community managers about common-interest community governance and daily living. According to a 2025 article by the ombudsman, clear understanding of rights, responsibilities, and association processes can prevent many disputes, yet many owners and board members are unfamiliar with the operational and legal complexities of common-interest communities. To address this, the office offers in-person and online classes covering topics such as board duties and complaint procedures. Training officers based in different regions provide customized, on-site instruction for associations seeking tailored guidance. Educational support also includes quarterly newsletters, informational brochures, compliance tools, and online resources, all designed to promote transparency and lawful operation of community associations. An education and information officer manages sponsor-approved professional courses for community managers, ensuring they meet continuing-education and regulatory requirements, and audits these programs to maintain professional standards.<sup>196</sup>

The Office of the Ombudsman regularly reports performance metrics related to its duties. In an April 2025 report, the Office of the Ombudsman reported that it handled 678 public contacts (238 walk-ins and 440 phone calls), resolved 214 cases, and facilitated 184 ADR claims during the ten-month reporting period from July 1, 2024, to April 30, 2025. During the reporting period, the ombudsman's education program delivered 43 online training sessions via WebEx to 503 participants. Online educational resources were used extensively, with more than 8,000 combined page views across presentations, training materials, flowcharts, and video tutorials. Reserve study topics proved highly popular in the video training library, attracting 92 views across fundamentals, financial and physical analysis, and the reserve study specialist role.<sup>197</sup>

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<sup>193</sup> The registration system includes extensive data collection requirements, encompassing association contact information, community manager details, executive board member information, declarant identification, unit counts, total annual assessments, foreclosure statistics, and reserve study compliance status. [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.625.](#)

<sup>194</sup> Meriweather, August, 2025.

<sup>195</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.31175.](#)

<sup>196</sup> Meriweather, August, 2025.

<sup>197</sup> Nevada Real Estate Division, *Common-Interest Communities and Condominium Hotels Ombudsman's Office: Reporting Period July 1, 2024–April 30, 2025, Fiscal Year 25, 2025.* [https://red.nv.gov/uploadedFiles/rednv.gov/Content/Meetings/CIC/2025/Supporting\\_Materials/June/Ombudsman-Report\\_April-2025.pdf](https://red.nv.gov/uploadedFiles/rednv.gov/Content/Meetings/CIC/2025/Supporting_Materials/June/Ombudsman-Report_April-2025.pdf). Accessed September 27, 2025.

## Strengths and Weaknesses of Nevada’s Approach

Most interviewees expressed satisfaction with the ombudsman’s role, particularly its educational efforts and assistance with navigating complaint processes. Interviewees also confirmed that in Nevada, the Office of the Ombudsman is not involved in administering common-interest community elections; it engages only when a complaint is filed regarding the conduct of an election, at which point it may investigate compliance. One interviewee expressed dissatisfaction that the Office of the Ombudsman emphasizes education over advocacy, arguing it should primarily advocate for owners despite its formal mandate to provide educational assistance on rights and responsibilities.

Several interviewees highlighted a key strength: the Office of the Ombudsman often serves as a first point of contact, helping to address concerns that fall outside the jurisdiction of the formal administrative complaint system—such as interpersonal disputes not related to governing documents or applicable statutes. This early intervention can reduce the number of complaints progressing into costly or time-intensive formal processes.

Interviewees also identified perceived challenges in the office’s operations. Stakeholders noted turnover among staff, observing that ombudsman experience is valued and may lead to career mobility, and that the work environment involves frequent engagement with conflict between homeowners and boards, which can be demanding. Additionally, although the office has an education mandate, some participants reported that staffing levels limit its ability to deliver educational services across Nevada’s geographically dispersed communities. Budget constraints and the cyclical nature of legislative appropriations were described as contributing to inconsistent service levels. Interviewees suggested that consistent, secure funding would help stabilize capacity, sustain educational outreach, and promote continuous engagement with communities.

## Cross-State Summary and Best Practices: Condominium Ombudsman’s Offices

**Table 4.1. Condominium Ombudsman’s Offices in Five Selected States**

State	Status	Core Functions	Funding Model	Strengths or Potential Benefits	Challenges or Implementation Concerns
CA	Failed (2005–2009)	N/A	Proposed assessment (\$10 per condominium unit)	<ul style="list-style-type: none"> <li>Education (complicated and fast-changing laws)</li> <li>Relieve court burden</li> </ul>	<ul style="list-style-type: none"> <li>Ability of office to effectively address wide variety of condominium complaints</li> </ul>
DE	Active (2014)	<ul style="list-style-type: none"> <li>✓ Education</li> <li>✓ Elections</li> <li>✓ Disputes</li> </ul>	State appropriations (statutory capacity of \$242,100)	<ul style="list-style-type: none"> <li>Education (major focus)</li> </ul>	<ul style="list-style-type: none"> <li>Resources (understaffed)</li> </ul>

				<ul style="list-style-type: none"> <li>• Complaint investigation</li> <li>• Informal relationships with other organizations</li> </ul>	<ul style="list-style-type: none"> <li>• Handling complaints (complaints ignored, frivolous complaints)</li> </ul>
<b>FL</b>	Active (2004)	<ul style="list-style-type: none"> <li>✓ Education</li> <li>✓ Elections</li> <li>✓ Disputes</li> </ul>	Division trust fund (fees, penalties, and appropriations)	<ul style="list-style-type: none"> <li>• Election monitoring</li> <li>• Education (when done)</li> </ul>	<ul style="list-style-type: none"> <li>• Confusion about what the office is responsible for</li> <li>• Hard to staff (expertise is important but hard to get)</li> </ul>
<b>MA</b>	Introduced	Proposed: education and disputes	Proposed fee on sales (\$50 per condominium sale)	<ul style="list-style-type: none"> <li>• Education</li> <li>• ADR (complaint filtering)</li> </ul>	<ul style="list-style-type: none"> <li>• Mandatory ADR</li> </ul>
<b>NV</b>	Active (1997)	<ul style="list-style-type: none"> <li>✓ Education</li> <li>✓ Disputes</li> </ul>	Unit assessment (up to \$4.25 per unit)	<ul style="list-style-type: none"> <li>• Education</li> <li>• ADR (complaint filtering)</li> </ul>	<ul style="list-style-type: none"> <li>• Resources</li> </ul>

NOTE: N/A = not applicable.

The views of subject-matter expert interviewees ranged broadly across states, stemming both from fundamental disagreements about the benefits of government involvement in matters such as condominium dispute resolution and the inherent differences of state condominium law and ombudsman practices. Across all states, while not universal, interviewees were usually supportive of state governments providing educational resources to condominium associations and unit owners through the ombudsman's office.

In states with ombudsman's offices, interviewees were generally supportive of one or more office responsibilities. Areas of satisfaction varied considerably between states; this seemed to parallel the differences in ombudsman's office responsibilities and areas of focus:

- Delaware: relationships with both governmental and private nonprofit organizations for dispute resolution, election monitoring, and education helped the perceived success of the ombudsman's office despite low funding.
- Florida: election monitoring is an effective and important function of the ombudsman's office. Providing education resources is also important, but effectiveness depends on the resources and priorities of the ombudsman.
- Nevada: the ombudsman's office provides effective educational efforts and assistance navigating condominium disputes, including helping complainants navigate the process and providing informal dispute resolution assistance for complaints falling outside established ADR or government complaint investigation and enforcement processes.

Common concerns related to ombudsman's offices were lack of resources to effectively fulfill office responsibilities, difficulty maintaining office staff with adequate expertise, and lack of clarity around office responsibilities. For the two states without ombudsman's office, interviewee opinions of the benefits of involvement in dispute resolution were almost diametrically opposed. California interviewees often thought that an ombudsman's office could be valuable in relieving pressure on the court system and providing an alternative pathway to

dispute resolution. Massachusetts interviewees were strongly opposed to ADR requirements for condominium disputes, including through an ombudsman's office.



## Chapter 5. Dedicated Alternative Dispute Resolution Programs

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Condominium disputes can be resolved through judicial proceedings or through alternative mechanisms that may offer faster and less costly resolution. States have adopted varying approaches to alternative dispute resolution (ADR) for condominium and community association disputes, ranging from mandatory pre-litigation requirements to voluntary programs or no specific mechanisms at all. California, Florida, and Nevada require parties to attempt ADR before filing court actions for specific dispute types:

- **California:** Enforcement of governing documents and state laws (excluding small claims and assessments)
- **Florida:** Board actions, meeting/election failures, and condominium termination plans
- **Nevada:** Governing document interpretation and assessment procedures

Delaware's ADR services, offered through its ombudsman's office, are purely voluntary. Massachusetts lacks a dedicated ADR system for condominium disputes, although proposed legislation would establish mediation programs as part of a new ombudsman's office. Funding approaches vary significantly: California requires parties to pay costs without specifying division, Florida requires parties pay the costs of ADR, with a default of equal cost-sharing between parties for mediation and with prevailing parties recovering costs and reasonable attorney fees in arbitration, Delaware charges a \$35 filing fee plus \$100/hour for ombudsman-provided services, and Nevada caps mediation at \$500 for three hours while offering subsidized mediation up to \$250-\$500 per party annually for qualifying associations in good standing.

### California

California requires both condominium associations and condominium association members to "have endeavored to submit their dispute" to an ADR process prior to filing an enforcement action in the superior court.<sup>198</sup> Condominium associations are required to provide owners with a summary of ADR requirements on an annual basis.<sup>199</sup> The ADR process was added to state law in 2012 by AB 805 and took effect January 1, 2013, as part of the Davis-Stirling Act.<sup>200</sup>

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<sup>198</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5930.](#)

<sup>199</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5965.](#)

<sup>200</sup> CA AB 805, 2012. August 13, 2025, available at: [https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill\\_id=201120120AB805](https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill_id=201120120AB805). See also [California Civil Code, Chapter 10, Article 3, Section 5925-5965.](#)

The ADR process is only applicable to certain disagreements, including enforcement of the condominium association governing documents, enforcement of the Nonprofit Mutual Benefit Corporation Law, and enforcement of the Davis-Stirling Common Interest Development Act, the section of California Civil Code that regulates common-interest developments and is cited in this summary.<sup>201</sup> The Nonprofit Mutual Benefit Corporation Law outlines the incorporation process, powers, and bylaw requirements for nonprofit mutual benefit corporations in California, such as the ability to collect assessments.<sup>202</sup> California's ADR process does not apply to small claims action or assessment disputes.<sup>203</sup>

The ADR process can be initiated by any party to the dispute.<sup>204</sup> The initiating individual must serve all other parties to the dispute with a Request for Resolution that includes a description of the dispute, a request for ADR, and a notice that the recipient of a Request for Resolution must respond within 30 days of being served.<sup>205</sup> If the served individual does not respond to the Request for Resolution, California Civil Code considers that a rejection of the request for ADR.<sup>206</sup> If a served individual is a member of the condominium association, the Request for Resolution must also include a copy of the relevant section of California Civil Code.<sup>207</sup> California Civil Code includes additional information on possible outcomes of the ADR process, including timing around completing the process and how to handle a Request for Resolution.<sup>208</sup> If the served individual accepts the request for ADR, the ADR process must be completed within 90 days of that acceptance, unless all parties agree to extend the process in writing.<sup>209</sup> Interviewees expressed skepticism about the effectiveness of California's ADR process, as it can be nonbinding.<sup>210</sup>

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<sup>201</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5930.](#) *see also* CA AB 805, 2012. August 13, 2025, available at: [https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill\\_id=201120120AB805](https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill_id=201120120AB805).

<sup>202</sup> [California Corporations Code, Title 1, Corporations, Division 2, Nonprofit Corporation Law, Part 3, Nonprofit Mutual Benefit Corporations, Section 7110-8910.](#)

<sup>203</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5930.](#)

<sup>204</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5935.](#)

<sup>205</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5935.](#)

<sup>206</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5935.](#)

<sup>207</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5935.](#)

<sup>208</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5940-5945.](#)

<sup>209</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5940-5945.](#)

<sup>210</sup> California's ADR process can be conducted through mediation, non-binding arbitration, or binding arbitration.

California requires that the parties pay for the ADR process, but does not specify how the costs should be divided between parties which may potentially cause people to reconsider using ADR.<sup>211</sup> Interviewees noted that the ADR process is expensive, due in part to the cost of mediators. However, the statute does permit courts to consider refusal to participate in the ADR process when determining the amount of the award in cases where attorney's fees and costs can be awarded.<sup>212</sup>

California also requires condominium associations to have a dedicated IDR process in place.<sup>213</sup> Condominium associations are allowed to adopt their own IDR process as part of their governing documents, but the IDR process outlined in California Civil Code applies to condominium associations that do not include an IDR process in their governing documents.<sup>214</sup> The IDR process outlined in statute must be free to association members and is initiated by a written request.<sup>215</sup> An association member may refuse a request to meet, but a condominium association is not permitted to refuse a request to meet.<sup>216</sup> The meeting is required to be at a mutually agreed upon place and time, and participants can pay to provide their own legal representation or other support.<sup>217</sup> If an agreement is reached, it must be written down and signed by all parties, including a designated representative of the condominium board.<sup>218</sup> The agreement must comply with California law and the condominium association's governing documents and be within the condominium association board's authority to ratify.<sup>219</sup>

### *Strengths and Weaknesses of California's Approach*

California's ADR process does provide an alternative to litigation, however interviewees noted several weaknesses. Interviewees raised concerns about the potentially nonbinding nature of ADR, as California allows involved parties to mutually decide whether the ADR process will

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<sup>211</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5940.](#)

<sup>212</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5960.](#)

<sup>213</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5900-5920.](#)

<sup>214</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5900.](#)

<sup>215</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5915.](#)

<sup>216</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5915.](#)

<sup>217</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5915.](#)

<sup>218</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5915.](#)

<sup>219</sup> [California Civil Code, Chapter 10, Dispute Resolution and Enforcement, Article 3, Alternative Dispute Resolution Prerequisite to Civil Action, Section 5930 5915.](#)

be binding or nonbinding. Interviewees also expressed concerns about the high cost of ADR in California. Although the costs of ADR are borne by both parties, the overall cost of the ADR process is high, which interviewees attributed to the generally high costs of mediators in California. Together, the high costs and potentially nonbinding nature of ADR led some interviewees to express skepticism as to ADR's effectiveness in California. Although mediation is generally less costly than litigation, interviewees noted that litigation may be necessary anyway if both parties do not agree to binding ADR.

## Delaware

The Delaware Uniform Common Interest Ownership Act (DUCIOA) provides that “parties to a dispute arising under [the law], the declaration, or the bylaws may agree to resolve the dispute by any form of binding or nonbinding alternative dispute resolution.” Binding ADR must be agreed to by both parties in writing.<sup>220</sup>

All associations must establish a written IDR policy, and if not, must follow the Office of the Ombudsperson's template.<sup>221</sup> According to one interviewee, 80% of disputes are resolved at the IDR stage.<sup>222</sup>

The office of the ombudsperson can provide various types of ADR: conciliation, mediation, arbitration, and neutral assessment.<sup>223</sup> Basic descriptions of these ADR types can be found in Table 5.1. The ombudsperson may conduct ADR, but in practice usually refers the service out. The ombudsperson entered into an agreement with the Delaware Court of Common Pleas,<sup>224</sup> to use their community mediation program at no cost to participants.<sup>225</sup> This service is usually selected rather than using the ADR offered in-house by the ombudsperson for \$100 an hour.

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<sup>220</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter IV, Protection of Purchasers, Section 417.](#)

<sup>221</sup> Delaware Office of the Ombudsperson, “Procedure for Filing a Complaint With the Office of the CIC Ombudsperson,” August 1, 2018. As of October 7, 2025: <https://attorneygeneral.delaware.gov/fraud/cpu/ombudsperson/cic-complaint-procedure/>.

<sup>222</sup> Delaware Interview, August 28, 2025.

<sup>223</sup> “Ombudsperson Alternative Dispute Resolution,” Delaware Department of Justice, Fraud and Consumer Protection Division, webpage, undated. As of July 28, 2025: <https://attorneygeneral.delaware.gov/fraud/cpu/ombudsperson/alternative-dispute-resolution/#:~:text=To%20request%20ADR%20through%20the,Office%20of%20the%20CIC%20Ombudsperson.>

<sup>224</sup> Additional information on the Delaware Court of Common Pleas is available on its [website](#), accessed November 2025.

<sup>225</sup> Delaware Interviews September 4, September 9, 2025; [Delaware Department of Justice Common Interest Community Ombudsperson, 2023 Annual Report, p. 12.](#)

**Table 5.1. Types of ADR**

Type of ADR	Description
<b>Conciliation</b>	An experienced, neutral person meets with the parties, often separately, to informally discuss and negotiate complaint resolution.
<b>Mediation</b>	Mediation conferences are informal proceedings. If the parties reach a settlement, the written agreement describes both the settlement of issues and the future responsibilities of each party. Once signed by all parties and the mediator the agreement is a binding contract, which is enforceable by courts. The ombudsperson may act as mediator or appoint one. Mediation is the most common form of ADR.
<b>Arbitration</b>	The neutral person “hears both sides of a controversy and decides all aspect of the case based on the facts and the law just like a judge without a jury. The parties may agree in writing that the decision will be binding, and enforceable.” Arbitration by the ombudsperson’s office is governed by Delaware’s Uniform Arbitration Act.
<b>Neutral assessment</b>	The neutral person gives a non-binding oral or written evaluation of a dispute to the parties.

SOURCE: “Ombudsperson Alternative Dispute Resolution,” Delaware Department of Justice, Fraud and Consumer Protection Division, webpage, undated. As of July 28, 2025: <https://attorneygeneral.delaware.gov/fraud/cpu/ombudsperson/alternative-dispute-resolution/#:~:text=To%20request%20ADR%20through%20the,Office%20of%20the%20CIC%20Ombudsperson>

The cost of requesting ADR is \$35. ADR that is conducted through the Office of the Ombudsperson is \$100 per hour plus travel time, although the parties may use other practitioners. The default arrangement is that the parties split the cost, but they may make alternative agreements.<sup>226</sup> In practice, the ombudsperson rarely conducts ADR because of lack of resources, and refers cases out to the Court of Common Pleas, which provides services at no cost.<sup>227</sup>

The Office of the Ombudsperson also has the power to investigate complaints, including to subpoena witnesses, administer oaths, take evidence and require the production of documents, records, and other evidence.<sup>228</sup>

<sup>226</sup> “Ombudsperson Alternative Dispute Resolution,” Delaware Department of Justice, Fraud and Consumer Protection Division, webpage, undated. As of July 28, 2025: <https://attorneygeneral.delaware.gov/fraud/cpu/ombudsperson/alternative-dispute-resolution/#:~:text=To%20request%20ADR%20through%20the,Office%20of%20the%20CIC%20Ombudsperson>.

<sup>227</sup> Interview with Delaware Attorney, August 28, 2025.

<sup>228</sup> [Delaware Code, Title 29, State Government, Chapter 25, State Department of Justice, Subchapter IV, Common Interest Community Ombudsperson, Section 2544.](#)

The ombudsperson may “refer a claim of violation of existing Delaware law to others within the Department of Justice or any other appropriate law-enforcement agency,” or may drop an action.<sup>229</sup>

Because ADR is voluntary, and because of the lack of resources in the Office of the Ombudsperson, there are not many disputes going through ADR each year, although there is a sense that the Office of the Ombudsperson is very supportive of ADR in theory. In 2023, the office received 77 formal complaints. Of those 28 were formally resolved in one way or another.<sup>230</sup>

In 2023, 12 referrals were made to the ombudsperson mediation program. Of those, four were successfully mediated, one failed, and seven were scheduled for 2024.<sup>231</sup> The Office of the Ombudsperson states that parties may not submit a complaint to the ombudsperson unless they have attempted to go through the IDR process first. If the board ignores the IDR complaint or fails to participate, the owner may then file a complaint or claim with the office of the ombudsperson.<sup>232</sup>

### *Strengths and Weaknesses of Delaware’s Approach*

Several interviewees were very supportive of the IDR process, noting that it is effective at resolving disputes by forcing people to communicate.<sup>233</sup> One interviewee, however, noted that due process is lacking in these internal board hearings, calling it a “complete rubber stamp.”<sup>234</sup> There were mixed views on mandatory ADR. Some interviewees thought that while associations should be able to require ADR in condominium association documents, the state should not impose a requirement for ADR. Other interviewees supported mandatory ADR, noting that litigation was time consuming and expensive and ADR could provide a faster and less costly alternative. One interviewee said that the ombudsperson’s office could more effectively provide ADR services with additional resources from the state.

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<sup>229</sup> Delaware Office of the Ombudsperson, “Procedure for Filing a Complaint With the Office of the CIC Ombudsperson,” August 1, 2018, available at <https://attorneygeneral.delaware.gov/fraud/cpu/ombudsperson/cic-complaint-procedure/>.

<sup>230</sup> Delaware Department of Justice Common Interest Community Ombudsperson, *2023 Annual Report*, p. 11.

<sup>231</sup> [Delaware Department of Justice Common Interest Community Ombudsperson, 2023 Annual Report, p. 12.](#)

<sup>232</sup> Delaware Office of the Ombudsperson, “Procedure for Filing a Complaint With the Office of the CIC Ombudsperson,” August 1, 2018, available at <https://attorneygeneral.delaware.gov/fraud/cpu/ombudsperson/cic-complaint-procedure/>. See also Office of the Ombudsperson, “Common Interest Community Ombudsperson’s Template for Homeowners; Associations Executive Boards to Adopt for Internal Resolution of Complaints,” March 2017, available at [https://attorneygeneral.delaware.gov/wp-content/uploads/sites/50/2017/03/CIC\\_IDR.pdf](https://attorneygeneral.delaware.gov/wp-content/uploads/sites/50/2017/03/CIC_IDR.pdf), interpreting [29 Del. C. 25 § 2544](#).

<sup>233</sup> Delaware Interviews, August 28, September 4, September 9, 2025.

<sup>234</sup> Delaware Interview, September 19, 2025.

## Florida

Florida requires ADR in the form of nonbinding arbitration or presuit mediation before pursuing litigation in court for specific condominium disputes.<sup>235</sup> Florida law does not require IDR before ADR. ADR is available to both associations and unit owners. Provisions for ADR must be included in association bylaws.<sup>236</sup> The statutory provisions laying out the ADR processes contains legislative findings that ADR helps in “reducing court dockets and trials” and represents “a more efficient, cost-effective option to court litigation.”<sup>237</sup> The primary distinctions between nonbinding arbitration and presuit mediation can be found in Table 5.2.

**Table 5.2. Organizing Features of Nonbinding Arbitration and Presuit Mediation**

Feature	Nonbinding Arbitration	Presuit Mediation
Eligible Disputes	Any covered dispute except those related to milestone inspections or structural integrity reserve studies <sup>a</sup>	Any covered dispute except election disputes
Who hears dispute?	Arbitrator: division employee (full-time attorney) or certified arbitrator (attorney with experience in arbitration or condominium law)	Division-certified mediator (paid or volunteer)
Who decides dispute?	Arbitrator	Parties mutually agree
Filing fee	\$50	\$200
Proceeding timing	<ul style="list-style-type: none"> <li>• 30 days of assignment/contract with arbitrator for hearing<sup>b</sup></li> <li>• 30 days of hearing for arbitrator decision</li> </ul>	<ul style="list-style-type: none"> <li>• 20 days for responding party to serve written response</li> <li>• Mediation conducted within 90 days of initial request</li> </ul>
Cost sharing <sup>c</sup>	Prevailing party wins arbitration costs and reasonable attorney fees	Equal cost sharing for mediation fees; each side pays own attorney

SOURCE: [§ 718.1255, Fla. Stat. \(2025\)](#), [§ 720.311, Fla. Stat. \(2025\)](#).

<sup>a</sup> Disputes related to milestone inspections or structural integrity reserve studies are only eligible for presuit mediation beginning July 1, 2027.

<sup>b</sup> The division must “promptly” review the request to determine if the dispute is covered by ADR requirements, but no timeline is provided in statute.

<sup>c</sup> Cost sharing shown is for initial proceeding. Cost sharing may change if a party files for a trial de novo or arbitration (if started with presuit mediation).

<sup>235</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.1255\(4\)\(a\)](#).

<sup>236</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.112\(2\)\(m\)](#).

<sup>237</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.1255\(3\)](#). This language can also be found in the HOA code dispute resolution section describing presuit mediation. [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Homeowners’ Associations, Section 720.311](#).



Both the arbitration and mediation processes allow parties to file motions for temporary injunctions in court in exigent circumstances. Parties may file a motion for temporary injunctive relief in court before pursuing mediation “where emergency relief is required.”<sup>238</sup> During arbitration, parties may file a motion with the division to stay the arbitration “[i]f emergency relief is required.” “The motion must be accompanied by a verified petition alleging facts that, if proven, would support entry of a temporary injunction, and if an appropriate motion and supporting papers are filed, the division may abate the arbitration pending a court hearing and disposition of a motion for temporary injunction.”<sup>239</sup>

The disputes covered by condominium ADR code are detailed in the section that follows, but it is important to distinguish between three general categories of disputes:

- Election disputes: Unlike all other covered disputes, election disputes may proceed directly to district court and are only eligible for nonbinding arbitration, not presuit mediation.
- Disputes related to milestone inspections and structural integrity reserve studies: The provisions adding these disputes to the ADR statute take effect July 1, 2027. These disputes will only be eligible for presuit mediation, not nonbinding arbitration.
- All other disputes: Eligible for either nonbinding arbitration or presuit mediation.

**Table 5.3. Covered ADR Disputes**

Dispute Type	ADR Required Prior to Litigation?	ADR Type Available
Election disputes	No. May file directly in district court	Nonbinding arbitration only
Disputes related to milestone inspections and structural integrity reserve studies	Yes	Presuit mediation only Takes effect July 1, 2027
All other disputes	Yes <sup>a</sup>	Nonbinding arbitration or presuit mediation

SOURCE: [§ 718.1255\(1\), .1255\(5\), Fla. Stat. \(2025\)](#).

NOTE: <sup>a</sup> Only applies to disputes covered by ADR, as described in the *Covered Disputes* section of this chapter.

### ***Covered Disputes***

The requirement to enter into ADR prior to litigation only applies to the following statutorily defined condominium disputes, involving:

1. Action taken by the board of directors to:

<sup>238</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Homeowners’ Associations, Section 720.311\(2\)\(a\).](#)

<sup>239</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.1255\(4\)\(c\).](#)



- a. Require a unit owner to take action or refrain from taking action “involving that unit owner’s unit or the appurtenances thereto.”
  - b. “Alter or add to a common area or element.”
2. “The failure of a governing body,” to do any of the following as required by statute or an association document:
  - a. “Properly conduct elections.” This is the only dispute where a party may bypass ADR entirely and file directly in court. In addition, election disputes are not eligible for presuit mediation; if a party opts for ADR before filing in court, only arbitration is available.
  - b. “Give adequate notice of meetings or other actions.”
  - c. “Properly conduct meetings.”
  - d. “Allow inspection of books and records.”
3. Condominium termination plans.<sup>240</sup>
4. “The failure of a board of administration, when required by this chapter or an association document, to:”
  - a. Obtain a milestone inspection.
  - b. “Obtain a structural integrity reserve study...”
  - c. “Fund reserves as required for an item found” in a structural integrity reserve study.
  - d. “Make or provide necessary maintenance or repairs of condominium property recommended by a milestone inspection or a structural integrity reserve study.”<sup>241</sup>

### *Nonbinding Arbitration*

To initiate arbitration, parties petition the Division of Condominiums, Timeshares, and Mobile Homes (the division)<sup>242</sup> and pay a \$50 filing fee.<sup>243</sup> Upon receiving the petition, the division must ascertain that the dispute in question exists and meets the statutory definition of a dispute for which arbitration is available. If so finding, the division “shall assign or enter into a contract with an arbitrator and serve a copy of the petition upon all respondents.” The arbitration hearing must be conducted within 30 days “unless the petition is withdrawn or a continuance is

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<sup>240</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.1255\(1\)\(a\)-\(c\)](#). Requirements for terminating a condominium can be found in [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.117](#).

<sup>241</sup> [Ch. 2023-203, § 7, Laws of Fla.](#) Disputes related to milestone inspections and structural integrity reserve studies are only covered under ADR beginning July 1, 2027.

<sup>242</sup> The division sits within the Department of Business and Professional Regulation (the department), which oversees professional licensing and the regulation of businesses in Florida. Additional information on this organizational structure can be found in Chapter 3.

<sup>243</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.1255\(4\)\(a\)](#). Petitioners use the [filing form](#) for disputes that aren’t related to termination disputes. DBPR Form ARB 6000-001, Division “Mandatory Non-binding Petition Form,” July 4, 2004. This filing form is used for termination disputes.

granted for good cause shown.”<sup>244</sup> Arbitration is nonbinding unless all parties agree to be bound in writing.<sup>245</sup>

The division may hire full-time attorneys to serve as division arbitrators or contract with certified arbitrators to hear disputes.<sup>246</sup> In order to be certified by the division, an arbitrator must be a licensed Florida attorney in good standing with the Florida Bar for five years with experience in arbitration or condominium law.<sup>247</sup> The department is required to adopt rules of procedure for arbitration proceedings.<sup>248</sup>

Arbitration allows for discovery. Any party to the arbitration may request “the attendance of witnesses and the production of books, records, documents, and other evidence,” for which the arbitrator will issue subpoenas. The requesting party “may apply to the court for orders compelling such attendance and production.”<sup>249</sup>

The arbitrator will issue a written decision to the parties within 30 days of the hearing. The prevailing party is entitled to “the costs of the arbitration and reasonable attorney fees in an amount determined by the arbitrator.”<sup>250</sup> Arbitration decisions are final either where the parties have agreed to binding arbitration or where no complaint is filed in court within 30 days.<sup>251</sup>

If a party files a complaint for a trial de novo (i.e., files a case in the court system) and the case does not result in a judgment “more favorable than the arbitration decision,” the filing party “shall be assessed the other party’s arbitration costs, court costs, and other reasonable costs, including attorney fees, investigation expenses, and expenses for expert or other testimony or evidence incurred after the arbitration hearing.” However, the filing party “shall be awarded reasonable court costs and attorney fees” in the event of a more favorable judgment than the arbitration decision.<sup>252</sup>

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<sup>244</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.1255\(4\)\(c\),\(d\).](#)

<sup>245</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.1255\(4\)\(a\).](#)

<sup>246</sup> The department may also contract with non-certified attorneys to act as arbitrators if no certified arbitrators are “available within 50 miles of the dispute.” [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.1255\(4\).](#)

<sup>247</sup> Applicants must have one of the following qualifications to be eligible to attain and maintain certification: (1) have mediated or arbitrated 10 or more condominium disputes in the past three years, (2) have mediated or arbitrated 30 or more disputes in any subject matter in the past three years, or (3) “attained board certification in real estate law or condominium and planned development law from The Florida Bar.” [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.1255\(4\).](#)

<sup>248</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.1255\(4\).](#) Rules of procedure for non-recall election disputes: 61B-45.001 - 61B-45.048; rules of procedure for recall disputes: 61B-50.101 - 61B-50.1405.

<sup>249</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.1255\(4\)\(j\).](#)

<sup>250</sup> The arbitration proceeding to award costs must be stayed where a party files for a trial de novo. [Florida Administrative Code, Department 61, Department of Business and Professional Regulation, Division 61B, Division of Florida Condominiums, Timeshares and Mobile Homes, Chapter 61B-45, The Mandatory Non-Binding Arbitration Rules of Procedure, Section 61B-45.048 \(2\)\(d\)\(e\).](#)

<sup>251</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.1255\(4\)\(k\).](#)

<sup>252</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.1255\(4\)\(l\).](#)

Disputes may move from arbitration to mediation proceedings. Any party to the dispute “may request that the arbitrator refer the case to mediation.” Once a request has been made, the division will ask all parties if they agree to mediation. “If all parties agree, the dispute must be referred to mediation.” Regardless of whether the parties agree, “the arbitrator may refer a dispute to mediation at any time.”<sup>253</sup> Parties then attend a mediation conference. The costs of mediation are shared equally by the parties. Failure to attend the mediation conference must result in sanctions by the arbitrator against the absent party. These sanctions may include “the striking of any pleadings filed, the entry of an order of dismissal or default if appropriate, and the award of costs and attorney fees incurred by the other parties.”<sup>254</sup> If mediation ends in an impasse, “the arbitration proceeding terminates, unless all parties agree in writing to continue.” A party may include the costs of mediation (including attorney fees) alongside arbitration costs during a trial de novo.<sup>255</sup>

### *Presuit Mediation*

The party petitioning for mediation must pay the Department of Business and Professional Regulation (the department)<sup>256</sup> a \$200 filing fee and serve a written demand to the responding party using language “substantially similar” to form language set forth in statute, including a description of the dispute and an explanation of the mediation process. The mediator is expected “to schedule a mutually convenient time and place for the mediation conference to be held.” Mediation must be held within 90 days of the demand letter, unless both parties agree in writing to a later date. Statutory language explains that the average mediation lasts three to four hours. Parties share mediation fees equally and pay their own attorney’s fees.<sup>257</sup>

If the responding party fails to respond within 20 days, agree to a mediator, or pay or prepay half of the mediation costs, the serving party may file a lawsuit in court and “seek an award of attorney’s fees or costs incurred in attempting to obtain mediation.” Failure or refusal “to participate in the entire mediation process” also means that the respondent will not be entitled to recover attorney’s fees” in court, even as the prevailing party.<sup>258</sup>

The division certifies both paid and volunteer mediators. Mediators must have “at least 20 hours of training in mediation techniques” or have “mediated at least 20 disputes” in order to be

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<sup>253</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.1255\(4\)\(e\).](#)

<sup>254</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.1255\(4\)\(f\).](#)

<sup>255</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.1255\(4\)\(h\).](#)

<sup>256</sup> The department oversees professional licensing and the regulation of businesses in Florida. The division is a subcomponent of the department specifically dedicated to the regulation of condominiums, timeshares, and mobile homes. Additional information on this organizational structure can be found in Chapter 3.

<sup>257</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 720, Homeowners’ Associations, Section 720.311\(2\)\(a\) and \(b\).](#)

<sup>258</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 720, Homeowners’ Associations, Section 720.311\(2\)\(b\).](#)

certified. In addition, “paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts” to be certified.<sup>259</sup> Mediators are neutral third-parties who should assist parties “in exploring possible opportunities for resolving part or all of the dispute.”<sup>260</sup>

If presuit mediation ends in an agreement between parties, the agreement will be set forth in writing and constitute “a binding and enforceable commitment of the parties.” If presuit mediation does not successfully resolve all dispute issues, the parties may then file any unresolved issues in court or enter into arbitration. The “prevailing party in any subsequent arbitration or litigation proceeding shall be entitled to seek recovery of all costs and attorney’s fees incurred in the presuit mediation process.”<sup>261</sup> “An arbitrator or judge may not consider any information or evidence arising from the presuit mediation proceeding except in a proceeding to impose sanctions for failure to attend a presuit mediation session or to enforce a mediated settlement agreement.”<sup>262</sup>

### *Strengths and Weaknesses of Florida’s Approach*

Interviewees familiar with Florida’s ADR process generally thought that it served the stated purpose of keeping many disputes from clogging the court system and provided complainants with a less expensive and less adversarial process for resolving disputes. Some interviewees preferred mediation to arbitration, saying that it was generally faster and cheaper (costs are shared and the process is usually more informal and less robust). Others thought arbitration could be more effective, saying that it was more likely to be run by a subject-matter expert and that because hearing decisions are published, this allowed a jurisprudence around condominium law to develop, which was helpful to practitioners. One interviewee thought that mediation could be helpful, but if pursued too early in the process, could be counterproductive (parties may not be ready to resolve the dispute, and the less formal nature of mediation may make it more likely that parties will not constructively engage with the process). Some interviewees cautioned that a successful arbitration program requires adequate funding. Although Florida’s arbitration program used to regularly publish information on all final orders, decisions are now posted individually, making them more difficult to find and analyze.<sup>263</sup> In addition, it can be difficult to hire and retain qualified arbitrators.

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<sup>259</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.501\(1\)\(m\).](#)

<sup>260</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 720, Homeowners’ Associations, Section 720.311\(2\)\(a\).](#)

<sup>261</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 720, Homeowners’ Associations, Section 720.311\(2\)\(c\).](#)

<sup>262</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 720, Homeowners’ Associations, Section 720.311\(2\)\(a\).](#)

<sup>263</sup> Final order indexes from January 1992 to September 2008 can be found on the division’s [website of final order indexes](#). Final orders after September 2008 can be searched individually on the [division’s general orders search page](#).

Several interviewees thought that ADR should be binding for some disputes, especially election and recall disputes. They said that speed and clarity are essential for these disputes, and that ADR, especially when conducted by a subject-matter expert, could reliably determine the facts at play and the applicability of the law in election-related disputes. But if an arbitrator determines that an association broke Florida law with respect to an election or recall and requires an election or the installation of properly elected board members, the sitting board can appeal the decision in litigation, which can take months or even years to resolve. As one interviewee pointed out, “the point of a recall is the prompt removal of directors.” That interviewee suggested that to the extent the law allows for an appeal in ADR election or recall disputes, there should be strict parameters surrounding that appeal (for example, an expedited process or requiring individual directors to bear the costs of litigating the appeal, instead of the association).

## Massachusetts

Massachusetts does not provide a specific ADR mechanism or forum for condominium unit owners and associations. Section 12 of Chapter 183A of the General Laws of Massachusetts provides that condominium association bylaws may, but are not required to, include “a procedure for submitting the disputes arising from the administration of the condominium to arbitration.”<sup>264</sup> This language has been part of the condominium law since its passage in 1963.<sup>265</sup> If arbitration is provided for in the condominium association bylaws, then Chapter 251 of the Massachusetts General Laws, the Uniform Arbitration Act for Commercial Disputes, applies.

Legislation that would create the Office of the Condominium Ombudsperson is under review. One of the responsibilities of this proposed office would be to “establish a Condominium Mediation Program with the goal of resolving disputes between and among unit owner organization trustees or directors, unit owners and appointed managers, including, but not limited to, interpretation of condominium documents.” The result would be a nonbinding decision, subject to appeal.<sup>266</sup> Similar bills have been proposed in previous years.<sup>267</sup>

### *Strengths and Weaknesses of Massachusetts’s Approach*

All interviewees were opposed to the concept of mandatory, specialized ADR, noting that relying on internal board processes, followed by recourse in the courts if needed, was sufficient.

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<sup>264</sup> [Massachusetts General Laws, Part II, Real and Personal Property and Domestic Relations, Title 1, Title to Real Property, Chapter 183A, Condominiums, Section 12.](#)

<sup>265</sup> Mass. Laws, Chapter 193, June 23, 1963.

<sup>266</sup> [Massachusetts Senate, An Act Relative to the Condominium Owners’ Rights, Bill 980, 2025.](#)

<sup>267</sup> [Massachusetts Senate, And Act Relative to the Condominium Owners’ Rights Act \(CORA\), Bill 2498, 2023-2024.](#)

## Nevada

Nevada has established comprehensive ADR systems specifically designed for condominium and common-interest community disputes that operate separately from general dispute resolution programs. The statutory framework mandates that civil actions based on claims relating to the interpretation, application, or enforcement of bylaws, rules, or regulations adopted by an association, or procedures for increasing, decreasing, or imposing additional assessments, must be submitted to mediation or referred to a specialized program before commencing court action.<sup>268</sup> Courts are required to dismiss civil actions commenced in violation of this mandatory ADR requirement.<sup>269</sup> However, mandatory ADR can be conducted through the division or privately.<sup>270</sup> The Nevada Supreme Court held in *Kosor, Jr. v. S. Highlands Cmty. Ass’n* (2025) that this pre-suit ADR requirement is a mandatory but nonjurisdictional claim-processing rule that can be waived or forfeited, rather than a jurisdictional prerequisite that would void court proceedings if not followed.<sup>271</sup>

The Real Estate Division has statutory authority to establish dedicated “programs of dispute resolution” that operate through specialized personnel, including referees or hearing officers, who render decisions on disputes relating to governing document interpretation and assessment procedures.<sup>272</sup> The dispute resolution process includes three options. The referee program provides disputing parties an opportunity to present their case to an independent referee, contingent on mutual consent to participate. The referee hears both sides, examines relevant evidence and governing documents, and issues a nonbinding decision that may include monetary awards of up to \$7,500, although attorneys’ fees are not permitted. Parties who wish to continue the matter beyond this process may pursue it in civil court. Under NRS Chapter 38, effective October 1, 2013, mediation is the default resolution method when the parties do not agree to use the referee process. In mediation, each party submits statements and supporting documentation, and the mediator works with them to reach a written settlement. If mediation does not yield resolution, and both sides agree, the matter may proceed to nonbinding or binding arbitration as an alternative to litigation. In arbitration, the parties present their cases and witnesses, after which the arbitrator issues a decision—subject to further review in civil court if either party chooses.<sup>273</sup> Regardless of which option the complainant chooses, they must submit a \$50 filing

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<sup>268</sup> Neither NRS Chapter 38 nor NRS Chapter 116 provides that participation in ADR suspends an owner’s obligation to pay condominium assessments. According to an interviewee, the governing documents and collection policy require payment of all assessments, even if disputed. Thus, failure to pay can lead to late fees, interest, collection costs, and possible foreclosure.

<sup>269</sup> [Nevada Revised Statutes, Chapter 38, Mediation and Arbitration, Section 38.310.](#)

<sup>270</sup> Interviews with Nevada stakeholders.

<sup>271</sup> *Kosor, Jr. v. S. Highlands Cmty. Ass’n*, 141 Nev. Adv. Op. No. 34, \_\_\_ P.3d \_\_\_ (June 18, 2025).

<sup>272</sup> [Nevada Revised Statutes, Chapter 38, Mediation and Arbitration, Section 38.300](#), [Nevada Revised Statutes, Chapter 38, Mediation and Arbitration, Section 38.325](#).

<sup>273</sup> “About the Alternative Dispute Resolution Program,” Nevada Real Estate Division, accessed August 10, 2025, <https://red.nv.gov/Content/CIC/ADR/About/>. See also, Form 523, Nevada Real Estate Division, accessed August 10,



fee with their ADR complaint.<sup>274</sup> The ombudsman assists in processing claims submitted to mediation, arbitration, or specialized programs.<sup>275</sup> Figure 3.1 in Chapter 3 depicts steps in the ADR process.

Several features distinguish these condominium-specific ADR programs from general ADR programs. The mandatory nature requires participation before court action, unlike most voluntary ADR programs.<sup>276</sup> The division maintains specialized lists of mediators and arbitrators with specific training and experience in association disputes, including interpretation and enforcement of governing documents.<sup>277</sup> Geographic availability requirements mandate that mediators and arbitrators be available within 150 miles of the subject property.<sup>278</sup>

Structured fee limitations establish specific cost caps: mediation costs cannot exceed \$500 for three hours with additional hours at \$200 per hour, and arbitration costs cannot exceed \$300 per hour.<sup>279</sup>

Timelines vary by dispute resolution process. Chapter 38 of the Nevada Revised Statutes does not specify a timeline for completion of the referee program. Mediation must be completed within 60 days after the filing of the written claim. For arbitration, once an arbitrator is appointed, the arbitrator has five days to issue an informational statement, the parties have ten days to acknowledge receipt, and the award must be issued within 30 days after the arbitration concludes.<sup>280</sup> The statutes of limitation for filing a lawsuit are tolled from the time a claim is submitted to mediation or arbitration until the process is completely finished.<sup>281</sup>

The commission may establish standards for subsidizing ADR proceedings and enter into cooperative agreements with other entities to develop uniform ADR procedures.<sup>282</sup> The division offers subsidized mediation to help resolve common-interest community disputes when funds are available. To qualify, parties must apply within one year of discovering the violation, and associations must be in good standing with the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels and the Secretary of State. According to NAC § 116.520, each unit owner and association can receive one subsidized mediation per fiscal year per unit, with the subsidy capped at \$500 or \$250 per eligible party, whichever is less. The subsidy covers mediation costs but excludes filing fees and attorney fees. Frequency

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2025, <https://red.nv.gov/uploadedfiles/rednvgov/Content/Forms/523.pdf> (discussing procedural details, fees, and enforcement of decisions).

<sup>274</sup> [Nevada Revised Statutes, Chapter 38, Mediation and Arbitration, Section 38.320.](#)

<sup>275</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.625.](#)

<sup>276</sup> [Nevada Revised Statutes, Chapter 38, Mediation and Arbitration, Section 38.310.](#)

<sup>277</sup> [Nevada Revised Statutes, Chapter 38, Mediation and Arbitration, Section 38.340.](#)

<sup>278</sup> [Nevada Revised Statutes, Chapter 38, Mediation and Arbitration, Section 38.330.](#)

<sup>279</sup> [Nevada Revised Statutes, Chapter 38, Mediation and Arbitration, Section 38.330.](#)

<sup>280</sup> [Nevada Revised Statutes, Chapter 38, Mediation and Arbitration, Section 38.330.](#)

<sup>281</sup> [Nevada Revised Statutes, Chapter 38, Mediation and Arbitration, Section 38.350.](#)

<sup>282</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.670.](#)

limitations restrict unit owners and associations to one subsidized proceeding per fiscal year against the same opposing party per unit.<sup>283</sup> Although the administrative code section that covers mediation subsidies is silent on subsidies for the referee program, a 2025 Nevada Lawyer article written by the ombudsman noted that the referee process is subsidized at \$1,000 per claim. This article also noted that the filing fee for the mediation and referee processes is \$50 as of 2025.<sup>284</sup>

In an April 2025 report, the Office of the Ombudsman reported that the division collected \$16,400 in filing fees and paid \$47,375 in subsidies to 111 qualifying homeowners across 221 applications.<sup>285</sup>

Although ADR may be commenced by parties other than homeowners (e.g., association boards), interviewees reported that such use is infrequent. Interviewees indicated that the disputes most commonly addressed through ADR involve property use and misuse (e.g., exterior modifications, interior renovations), disagreements over assessments, and maintenance obligations. Assessment-related disputes often arise when boards seek to collect sufficient funds to meet reserve requirements, with some homeowners questioning the value received for the assessments paid. Interviewees also reported that owners frequently bring disputes to ADR over board management practices, particularly alleging noncompliance with governing documents, with some conflicts reflecting boards' varying levels of managerial expertise and training.

### *Strengths and Weaknesses of Nevada's Approach*

Interviewees identified several strengths of Nevada's ADR framework for common-interest community disputes. Many cited subsidies and cost caps as important factors in making ADR more financially accessible to both homeowners and boards. Stakeholders also highlighted the statutory requirement in NRS § 38.330 that mediation be completed within 60 days of filing a claim, describing this as a safeguard against delays that can increase frustration and hinder resolution.<sup>286</sup> In addition, interviewees saw value in the diverse professional backgrounds of mediators, which can provide varied perspectives and approaches to resolving disputes.

Interviewee concerns about weaknesses in the system focused on sustainability and capacity. Rising operational costs have outpaced available funding, with stakeholders noting that the fee and subsidy structures established a decade ago have remained unchanged despite significant

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<sup>283</sup> [Nevada Administrative Code, Chapter 116, Common-Interest Ownership, Section 116.520](#). According to Form 668, ADR Subsidy Application for Mediation, the subsidy applies only to actual mediator fees and is provided only if funds are available. See Nevada Real Estate Division, Office of the Ombudsman for Common-Interest Communities and Condominium Hotels. *Form 668 — Alternative Dispute Resolution (ADR) Subsidy Application for Mediation*. Revised May 1, 2020. Las Vegas, NV: Nevada Department of Business and Industry. Available at: <https://red.nv.gov/Content/Forms/All/>.

<sup>284</sup> Meriweather, August, 2025, p. 22.

<sup>285</sup> Nevada Real Estate Division, Office of the Ombudsman, April 2025, [https://red.nv.gov/uploadedFiles/rednv.gov/Content/Meetings/CIC/2025/Supporting\\_Materials/June/Ombudsman-Report\\_April-2025.pdf](https://red.nv.gov/uploadedFiles/rednv.gov/Content/Meetings/CIC/2025/Supporting_Materials/June/Ombudsman-Report_April-2025.pdf).

<sup>286</sup> [Nevada Revised Statutes, Chapter 38, Mediation and Arbitration, Section 38.330](#).



increases in expenses. Limited mediator availability was also cited, particularly in Las Vegas, where only a few mediators or arbitrators serve a large condominium population. In addition, one interviewee viewed the ADR process as lacking enforcement strength and potentially allowing parties to prolong disputes in ways that disadvantage those with fewer resources.

## Cross-State Summary and Best Practices: Dedicated ADR Programs

The five states reviewed—California, Florida, Nevada, Delaware, and Massachusetts—illustrate differing approaches to ADR for condominium and community association disputes. As shown in Table 5.4, state systems vary considerably in regulatory philosophy, dispute coverage, cost structures, timing, and enforcement mechanisms.

Three states—California, Florida, and Nevada—require mandatory pre-litigation ADR, while Delaware offers a voluntary ombudsman-administered program and Massachusetts provides no dedicated framework beyond general commercial arbitration statutes. Mandatory systems are enforced through court dismissal of cases filed without ADR compliance, providing stronger incentives for participation.

State ADR programs emphasize targeted coverage rather than broad applicability. As outlined in Table 5.4, California focuses on enforcement of governing documents and statutory compliance but excludes small claims and assessments. Florida covers board actions, meeting procedures, and, beginning in 2027, structural integrity issues. Nevada limits its program to governing document interpretation and assessment procedures. Delaware’s program can cover any dispute type, while Massachusetts leaves ADR coverage to individual condominium association bylaws. This selective targeting reflects state efforts to tailor ADR processes to common dispute patterns rather than universal application.

Cost practices vary widely among states (see Table 5.4). California leaves cost division unspecified; Florida requires equal cost sharing in mediation and cost recovery for prevailing parties in arbitration; Nevada imposes a \$500 cap for mediation and \$300 per hour for arbitration; and Delaware charges a \$35 filing fee and \$100 per hour for ombudsman-provided ADR. Massachusetts does not specify statewide cost rules. These different models demonstrate how states balance fee recovery, participant accessibility, and administrative sustainability.

The timing of ADR proceedings also differs across states. As summarized in Table 5.4, Nevada mandates the shortest timelines—60 days for mediation and 30 days for arbitration—whereas California and Florida allow 90 days for mediation. Florida additionally requires arbitration decisions within 30 days, while Delaware’s voluntary program imposes no timeline. Mandatory systems pair timelines with enforcement provisions to reduce delays, whereas voluntary programs prioritize procedural flexibility.

Mandatory ADR regimes enforce participation through judicial remedies, such as dismissal of improperly filed lawsuits. Voluntary and internal processes rely on the willingness of participants and administrative capacity. Interviewees across states report that ADR can reduce

court usage and improve communication, although nonbinding outcomes and mediator availability persist as common challenges.

### *Emerging Practices and Recommendations*

Analysis of cross-state systems and Table 5.4 suggests several practices that support effective ADR implementation:

- Funneling disputes through preliminary screening processes (such as IDR or ombudsman efforts to help parties informally resolve disputes) could help focus formal ADR on cases best suited to the process, conserving resources and streamlining resolution efforts.
- Focus scope on recurring dispute categories to align resources with need.
- Expand accessibility through cost caps, fee subsidies, and trained neutrals located near affected communities. (Nevada's subsidized mediation program supports accessibility for disputants.)
- Provide standardized qualifications and training for mediators and arbitrators in association-specific subject matter.
- Clarify the implications of binding versus nonbinding ADR to improve procedural legitimacy.
- Maintain transparency through regular notices and published guidance for condominium owners and boards.

**Table 5.4. Dedicated ADR Programs in Five Selected States**

State	Requirement	Covered Disputes	IDR Req	Cost Structure	Timeline	Special Features	Reported Effectiveness
<b>CA</b>	Mandatory	Governing document enforcement, state law enforcement (excludes small claims and assessments)	Yes	Parties pay (division unspecified)	90 days to complete	Annual disclosure requirement to owners. CA also requires condominium associations to have an IDR process. If the association does not adopt its own process, the IDR process in CA Civil Code 5900-5920 applies.	Skepticism—nonbinding often limits impact
<b>DE</b>	Voluntary	All disputes may go through ombudsman's office; IDR must be attempted first	Yes	\$35 filing fee and \$100 per hour. Fee is equally divided unless specified.	No timeline specified	Multiple ADR types: conciliation, mediation, arbitration, neutral assessment; ombudsman vetting; no-cost court mediation	High resolution at IDR stage; concern that internal processes protect board
<b>FL</b>	Mandatory	Board actions, meeting, termination plans, structural integrity issues	No	Equal sharing (mediation), prevailing party recovers (arbitration)	90 days (mediation), 60 days (arbitration)	Some interviewees recommended binding arbitration for election disputes	Reduces court burden, less adversarial, and saves money
<b>MA</b>	None	General arbitration only (may be in bylaws)	No	N/A	N/A	Bylaws can provide for ADR; IDR recommended though not required; strong opposition to mandatory	Low use
<b>NV</b>	Mandatory	Governing document interpretation, assessment procedures	No	\$500 cap (three-hour mediation), \$300 per hour for arbitration	60 days from filing to completion (mediation)	Subsidized mediation: \$500 or \$250 per party annually; no IDR, but informal ombudsman assistance in resolution after someone submits complaint to Real Estate Division	ADR expert reports participant satisfaction; majority of disputes are owner versus board

## Chapter 6. Requirements for Owner Access to Association Documents

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Because condominium associations function through self-governance structures where boards make decisions on behalf of all owners, access to association documents and records provides unit owners with information necessary to understand operations, assess board compliance with legal requirements, and participate in association governance. States have established varying requirements for condominium owner access to association documents, ranging from comprehensive statutory frameworks with detailed enforcement mechanisms to basic inspection rights with minimal procedural guidance. California, Delaware, Florida, and Nevada mandate extensive document access covering financial records, governing documents, meeting minutes, contracts, and election materials. Massachusetts provides more limited “reasonable inspection” rights during business hours for basic documents including the master deed, bylaws, financial records, and insurance policies.

Most states allow associations to charge fees for document copying and preparation, with Nevada and California setting specific fee limitations and requiring electronic delivery at no charge when possible.

Nevada and Florida provide the most comprehensive frameworks, including mandatory online platforms for larger associations, multiple access methods, detailed retention requirements over long time periods, and enforcement support through government agencies. In Nevada, enforcement is conducted through the Office of the Ombudsman, which can impose daily penalties of \$25 for associations failing to provide required records within 21 days. In Florida, enforcement is conducted through the Division of Condominiums, Timeshares, and Mobile Homes, which can impose actual damages or daily penalties of \$50 for associations failing to provide required records within 10 days, with a cap of \$500 (unit owners may also seek remedies through ADR).

### California

California Civil Code requires that a wide variety of condominium association documents be made available to condominium owners or the owner’s designated representatives.<sup>287</sup> If requested, the condominium association must make the documents available electronically, although there is not a requirement for the documents to be available in an online portal.<sup>288</sup>

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<sup>287</sup> [California Civil Code, Division 4, General Provisions, Part 5, Common Interest Developments, Chapter 6, Association Governance, Section 5205.](#)

<sup>288</sup> [California Civil Code, Division 4, Part 5, Chapter 6, Section 5205.](#)

These documents include the condominium association’s governing, financial, and election documents, in addition to the materials that must be made available to prospective buyers (described in Chapter 7).<sup>289</sup> Please see Appendix A for a complete list of documents that condominium associations must provide owners.

California Civil Code separates out condominium association records into three categories, “association records,” “enhanced association records,” and “association election materials.”<sup>290</sup> Practically, all three types of association records are included in California’s requirements for document access, however the categories distinguish between the topic and level of detail in the relevant documents. Association records include a wide variety of documents, including but not limited to: executed contracts, tax returns, and board meeting agendas and minutes.<sup>291</sup> Enhanced association records include more detailed documents, such as invoices, bank account statements, and reimbursement requests submitted to the condominium association.<sup>292</sup> Association election materials include the voter list, returned ballots, and the candidate registration list.<sup>293</sup> Condominium associations are required to make documents available for the current fiscal year and the previous two fiscal years and respond to requests for records within time periods specified in statute, which varies by record type.<sup>294</sup>

California Civil Code includes exceptions and limitations around the records that can be made available. For example, condominium associations are not required to release materials that could lead to identity theft, fraud, breach of privacy, or are covered by attorney-client privilege but are required to document the decision to not provide those materials.<sup>295</sup> Condominium associations are required to undertake specific actions to protect the information of participants in the Safe at Home program, which allows certain individuals, including reproductive health care workers, public employees, and victims of stalking, elder abuse, domestic violence, and related crimes, to have a confidential mailing address.<sup>296, 297</sup> Condominium owners are permitted to opt out of having their information shared by a condominium association, and condominium associations are not permitted to sell information from association records or use it for commercial purposes.<sup>298</sup>

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<sup>289</sup> [California Civil Code, Division 4, Part 5, Chapter 6, Section 5200.](#)

<sup>290</sup> [California Civil Code, Division 4, Part 5, Chapter 6, Section 5200.](#)

<sup>291</sup> [California Civil Code, Division 4, Part 5, Chapter 6, Section 5200.](#)

<sup>292</sup> [California Civil Code, Division 4, Part 5, Chapter 6, Section 5200.](#)

<sup>293</sup> [California Civil Code, Division 4, Part 5, Chapter 6, Section 5200.](#)

<sup>294</sup> [California Civil Code, Division 4, Part 5, Chapter 6, Section 5210.](#)

<sup>295</sup> [California Civil Code, Division 4, Part 5, Chapter 6, Section 5215.](#)

<sup>296</sup> California Secretary of State. “Safe at Home.” As of August 13, 2025: <https://www.sos.ca.gov/registries/safe-home>.

<sup>297</sup> [California Civil Code, Division 4, Part 5, Chapter 6, Section 5216.](#)

<sup>298</sup> [California Civil Code, Division 4, Part 5, Chapter 6, Section 5220, California Civil Code, Division 4, Part 5, Chapter 6, Section 5230.](#)

California Civil Code does not permit the use of association records for commercial purposes or any use that is not “reasonably related” to the member’s interest as a member.<sup>299</sup> Condominium associations are permitted to bring an action against an individual who violates § 5230 of the California Civil Code.<sup>300</sup> The access requirements for condominium association membership lists are different. Members or their designated representatives are required to “state the purpose” for requesting the membership list and that reason must be related to their “interests as a member.”<sup>301</sup> California Civil Code does not describe the manner in which the purpose must be stated, but does permit condominium associations to deny requests they believe to be unrelated to the member’s interests.<sup>302</sup> However, the burden to prove that the purpose was unrelated to member interests would be on the condominium association in any following legal actions.<sup>303</sup>

Condominium associations can charge members for documents, subject to certain restrictions. Condominium associations may bill members for the actual costs of copying and mailing documents, with prior disclosure of costs and agreement to pay the costs, as well as up to \$10 per hour (up to a total of \$200), for time spent redacting certain “enhanced association records.”<sup>304</sup> Condominium associations are required to make the documents available for in-person inspections in the condominium development, which does not have a cost associated with the review for the condominium owner.<sup>305</sup>

### *Strengths and Weaknesses of California’s Approach*

Interviewees expressed support for transparency related to condominium association documents, including the potential introduction of online portals to host and provide access to the files. Interviewees expressed concerns about the complexity of the documents and noted that the documents may not truly be accessible in all situations because of a wide variety of factors, including costs. Interviewees additionally expressed concerns that smaller condominium associations may have difficulties complying with California’s document access requirements, in part because of the complexity of and changes to California’s legal requirements. Multiple interviewees spoke about the complexity of California condominium law and noted that compliance with the law requires education and effort for condominium associations.

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<sup>299</sup> [California Civil Code, Division 4, Part 5, Chapter 6, Section 5230.](#)

<sup>300</sup> [California Civil Code, Division 4, Part 5, Chapter 6, Section 5230.](#)

<sup>301</sup> [California Civil Code, Division 4, Part 5, Chapter 6, Section 5225.](#)

<sup>302</sup> [California Civil Code, Division 4, Part 5, Chapter 6, Section 5225.](#)

<sup>303</sup> [California Civil Code, Division 4, Part 5, Chapter 6, Section 5225.](#)

<sup>304</sup> [California Civil Code, Division 4, Part 5, Chapter 6, Section 5205.](#)

<sup>305</sup> [California Civil Code, Division 4, Part 5, Chapter 6, Section 5205.](#)

## Delaware

As discussed in Chapter 3, Delaware has two sets of laws governing condominiums, DUCIOA and the UPA. These laws have different requirements related to owner access to condominium association records. For associations where DUCIOA is the controlling law, the DUCIOA requirements related to owner access to condominium association records apply; for associations where the UPA controls, the UPA requirements will apply. In general, interviewees thought the law provides sufficient access to records, at least in theory.

### *DUCIOA Requirements*

Under DUCIOA, the following records must be maintained by the association for examination and copying by a unit owner or its authorized agent “so long as the request is made in good faith and for a proper purpose related to the owner’s membership in the association.” Examination of these records may take place during reasonable business hours or at a mutually convenient time and location, and with five days written notice identifying the purpose for the request and the specific records requested. The types of records are

- financial and accounting records;
- governance and organizations documents; and
- meeting minutes and action records.<sup>306</sup>

The association may withhold these records from inspection and copying if they have to do with a person’s medical records, leases in or under negotiation, pending or threatened litigation or ADR, matters involving proceedings before a government tribunal, communications protected by the attorney-client privilege, disclosures that would violate law, confidential records, and unit owner files of someone other than the requesting owner. The association can charge for providing inspection or copies of the records to a unit owner.<sup>307</sup>

### *UPA Requirements*

The requirements in the UPA, which apply to condominium associations created before September 30, 2009 and all condominiums with 20 or fewer units, require the association treasurer to maintain “detailed records of all receipts and expenditures, including expenditures affecting the common elements specifying and itemizing the maintenance, repair and replacement expenses of the common elements and any other expenses incurred,” and a record of assessments and payment made thereto by each unit owner. These must be made available for unit owners to examine during regular business hours. The UPA requirements allow access for examination of these records, but do not speak to a process by which a condominium association may make copies of these records or charge for costs associated with making copies of these

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<sup>306</sup> [Delaware Code, Title 25, Chapter 81, Subchapter III, Section 318.](#)

<sup>307</sup> [Delaware Code, Title 25, Chapter 81, Subchapter III, Section 318.](#)

records.<sup>308</sup> The UPA also requires that the council (the UPA’s term for the board managing the “business operation and affairs of the property”)<sup>309</sup> prepare and maintain minutes for all unit owner and council meetings, which must “be made available to all unit owners.” The statute does not describe a process for making these records available to unit owners.<sup>310</sup>

### *Strengths and Weaknesses of Delaware’s Approach*

Interviewees agreed that owner access to documents was important. One interviewee thought that DUCIOA requirements had increased the number of unit owners who received the documents to which they were entitled. Two interviewees said that there were some associations that do not comply with access requirements and stressed that education for condominium association managers and boards on legal requirements was important. There was broad agreement that online access to documents was a best practice.

## Florida

Florida requires condominium associations to maintain specific documents as official records and make them available to unit owners. Official records include items such as condominium governing documents, board meeting minutes, insurance policies, election materials, inspection reports, board member educational certificates, and inspection reports.<sup>311</sup> A full list of official records, with information on how long records must be maintained, is available in Appendix A.

### *Access to Official Records*

Associations must maintain official records “in an organized manner that facilitates inspection of the records by a unit owner.” In the event that an association loses or destroys records, or the records are unavailable for any other reason, the association has a “a good faith obligation to obtain and recover those records as is reasonably possible.”<sup>312, 313</sup>

Official records must be “open to inspection by an association member” or a member’s authorized representative “at all reasonable times.” Associations have four ways to make official records available for inspection:

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<sup>308</sup> [Delaware Code, Title 25, Property, Chapter 22, Unit Properties, Subchapter III, Administrative Provisions, Section 2218.](#)

<sup>309</sup> [Delaware Code, Title 25, Property, Chapter 22, Unit Properties, Subchapter I, Preliminary Provisions, Section 2202\(5\).](#)

<sup>310</sup> [Delaware Code, Title 25, Property, Chapter 22, Unit Properties, Subchapter VIII, Miscellaneous, Section 2241.](#)

<sup>311</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.111\(12\)\(a\)](#)

<sup>312</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.111\(12\)\(b\).](#)

<sup>313</sup> Because the length of time to maintain records has changed over time, some associations destroyed or discarded records that Florida law previously required be maintained for a limited number of years but which now requires permanent maintenance. Florida interview 9/30/2025.



1. Make records available “within 45 miles of the condominium property or within the county in which the condominium property is located within 10 working days after” the unit owner makes a written request to the association board or designee.
2. Provide “a copy of the official records of the association available for inspection or copying on the condominium property or association property.”
3. Make the records available on the association’s website, as described in the section that follows.
4. Make the records available “on a computer screen and printed upon request.”<sup>314</sup>

Association members and their representatives have “the right to make or obtain copies.” Associations may charge “reasonable expense[s]” for record copies. In addition, associations are permitted to “adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying,” but associations “may not require a member to demonstrate any purpose or state any reason for the inspection.” When responding to written requests to inspect records, associations must provide “a checklist of all records made available for inspection and copying” and identify any official records “that were not made available.” Any such checklist provided to someone requesting records must be maintained for seven years.<sup>315</sup>

### *Failure to Provide Official Records*

If the association does not provide access to official records, the unit owner requesting such access “is entitled to actual damages or minimum damages,” with minimum damages defined as \$50 per calendar day “beginning on the 11th working day after receipt of the written request,” with a cap of \$500. A prevailing party in an enforcement proceeding may recover “reasonable attorney fees from the person in control of the records” if that person “directly or indirectly, knowingly denied access to the records.”<sup>316</sup> Unit owners may seek enforcement of the right to inspect records through ADR or by making a complaint to the division.<sup>317</sup>

It is a second-degree misdemeanor for association board members or community association managers to “willfully and knowingly or intentionally” violate the requirements related to providing inspection access. Board members who commit this crime “must be removed from office and a vacancy” must be declared.<sup>318</sup>

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<sup>314</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Section 718.111\(12\)\(b\).](#)

<sup>315</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.111\(12\)\(b\),\(c\).](#)

<sup>316</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.111\(12\)\(c\)\(1\)\(a\)](#)

<sup>317</sup> For more information, see Chapter 5.

<sup>318</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.111\(12\)\(c\)\(2\).](#) (12)(c)(3) makes it a first-degree misdemeanor for any person to “willfully and knowingly or intentionally” deface, destroy, or fail to create or maintain required accounting records if done “with the intent of causing harm to the association or one or more of its members.” (12)(c)(4) makes it a third-degree felony to “willfully and knowingly or intentionally” refuse “to release or otherwise produce association records with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape.” Both crimes also require board members to be removed from office with a vacancy declared.

## *Association Websites*

All condominium associations with 25 or more units are required to post copies of specified documents to a website or other program where documents may be “downloaded on a mobile device.” Documents must be posted “within 30 days after the association receives or creates” the official record. The website or application may be owned and operated by the association or a third party, but must be “accessible through the Internet” and with at least a portion of the website or application “that is inaccessible to the general public and accessible only to unit owners and employees of the association.” Upon written request, an association must provide a unit owner with a username and password that allows the unit owner to access any documents which must be provided. Although there is substantial overlap between association official records and the items that must be posted to an association’s website, the items listed are not identical. A full list of required documents of association websites can be found in Appendix A.<sup>319</sup>

## *Owner Access to Documents Other than Official Records*

In addition to official records, associations must annually create and distribute a financial report for the previous fiscal year to unit owners. The report must be delivered to unit owners within 21 days of the report’s completion (or receipt by the association, if prepared by a third party), but no later than 180 days of the end of the fiscal year (or the annual date set forth in the bylaws for preparing and completing the financial report). The association may mail, hand deliver, email, or fax copies of the financial report. The financial report must be delivered without charge to the unit owners. Alternatively, the association may deliver a notice that the association will provide a copy of the financial report within five business days upon written request from the unit owner.<sup>320</sup> If the association does not provide a copy of the financial report within five business days, a unit owner may file a written complaint with the Division of Condominiums, Timeshares, and Mobile Homes (the division).<sup>321</sup> If the division substantiates the complaint, the association will be required to mail or hand deliver a copy of the report to both the unit owner and the division within five business days. The division will maintain this copy and provide it “to an association member upon his or her request.”<sup>322</sup>

Additional records that must be made available to unit owners and prospective purchasers are discussed in Chapter 7.

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<sup>319</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.111\(12\)\(g\).](#)

<sup>320</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.111\(13\).](#)

<sup>321</sup> The division sits within the Department of Business and Professional Regulation (the department), which oversees professional licensing and the regulation of businesses in Florida. Additional information on this organizational structure can be found in Chapter 3.

<sup>322</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.111\(13\)\(e\).](#)

## *Strengths and Weaknesses of Florida's Approach*

All interviewees agreed with the general framework requiring condominium associations to provide unit owners with access to key documents. Some interviewees thought that a portion of unit owners or associations might act in bad faith (e.g., unit owners requesting records unreasonably often or associations overcharging for copying costs). Most interviewees considered the existing requirements to be appropriate. However, two respondents suggested that the law could be more explicit in defining what constitutes reasonable or unreasonable board rules and in outlining potential penalties for individuals who repeatedly act in bad faith.

There was also consensus that the requirement for associations to post documents to websites was beneficial, although there were a variety of opinions on the correct unit threshold for this requirement: of the interviewees who expressed an opinion, one interviewee thought all associations should be required to post documents to websites, one thought the existing threshold of 25 units was appropriate, and two thought the threshold may be too low (with the requirement set at perhaps 50 or 150 units). Even with this disagreement on the correct threshold, there was widespread agreement that having a website was a best practice and helped provide unit owners with access to information to which they are entitled and freed associations from potentially frivolous requests. One interviewee thought that the requirement to post recordings of meetings held by video conference was too onerous, especially for smaller associations; the interviewee expressed concern that this requirement might incentivize associations to stop holding meetings via video conference, even when that option might best serve the needs of the community.

## Massachusetts

In Massachusetts, condominium unit owners and “mortgagee[s] holding a recorded first mortgage” have the right of “reasonable inspection” during regular business hours and other times as agreed to of the following records,

- Legal and governance documents;
- Financial records and reports, including records of all receipts and expenditures, invoices, vouchers, receivables, and related bank statements, and a financial report within 120 days of the end of the fiscal year; and
- Contracts and insurance.<sup>323</sup>

The association may charge the unit owner to photocopy the records.<sup>324</sup> A bill was introduced in 2025 to amend the section of law related to condominium owner access to records,

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<sup>323</sup> [Massachusetts General Laws, Part II, Real and Personal Property and Domestic Relations, Title 1, Title to Real Property, Chapter 183A, Condominiums, Section 10\(c\)](#). Note that this section specifies that the required documents must be made available only to a unit owner or mortgagee, not agent or prospective buyer. Additionally, the section does not impose any requirement beyond a “request” from the owner or mortgagee.

<sup>324</sup> [Massachusetts General Laws, Part II, Real and Personal Property and Domestic Relations, Title 1, Title to Real Property, Chapter 183A, Condominiums, Section 10](#).

providing a timeline in which the association must provide financial records, and requiring access to additional types of records and information.<sup>325</sup> As of October 2025, the bill is in the Joint Committee on Housing.<sup>326</sup>

### *Strengths and Weaknesses of Massachusetts's Approach*

Massachusetts interviewees described a system in which statutory provisions for owner access are well established but uneven in practice. For example, one interviewee felt that existing mechanisms are adequate, citing digital access to many records and a framework that promotes transparency. Another interviewee reported difficulty obtaining documents, limited enforcement and penalties, and reliance on voluntary transparency in smaller associations.

## **Nevada**

Nevada provides extensive document access rights for unit owners through comprehensive statutory and regulatory requirements covering routine access, specific documents needed for resale transactions, and enforcement mechanisms. “[U]pon the written request of a unit’s owner,” executive boards must make association books, records, and other papers available for review at the business office or designated location not exceeding 60 miles from the community during “regular working hours.” Required accessible documents include financial statements, budgets, reserve studies, and all contracts to which the association is a party, along with court records relating to civil or criminal actions involving the association.<sup>327</sup> (NRS § 116.31175 – which requires record access - does not apply to employee personnel records (except hours worked, salaries, and benefits), records related to other unit owners, or documents under development for executive board consideration that are not on an approval agenda (excluding the budget)).<sup>328</sup>

The regulatory framework defines “regular working hours” as at least four consecutive hours per week, ensuring minimal access opportunities even for small associations.<sup>329</sup> Review fees cannot exceed \$25 per hour for examining association documents.<sup>330</sup>

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<sup>325</sup> [Massachusetts Senate, An Act Relative to the Condominium Owners’ Rights, Bill 980, 2025.](#)

<sup>326</sup> [Massachusetts Senate, An Act Relative to the Condominium Owners’ Rights, Bill 980, 2025.](#)

<sup>327</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.31175.](#) Note that this section specifies that the required documents must be made available only to “a unit’s owner,” not to the owner’s agent or prospective buyers. Additionally, the statutory section does not impose any requirement beyond a “written request” from the owner.

<sup>328</sup> Nevada Secretary of State. (n.d.). *Requesting Association Records*. Retrieved from [https://red.nv.gov/uploadedFiles/rednv.gov/Content/CIC/Program\\_Training/Flowcharts/Requesting-Association-Records.pdf](https://red.nv.gov/uploadedFiles/rednv.gov/Content/CIC/Program_Training/Flowcharts/Requesting-Association-Records.pdf).

<sup>329</sup> [Nevada Administrative Code, Chapter 116, Common-Interest Ownership, Section 116.440.](#)

<sup>330</sup> [Nevada Revised Statutes, Chapter 116, Section 116.31175.](#)

Associations are required to maintain detailed financial records necessary to provide information required for resale of units and make them accessible to “any unit’s owner and his or her authorized agents” for inspection, examination, photocopying, and auditing. These records must be kept at the association’s business office or another suitable location within the county where the community is situated.<sup>331</sup>

Mandatory delivery requirements obligate executive boards to provide copies of financial statements, budgets, and reserve studies to unit owners or the ombudsman within 21 days of receiving written requests. Records must be provided in electronic format at no charge when possible, or with copying fees limited to 25 cents per page for the first 10 pages and 10 cents per page thereafter when electronic format is unavailable. Executive boards failing to provide required records within 21 days must pay penalties of \$25 for each day of failure.<sup>332</sup>

According to Real Estate Division educational materials, unit owners can access association records through three methods. First, effective January 1, 2022, associations with 150 or more units are required to maintain a secure online platform where unit owners can access various documents, including governing documents, budgets, meeting notices, and other nonconfidential materials; associations with fewer than 150 units are encouraged to establish similar portals. Second, unit owners can submit written requests for copies of specific documents, such as financial statements and budgets, which must be provided within 21 days at no charge for electronic copies or a nominal fee for physical copies. Finally, unit owners may request to review records at a designated location within 60 miles of the community during business hours, with a fee not exceeding \$10 per hour for access to contracts, financial records, and other relevant documents.<sup>333</sup> The regulatory framework establishes detailed financial reporting requirements, creating additional accessible documents, including interim financial statements prepared monthly with specific content requirements and audited financial statements completed within 210 days after fiscal year end.<sup>334</sup>

Document retention requirements mandate maintenance of association books, records, and papers for at least 10 years, with specific exceptions for meeting minutes which have separate retention requirements. Executive boards must maintain general records concerning violations of governing documents, containing general descriptions of violation nature and sanction types while protecting personal information of sanctioned individuals.<sup>335</sup>

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<sup>331</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.3118.](#)

<sup>332</sup> [Nevada Revised Statutes, Chapter 116, Section 116.31175.](#)

<sup>333</sup> Nevada Secretary of State. (n.d.). *Requesting Association Records*. Retrieved from [https://red.nv.gov/uploadedFiles/rednv.gov/Content/CIC/Program\\_Training/Flowcharts/Requesting-Association-Records.pdf](https://red.nv.gov/uploadedFiles/rednv.gov/Content/CIC/Program_Training/Flowcharts/Requesting-Association-Records.pdf). [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.31069](#) mandates that associations with 150 or more units must maintain a secure website with key documents, while those with fewer than 150 units are encouraged to do so.

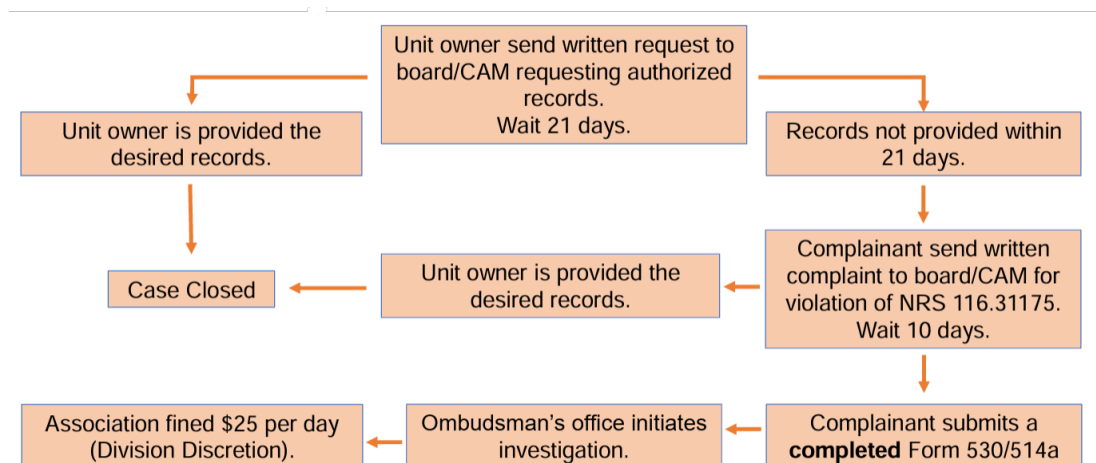
<sup>334</sup> [Nevada Administrative Code, Chapter 116, Common-Interest Ownership, Section 116.451](#); [Nevada Administrative Code, Chapter 116, Common-Interest Ownership, Section 116.457.](#)

<sup>335</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.31175.](#)

As detailed in Chapter 7, associations must furnish required documents within 10 calendar days of written requests by unit owners or authorized agents for inclusion in resale packages. Resale certificate fees are limited to reasonable amounts covering actual preparation costs, not exceeding \$185, with expedited preparation fees not exceeding \$100 for certificates requested sooner than three business days after the request. Statement of demand fees cannot exceed \$165 for preparation and furnishing, with additional fees not exceeding \$100 for three-business-day delivery.<sup>336</sup>

According to Real Estate Division educational materials, if a unit owner does not receive records within 21 days of sending a request to their board and/or community manager, they may send a written complaint to their board and/or community manager for violation of NRS § 116.31175. If they do not receive the desired records after 10 days, they may submit a complaint to the ombudsman, who initiates an investigation. The Real Estate Division may, within its discretion, fine the association \$25 per day for the delay in providing records.<sup>337</sup>

**Figure 6.1. Request for Records: Flow Chart**



SOURCE: Nevada Real Estate Division. (n.d.). *Association Records*. Retrieved from [https://red.nv.gov/uploadedFiles/rednv.gov/Content/CIC/Program\\_Training/Presentations/Association-Records.pdf](https://red.nv.gov/uploadedFiles/rednv.gov/Content/CIC/Program_Training/Presentations/Association-Records.pdf)

Pursuant to the Nevada Revised Statutes, the ombudsman provides enforcement support by reviewing association books and records on behalf of unit owners upon written request and may request commission subpoenas if access is denied.<sup>338</sup>

<sup>336</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.4109.](#)

<sup>337</sup> Nevada Real Estate Division. (n.d.). *Association Records*. Retrieved from [https://red.nv.gov/uploadedFiles/rednv.gov/Content/CIC/Program\\_Training/Presentations/Association-Records.pdf](https://red.nv.gov/uploadedFiles/rednv.gov/Content/CIC/Program_Training/Presentations/Association-Records.pdf).

<sup>338</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.31175.](#)

For condominium hotels specifically, hotel unit owners must maintain financial books and records and make them available for inspection by residential unit owners by prior appointment during reasonable business hours.<sup>339</sup> Document review fees for condominium hotels are limited to \$10 per hour, lower than the \$25 per hour limit for regular common-interest communities.<sup>340</sup> Resale certificate fees for condominium hotels are capped at \$160 for standard preparation and \$125 additional for expedited preparation within three business days.<sup>341</sup>

### *Strengths and Weaknesses of Nevada's Approach*

As noted previously, Nevada requires associations with 150 or more units to maintain secure online portals for document access, while smaller associations are encouraged to do so. Interviewees universally praised online access as a significant advancement in transparency and governance. Participants suggested that requiring all associations to maintain online portals would facilitate transparency and ease of access and suggested that states should provide financial and technical assistance to smaller associations to facilitate online portals. Interviewees also recommended that the state ensure assistance is available for less tech-savvy residents. As a more general matter, one interviewee noted that document access requirements generally support transparency and trust between associations and their members, with the potential to minimize the need for the Office of the Ombudsman when homeowners can easily access necessary documents.

However, interviewees also highlighted significant weaknesses in the existing system. Interviewees observed that while document access requirements exist, they are underused by homeowners who lack awareness and understanding of their rights to access documents. Many owners do not engage with available information until an issue arises, creating a reactive rather than proactive approach. Interviewees raised concerns about how well associations follow document access requirements, reporting bureaucratic hurdles that homeowners face when seeking access. They also noted occasional abuse from both sides, with owners harassing associations or boards withholding information.

Multiple interviewees emphasized that access does not guarantee understanding. Despite homeowners having access to large volumes of documents, this has not increased understanding for laypeople, and many owners misinterpret governing documents. One interviewee observed that misreading documents can lead to disputes and suggested that improved education about how to read and interpret documents could reduce this problem. This interviewee also identified a particular issue with outdated governing documents, explaining that Nevada governing documents can be decades old and may conflict with newer state statutes. Although the legal hierarchy means some provisions are superseded, they may still appear in the governing

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<sup>339</sup> [Nevada Revised Statutes, Chapter 116B, Condominium Hotel Act, Section 116B.685.](#)

<sup>340</sup> [Nevada Revised Statutes, Chapter 116B, Condominium Hotel Act, Section 116B.670.](#)

<sup>341</sup> [Nevada Administrative Code, Chapter 116B, Condominium Hotels, Section 116B.360.](#)



documents, creating confusion. This interviewee also noted that in their experience, complaints from owners usually relate to questions about which documents might be relevant to the issues they face rather than outright refusal by the association to provide documents. This indicates that the primary barrier is navigational rather than obstructive.

## Cross-State Summary and Best Practices: Requirements for Owner Access to Association Documents

States have established varying requirements for condominium owner access to association documents, ranging from comprehensive statutory frameworks with detailed enforcement mechanisms to basic inspection rights with minimal procedural guidance. Only two states, Florida and Nevada, specify a structure by which these requirements are enforced. In Florida, the Division of Condominiums, Timeshares, and Mobile Homes has enforcement power; official records is one of the disputes requiring ADR before litigation. In Nevada, the ombudsman has enforcement responsibility. All states examined in this study explicitly describe what records must be made available to unit owners, with all states including association bylaws and financial records in this list. There are three main categories of documents described in state requirements:

- Financial documents: e.g., budgets, statements, tax returns, bank records, reserve studies
- Governance documents: e.g., bylaws, meeting minutes, member lists, contracts
- Operations documents: e.g., insurance policies, inspection reports, vendor agreements

All states examined except Massachusetts have a comprehensive statutory framework describing what documents must be available to unit owners, with variations on what records are reviewable, timeline for reviewing, cost sharing, and enforcement. Delaware is unique in that it has two different frameworks, one more robust framework for condominiums created after September 30, 2009, or with more than 20 units and one less robust framework for condominiums created before September 30, 2009, or with 20 or fewer units. Condominium associations are permitted to opt into the more robust framework. Some state policy includes records retention requirements, including Nevada (records must be kept for 10 years), Florida (varies by document), and California (varies by document). Nevada is the only state studied in this report that requires documents to be made available through an online platform, which is enforced through the state ombudsman and a daily penalty of \$25.

All states examined in this study established requirements around the timing within which documents must be provided and the costs associated with accessing the documents. Both California and Nevada place limits on copying fees, while other states allow associations to recovery their copying costs as described in Table 6.1. Massachusetts has the most restrictive access policy on owner access to documents, as records are only available during normal



business hours under existing law.<sup>342</sup> Similarly, Nevada and Delaware both require access within reasonable business hours, but both states impose a timeline by which access to documents must be provided. The timeline to provide access to documents in California and Florida varies based on the type of document requested.

### *Best Practices: Requirements for Access to Condominium Documents*

Interviewees across states supported transparency in document access requirements but some reported a significant gap between legal rights and practical enforcement of document access requirements. Access experiences varied widely, from seamless online portals to reported board stonewalling requiring litigation. For states that have ADR or complaint investigation mechanisms, owners alleging lack of access to documents and boards alleging unreasonable requests are common issues. In addition, interviewees across states emphasized that homeowners underuse existing requirements because of lack of awareness.

Online portals received widespread support as a best practice. Florida's portal requirement was viewed favorably, with interviewees noting technology has become more accessible and cost-effective. Nevada and California interviewees also advocated for requiring or at least encouraging online portals. One interviewee noted that states could provide financial and technical support to smaller associations to make documents available through online portals.

**Table 6.1. Requirements for Owner Access to Association Documents in Five Selected States**

State	Access Framework	Document Scope	Party	Timeline	Fees	Enforcement	Online Access
CA	Comprehensive statutory	Financial, governance, contracts, and elections	Unit owners or their designated representatives	Varies by type	\$10 per hour redaction, copy costs	None specified	If requested, documents must be shared electronically
DE	Pre-2009: Financial records Post-2009: Comprehensive statutory	Pre-2009: Financial records Post-2009 also meetings, governance documents	Pre-2009: unit owners Post-2009: unit owners, authorized agents	Post-2009: Five days' notice	Copy costs	None specified	N/A
FL	Comprehensive statutory	Extensive: e.g., financial, governance, election, insurance	Association members and representatives, unit renters (limited)	10 working days	Copy costs	Division; ADR \$50 per day penalties	Mandatory for 150-plus units (will change to 25-plus units in 2026)

<sup>342</sup> A existing Massachusetts legislative proposal, Senate Bill No. 980 (2025), would provide a timeline for the inspection of documents. [Massachusetts Senate, An Act Relative to the Condominium Owners' Rights, Bill 980, 2025.](#)

<b>MA</b>	Basic access rights	Master deed, bylaws, financial, insurance	Unit owners and mortgagees	Business hours	Copy costs	None specified	N/A
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<b>NV</b>	Comprehensive statutory	Financial statements, budgets, reserve studies, contracts, and relevant court records	Unit owners (separate section for resale docs)	21 days delivery	\$25 per hour review	Ombudsman Enforcement, \$25 per day penalties	Mandatory for 150-plus units; otherwise encouraged
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## Chapter 7. Requirements for Owner Disclosure and Education at the Point of Sale

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Condominium associations operate through self-governance structures where boards make decisions affecting all unit owners, manage shared financial resources, and enforce governing documents that restrict property use—yet prospective buyers may have limited understanding of these governance mechanisms before purchase. States have established varying requirements for owner education and disclosure at the point of sale, ranging from comprehensive mandatory disclosure systems to no specific requirements. In most states, these requirements focus primarily on disclosure—providing prospective purchasers with documents detailing the financial and legal condition of the property and association—rather than on education per se. California, Delaware, and Florida require extensive documentation, including governing documents, budgets, reserve studies, fee schedules, meeting minutes, insurance coverage, and pending litigation disclosures. These materials deliver key information but do not include explanatory or educational content to help buyers interpret it. Delaware, Florida, and Nevada differentiate between developer and resale transactions, while California applies uniform requirements to all condominiums. In Delaware, the disclosure requirements apply only to buildings with more than twenty units, while they apply universally in California, Nevada, and Florida. Massachusetts requires neither disclosure nor education, adhering to traditional *caveat emptor* (“buyer beware”) principles.

Nevada’s approach extends beyond standard disclosure by requiring an “educational information statement”—a plain-language summary of major ownership obligations, including assessment responsibilities, association governance, and risks related to unpaid dues. While not formal instruction, this requirement is designed to make ownership conditions clearer to buyers. No similar provision exists in California, Delaware, Florida, or Massachusetts, where purchasers receive documents without further explanatory context.

States with disclosure requirements provide buyers with cancellation periods ranging from three to 15 days after receiving required documents and impose limits on document preparation fees. Fees range from California’s cost-based charges to Nevada’s capped fee of \$185 for resale certificates, while Florida does not permit document fees. Nevada’s inclusion of an educational information statement distinguishes its system by combining disclosure with basic explanatory language to improve buyer awareness at the point of sale.

### California

California Civil Code §§ 4525-4545 requires that certain information be made available by the owner of a condominium unit to the prospective owner of a condominium unit before the sale

is finalized. This information includes, but is not limited to, condominium association governing documents, restrictions on occupancy or residency, a list of defects and, if requested by the potential buyer, minutes from condominium association board meeting for the previous year.<sup>343</sup> Appendix B contains a list of documents that must be made available.

California Civil Code § 4530 governs the association's procedure and cost for preparing and providing information to be provided at the point of sale. The information must be made available to a condominium owner, or their designee, within 10 days of receiving the request.<sup>344</sup> In these cases, the condominium association is allowed to charge the seller a fee based on the condominium association's actual costs to prepare, copy, and deliver the documents, after providing a written estimate of the fee.<sup>345</sup> However, condominium associations are required to make these documents available electronically and cannot charge for electronic delivery of the documents.<sup>346</sup>

The California Civil Code provides prospective buyers with three days (if documents were hand-delivered) or five days (if documents were mailed) after the receipt of these documents to terminate the condominium purchase.<sup>347</sup>

### *Strengths and Weaknesses of California's Approach*

Interviewees noted that the complexity of the documents and short review period present a challenge to potential buyers and may limit the impact of disclosing the documents. A potential solution was proposed during the interview process: develop a summary document highlighting the key information that is most important to prospective buyers, such as assessments and any restrictions.

## Delaware

Before offering a unit in a newly developed common-interest community, including a condominium, for sale, Delaware law requires that a developer prepare a public offering statement.<sup>348</sup> This provision applies to new construction and initial sales, not to resales. The public offering statement requirement does not apply to condominiums with 20 or fewer units.<sup>349</sup>

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<sup>343</sup> [California Civil Code, Division 4, General Provisions, Part 5, Common Interest Developments, Chapter 4, Ownership and Transfer of Interests, Section §4525-4545.](#)

<sup>344</sup> [California Civil Code, Division 4, General Provisions, Part 5, Common Interest Developments, Chapter 4, Ownership and Transfer of Interests, Section 4530.](#)

<sup>345</sup> [California Civil Code, Division 4, Part 5, Chapter 4, Section 4530.](#)

<sup>346</sup> [California Civil Code, Division 4, Part 5, Chapter 4, Section 4530.](#)

<sup>347</sup> [California Civil Code, Division 2, Property, Part 4, Acquisition of Property, Chapter 2, Transfer of Real Property, Section 1133-1134.](#)

<sup>348</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter IV, Protection of Purchasers, Section 402.](#)

<sup>349</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter 1, General Provisions, Section 117.](#)

This requirement was included in the passage of the DUCIOA in 2009. Although much of DUCIOA was based on the Uniform Common Interest Ownership Act, the public offering statement was added by Delaware legislators for three reasons: “First, the tenor of the times dictates more parity based on information between the buyer and seller of real property and the requirement is comparable in concept to the requirements of the Buyer Property Protection Act.... Second, most of the required information would be provided by any responsible realtor or developer in the normal course of business. Third, there is a significant advantage to the implementation and interpretation of the statute if it is as ‘uniform’ as feasible based on the circumstances in Delaware.”<sup>350</sup>

The purchaser must be provided with a copy of the public offering statement and all amendments prior to the conveyance of the unit, and no later than the date of any sale contract. If the purchaser is not given the statement more than five days before execution of the contract, they may cancel, without penalty, the contract within five days of receiving the statement.<sup>351</sup>

The contents of the public offering statement are:

- General information about the community and declarant
- Legal documents and restrictions
- Financial information including current balance sheet and projected budget, reserves, projected expenses, and assessments
- Warranties and insurance
- Litigation and liabilities
- Escrow and deposits
- Additional disclosures, if the community is subject to development rights or contains conversion buildings.<sup>352</sup>

In all resales (to be distinguished from initial sales and new construction) of condominium units in a condominium with more than 20 units,<sup>353</sup> an owner must provide the purchaser by the time of the signing of the purchase contract, “a copy of the declaration (other than any plats and plans), all amendments to the declaration, the bylaws, and the rules of the association (including all amendments to the rules),” and a certification (also referred to as a resale certificate) with the following information:

- Financial information, including unpaid assessments, most recent reserve study, and current operating budget

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<sup>350</sup> [Delaware SB 273, Original Synopsis, 2007-2008.](#)

<sup>351</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter IV, Protection of Purchasers, Section 408.](#)

<sup>352</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter IV, Protection of Purchasers, Section 404, 406.](#) For the full list of information required, see Appendix B.

<sup>353</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter I, General Provisions, Section 117;](#) Applies to condominiums built before September 30, 2009, as per [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter I, General Provisions, Section 119.](#)

- Legal and compliance information, including unsatisfied judgments and pending lawsuits against the association, and notices of violation
- Insurance coverage information
- Board meeting minutes.<sup>354</sup>

The association must provide a certification with the information necessary for this section within 10 days of a request by the unit owner. If the association fails to provide any information or any information is missing, the owner should include a statement to that effect. The information on the certificate must be current to “within 120 days prior to the date the certificate” is provided to the purchaser by the owner.<sup>355</sup>

The association may charge up to \$200 for providing the resale certificate and related information. If the association agrees to provide the certificate and information in a paper format, it can charge an additional cost of up to \$50 per certificate, unless the association does not provide the certificate within the allotted ten-day time period.<sup>356</sup> The buyer has five days to cancel the contract upon receiving the resale certificate if they did not receive the certificate prior to signing.<sup>357</sup>

### *Strengths and Weaknesses of Delaware’s Approach*

Two interviewees told us that a major weakness of the resale certificate is that boards have been known to omit or misstate pertinent information, including about liabilities and litigation, from the certificate; they believed that government enforcement should occur in cases of fraud or other criminal behavior. Another complaint is that the five-day cancellation period is too short to permit prospective purchasers to fully review the provided information. One interviewee stressed that training and education for realtors is helpful for prospective purchasers to understand the importance of required documents.

## Florida

Florida requirements for owner education at the point of sale fall into two categories: disclosures by developers and disclosures by nondevelopers (i.e., unit owners). Both developers and nondevelopers must include disclosure statements in contract language (e.g., that the contract is voidable within a specified period of time of the agreement’s execution and delivery of required documents) and must deliver a set of documents to the prospective purchaser.

Associations are required to “maintain an adequate number of copies of the declaration, articles of incorporation, bylaws, and rules, and all amendments to each of the foregoing, as well

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<sup>354</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter IV, Protection of Purchasers, Section 409](#). For the full list of information required, see Appendix B.

<sup>355</sup> [Delaware Code, Title 25, Chapter 81, Subchapter IV, Section 409](#).

<sup>356</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter IV, Protection of Purchasers, Section 409\(b\)](#).

<sup>357</sup> [Delaware Code, Title 25, Chapter 81, Subchapter IV, Section 409\(b\)](#).

as the question and answer sheet<sup>358</sup>... and the most recent annual financial statement and annual budget... on the condominium property to ensure their availability to unit owners and prospective purchasers.” Associations may charge the “actual costs for preparing and furnishing these documents” but must allow association members or authorized representatives to make photos or copies of documents without charge using a portable device, such as a smartphone or portable scanner.<sup>359</sup> Associations are not required to provide prospective purchasers with information other than what is specified in Florida condominium law. If prospective purchasers ask for additional information, associations may charge “a reasonable fee ... for providing good faith responses to requests for information...other than that required by law, if the fee does not exceed \$150 plus the reasonable cost of photocopying and any attorney’s fees incurred by the association in connection with the response.”<sup>360</sup>

Sales by developers may be voided within 15 days of the execution date of the agreement and the date the buyer receives all of the items the developer is required to provide to the buyer.<sup>361</sup> Condominiums with more than 20 units are required to provide a prospectus or offering circular, which contains a frequently asked questions document and information on 28 statutorily-required items, such as the name of the condominium, a description of the condominium property, information on recreational and commonly used facilities, a description of the right to control the association if control will not be transferred to unit owners within one year of a sale of the majority of units, information on utility and other services, and estimated operating budget and unit owner expenses.<sup>362</sup> Condominiums with 20 units or fewer are required to provide specific documents such as association bylaws, management contracts, floor plans, and inspection reports.<sup>363</sup> A full list these documents, as well as disclosure requirements, can be found in Appendix B.

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<sup>358</sup> Developers must create a “Frequently Asked Questions and Answers” document “in accordance with a format approved by the division” and provide this document to purchasers. [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.504](#). “The division” means the Division of Condominiums, Timeshares, and Mobile Homes. The division sits within the Department of Business and Professional Regulation (the department), which oversees professional licensing and the regulation of businesses in Florida. Additional information on this organizational structure can be found in Chapter 3. Associations must update this document annually. [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.111\(12\)\(d\)](#). The question and answer sheet includes information such as unit owner voting rights, assessments and other fees, and if the association has any involvement in court cases with the potential for liability costs over \$100,000. The division has created a [template](#) that describes the information that must be included in the document. DBPR Form CO 6000-4, *Frequently Asked Questions and Answers Sheet*, Florida Department of Business and Professional Regulation, October 1, 2024.

<sup>359</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.111\(12\)\(c\)5](#).

<sup>360</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.111\(12\)\(e\)1](#).

<sup>361</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.503\(1\)](#).

<sup>362</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Section 718.504](#). See also [Florida Administrative Code, Department 61, Department of Business and Professional Regulation, Division 61B, Division of Florida Condominiums, Timeshares and Mobile Homes, Chapters 61B-15 17, 18, 20, 24](#).

<sup>363</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.503\(1\)\(b\)](#).

Sales by nondevelopers may be voided within seven business days of the execution date of the agreement and the date the buyer receives all of the items to which the buyer is entitled if the buyer requests the documents in writing. If requested, the seller must provide these documents at the seller's expense.<sup>364</sup> These documents include condominium governance documents, the frequently asked questions and answers document, financial documents, and a governance form.<sup>365</sup> A full list these documents, as well as disclosure requirements, can be found in Appendix B.

### *Strengths and Weaknesses of Florida's Approach*

Interviewees generally agreed that Florida's disclosure requirements for prospective owners at the point of sale were valuable. Most agreed that many prospective owners either don't read the required documents or don't understand them; however, they thought that having statutory disclosure requirements was still better than having no system in place at all. One point of disagreement came from the requirement to disclose potential future assessments. One interviewee thought there should be clearer rules on the timeline for potential assessments to clarify what needed to be disclosed or not. Another thought that the entire issue was confusing, and that only approved assessments should be subject to disclosure requirements. In addition, some interviewees thought that having external education sources could help prospective purchasers understand the required disclosures, whether this came from education provided by brokers, the condominium ombudsman, or the division (e.g., how to read the disclosed documents and what to look for).

## Massachusetts

Massachusetts law does not require owners to provide purchasers with any information at the point of sale. Indeed, Massachusetts is one of the few remaining states with a strong *caveat emptor* (buyer beware) doctrine still in place. While most states require numerous protections for home buyers, Massachusetts provides few safeguards and notably lacks mandatory disclosure laws.<sup>366</sup>

### *Strengths and Weaknesses of Massachusetts's Approach*

Interviewees noted a severe lack of understanding among buyers about the properties they are purchasing and were generally supportive of requiring some level of disclosure and reporting.

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<sup>364</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.503\(2\)](#). The prospective purchaser is not required to request applicable inspection reports.

<sup>365</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.503\(2\)](#).

<sup>366</sup> [Robert W. Stetson and Peter B. McGlynn, "Buyer Beware: The Return of Caveat Emptor," Massachusetts Law Review, Vol. 103, No. 74, 2022.](#)



## Nevada

Nevada's common-interest community statutes establish comprehensive owner education requirements at the point of sale, with different obligations depending on whether the sale involves a new unit from a developer or a resale between owners. For new sales from developers, a public offering statement must be provided containing extensive information about the community, including the declaration, bylaws, association rules and regulations, financial information such as budgets and reserve studies, descriptions of all current and expected fees and charges, any restrictions on use or leasing, warranty information, and a mandatory educational information statement.<sup>367</sup> This public offering statement must be delivered "not later than the date on which an offer to purchase becomes binding on the purchaser," and buyers receive a five-day right to cancel the contract after execution if they have not personally inspected the unit.<sup>368</sup> Consequences for noncompliance with public offering statement requirements include purchaser entitlement to actual damages, rescission, or other relief, although purchasers who have accepted conveyance are not entitled to rescission.<sup>369</sup>

For resales between owners, a comprehensive resale package must be furnished containing copies of the declaration, bylaws, rules, and a mandatory educational information statement, along with current operating budgets, year-to-date financial statements, reserve study summaries, statements of monthly assessments and unpaid obligations, transfer fee disclosures, and descriptions of all current and expected fees and charges.<sup>370</sup> Purchasers in resale transactions also receive a five-day cancellation right after receiving the resale package, and associations must provide required documents within 10 calendar days of a written request.<sup>371</sup> A statement of demand may be requested by a unit's owner, their authorized agent, or the holder of a security interest on the unit, and it must be provided by the association within 10 days of receiving a written request; this statement details the unit's monthly assessments and any unpaid obligations, remaining effective for at least 15 business days.<sup>372</sup>

Central to both types of transactions is a mandatory educational information statement that must be included in substantial compliance with the statutory form. Because many purchasers may not read or fully grasp the lengthy governing documents of a common-interest community, the legislature embedded the required disclosure language directly into NRS § 116.41095.<sup>373</sup> This statutory form, which must be provided in substantial compliance in both resale and developer-to-buyer transactions, uses plain language to outline key conditions of community

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<sup>367</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.4103.](#)

<sup>368</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.4108.](#)

<sup>369</sup> [Nevada Revised Statutes, Chapter 116, Section 116.4108.](#)

<sup>370</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.4109.](#)

<sup>371</sup> [Nevada Revised Statutes, Chapter 116, Section 116.4109.](#)

<sup>372</sup> [Nevada Revised Statutes, Chapter 116, Section 116.4109.](#)

<sup>373</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.41095.](#)

ownership. It covers matters such as the five-day right to cancel, property use restrictions, ongoing association assessments, foreclosure risks for unpaid assessments, governance of the association, resale disclosure obligations, and owner rights under Nevada law. The statement includes prominent warnings—for example, “IF YOU FAIL TO PAY OWNERS’ ASSESSMENTS, YOU COULD LOSE YOUR HOME”—and is intended to ensure that buyers clearly understand both the advantages and serious responsibilities of owning in a common-interest community.<sup>374</sup> The required disclosure language is included in full in Appendix B.

The statute establishes specific cost protections and fee limitations to prevent excessive charges during transactions. For resale documents, associations may charge a maximum of \$185 for certificate preparation, with an additional \$100 for expedited service under three business days, and these amounts may increase annually up to three percent based on the Consumer Price Index. Document copying fees are limited to 25 cents per page for the first 10 pages and 10 cents thereafter, but only when electronic format is unavailable, as associations must provide documents electronically at no charge when possible. Statement of demand fees are capped at \$165, plus \$100 for expedited service, and associations are prohibited from charging any fees beyond those specifically authorized or exceeding statutory limits. (A statement of demand is a document from an association that lists any outstanding dues, fees, or charges owed on a property, typically requested during a sale or refinance.<sup>375</sup>)

For condominium hotels specifically, enhanced educational requirements include additional warnings about transient rental use, with statements reading: “Chapter 116B of NRS does not address or require the disclosure of information regarding the use of your unit as a transient rental” and detailed warnings about federal law limitations on transient rental information provision.<sup>376</sup> Resale packages must include statements informing purchasers whether units are subject to rental management agreements legally binding upon purchasers, with copies of such agreements when applicable.<sup>377</sup>

Interviewees noted that in practice, lawyers for the association typically handle the preparation of resale certificates, while real estate sellers and their agents provide required documents to buyers at the point of sale.

In addition to these statutory point-of-sale education requirements, as detailed in Chapter 4, continuing homeowner and association education is supported through the Office of the Ombudsman. The office supplements the statutory disclosures with extensive public training and informational resources—including courses, newsletters, compliance tools, and online materials—aimed at ensuring that owners, board members, and community managers understand

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<sup>374</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.41095](#); Frankie Sue Del Papa, “Rules for Homeowners Associations,” *Nevada Lawyer*, May 2001, p. 11. State Bar of Nevada.

<sup>375</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.4109](#).

<sup>376</sup> [Nevada Administrative Code, Chapter 116B, Condominium Hotels, Section 116B.500](#).

<sup>377</sup> [Nevada Administrative Code, Chapter 116B, Condominium Hotels, Section 116B.510](#).

their rights and responsibilities throughout the life of the association, not only at the time of purchase.

### *Strengths and Weaknesses of Nevada's Approach*

Interviewees noted that the law is adequate with respect to what documents purchasers should receive. One interviewee observed that homeowners should not be inundated with information about things they may never encounter and praised the legislature's approach of embedding required disclosure language directly into statute using plain language to outline key conditions of community ownership, which must be provided in both resale and developer-to-buyer transactions. This approach recognizes the practical limitations of overwhelming new buyers with excessive information at the time of purchase. However, interviewees emphasized that homeowners may still need access to documents later when specific issues arise, underscoring the importance of ongoing document access beyond the initial sale.

Despite these strengths, interviewees highlighted significant weaknesses in the effectiveness of owner education at the point of sale. Multiple interviewees observed that governing document disclosure requirements are largely ineffective because the average homeowner lacks the necessary knowledge to comprehend complex legal documents and their implications. The legalistic language in these documents makes them hard to understand for non-lawyers, creating a fundamental barrier to comprehension. Interviewees noted that real estate agents are not trained in interpreting such documents, meaning that neither they nor sellers are the ideal source for explaining governing laws or obligations to buyers. Although point-of-sale disclosures can be legally adequate, interviewees reported that they are often unread or not understood by buyers. There is no strong state mechanism to confirm buyer understanding, and interviewees noted that comprehension is largely left up to the consumer.

Interviewees suggested that educational initiatives should focus on practical applications and real-world scenarios to enhance understanding rather than relying solely on legal documents. One particular area of concern identified by interviewees was architectural restrictions, which are a frequent source of later disputes. They suggested that early checks for comprehension of the most frequent sources of later disputes could prevent conflict and improve outcomes for both homeowners and associations.

## Cross-State Summary and Best Practices: Requirements for Owner Disclosure and Education at the Point of Sale

**Table 7.1. Requirements for Owner Disclosure and Education at the Point of Sale in Five Selected States**

State	Overview	Scope	Cancellation period	Document Preparation/ Delivery Costs
<b>CA</b>	Same for developer and resale	All units	Three days (if hand delivered), five days (if mailed)	Cost-based, no electronic fees
<b>DE</b>	Developer: public offering statement Resale: certificate	More than 20 units	Five days if more than five days' notice (developer), five days (resale)	Resale: \$200 for electronic, \$50 extra for paper copy if received within 10 days
<b>FL</b>	Developer: extensive documentation Resale: basic governance and financial documentation	Buildings with more than 20 units require additional documentation	15 days (dev), seven days (resale)	Developer: at developer's expense Resale: at seller's expense
<b>MA</b>	No requirement	N/A	N/A	N/A
<b>NV</b>	Developer: public offering and educational information statement Resale: package and educational info statement	All units	Five days (both)	Resale: association can charge owner \$185 per certificate; \$165 per statement of demand

A major takeaway from the interviews is that disclosure, while imperfect, is valuable and should be required. Nevertheless, interviewees from all five states emphasized that a lack of buyer understanding remains a major challenge. This issue is present in Massachusetts, where disclosure is not required, and in the other states reviewed, where extensive documentation is provided. Many buyers do not read the documents, and even when they do, they often find them confusing or difficult to interpret. The short cancellation periods may compound this problem by limiting the time available for careful review. Interviewees noted that disclosure alone does not ensure informed decision-making and that clearer communication and education about condominium ownership are needed to help purchasers understand their obligations and rights.

Although interviewees did not identify best practices in their states, they offered a variety of recommendations for strengthening buyer education and supporting better due diligence. To address concerns that buyers rarely read or comprehend lengthy documents, one recommendation was for boards or developers to create packets that summarize or highlight key information such as assessments and restrictions. Interviewees also suggested that condominium associations partner with or train real estate agents and brokers to provide buyer education as part of the sales process. Several interviewees proposed giving purchasers access to essential documents earlier in the transaction to allow more time for review. More broadly, interviewees indicated that improving resources for condominium buyer education—such as plain-language

explanations of association governance, assessments, and financial health—and encouraging due diligence practices that help buyers evaluate these materials would lead to more informed and responsible ownership.

## Chapter 8. Condominium Management Licensing Requirements

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Condominium self-governance relies on volunteer boards that often engage professional managers to handle operational, financial, and legal responsibilities, creating policy questions about what qualifications and oversight mechanisms states should require for individuals in these management roles. State regulation of condominium and community association management professionals falls across a spectrum from no regulatory oversight to comprehensive licensing systems. The management role is generally defined as providing professional services for compensation to oversee community association operations,<sup>378</sup> with states like Florida specifying management of associations with more than 10 units or annual budgets exceeding \$100,000, while California focuses on individuals who control the assets of common-interest developments. Florida and Nevada have established detailed licensing frameworks with educational requirements, examinations, and continuing education mandates for community association managers. In contrast, Delaware and Massachusetts impose no specific licensing requirements for management professionals, with Delaware explicitly exempting property management providers from real estate broker licensing requirements and Massachusetts having no licensing requirements at all. California falls between these two approaches, offering an optional certification for common-interest development managers. It requires disclosure of certifications and conflicts of interest along with specific fund handling requirements, but does not require licensing of community association managers.

Of the states that offer licensing or certification for individuals involved in the management of condominiums, each defines this role slightly differently:

- California – Common-Interest Development Manager: an individual who meets the education and testing requirements described in statute.<sup>379</sup>
- Florida – Community Association Management: specified practices requiring substantial specialized knowledge, judgment, and managerial skill when done for remuneration and when the association or associations served contain more than 10 units or have an annual budget or budgets in excess of \$100,000.<sup>380</sup>

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<sup>378</sup> States with licensing schemes regulate condominium management through the broader category of community associations, with exact terms differing by state.

<sup>379</sup> [California Business and Professions Code, Division 4, Real Estate, Part 4, Certified Common Interest Development Manager, Section 11502\(b\).](#)

<sup>380</sup> [Florida Statutes, Title XXXII, Regulation of Professions and Occupations, Chapter 468, Miscellaneous Professions and Occupations, Section 468.431.](#)

- Nevada – Community Manager: “person who provides for or otherwise engages in the management of a common-interest community or the management of an association of a condominium hotel.”<sup>381</sup>

## California

California Civil Code § 4158 defines a “managing agent” within the context of California’s Davis-Stirling Act,<sup>382</sup> California’s primary law governing condominium associations and common-interest developments. The Act specifies that a managing agent is an individual who, for compensation or with the expectation of compensation, controls the assets of a common-interest development. This definition excludes regulated financial institutions and attorneys acting within the scope of their license.<sup>383</sup> Although there are no licensing requirements for serving as a condominium managing agent under California law, there is an optional certification for common-interest development managers. California’s Business and Professions Code outlines the requirements for becoming a certified common-interest development manager, which are described in Table 8.1.<sup>384</sup>

**Table 8.1 Certification Requirements for California Common-Interest Development Managers**

Requirements Applicable on or After July 1, 2003
<p>Completed 30 hours of training covering topics including:</p> <ul style="list-style-type: none"> <li>• Davis-Stirling Common Interest Development Act</li> <li>• Personnel and HR issues</li> <li>• Risk management</li> <li>• Property protection</li> <li>• Association business requirements</li> <li>• Association governing documents</li> <li>• Relevant codes and regulations</li> <li>• Managerial skills</li> <li>• Business skills</li> </ul> <p>Passed an exam on relevant content</p>

The certification education and testing requirements are administered by a third party rather than a California state agency. California Business and Professions Code allows a wide variety of individuals to offer the education and testing, including relevant professional associations and

<sup>381</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.023.](#)

<sup>382</sup> [California Civil Code, Davis-Stirling Common Interest Development Act.](#)

<sup>383</sup> [California Civil Code, Division 4, General Provisions, Part 5, Common Interest Developments, Chapter 1, General Provisions, Section 4158.](#)

<sup>384</sup> [California Business and Professions Code, Division 4, Real Estate, Part 4, Certified Common Interest Development Manager, Sections 11500-11506.](#)

postsecondary educational institutions, but requires these third parties to comply with a wide variety of laws and standards, including testing standards and civil rights law.<sup>385</sup> For example, the Community Associations Institute-California (CAI-California) offers a course that meets the education and testing certification requirements for \$679 for individuals who are not members of the CAI-California.<sup>386, 387</sup> Of note, CAI-California's training and examination program website notes that CAI-California does not itself award a certification to individuals who complete the program, although it is designed to meet the statutory requirements described in Table 8.1.<sup>388</sup>

Prospective managing agents of common-interest developments are required to disclose whether they are certified common-interest development managers and any other certifications they hold, such as construction or real property management certifications.<sup>389</sup> They are also required to disclose conflicts of interest.<sup>390</sup> In addition, the California Civil Code includes requirements for how condominium association managers, whether certified or not, handle association funds. Managers must keep funds in California financial institutions insured by the Federal Deposit Insurance Corporation, National Credit Union Administration Insurance Fund, or similar organizations as defined in the California Financial Code.<sup>391</sup>

### *Strengths and Weaknesses of California's Approach*

Interviewees expressed differing views on whether the common-interest developer certification ultimately results in higher quality management, but did note that it is critical for condominium association managers to be educated about the legal requirements. Some interviewees felt that the training requirements provided individuals with a strong knowledge base on California condominium law, while others felt that the training requirements were too lax. Interviewees noted that it can be difficult for condominium association managers to stay up to date on the existing laws because of the relatively fast pace at which California adopts new laws governing condominium associations.

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<sup>385</sup> [California Business and Professions Code, Division 4, Real Estate, Part 4, Certified Common Interest Development Manager, Section 11502.5.](#)

<sup>386</sup> Members of the Community Associations Institute of California pay a fee of \$579 to access the certification materials.

<sup>387</sup> Community Associations Institute-California. *Certified Common Interest Development Manager (CCIDM)*. <https://www.caicalifornia.org/certified-common-interest-development>. Accessed on October 10, 2025.

<sup>388</sup> Community Associations Institute-California. *Certified Common Interest Development Manager (CCIDM)*. <https://www.caicalifornia.org/certified-common-interest-development>. Accessed on October 10, 2025.

<sup>389</sup> [California Civil Code, Division 4, General Provisions, Part 5, Common Interest Developments, Chapter 6, Association Governance, Section 5375.](#)

<sup>390</sup> [California Civil Code, Division 4, General Provisions, Part 5, Common Interest Developments, Chapter 6, Association Governance, Section 5375.5-5376.](#)

<sup>391</sup> [California Civil Code, Division 4, General Provisions, Part 5, Common Interest Developments, Chapter 6, Association Governance, Section 5380.](#) Definitions for financial institutions in the California Financial Code can be found in (Section 14858).



## Delaware

Our review of statutes and secondary sources confirms that Delaware does not require licensing for condominium management service providers.<sup>392</sup>

### *Strengths and Weaknesses of Delaware's Approach*

Interviewees said that it is very important that individuals managing condominium and other community associations understand legal requirements, and that education and certification or licensing was a key component to gaining that knowledge. Most interviewees believe that some level of mandatory certification should be required, perhaps in conjunction with the Community Associations Institute. One interviewee, however, felt strongly that while education and certification should be encouraged, mandating it would be a bridge too far.<sup>393</sup>

## Florida

Florida regulates condominium management through rules related to “community association management,” which includes condominiums and other residential planned developments. Community association management is defined as “practices requiring substantial specialized knowledge, judgment, and managerial skill when done for remuneration and when the association or associations served contain more than 10 units or have an annual budget or budgets in excess of \$100,000.”<sup>394</sup> Community association managers must be licensed to “manage or hold herself or himself out to the public as being able to manage a community association.” There is a related licensing process for community association management firms, defined as organizations managing more than 10 units or a budget of \$100,000 or greater.<sup>395</sup>

Rules related to the licensing and practice of community association management are set forth in statute and through regulation promulgated by the Regulatory Council of Community Association Managers (council), which sits within the Department of Business and Professional Regulation (the department).<sup>396</sup> The council is made up of seven members who are appointed by

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<sup>392</sup> Community Associations Institute, “Regulation of Community Associations Managers,” webpage, undated, as of July 28, 2025: <https://www.caionline.org/advocacy/advocacy-priorities-overview/regulation-of-community-association-managers/>.

<sup>393</sup> Delaware Interview, September 12, 2025.

<sup>394</sup> [Florida Statutes, Title XXXII, Regulation of Professions and Occupations, Chapter 468, Miscellaneous Professions and Occupations, Section 468.431](#). The statute lists the practices defined as community association management (they include practices such as preparing budgets or assisting with community association meetings). Individuals performing “clerical or ministerial functions under the direct supervision and control of a licensed manager” or who are only responsible for community association maintenance are not required to be licensed.

<sup>395</sup> [Florida Statutes, Title XXXII, Regulation of Professions and Occupations, Chapter 468, Miscellaneous Professions and Occupations, Section 468.432](#).

<sup>396</sup> [Florida Statutes, Title XXXII, Regulation of Professions and Occupations, Chapter 468, Miscellaneous Professions and Occupations, Part VIII, Community Association Management, Sections 468.431-438](#). The Florida Department of State posts [Council regulations](#).

the governor and confirmed by the state senate. The council is responsible for establishing rules related to prelicensure education, approving a licensing exam, setting rules for continuing education requirements, and setting fees related to obtaining and maintaining licensure (e.g., application fees, examination fees), within the bounds of minimum or maximum limits set by statute.<sup>397</sup> The requirements for initial licensing and licensing renewal are described in Table 8.2. Applicants who are licensed as community association managers in another state<sup>398</sup> and have been licensed for at least five years (with an active license for at least two years) are not required to complete the initial education or exam requirements to gain a license in Florida.<sup>399</sup> Current and former active duty military members and their spouses with valid licenses from another state may apply for a Florida license without completing the initial education or exam requirements, and are exempt from paying the application fee.<sup>400</sup>

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<sup>397</sup> [Florida Statutes, Title XXXII, Regulation of Professions and Occupations, Chapter 468, Miscellaneous Professions and Occupations, Section 468.315](#). For example, [Florida Statutes, Title XXXII, Regulation of Professions and Occupations, Chapter 468, Miscellaneous Professions and Occupations, Section 468.433](#) limits the number of hours of prelicensure education requirements to a maximum of 25 hours; the Council requires 16 hours of education from approved providers before applying for a license. Department Community Association Managers and Firms [website](#) (accessed September 24, 2025).

<sup>398</sup> Florida law references any state, the District of Columbia, a possession or territory of the United States, or foreign jurisdiction, but “state” is used alone for convenience.

<sup>399</sup> [Florida Statutes, Title XXXII, Regulation of Professions and Occupations, Chapter 455, Business and Professional Regulation: General Provisions, Section 455.2135](#), Florida Department, Community Association Manager – Initial License by Endorsement [website](#), accessed September 24, 2025. Applicants must pay a fee of \$155, complete an application, be 18 years or older, submit fingerprints, and have no pending disciplinary actions and satisfied any prior disciplinary actions. Once licensed in the state of Florida, all license renewal requirements apply.

<sup>400</sup> [Florida Statutes, Title XXXII, Regulation of Professions and Occupations, Chapter 455, Business and Professional Regulation: General Provisions, Section 455.02](#), Florida Department, Community Association Manager – Professional Licensure for Military Personnel/Veterans/Military Spouses [website](#), accessed September 24, 2025, Florida Department, Community Association Manager – Professional Licensure under the Servicemember Civil Relief Act [website](#), accessed September 24, 2025. Active duty service members who have relocated to Florida on military orders and their spouses are not required to complete fingerprinting or pay an application fee. All other current and former active duty service members and their spouses must comply with the fingerprinting requirements but also not pay an application fee.

**Table 8.2. Initial and Renewal Licensing Requirements for Florida Community Association Managers**

Initial License Requirement	License Renewal Requirements (every other year)
<ul style="list-style-type: none"> <li>• 18 years or older</li> <li>• Good moral character</li> <li>• 16 live hours of education</li> <li>• Exam (75%)</li> <li>• Fee of \$205.50</li> <li>• Fingerprinting (background check)<sup>a</sup></li> <li>• Application form (online option)</li> </ul>	<ul style="list-style-type: none"> <li>• 15 hours of continuing education<sup>b</sup></li> <li>• Renewal fee of \$100</li> <li>• Renewal form (online option)</li> </ul>

SOURCE: [§ 468.433, Fla. Stat. \(2025\)](#). Department Community Association Managers and Firms [website](#) (accessed September 24, 2025)

<sup>a</sup> Fingerprinting is done at the applicant's expense. A brief internet search in September 2025 found that fingerprinting costs generally range from \$80-90.

<sup>b</sup> Continuing education is not required after 10 continuous years of practice.<sup>401</sup>

Community association managers and firms are “deemed to act as agent on behalf of a community association as principal within the scope of authority authorized by a written contract or under this chapter.” They must “discharge duties performed on behalf of the association as authorized by this chapter loyally, skillfully, and diligently; dealing honestly and fairly; in good faith; with care and full disclosure to the community association; accounting for all funds; and not charging unreasonable or excessive fees.”<sup>402</sup> All licensed community association managers and firms are required to “create and maintain an online licensure account” with the department and update the account within 30 days of a change to required information.<sup>403</sup>

The department investigates complaints against community association managers and firms. The department has 30 days to “acknowledge the complaint in writing,” decide whether the complaint is within its jurisdiction, and request any additional information of the complainant.<sup>404</sup> The department has jurisdiction of complaints of acts such as violating the laws and regulations related to community association management, any felony conviction, “acts of gross misconduct or gross negligence in connection with the profession,” misconduct related to conflicts of interest, or other violations of Florida law related to the performance of community

<sup>401</sup> [Florida Statutes, Title XXXII, Regulation of Professions and Occupations, Chapter 455, Business and Professional Regulation: General Provisions, Section 455.2124.](#)

<sup>402</sup> [Florida Statutes, Title XXXII, Regulation of Professions and Occupations, Chapter 468, Miscellaneous Professions and Occupations, Section 468.4334.](#)

<sup>403</sup> [Florida Statutes, Title XXXII, Regulation of Professions and Occupations, Chapter 468, Miscellaneous Professions and Occupations, Section 468.432\(3\).](#)

<sup>404</sup> [Florida Statutes, Title XXXII, Regulation of Professions and Occupations, Chapter 468, Miscellaneous Professions and Occupations, Section 468.436\(1\).](#)

management.<sup>405</sup> The department has 90 days to conduct an investigation and take action. If the department finds a violation occurred, it can revoke or suspend a manager or firm's license, impose administrative fines of up to \$5,000 for each offense, issue a reprimand, place a manager or firm on probation, or restrict the scope of practice the manager may engage in.<sup>406</sup> Individuals who have had their community association manager licenses revoked are prohibited from working for or having an ownership interest in a community association management firm for 10 years after their licenses were revoked. The department must provide written notice to both "the community association firm and the community association for which the manager performs community management services" after it suspends or revokes the manager's license.<sup>407</sup> However, the department "may reissue the license of a disciplined community association manager or firm" if it certifies that the manager or firm "has complied with all of the terms and conditions set forth in the final order."<sup>408</sup>

### *Strengths and Weaknesses of Florida's Approach*

Florida subject-matter expert interviewees were generally supportive of Florida's community association management license requirements. One interviewee noted that because most condominium association board members are volunteers, they may often lack specialized knowledge of Florida's complex legal framework for condominium regulation and so government oversight of community association management was especially important. Some interviewees thought that increasing education requirements could be beneficial. One interviewee viewed the removal of the continuing education requirement after 10 years of practice negatively, noting that because condominium law changes frequently in Florida, all licensed managers should be required to complete continuing education to stay current on legal developments.

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<sup>405</sup> [Florida Statutes, Title XXXII, Regulation of Professions and Occupations, Chapter 468, Miscellaneous Professions and Occupations, Section 468.436\(2\)](#), which lists all violations over which DBPR has jurisdiction.

<sup>406</sup> [Florida Statutes, Title XXXII, Regulation of Professions and Occupations, Chapter 468, Miscellaneous Professions and Occupations, Section 468.436\(1\)](#). The department may exceed this 90-day window if it has reasonable cause to believe a violation has occurred. The department is required to notify the complainant on a monthly basis in writing on the status of the investigation.

<sup>407</sup> [Florida Statutes, Title XXXII, Regulation of Professions and Occupations, Chapter 468, Miscellaneous Professions and Occupations, Section 468.432\(2\)\(h\),\(3\)](#).

<sup>408</sup> [Florida Statutes, Title XXXII, Regulation of Professions and Occupations, Chapter 468, Miscellaneous Professions and Occupations, Section 468.436\(5\)](#).

## Massachusetts

Our review of statutes, confirmed by secondary sources, shows that Massachusetts does not require providers of condominium management services to be licensed in any way.<sup>409</sup>

### *Strengths and Weaknesses of Massachusetts's Approach*

Some interviewees believed that licensing should be mandated, perhaps in conjunction with CAI education requirements. One interviewee cautioned that the certification must be “done right,” and should not be affiliated with the real estate broker’s license.

## Nevada

In Nevada, association bylaws outline the powers that can be delegated to community managers, and both parties must sign the management agreement to formalize the manager’s duties. The community manager is responsible for various tasks, including entering vacant units to address health and safety issues, and posting opinions on official publications on behalf of the board. Additionally, the manager can receive petitions from unit owners to remove board members, obtain bids for capital improvement projects, provide access to the association’s records upon request, and manage the association’s finances by depositing or investing funds and withdrawing money in accordance with established financial policies.<sup>410</sup>

Nevada require “certificates” for individuals involved in condominium management through a comprehensive certification framework established under Chapter 116A of the Nevada Revised Statutes. Community managers, defined as persons who provide for or otherwise engage in the management of common-interest communities or condominium hotel associations,<sup>411</sup> must hold certificates issued by the division.<sup>412</sup> Although termed a “certificate” in statute, the credential

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<sup>409</sup> Community Associations Institute, “Regulation of Community Associations Managers,” webpage, undated, as of July 28, 2025: <https://www.caionline.org/advocacy/advocacy-priorities-overview/regulation-of-community-association-managers/>.

<sup>410</sup> Nevada Real Estate Division, “Responsibilities of the Community Manager,” 2024. Retrieved from [https://red.nv.gov/uploadedFiles/rednv.gov/Content/CIC/Program\\_Training/Presentations/Responsibilities\\_of\\_the\\_Community\\_Manager.pdf](https://red.nv.gov/uploadedFiles/rednv.gov/Content/CIC/Program_Training/Presentations/Responsibilities_of_the_Community_Manager.pdf).

<sup>411</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.023](#). Unlicensed employees may undertake administrative functions such as preparing correspondence as directed, assisting with budgets and audits as directed, and maintain documents and records as directed. State of Nevada, “Understanding the role of the community manager,” July 14, 2015. Retrieved from [https://red.nv.gov/uploadedFiles/rednv.gov/Content/CIC/Program\\_Training/Presentations/UnderstandingtheroleoftheCommunityManager.pdf](https://red.nv.gov/uploadedFiles/rednv.gov/Content/CIC/Program_Training/Presentations/UnderstandingtheroleoftheCommunityManager.pdf), slide 65.

<sup>412</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.013](#), [Nevada Revised Statutes, Chapter 116A, Common-Interest Communities: Regulation of Community Managers and Other Personnel, Section 116A.400](#).

established under NRS Chapter 116A for community managers is, in effect, a state license to manage common-interest communities.<sup>413</sup>

The certification system includes multiple credential types: regular certificates, temporary certificates valid for one year, and provisional community managers who work under supervision.<sup>414</sup> Educational requirements mandate successful completion of at least 60 hours of instruction in approved courses, including at least 20 hours relating to federal, state, and local laws applicable to common-interest community management.<sup>415</sup> Examination requirements include passing an approved examination with a minimum score of 75 percent.<sup>416</sup>

Continuing education obligations require documentation of at least 18 hours of continuing education in commission-approved courses within the two years immediately preceding certificate expiration.<sup>417</sup> The regulatory framework establishes detailed supervision requirements for provisional managers, with supervising community managers required to attend disciplinary hearings concerning their supervised managers.<sup>418</sup>

Professional standards include extensive fiduciary duties, gift and compensation restrictions, and disclosure requirements. Community managers cannot solicit or accept compensation based on fines imposed against unit owners,<sup>419</sup> and aggregate gifts cannot exceed \$500 per calendar year, with annual disclosure requirements for items exceeding \$15.<sup>420</sup> The certification system includes various fees ranging from application and issuance (\$300), temporary certificates (\$200), examinations (\$100), biennial renewal (\$200), and late renewal penalties (\$50).<sup>421</sup>

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<sup>413</sup> “As a result, in 2005 the Legislature enacted NRS Chapter 116A, creating a new real estate professional known as a ‘community manager.’ Community managers are licensed and regulated by the Division in much the same way the Division licenses and regulates real estate brokers. A person may not engage in ‘management of a common interest community’ unless he or she holds a ‘certificate’ issued by the Division.” State Bar of Nevada, Real Property Section. *Real Property Practice and Procedure Manual*, 2021 Edition. Reno, NV: Publications Committee of the State Bar of Nevada, 2021, p. 3-3.

<sup>414</sup> [Nevada Administrative Code, Chapter 116A, Common-Interest Communities: Regulation of Community Managers and Other Personnel, Section 116A.020](#) (“certificate” defined), [Nevada Administrative Code, Chapter 116A, Common-Interest Communities: Regulation of Community Managers and Other Personnel, Section 116A.093](#) (“temporary certificate” defined), [Nevada Administrative Code, Chapter 116A, Common-Interest Communities: Regulation of Community Managers and Other Personnel, Section 116A.080](#) (“provisional community manager” defined).

<sup>415</sup> [Nevada Administrative Code, Chapter 116A, Common-Interest Communities: Regulation of Community Managers and Other Personnel, Section 116A.120](#).

<sup>416</sup> [Nevada Administrative Code, Chapter 116A, Common-Interest Communities: Regulation of Community Managers and Other Personnel, Section 116A.125](#).

<sup>417</sup> [Nevada Administrative Code, Chapter 116A, Common-Interest Communities: Regulation of Community Managers and Other Personnel, Section 116A.140](#).

<sup>418</sup> [Nevada Administrative Code, Chapter 116, Common-Interest Ownership, Section 116.570](#).

<sup>419</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.31185](#).

<sup>420</sup> [Nevada Administrative Code, Chapter 116, Common-Interest Ownership, Section 116.482](#).

<sup>421</sup> [Nevada Administrative Code, Chapter 116A, Common-Interest Communities: Regulation of Community Managers and Other Personnel, Section 116A.515](#).

The Real Estate Division and ombudsman have jurisdiction to investigate violations involving community managers, while the commission and hearing panels can take action against any community manager.<sup>422</sup> In addition, the commission or a hearing panel may require associations to hire certified community managers as remedial measures for violations.<sup>423</sup>

In its April 2025 report, the Office of the Ombudsman reported that there are a total of 748 active community association managers in Nevada.<sup>424</sup> Interviewees reported that most licensed managers are affiliated with a management firm and manage multiple community associations.

Interviewees provided insights into the core knowledge requirements for community association managers in Nevada. Managers must demonstrate competency in financial management and budget oversight, maintaining a constant handle on finances rather than only reviewing them every five years when reserve studies are required. They need to understand and manage reserve studies between formal review cycles to ensure the association's long-term financial health. Additionally, managers must be knowledgeable about meeting requirements, transparency obligations, and document access rights for owners. In developing educational programs, approved sponsors—including the Community Associations Institute—submit neutral-content courses to the division for approval, with measures in place to prevent promotional bias by presenters.

Interviewees also provided insights into the core responsibilities of community managers in practice. Managers must act as a “jack-of-all-trades,” advising boards on legal compliance and the legal implications of their actions. Their responsibilities include record keeping, maintenance oversight, and identifying issues that require board attention. Financial reporting is a critical function, with board members never directly handling money. Managers provide monthly summaries and delinquency reports to keep boards informed of the association's financial status. However, managers play no role in collections beyond reporting; in Nevada, collections, especially for delinquency, are handled through attorneys.

### *Strengths and Weaknesses of Nevada's Approach*

Interviewees cited several strengths in Nevada's certification requirements for community association managers. The licensing framework was viewed as adequate in establishing baseline professional standards and lending credibility to the role. Education and examination components were seen as beneficial in providing foundational knowledge of laws, governance practices, and operational procedures. These requirements were described as helping new managers enter the profession with a core understanding of responsibilities and expectations.

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<sup>422</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.750.](#)

<sup>423</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.790.](#)

<sup>424</sup> Nevada Real Estate Division, Office of the Ombudsman, April 2025, [https://red.nv.gov/uploadedFiles/rednv.gov/Content/Meetings/CIC/2025/Supporting\\_Materials/June/Ombudsman-Report\\_April-2025.pdf](https://red.nv.gov/uploadedFiles/rednv.gov/Content/Meetings/CIC/2025/Supporting_Materials/June/Ombudsman-Report_April-2025.pdf).



According to interviewees, the existing system also has certain limitations. Although classroom instruction and exams provide valuable grounding, stakeholders felt they do not fully prepare managers for the interpersonal and situational complexities encountered in community settings, where real-world scenarios often differ from academic case studies. Several interviewees emphasized that strong communication skills are essential for managing relationships with boards, homeowners, vendors, contractors, and legal counsel, and for clarifying that managers implement—rather than make—board decisions. One participant noted that certification requirements do not provide sufficient training in communication, although clear communication is critical to successful performance in the role.

One interviewee cited large caseloads as a challenge, attributing this to management firm cost-control practices that can leave managers overextended. In such situations, boards may need to take a more active role; however, the interviewee cautioned that, as noncertified entities, boards have limits on the functions they can appropriately perform, particularly tasks that benefit from formal training or specialized expertise.

## Cross-State Summary and Best Practices: Condominium Management Licensing

**Table 8.3. Licensing Requirements for Individuals Involved in the Management of Condominiums**

State	Approach	Initial Requirements	Continuing Education Requirements
CA	~ Optional certification <sup>a</sup>	30 hours of education Exam	N/A
DE	X No requirements	N/A	N/A
FL	✓ Licensing	<ul style="list-style-type: none"> <li>• 16 live hours of education</li> <li>• Exam (75 percent to pass)</li> <li>• \$205.50 fee</li> <li>• 18 years or older</li> <li>• Good moral character</li> <li>• Fingerprinting</li> <li>• Application form (online option)</li> </ul>	<ul style="list-style-type: none"> <li>• 15 hours of continuing education<sup>c</sup></li> <li>• \$100 renewal fee</li> <li>• Renewal form (online option)</li> </ul>
MA	X No requirements	N/A	N/A
NV	✓ Certification <sup>b</sup>	<ul style="list-style-type: none"> <li>• 60 hours of education</li> <li>• Exam (\$100)</li> <li>• \$300 fee</li> <li>• Certificate application</li> </ul>	<ul style="list-style-type: none"> <li>• 18 hours of continuing education</li> <li>• \$200 renewal fee</li> </ul>

NOTE: N/A = not applicable.

<sup>a</sup> Although the certification is optional for those managing condominiums and other common-interest communities, managers are required to disclose any relevant certifications or licenses.

<sup>b</sup> Although some literature refers to mandatory systems as *licensing* and optional ones as *certification*, Nevada uses the term *certification* for its required system.

<sup>c</sup> Continuing education is not required after 10 continuous years of practice.



Several themes emerged from subject-matter expert interviews across states. Interviewees agreed that education and training was important for condominium managers to perform their roles. Most interviewees thought that states should impose mandatory licensing for condominium management, although some argued instead for optional certification or certification through private, third-party professional organizations. Unsurprisingly, interviewees in California, Florida, and Nevada, the three most heavily regulated states across all topic areas analyzed in this report, were most likely to cite how important it was that condominium managers understand state law and help condominium associations meet their legal obligations.

## Costs and Benefits of Occupational Licensing

Although not specific to licensing for condominium management, there is an ongoing debate on the costs and benefits of occupational licensing generally that is helpful to consider when considering specific licensing requirements. Traditionally, occupational licensing is required in order to increase the quality of goods or services provided by the licensed occupation, protect consumers and the public from less qualified practitioners (especially for occupations where poor performance can affect health or safety or create other serious repercussions), incentivize skill improvement and bring higher social status associated with professionalization of the occupation, and provide consumers and the public with information needed to make informed decisions (especially when the subject matter of the occupation is so complex that consumers will have asymmetric information, making it difficult to judge the quality of the goods or services offered or provided).<sup>425</sup> Some scholars have argued that many occupations are licensed that should not be, burdening lower-wage workers with entry fees and costly educational requirements that are not sufficiently tied to health or safety.<sup>426</sup> Increasing the difficulty of obtaining licensing reduces the available workforce in the occupation, leading to higher consumer prices. Licensing can increase wages but increase unemployment.<sup>427</sup> In addition to increasing wages, licensed workers are more likely to be employed and receive employer-provided health insurance than similarly situated unlicensed workers.<sup>428</sup> Apart from economic costs and benefits, some have argued that occupational licensing can play an important role in providing public confidence in the

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<sup>425</sup> Department of the Treasury Office of Economic Policy, the Council of Economic Advisers, and the Department of Labor, *Occupational Licensing: A Framework for Policymakers*, July 2015.

<sup>426</sup> Dick M. Carpenter II, Lisa Knepper, Kyle Sweetland, Jennifer McDonald, “The Continuing Burden of Occupational Licensing in the United States,” *Economic Affairs*, Vol. 38, N. 3, 2018.

<sup>427</sup> Morris M. Kleiner and Evan J. Soltas, “A Welfare Analysis of Occupational Licensing in the United States,” *Review of Economic Studies*, 90, 2023, arguing that consumer price increases and opportunity costs of obtaining a license for workers outweighs the benefits of licensing.

<sup>428</sup> Maury Gittleman, Mark A. Klee, and Morris M. Kleiner, “Analyzing the Labor Market Outcomes of Occupational Licensing,” *Industrial Relations*, Vol. 57, No. 1, Regents of the University of California, Wiley Periodicals, January, 2018.

functioning and regular order of a profession.<sup>429</sup> In deciding whether and the extent to which states institute or maintain occupational licensing systems, they may wish to consider:

- What are the repercussions of practitioner poor performance? Could low quality performance lead to health, safety, or other serious harms (e.g., bodily harm, losing one's home or substantial savings)?
- Are the licensing requirements tied to the concerns related to poor performance?
- How complicated or costly are the requirements for obtaining and maintaining a license?
- What are the costs and benefits of licensing to consumers, the public, and both licensed and unlicensed workers?
- How can licensing requirements be appropriately tailored for workers who may have the skills or education to perform high quality work but may be impacted by a regulatory system that may be designed for more traditional workers (e.g., military families, formerly incarcerated individuals, or immigrants)?<sup>430</sup>

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<sup>429</sup> Harrison Frye, What Could Justify Occupational Licensing, *Georgetown Journal of Law & Public Policy*, Vol. 19, 2021. For example, the licensing of attorneys conveys the legitimacy of a fair legal system, which is integral to a democratic justice system, pp. 875, 876.

<sup>430</sup> Loosely modified from Department of the Treasury Office of Economic Policy, the Council of Economic Advisers, and the Department of Labor, *Occupational Licensing: A Framework for Policymakers*, July 2015, pp. 42, 43.

## Chapter 9. Key Findings, Policy Considerations, and Best Practices

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The five states examined in this report illustrate a broad spectrum of approaches to condominium oversight. Florida and Nevada have established comprehensive frameworks featuring dedicated agencies, substantial enforcement authority, and mandatory pre-litigation dispute resolution. In contrast, Massachusetts and Delaware rely largely on self-governance with minimal state intervention, while California occupies a middle ground—extensive statutory requirements coupled with limited enforcement capacity.

These variations reflect policy judgments about when condominium self-governance requires governmental supplementation. States with stronger oversight systems have determined that power imbalances and the high costs of private dispute resolution warrant public investment in alternative mechanisms. States adopting lighter-touch approaches have maintained that associations generally function effectively as private self-regulating entities. Together, these variations highlight that condominium oversight can take multiple forms depending on legislative intent, available resources, and stakeholder expectations.

Across all five jurisdictions, several consistent trends emerge. First, transparency has taken center stage: even states hesitant to expand enforcement have embraced document access requirements, with Florida and Nevada leading efforts to establish mandatory online portals. Second, ADR has gained traction—California, Florida, and Nevada require pre-litigation ADR to address litigation burdens. Third, point-of-sale disclosure represents a broadly accepted policy; all states except Massachusetts require some form of buyer education, seeking to reduce future disputes through informed ownership.

For jurisdictions evaluating their regulatory frameworks, the comparative findings underscore that effective oversight depends on matching identified problems with appropriate tools and sustainable resources. The sections that follow distill key policy considerations and best practices across major regulatory domains, recognizing that optimal approaches vary according to each state's condominium landscape, governance challenges, and capacity to support consistent oversight.

# State Regulation and Enforcement of Condominium Operations and Governance

## *Key Findings*

State approaches to condominium regulation and enforcement operate through different regulatory structures and oversight mechanisms, generally falling into two distinct models:

- **Strong Central Oversight Model:** Florida and Nevada have specialized divisions with full investigative and enforcement powers. Florida oversees developers and unit owners, can issue subpoenas, impose fines (\$500–\$5,000), remove board members, and issue cease-and-desist orders. Nevada’s division, supported by a commission and ombudsman, has similarly broad authority to subpoena, fine, and order compliance.
- **Light-Touch/Advisory Model:** California, Delaware, and Massachusetts emphasize registration and guidance rather than enforcement. California focuses on formal registration with limited oversight and no penalties. Delaware has an ombudsman and advisory council with subpoena power but no sanctions. Massachusetts relies purely on internal governance, with no regulatory body or penalty system.

Funding stability is closely linked to oversight capacity. Nevada’s unit-fee model and Florida’s mix of appropriations, condominium fees, and penalty revenues provide predictable resources. States without dedicated funding structures face capacity constraints and rely more heavily on voluntary compliance or external referrals.

Establishing government regulatory structures to address complaints can reduce the burden on courts but requires significant resources and ongoing funding. Stakeholder buy-in and political feasibility are important considerations.

## *Policy Considerations and Best Practices*

**Appropriate Level of Oversight:** Legislatures and regulators should assess what level of oversight suits their condominium landscape. Common issues such as developer misconduct, board governance challenges, or unit owner disputes may necessitate stronger central authority with enforcement capabilities. A lighter advisory model may be appropriate where problems are less pronounced.

**Investigative and Enforcement Tools:** Best practices suggest clearly defining available regulatory tools. Subpoena authority may be necessary to support effective investigations. Agencies could be empowered to impose administrative fines, issue cease-and-desist orders, or remove board members when appropriate. Establishing accessible complaint pathways promotes administrative efficiency and responsiveness.

**Funding and Sustainability:** Stable funding is essential for effective oversight. Options include unit fee models, general appropriations, fees from associations, or blended approaches. Legislatures and regulators should evaluate the level of funding necessary to sustain anticipated regulatory and enforcement activities.

**Building Legitimacy and Trust:** A successful regulatory framework fosters confidence among stakeholders. Balancing association-wide priorities with individual unit owner interests helps ensure representative governance. Clear statutory authority and well-defined processes—such as Nevada’s structured pathways—reinforce transparency, compliance, and understanding of regulatory expectations.

## Condominium Ombudsman’s Offices

### *Key Findings*

Ombudsman’s offices can offer educational resources to associations and unit owners, election monitoring, and ADR. However, success depends on clear prioritization of functions from the legislature and resources that match office requirements.

Association board members and unit owners may expect an ombudsman’s office to serve as a “one-stop shop” for all condominium-related governmental services. If the ombudsman’s office is the sole or primary body for condominium resources, this expectation may be beneficial. If multiple government bodies handle condominium issues, this may cause confusion.

### *Policy Considerations and Best Practices*

**Identifying Issues:** Legislatures and regulators should identify problems that most commonly affect condominium associations, unit owners, and administrative bodies. Typical challenges include:

- Confusion or lack of awareness about applicable laws and regulations
- Disputes that overburden courts or remain unresolved because of litigation costs or timelines
- Election-related concerns such as irregularities or failure to hold elections
- Need for system-wide information to guide legislative or administrative decisionmaking

**Prioritizing needs:** Determining which issues are most pressing helps focus attention and allocate resources effectively. Ranking challenges by severity or frequency supports more targeted oversight mechanisms.

**Assessing resources:** Establishing stable funding and support structures is essential. Options include dedicated fees, general appropriations, or blended funding approaches designed to sustain operations and responsiveness over time.

**Selecting organizational approach:** Legislatures and regulators should evaluate which approach best meets identified needs. This may include:

- Creating a new ombudsman’s office
- Assigning additional responsibilities to existing governmental bodies
- Pursuing a hybrid structure

When multiple entities address condominium-related concerns, clear public communication channels are essential to ensure unit owners and associations know how to seek guidance and assistance.

## Dedicated Alternative Dispute Resolution Programs

### *Key findings*

States have adopted varying approaches to ADR for condominium disputes, ranging from mandatory pre-litigation requirements to voluntary programs or no specific mechanisms:

- **Mandatory ADR States:** California, Florida, and Nevada require parties to attempt ADR before filing court actions for specific dispute types:
  - California: Mandates ADR for governing document and state law enforcement disputes (excluding small claims and assessments). Requires IDR with a 90-day timeline and shared costs.
  - Florida: Mandates ADR for board actions, meetings, termination plans, and structural integrity issues without requiring IDR. Equal cost sharing for mediation; prevailing party recovers costs for arbitration. Timelines: 90 days for mediation, 60 days for arbitration.
  - Nevada: Mandates ADR for governing document interpretation and assessment procedures without requiring IDR. Provides subsidies with a \$500 cap for three-hour mediations and \$300 per hour for arbitration. Timeline: 60 days for mediation.
- **Voluntary or No ADR:** Delaware offers voluntary ADR through its ombudsman's office for all disputes (with required IDR first), charging a \$35 filing fee plus \$100 per hour, with no set timeline. Massachusetts has no dedicated condominium ADR system beyond general arbitration that may be included in bylaws.

Interviewees tend to approve of their state's status quo, whether mandatory, voluntary, or absent—with California being an exception where interviewees expressed skepticism because of high costs and nonbinding nature. The nonbinding nature of ADR for certain disputes may lead to drawn-out litigation and skepticism of the ADR process. Arbitration may be more costly but can provide subject-matter expertise and jurisprudence. Mediation may be less expensive and less adversarial but with less subject-matter expertise.

### *Policy Considerations and Best Practices*

**Identifying Key Challenges:** Legislatures and regulators should assess which issues are most pressing, including:

- Condominium disputes that strain the court system or limit recourse because of cost barriers
- Insufficient resources to create and maintain a dedicated ADR program or educate participants about its use

**Conserving Resources and Promoting Settlement:** Design processes that use resources efficiently and maximize likelihood of resolution. Limiting ADR to recurring dispute categories aligns capacity with need. Preliminary screening or informal processes—such as IDR or ombudsman-facilitated discussions—can reserve formal ADR for cases best suited to mediation or arbitration.

**Expanding Accessibility:** Cost caps, subsidies, and trained neutral parties located near affected communities help make ADR processes more accessible.

**Standardizing Qualifications and Training:** Establishing consistent qualifications and training for mediators and arbitrators in condominium-related matters promotes quality and improves confidence in the ADR process.

**Clarifying Processes and Expectations:** Clearly communicating the purposes and outcomes of different ADR methods—such as mediation versus arbitration, and binding versus nonbinding approaches—helps participants understand options and engage effectively.

**Maintaining Transparency:** Providing regular notices, published guidance, and clear communication channels improves awareness among condominium owners and boards, fostering trust and understanding of the ADR framework.

## Requirements for Owner Access to Association Documents

### *Key Findings*

Access to association documents and records is a cornerstone of condominium self-governance, allowing unit owners to understand operations, hold boards accountable, and participate in meaningful decisionmaking. All examined states provide document access to owners, but requirements vary.

- **Robust Frameworks:** Florida and Nevada provide the most robust regulatory frameworks by requiring online document access for large condominium associations and establishing dedicated enforcement mechanisms.
- **Moderate Frameworks:** California and Delaware require a broad variety of documents be made available to owners and their representatives, but neither state has a dedicated enforcement entity described in law.
- **Limited Framework:** Massachusetts provides only basic access rights to a limited variety of documents with no designated enforcement entity.

Interviewees across all states supported transparency efforts. Many expressed positive opinions of online portals. Some expressed concerns about true accessibility because of factors including cost and potential stonewalling from associations. Interviewees noted that documents are complex and may be difficult for owners to understand. Proposed solutions included online portals, clear summaries of documents, and regularly informing owners of their access rights.

## *Policy Considerations and Best Practices*

**Tailored Requirements Based on Association Size:** Policies should account for variation in association size. Larger associations may have capacity to meet extensive requirements, while smaller associations may need streamlined or scaled requirements.

**Accessible and Transparent Document Delivery:** Providing multiple options for document access—such as online portals, electronic files, or hard copies—enhances transparency and convenience. Supporting smaller associations with technical and financial assistance helps make electronic or online access systems more achievable.

**Defined Scope of Accessible Documents:** Clear guidance should outline which categories of documents must be available (e.g., governing documents, board management materials, financial statements, insurance and reserve documentation, records relating to elections and inspections).

**Effective Enforcement Mechanisms:** Establishing reliable enforcement structures—through a designated state or regulatory agency, ombudsman’s office, ADR processes, or court procedures—ensures compliance and consistent implementation.

**Equitable Access for Authorized Parties:** Policies should specify who is entitled to obtain documents, such as unit owners, lessees, or authorized representatives, ensuring fairness and clarity in access rights.

**Cost Transparency and Management:** Document access policies should address financial implications for both owners and associations, including reasonable fees for retrieval and costs associated with preparing, redacting, copying, and uploading materials.

## **Requirements for Owner Disclosure and Education at the Point of Sale**

### *Key Findings*

All examined states except Massachusetts require disclosures at the point of sale. Common disclosures include governance documents, financial information, and legal and risk disclosures. Florida adds structural safety documentation. Delaware, Florida, and Nevada impose different requirements for developer sales versus resales. California’s requirements apply uniformly to all transactions. Delaware’s requirements apply only to buildings with more than 20 units, while California, Nevada, and Florida apply them universally.

Cancellation periods range from three to fifteen days depending on the state and delivery method. Fees vary from cost-based (California) to capped amounts of \$185-\$200 (Delaware and Nevada). Florida requires developers to bear disclosure costs while resale sellers bear their own expenses.

Interviewees reported that although disclosure is beneficial, buyers often do not read or understand the required documentation, which is especially problematic given short cancellation periods.



### *Policy Considerations and Best Practices*

**Adequate Cancellation Period:** Ensuring the cancellation period provides sufficient time for prospective buyers to thoroughly review all disclosed documents supports informed decision-making.

**Clear and Accessible Guidance:** Providing guidance and educational materials can help prospective purchasers, associations, and real estate professionals interpret and communicate key information.

- **For prospective purchasers:** A one-page, plain-language document identifying key information to review, similar to Nevada’s educational information statement highlighting assessment obligations and foreclosure risks.
- **For associations:** A template for summarizing required documents in a consistent and accessible format.
- **For real estate professionals:** Informational sessions focused on methods for emphasizing essential provisions and financial responsibilities to prospective purchasers.

## Condominium Management Licensing Requirements

### *Key Findings*

State regulation of condominium managers varies widely: Delaware and Massachusetts do not require licensing, California provides optional certification, and Florida and Nevada mandate licensing or certification.

Literature on occupational licensing frames the issue in terms of costs and benefits: protection of the public (if requirements are tailored), higher prices for consumers, and higher wages and employment stability for licensed workers. Subject-matter experts were generally supportive of licensing, especially in states with complicated or fast-changing condominium laws.

### *Policy Considerations and Best Practices*

**Complexity of Condominium Law:** Jurisdictions should assess whether the complexity of condominium law and management obligations creates challenges for volunteer boards or unlicensed managers. Where laws are sufficiently intricate, implementing licensing requirements may help ensure managers have necessary training and expertise. As noted in Appendix C, many condominium boards face challenges related to limited capacity and governance experience, which heightens reliance on managers and reinforces the importance of licensing and continuing education.

**Supply and Quality of Managers:** Legislatures and regulators should assess whether there is adequate supply of qualified managers and whether concerns exist regarding poor-quality management that could pose safety or financial risks. Licensing requirements should balance the

risk of reducing manager supply with potential benefits of improving service quality and accountability.

**Designing Licensing Requirements:** If licensing is instituted, requirements should be tailored to support program objectives and ensure appropriate balance between competence and accessibility:

- **Minimum education and application requirements:** Establish baseline standards to ensure managers have necessary skills and knowledge while avoiding overly burdensome barriers or excessive consumer costs.
- **Access to affordable licensing education:** Consider encouraging or facilitating affordable training options through government programs or third-party organizations.
- **Waivers and reciprocity:** Offer waivers or recognition of comparable certification for military families or out-of-state professionals to address workforce mobility and reduce unnecessary duplication.

### *Overview of Appendixes*

Additional information related to condominium documentation access requirements and point of sale requirements are provided in Appendixes A and B, respectively. Appendix C summarizes emerging issues related to condominium governance as identified by interviewees, including ongoing challenges in board capacity, housing policy conflicts, insurance availability, and aging infrastructure. At the request of the Hawaii Legislative Reference Bureau, we also explored how condominium and community association boards handle unexpected expenses, such as sudden increases in insurance premiums, as well as compliance with Florida's milestone inspection and structural integrity reserve study requirements. Appendix D summarizes relevant statutory requirements and common practices in the selected states, focusing on reserve management, financial review obligations, and procedures for imposing special assessments or otherwise meeting unforeseen financial needs. Appendix E outlines Florida's post-2021 condominium safety reforms, establishing milestone inspections and structural integrity reserve studies, later adjusted by House Bill 913 to balance safety and cost, with key statutes and stakeholder perspectives noted. Appendix F outlines Hawaii's existing condominium governance and regulation framework.

## Appendix A. Additional Details Related to Condominium Documentation Access Requirements

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While the main body of the report summarizes the key aspects of the requirements for owner access to condominium documents, this appendix provides detailed information on these requirements, organized by state.

## **Text Box A.1. Documents That Must Be Accessible in California**

California statute includes significant detail on the governance, financial, election, and other documents that must be provided to owners or their designated representative upon request. Most documents must be provided within 10 business days for the current fiscal year and within 30 calendar days for the previous two fiscal years. Exceptions include meeting minutes (see (6) below), which must be provided within 30 days of the meeting or 15 days after committee approval, and membership lists (see (7) below), which follow the timeframe in California Corporations Code Section 8330.

### **Governing Documents**

1. Annual Report (CA CIV §5300-5320)
2. Annual policy statement
3. If applicable, a written statement documenting if any condominium association insurance policies lapsed or significantly changed (CA CIV §5810)
4. Executed contracts, excluding legally privileged contracts
5. Written board approval of vendor or contractor proposals or invoices
6. Agendas and minutes of meetings of members, the condominium board, and condominium board-appointed committees, excluding executive board sessions
7. Member lists with names and contact information, including email address, mailing address, and property address

### **Financial Documents**

1. A summary of the condominium association's reserves (CA CIV §5565)
2. Annual budget report
3. Periodic or compiled interim financial statements, such as a balance sheet, income and expenses statement, budget comparison, or general ledger
4. State tax returns
5. Federal tax returns
6. Reserve account balances
7. Records of payments made from reserve accounts
8. Check registers
9. A quarterly accounting of any expenses related to litigation on repairs and maintenance that the condominium association is obligated to complete (CA CIV §5510-5520)
10. Invoices, receipts, and canceled checks for payments made by the condominium association
11. Purchase orders approved by the condominium association
12. Bank account statements for bank accounts in which assessments are deposited or withdrawn
13. Credit card statements for credit cards issued in the name of the condominium association
14. Statements for services rendered
15. Reimbursement requests submitted to the condominium association.

### **Election Documents**

1. Returned condominium association election ballots
2. Signed condominium association election voter envelopes
3. Condominium association election voter list of names
4. Condominium association election parcel numbers
5. Voters to whom condominium association elections ballots were sent
6. Condominium association election proxies
7. The condominium association election candidate registration list
8. The tally sheet of association election votes cast electronically

### **Other Documents**

1. The documentation and written statements described in Chapter 7 and Appendix B (requirements for owner education at the point of sale)

SOURCES: [CA CIV §5200](#); [CA CIV §5205](#); [CA CIV §5210](#).

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## Delaware

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### **Text Box A.2. Documents Delaware Requires to be Maintained**

This is a full list of official records in Delaware. It does not follow the precise numbering from the statute. Documents 1-3 must be maintained in written form or be able to be converted into written form in a reasonable amount of time. Copies of documents 4-10 must be kept by the association at its principal office.

1. Detailed records of receipts and expenditures affecting the operation and administration of the association and other appropriate accounting records, including those for the repair and replacement reserve
2. Minutes of all meetings of its members and executive board, a record of all actions taken by the members or executive board without a meeting, and a record of all actions taken by a committee of the executive board in place of the board of directors on behalf of the association
3. A record of its members, showing the number of votes each member is entitled to cast and the members' class of membership
4. Original or restated certificate of incorporation and bylaws and all amendments to them currently in effect
5. The minutes of all members' meetings and records of all action taken by members without a meeting for the past 3 years
6. Any financial statements and tax returns of the association prepared for the past 3 years, together with the report of the auditors of the financial records
7. A list of the names and business addresses of its current directors and officers
8. The most recent annual report delivered to the Secretary of the State
9. The association's most recent reserve study
10. Financial and other records sufficiently detailed to enable the association to comply with the resale certificate requirements

SOURCE: [25 Del. C. 81 § 318](#).

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# Florida

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## Text Box A.3. Florida Official Records

This is a full list of official records in Florida, following the numbering of the statute. Items 1-6 “must be permanently maintained from the inception of the association.” Item 12 must be maintained for one year after the relevant election, vote, or meeting. Item 16 must be maintained for at least one year after the bid is received. All other items must be maintained for seven years, “unless otherwise provided by general law.” [§ 718.111\(12\)\(a\),\(b\), Fla. Stat. \(2025\)](#).

1. A copy of developer plans, permits, warranties, and other items<sup>a</sup>
2. A copy of the recorded declaration of condominium, and related declarations
3. A copy of the recorded bylaws and amendments
4. A certified copy of the articles of incorporation of the association and related amendments
5. Current association rules
6. The minutes of all association meetings, board of association meetings, and unit owner meetings as well as recordings of meetings conducted by video conference where there are associated approved minutes
7. A current roster of all unit owners, with their contact information<sup>b</sup>
8. Current insurance policies
9. Any “management agreement, lease, or other contract to which the association is a party or under which the association or the unit owners have an obligation or responsibility”
10. “Bills of sale or transfer for all property owned by the association”
11. Condominium accounting records. These records must be separate for each association condominium.
12. “Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by unit owners”
13. Rental records
14. A copy of the question and answer sheet, for condominiums with more than 20 units<sup>c</sup>
15. A copy of inspection reports, including those related “to a structural or life safety inspection of condominium property”
16. “Bids for materials, equipment, or services”
17. Affirmative acknowledgements by unit owners that the association will change the delivery method for invoice assessments or a unit’s current account system<sup>d</sup>
18. “A copy of all building permits”
19. “A copy of all satisfactorily completed board member educational certificates”
20. “All other written records of the association not specifically included in the foregoing which are related to the operation of the association”

SOURCE: [§ 718.111\(12\), Fla. Stat. \(2025\)](#).

<sup>a</sup> A list of all items provided by the developer can be found in [§ 718.301\(4\), Fla. Stat. \(2025\)](#).

<sup>b</sup> The statute limits the sharing of e-mail addresses and fax numbers.

<sup>c</sup> Additional information on the question and answer sheet can be found in [§718.504, Fla. Stat. \(2025\)](#).

<sup>d</sup> This requirement is further detailed in [§ 718.121\(4\)\(c\), Fla. Stat. \(2025\)](#).

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#### Text Box A.4. Required Documents for Florida Association Websites

- a. A copy of the recorded declaration of condominium, and related declarations
- b. A copy of the recorded bylaws and amendments
- c. The articles of incorporation of the association, as filed with the Department of State, and related amendments
- d. Association rules
- e. Approved board minutes of past 12 months
- f. Video recordings or hyperlink to video recordings for all association meetings, board meetings, committee meetings, and unit owner meetings conducted by video conference of past 12 months
- g. "A list of all executory contracts or documents to which the association is a party or under which the association or the unit owners have an obligation or responsibility," "a list of bids received by the association within the past year," summaries or complete bids "for materials, equipment, or services which exceed \$500"
- h. The annual budget and any proposed budget<sup>a</sup>
- i. Association financial report "and any monthly income or expense statement to be considered at a meeting"
- j. Board member certifications<sup>b</sup>
- k. "All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested"
- l. "Any contract or document regarding a conflict of interest or possible conflict of interest"<sup>c</sup>
- m. Either in plain view on the front page or a separate section labeled "Notices" that "is conspicuously visible," "notice of any unit owner meeting and the agenda for the meeting" and "any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered"<sup>d</sup>
- n. "Notice of any board meeting" and related agendas or documents<sup>e</sup>
- o. Milestone inspections, turnover inspections, "and any other inspection report relating to a structural or life safety inspection of condominium property"<sup>f</sup>
- p. "The association's most recent structural integrity reserve study, if applicable"
- q. "Copies of all building permits issued for ongoing or planned construction"
- r. "A copy of all affidavits required by this chapter"

SOURCE: [§ 718.111\(12\)\(g\), Fla. Stat. \(2025\)](#). The list follows the lettering of the statute.

NOTES: Several documents reference other statutory requirements, the details of which can be found in the following sections.

<sup>a</sup> Annual budget requirements: [§ 718.111\(2\)\(f\), Fla. Stat. \(2025\)](#).

<sup>b</sup> Board member certification requirements: [§ 718.112\(2\)\(d\)4.b., Fla. Stat. \(2025\)](#).

<sup>c</sup> Community association manager conflicts of interest: [§ 468.4335, Fla. Stat. \(2025\)](#).

Community association manager disciplinary proceedings related to conflicts of interest: [§ 468.436\(2\)\(b\)6., Fla. Stat. \(2025\)](#).

<sup>d</sup> Board member elections: [§ 718.112\(2\)\(d\)3., Fla. Stat. \(2025\)](#).

<sup>e</sup> Board of administration meetings: [§ 718.112\(2\)\(c\), Fla. Stat. \(2025\)](#).

<sup>f</sup> Milestone inspection reports: [§ 553.899, Fla. Stat. \(2025\)](#).

Turnover inspections: [§ 718.301\(4\)\(p\), Fla. Stat. \(2025\)](#).

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## Massachusetts

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### **Text Box A.5. Documents Massachusetts Requires to be Maintained**

This is a full list of documents required to be maintained in Massachusetts, following the numbering of the statute.

1. A true and accurate copy of the master deed as recorded and amended
2. The by-laws, including amendments thereto, as recorded
3. The minute book, as maintained by the organization of unit owners, to the extent such minutes are kept which shall be made available to unit owners through electronic mail upon request
4. Financial records, including the following:
  - i. Records of all receipts and expenditures, invoices and vouchers authorizing payments, receivables, and bank statements relating thereto
  - ii. Records regarding the replacement reserve fund or any other funds of the organization of unit owners and bank statements relating thereto
  - iii. Audits, reviews, accounting statements, and financial reports relating to the finances of the organization of unit owners
  - iv. Contracts for work to be performed for or services to be provided to the organization of unit owners
  - v. All current insurance policies of the organization of unit owners, or policies which name the organization as insured or obligee

SOURCE: [Mass. Gen. Laws ch. 183A, § 10\(c\)](#).

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## Nevada

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### **Text Box A.6. Documents That Must Be Accessible in Nevada**

Under NRS § 116.31175, an association must generally maintain its books, records, and other papers for at least 10 years (except for meeting minutes, which have separate retention rules). When a unit owner makes a written request for certain records—such as financial statements, budgets, or reserve studies—the association must provide copies within 21 days.

#### **Financial and Administrative Records**

1. The financial statement of the association
2. The budgets of the association required to be prepared pursuant to NRS § 116.31151
3. The study of the reserves of the association required to be conducted pursuant to NRS § 116.31152

#### **Contracts and Legal Documents**

1. All contracts to which the association is a party
2. All records filed with a court relating to a civil or criminal action to which the association is a party

#### **General Records Concerning Violations**

1. A general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction
2. A general description of the nature of the violation and the type of sanction imposed
3. If a fine or construction penalty is imposed, the amount of the fine or construction penalty

#### **Excluded Records**

- The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees
- The records of the association relating to another unit's owner, including, without limitation, any architectural plan or specification submitted by a unit's owner to the association during an approval process required by the governing documents, except for those records described in subsection 5
- Any document, including, without limitation, minutes of an executive board meeting, a reserve study and a budget, if the document is in the process of being developed for final consideration by the executive board and has not been placed on an agenda for final approval by the executive board

SOURCE: [NRS § 116.31175](#).

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## Appendix B. Point-of-Sale Requirement Details

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Although we summarize the key aspects of the requirements for owner education at the point of sale in the main body of the report, this appendix provides detailed information on these requirements organized by state. Because Massachusetts does not require owner education at the point of sale, it is not included here.

# California

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## **Text Box B.1. Documents That Must Be Provided at Point of Sale in California**

### **Governing Documents**

1. All of the condominium association's governing documents
2. If applicable, a statement noting that the condominium association is not incorporated
3. Condominium association's annual policy statement
4. A copy of the minutes of board meetings, excluding meetings held in executive session, conducted over the previous 12 months, that were approved by the board (if requested by the prospective purchaser)
5. If applicable, a statement describing any prohibition on the rental or leasing of condominiums in the governing documents

### **Building Documents**

1. A copy of the latest written disclosure of the updates and corrections in response to construction defects in or related to common areas of the condominium development
2. A copy of the initial list of construction defects in or related to common areas of the condominium development (This documentation does not need to be provided if the condominium association and the builder subsequently entered into a settlement agreement or otherwise resolved the matter and the association provided written disclosure to members.)

### **Financial Documents**

1. Condominium association's most recent annual budget report
2. Summary of condominium association's reserves
3. Assessment and Reserve Funding Disclosure Form
4. A description of any change in the condominium association's current regular and special assessments and fees which have been approved by the board, but have not become due and payable as of the date disclosure is provided.
5. A statement of the amount of the condominium association's current regular and special assessments and fees

### **Unit-Specific Documents**

1. Restrictions on occupancy, residency, or use of unit on the basis of age
2. A copy or summary of notice(s) previously sent to the owner setting forth any alleged violation of the governing documents that remains unsolved at the time the prospective buyer requests documents. The notice is required to include information about the date and time of the meeting during which the board will discuss the violation, a description of the violations, and clarification that the member has a right to attend the meeting and address the board.
3. A statement of any assessments levied upon the unit unpaid on the date of the statement
4. Information on late charges, interest, and costs of collection which, as of the date of the statement, are or may be made a lien upon the unit
5. A statement of any monetary fines or penalties levied upon the unit and unpaid on the date of the statement

SOURCES: [CA CIV §4525-4545](#), [CA CIV §5300-5320](#), [CA CIV §5650-5690](#), [CA CIV §5855](#). CA CIV §6100. CA CIV § 4525 references CA CIV § 6000, governing pre-litigation procedures for construction defect claims filed by homeowner associations against developers, which was repealed by Stats.2016, c. 71 (A.B.1963), § 1, operative Jan. 1, 2025.

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## Delaware

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### **Text Box B.2. Disclosures Required for Resale in Delaware**

This is a full list of the disclosures that are required on the resale certificate by DUCIOA in Delaware. It does not follow the numbering from the statute.

1. A statement disclosing the effect on the proposed disposition of any right of first refusal or other restraint on the free alienability of the unit held by the association
2. A statement setting forth the amount of the periodic common expense assessment and any unpaid common expense or special assessment currently due and payable from the selling unit owner
3. A statement of any other fees payable by the owner of the unit being sold
4. A statement of the current number of unit owners delinquent in the payment of common expense assessments and the aggregate amount of such delinquency
5. A statement of the current balance in the repair and replacement reserve
6. A statement of any capital expenditures approved by the association for the current and succeeding fiscal years, including a statement of the amount of such capital expenditures to be taken from the repair and replacement reserve
7. A statement of any unsatisfied judgments against the association and the status of any pending suits in which the association is a defendant
8. A statement describing any insurance coverage provided for the benefit of unit owners
9. A statement as to whether the executive board has given or received written notice that any existing uses, occupancies, alterations, or improvements in or to the unit or to the limited common elements assigned thereto violate any provision of the declaration
10. A statement as to whether the executive board has received written notice from a governmental agency of any violation of environmental, health, or building codes with respect to the unit, the limited common elements assigned thereto, or any other portion of the common interest community which has not been cured
11. A statement of the remaining term of any leasehold estate affecting the common interest community and the provisions governing any extension or renewal thereof
12. A statement describing any pending sale or encumbrance of common elements
13. A statement of any fees payable by the purchaser of the unit to the association at settlement

SOURCE: [25 Del. C. 81 § 409](#).

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### **Text Box B.3. Documents Required for Resale in Delaware**

This is a full list of the documents that must be provided with the resale certificate by DUCIOA in Delaware. It does not follow the numbering from the statute.

1. A copy of the most recent reserve study
2. The most recent regularly prepared balance sheet and income and expense statement, if any, of the association
3. The most recent regularly prepared balance sheet and income and expense statement, if any, of the association
4. The most recent report of auditors (if required...) on the association balance sheet and income and expense statement or any accountant's report on any unaudited association balance sheet and income and expense statement
5. The current operating budget of the association
6. Copies of the minutes for the executive board meeting for the preceding 6 months or, if none, for the most recent executive board meeting for which minutes are available

SOURCE: [25 Del. C. 81 § 409](#).

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#### **Text Box B.4. Disclosures and Documents Required for Developer Sale in Delaware**

This is a full list of the documents and statements that must be provided on the Public Offering Statement by DUCIOA in Delaware. The list does not follow statutory numbering. In the statute, two items are repealed and reserved, respectively.

1. The name and principal address of the declarant and of the common-interest community, and a statement that the common-interest community is either a condominium, cooperative, or planned community
2. A general description of the common-interest community, including to the extent possible, the types, number, and declarant's schedule of commencement and completion of construction of buildings, and amenities that the declarant anticipates including in the common-interest community
3. The number of units in the common-interest community
4. Copies and a brief narrative description of the significant features of the declaration, other than any plats and plans, and any other recorded covenants, conditions, restrictions, and reservations affecting the common interest community; the bylaws, and any rules or regulations of the association; copies of any contracts and leases to be signed by purchasers at closing, and a brief narrative description of any contracts or leases that will or may be subject to cancellation by the association
5. Any current balance sheet and a projected budget for the association, either within or as an exhibit to the public offering statement, for 1 year after the date of the first conveyance to a purchaser, and thereafter the current budget of the association, a statement of who prepared the budget, and a statement of the budget's assumptions concerning occupancy and inflation factors. The budget must include, without limitation:
  - i. A statement of the amount, or a statement that there is no amount, included in the budget for the repair and replacement reserve
  - ii. A statement of any other reserves
  - iii. The projected common expense by category of expenditures for the association
  - iv. The projected common expense assessment for each type of unit
6. Any services not reflected in the budget that the declarant provides, or expenses that the declarant pays and which the declarant expects may become at any subsequent time a common expense of the association and the projected common expense assessment attributable to each of those services or expenses for the association and for each type of unit
7. Any initial or special fee due from the seller or the purchaser at the time of sale, together with a description of the purpose and method of calculating the fee
8. A description of any liens, defects, or encumbrances on or affecting the title to the common interest community and a statement as to which liens, defects or encumbrances will remain after transfer of the unit
9. A description of any financing offered or arranged by the declarant
10. The terms and significant limitations of any warranties provided by the declarant, including statutory warranties and limitations on the enforcement thereof or on damages
11. A statement of any unsatisfied judgments or pending suits against the association, and the status of any pending suits material to the common interest community of which a declarant has actual knowledge
12. A statement that any deposit made in connection with the purchase of a unit will be held in an escrow account until closing and will be returned to the purchaser if the purchaser cancels the contract pursuant ...together with the name and address of the escrow agent
13. Any restraints on alienation of any portion of the common-interest community and any restrictions:
  - v. On use, occupancy, and alienation of the units,
  - vi. On the amount for which a unit may be sold or on the amount that may be received by a unit owner on sale, condemnation, or casualty loss to the unit or to the common interest community, or on termination of the common interest community
14. A description of the insurance coverage provided for the benefit of unit owners
15. Any current or expected fees or charges to be paid by unit owners for the use of the common elements and other facilities related to the common interest community
16. The extent to which financial arrangements have been provided for completion of all improvements that the declarant is obligated to build
17. In a cooperative, a statement whether the unit owners will be entitled, for federal, state, and local income tax purposes, to a pass-through of deductions for payments made by the association for real estate taxes and interest paid the holder of a security interest encumbering the cooperative, and a statement as to the effect on every unit owner if the association fails to pay real estate taxes or payments due the holder of a security interest encumbering the cooperative

SOURCE: [25 Del. C. 81 § 403](#).

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**Text Box B.5. Public Offering Statement Developer Disclosures Required by DUCIOA**

1. The name and principal address of the declarant and of the common-interest community, and a statement that the common-interest community is either a condominium, cooperative, or planned community
2. A general description of the common-interest community, including to the extent possible, the types, number, and declarant's schedule of commencement and completion of construction of buildings, and amenities that the declarant anticipates including in the common-interest community
3. The number of units in the common-interest community
4. Copies and a brief narrative description of the significant features of the declaration, other than any plats and plans, and any other recorded covenants, conditions, restrictions, and reservations affecting the common-interest community; the bylaws, and any rules or regulations of the association; copies of any contracts and leases to be signed by purchasers at closing, and a brief narrative description of any contracts or leases that will or may be subject to cancellation by the association
5. Any current balance sheet and a projected budget for the association, either within or as an exhibit to the public offering statement, for 1 year after the date of the first conveyance to a purchaser, and thereafter the current budget of the association, a statement of who prepared the budget, and a statement of the budget's assumptions concerning occupancy and inflation factors. The budget must include, without limitation:
  - i. A statement of the amount, or a statement that there is no amount, included in the budget for the repair and replacement reserve;
  - ii. A statement of any other reserves;
  - iii. The projected common expense by category of expenditures for the association; and
  - iv. The projected common expense assessment for each type of unit;
6. Any services not reflected in the budget that the declarant provides, or expenses that the declarant pays and which the declarant expects may become at any subsequent time a common expense of the association and the projected common expense assessment attributable to each of those services or expenses for the association and for each type of unit;
7. Any initial or special fee due from the seller or the purchaser at the time of sale, together with a description of the purpose and method of calculating the fee;
8. A description of any liens, defects, or encumbrances on or affecting the title to the common interest community and a statement as to which liens, defects or encumbrances will remain after transfer of the unit
9. A description of any financing offered or arranged by the declarant;
10. The terms and significant limitations of any warranties provided by the declarant, including statutory warranties and limitations on the enforcement thereof or on damages;
11. [Repealed.]
12. A statement of any unsatisfied judgments or pending suits against the association, and the status of any pending suits material to the common interest community of which a declarant has actual knowledge;
13. A statement that any deposit made in connection with the purchase of a unit will be held in an escrow account until closing and will be returned to the purchaser if the purchaser cancels the contract pursuant ...together with the name and address of the escrow agent;
14. Any restraints on alienation of any portion of the common-interest community and any restrictions:(i) on use, occupancy, and alienation of the units, and (ii) on the amount for which a unit may be sold or on the amount that may be received by a unit owner on sale, condemnation, or casualty loss to the unit or to the common-interest community, or on termination of the common-interest community;
15. A description of the insurance coverage provided for the benefit of unit owners
16. Any current or expected fees or charges to be paid by unit owners for the use of the common elements and other facilities related to the common-interest community
17. The extent to which financial arrangements have been provided for completion of all improvements that the declarant is obligated to build
18. [Reserved.]
19. In a cooperative, a statement whether the unit owners will be entitled, for federal, state, and local income tax purposes, to a pass-through of deductions for payments made by the association for real estate taxes and interest paid the holder of a security interest encumbering the cooperative, and a statement as to the effect on every unit owner if the association fails to pay real estate taxes or payments due the holder of a security interest encumbering the cooperative.

SOURCE: [25 Del. C. 81 § 403](#), following statutory numbering.

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## Text Box B.6. Developer Disclosure Statements at Point of Sale Requirements

1. "This agreement is voidable by buyer by delivering written notice of the buyer's intention to cancel within 15 days after the date of execution of this agreement by the buyer, and receipt by buyer of all of the items required to be delivered to him or her by the developer under section 718.503, Florida Statutes. This agreement is also voidable by buyer by delivering written notice of the buyer's intention to cancel within 15 days after the date of receipt from the developer of any amendment which materially alters or modifies the offering in a manner that is adverse to the buyer. Any purported waiver of these voidability rights shall be of no effect. Buyer may extend the time for closing for a period of not more than 15 days after the buyer has received all of the items required. Buyer's right to void this agreement shall terminate at closing. Figures contained in any budget delivered to the buyer prepared in accordance with the condominium act are estimates only and represent an approximation of future expenses based on facts and circumstances existing at the time of the preparation of the budget by the developer. Actual costs of such items may exceed the estimated costs. Such changes in cost do not constitute material adverse changes in the offering."
2. "Oral representations cannot be relied upon as correctly stating the representations of the developer. For correct representations, reference should be made to this contract and the documents required by section 718.503, Florida Statutes, to be furnished by a developer to a buyer or lessee."<sup>a</sup>
3. Contain a statement that the unit has been occupied by someone other than the buyer
4. Disclosure of existing lease and copy of the executed lease
5. "[A] copy of the proposed lease."
6. A statement that the unit "is subject to a lien for rent payable under a lease of commonly used facilities. Failure to pay rent may result in foreclosure of the lien."
7. The Escrow agent's name and address, and a statement "that the purchaser may obtain a receipt for his or her deposit from the escrow agent upon request."<sup>b</sup>
8. Timeshare information
9. A statement that "[h]omeowner's insurance policies do not include coverage for damage resulting from flooding. Buyer is encouraged to discuss the need to purchase separate flood insurance coverage with buyer's insurance agent." Disclosure of if seller has (1) knowledge of flooding causing property damage, (2) "filed a claim with an insurance provider relating to flood damage," and (3) has "received assistance for flood damage." In addition, the disclosure must include the following statement: "For the purposes of this disclosure, the term "flooding" means a general or temporary condition of partial or complete inundation of the property or common elements caused by the overflow of inland or tidal waters; the unusual and rapid accumulation of runoff or surface waters from any established water source, such as a river, stream, or drainage ditch; or sustained periods of standing water resulting from rainfall."
10. A statement that the buyer acknowledges receipt of specified documents
11. "A clause which states: this agreement is voidable by buyer by delivering written notice of the buyer's intention to cancel within 15 days, excluding Saturdays, Sundays, and legal holidays, after the date of execution of this agreement by the buyer and receipt by buyer of a current copy of the inspector-prepared summary of the milestone inspection report as described in section 553.899, Florida Statutes, if applicable; a copy of the turnover inspection report described in section 718.301(4)(p) and (q), Florida Statutes, if applicable; and a copy of the association's most recent structural integrity reserve study described in sections 718.103(26) and 718.112(2)(g), Florida Statutes, if applicable. Any purported waiver of these voidability rights shall be of no effect. Buyer may extend the time for closing for a period of not more than 15 days, excluding Saturdays, Sundays, and legal holidays, after the buyer receives a current copy of the inspector-prepared summary of the milestone inspection report as described in section 553.899, Florida Statutes; a copy of the turnover inspection report described in section 718.301(4)(p) and (q), Florida statutes, or a copy of the association's most recent structural integrity reserve study described in sections 718.103(26) AND 718.112(2)(g), Florida Statutes, if requested in writing. Buyer's right to void this agreement shall terminate at closing."

SOURCE: § 718.503(1)(a),(b), Fla. Stat. (2025).

### NOTES:

All contracts will require the language found in 1, 2, 7, and 9. All other language must be included only if applicable to the sale.

Table numbering follows statutory numbering of subsection (a) except for items 10 and 11, which are described in subsection (d)(1) and (2).

Disclosures with all capitalized text have been quoted with standard capitalization for readability.

a Documents described in voidability statements listed in Text Box B.7.

b Name and address of the escrow agent requirements: § 718.202, Fla. Stat. (2025).

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**Text Box B.7. Developer Documents That Must Be Furnished to Buyer at Point of Sale for Condominiums with 20 or Fewer Units**

1. Question and answer sheet, condominium declaration or proposed declaration (including certificate of a surveyor<sup>a</sup>)
2. The association's creation documents
3. Bylaws
4. "The ground lease or other underlying lease of the condominium"
5. "The management contract, maintenance contract, and other contracts for management of the association and operation of the condominium... and any management contracts that are renewable"
6. "The estimated operating budget for the condominium and a schedule of expenses for each type of unit, including fees assessed for the maintenance of limited common elements where such costs are shared only by those entitled to use the limited common elements"<sup>b</sup>
7. "The lease of recreational and other facilities that will be used only by unit owners of the subject condominium"
8. "The lease of recreational and other common facilities that will be used by unit owners in common with unit owners of other condominiums"
9. "The form of unit lease if the offer is of a leasehold."
10. "Any declaration of servitude of properties serving the condominium but not owned by unit owners or leased to them or the association"
11. "A description of the plan of phase development or the arrangements for the association to manage two or more condominiums"
12. "If the condominium is a conversion of existing improvements, the statements and disclosure required by s. 718.616"<sup>c</sup>
13. "The form of agreement for sale or lease of units"
14. "A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas"
15. "A copy of all covenants and restrictions that will affect the use of the property and are not contained in the foregoing"
16. Dock or marina information<sup>d</sup>
17. "Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed"
18. "A copy of the inspector-prepared summary of the milestone inspection report... or a statement... indicating that the required milestone inspection...has not been completed or is not required"<sup>e</sup>
19. "A copy of the most recent structural integrity reserve study, or a statement...indicating that a required structural integrity reserve study has not been completed or is not required"
20. "A copy of the turnover inspection report...or a statement...indicating that a turnover inspection report has not been completed"<sup>f</sup>

SOURCES: §§ [718.503](#), [.504](#), Fla. Stat. (2025)

NOTES:

<sup>a</sup> Question and answer document requirements: [§ 718.504, Fla. Stat. \(2025\)](#).

Surveyor certificate requirements: [§ 718.104, Fla. Stat. \(2025\)](#).

<sup>b</sup> Fees a part of the operating budget: [§ 718.113\(1\), Fla. Stat. \(2025\)](#). [§ 718.503\(1\)\(c\), Fla. Stat. \(2025\)](#) clarifies that developers must provide "the current estimated operating budget of the association to the buyer at closing" for contracts closing "more than 12 months after the filing of the offering circular with the division."

<sup>c</sup> Statements and disclosure for conversion of existing improvements: [§ 718.616, Fla. Stat. \(2025\)](#).

<sup>d</sup> Requirements of dock and marina approval: [§ 718.502\(1\), Fla. Stat. \(2025\)](#).

<sup>e</sup> Inspector prepared summary requirements: [§ 553.899, Fla. Stat. \(2025\)](#).

<sup>f</sup> Turnover inspection report requirements: [§ 718.301\(4\)\(p\) and \(q\), Fla. Stat. \(2025\)](#).

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### Text Box B.8. Non-Developer Disclosure Statements at Point of Sale Requirements

1. "A clause which states: the buyer hereby acknowledges that buyer has been provided a current copy of the declaration of condominium, articles of incorporation of the association, bylaws and rules of the association, a copy of the most recent annual financial statement and annual budget, and frequently asked questions and answers document more than 7 days, excluding Saturdays, Sundays, and legal holidays, before execution of this contract"
2. "A clause which states: this agreement is voidable by buyer by delivering written notice of the buyer's intention to cancel within 7 days, excluding Saturdays, Sundays, and legal holidays, after the date of execution of this agreement by the buyer and receipt by buyer of a current copy of the declaration of condominium, articles of incorporation, bylaws and rules of the association, a copy of the most recent annual financial statement and annual budget, and frequently asked questions and answers document if so requested in writing. Any purported waiver of these voidability rights shall be of no effect. Buyer may extend the time for closing for a period of not more than 7 days, excluding Saturdays, Sundays, and legal holidays, after the buyer receives the declaration, articles of incorporation, bylaws and rules of the association, and a copy of the most recent year-end financial statement and annual budget and frequently asked questions and answers document if requested in writing. buyer's right to void this agreement shall terminate at closing."
3. "A clause which states: the buyer hereby acknowledges that buyer has been provided a current copy of the inspector-prepared summary of the milestone inspection report as described in section 553.899, Florida Statutes, if applicable; a copy of the turnover inspection report described in section 718.301(4)(p) and (1), Florida Statutes, if applicable; and a copy of the association's most recent structural integrity reserve study described in sections 718.103(26) and 718.122(2)(g), Florida Statutes, if applicable, more than 7 days, excluding Saturdays, Sundays, and legal holidays, before execution of this contract."<sup>a</sup>
4. "A clause which states: this agreement is voidable by buyer by delivering written notice of the buyer's intention to cancel within 7 days, excluding Saturdays, Sundays, and legal holidays, after the date of execution of this agreement by the buyer and receipt by buyer of a current copy of the inspector-prepared summary of the milestone inspection report as described in section 718.301(4)(p) and (1), Florida Statutes, if applicable; a copy of the turnover inspection report described in section 718.301(4)(p) and (1), Florida Statutes, if applicable; and a copy of the association's most recent structural integrity reserve study described in sections 718.103(26) and 718.122(2)(g), Florida Statutes, if applicable,. Any purported waiver of these voidability rights shall be of no effect. Buyer may extend the time for closing for a period of not more than 7 days, excluding Saturdays, Sundays, and legal holidays, after the buyer receives a current copy of the inspector-prepared summary of the milestone inspection as described in section 718.301(4)(p) and (1), Florida Statutes, a copy of the turnover inspection report described in section 718.301(4)(p) and (1), Florida Statutes, or a copy of the association's most recent structural integrity reserve study described in sections 718.103(26) and 718.122(2)(g), Florida Statutes, if requested in writing. Buyer's right to void this agreement shall terminate at closing."<sup>a</sup>
5. "Sales brochures, if any, must be provided to each purchaser, and the following caveat in conspicuous type must be placed on the inside front cover or on the first page containing text material of the sales brochure, or otherwise conspicuously displayed: 'Oral representations cannot be relied upon as correctly stating representations of the developer. For correct representations, make reference to this brochure and to the documents required by section 718.503, Florida Statutes, to be furnished by a developer to a buyer or lessee.' If timeshare estates have been or may be created with respect to any unit in the condominium, the sales brochure must contain the following statement in conspicuous type: "Units in this condominium are subject to timeshare estates."<sup>b</sup>

SOURCES: [§ 718.503\(2\)\(d\),\(e\), and \(3\), Fla. Stat. \(2025\)](#). The list does not follow statutory numbering.

#### NOTES:

Disclosures with all capitalized text have been quoted with standard capitalization for readability.

<sup>a</sup> Milestone Inspection Report: [§ 553.899, Fla. Stat. \(2025\)](#).

Turnover Inspection Report: [§ 718.301\(4\)\(p\) and \(q\), 104, Fla. Stat. \(2025\)](#).

Structural Integrity Reserve Study: [§ 718.103\(26\)](#) and [§ 718.112\(g\), Fla. Stat. \(2025\)](#).

<sup>b</sup> Representations of the developer requirements: [§ 718.503, Fla. Stat. \(2025\)](#).

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### Text Box B.9. Non-Developer Documents at Point of Sale

1. Condominium declaration
2. Association articles of incorporation
3. Association bylaws and rules
4. An annual financial statement and annual budget. Must include any lines of credits or loans described in section 718.112(2)(f)2.c.(II)
5. "A copy of the inspector-prepared summary of the milestone inspection"<sup>a</sup>
6. A structural integrity reserve study, or a statement that such a study has not been completed
7. A copy of the inspector report<sup>b</sup>
8. The Frequently Asked Questions and Answers document<sup>c</sup>
9. Governance form<sup>d</sup>

SOURCES: [§ 718.503\(2\)\(a\), Fla. Stat. \(2025\)](#), [§ 718.112\(2\)\(f\)2.c.\(II\), Fla. Stat. \(2025\)](#)

NOTES:

<sup>a</sup> Milestone Inspection Report: [§ 553.899, Fla. Stat. \(2025\)](#).

<sup>b</sup> Turnover Inspection Report: [§ 718.301\(4\)\(p\) and \(q\).104, Fla. Stat. \(2025\)](#).

<sup>c</sup> Frequently Asked Questions Document: [§ 718.504, Fla. Stat. \(2025\)](#).

<sup>d</sup> The [Governance Form](#) must follow division guidance from the statutory list, including, for example, the role of the board in conducting association affairs on behalf of the owners, the board's responsibility to provide notice of membership meetings, and the rights of owners to attend and speak at board and membership meetings.  
<https://www2.myfloridalicense.com/lsc/documents/CondominiumGovernanceForm.pdf>

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## **Text Box B.10. Documents That Must Be Provided at Point of Sale in Nevada (Public Offering Statement)**

### **Identification and Description**

1. "The name and principal address of the declarant and of the common-interest community, and a statement that the common-interest community is a condominium, cooperative or planned community"
2. "A general description of the common-interest community, including to the extent possible, the types, number and declarant's schedule of commencement and completion of construction of buildings, and amenities that the declarant anticipates including in the common-interest community"
3. "The estimated number of units in the common-interest community"

### **Governing Documents**

1. "Copies of the declaration, bylaws, and any rules or regulations of the association, but a plat is not required."

### **Financial Information and Services**

1. Financial information required by subsection 2
  - a. A current balance sheet for the association
  - b. A projected one year budget beginning after the first sale to a purchaser, and thereafter the current budget of the association
  - c. A statement identifying who prepared the budget
  - d. A statement describing the assumptions used for occupancy and inflation
  - e. A statement of the reserve amount set aside for repairs, replacement, and restoration under NRS 116.3115
  - f. A statement of any other reserves
  - g. The projected common expense assessment, broken down by category of expenditures
  - h. The projected monthly common expense assessment for each type of unit, including the portion of reserves established under NRS 116.3115
2. "A description of any services or subsidies being provided by the declarant or an affiliate of the declarant, not reflected in the budget that the declarant provides, or expenses which the declarant pays and which the declarant expects may become at any subsequent time a common expense of the association and the projected common expense assessment attributable to each of those services or expenses for the association and for each type of unit"

### **Fees and Charges**

1. "Any initial or special fee due from the purchaser or seller at closing, including, without limitation, any transfer fees, whether payable to the association, the community manager of the association or any third party, together with a description of the purpose and method of calculating the fee"
2. "Any current or expected fees or charges to be paid by units' owners for the use of the common elements and other facilities related to the common-interest community"
3. "[A] statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past due fines and charges for opening or closing any file for each unit"

### **Warranties and Cancellation Rights**

1. "The terms and significant limitations of any warranties provided by the declarant, including statutory warranties and limitations on the enforcement thereof or on damages"
2. "A statement that unless the purchaser or his or her agent has personally inspected the unit, the purchaser may cancel, by written notice, his or her contract for purchase until midnight of the fifth calendar day following the date of execution of the contract, and the contract must contain a provision to that effect"

### **Legal Actions and Restrictions**

1. "A statement of any unsatisfied judgment or pending action against the association, and the status of any pending action material to the common-interest community of which a declarant has actual knowledge"
2. "Any restraints on alienation of any portion of the common-interest community and any restrictions: (1) On the leasing or renting of units; and (2) On the amount for which a unit may be sold or on the amount that may be received by a unit's owner on the sale or condemnation of or casualty loss to the unit or to the common-interest community, or on termination of the common-interest community"

### **Binding Arrangements and Required Statements**

1. "A description of any arrangement described in [NRS 116.1209](#) binding the association."
2. "The information statement set forth in [NRS 116.41095](#)."

SOURCE: [NRS § 116.4103](#).

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### **Text Box B.11. Documents That Must Be Provided at Point of Sale in Nevada (Resale)**

#### **Governing Documents**

1. "A copy of the declaration, other than any plats, the bylaws, the rules or regulations of the association and the information statement required by [NRS 116.41095](#)"

#### **Financial Information**

1. "A statement from the association setting forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner"
2. "A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by NRS 116.31152 and which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 3 of NRS 116.31152"

#### **Legal Actions**

1. "A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the common-interest community of which the unit's owner has actual knowledge"

#### **Fees and Charges**

1. "A statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit"
2. "In addition to any other document, a statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past-due fines and charges for opening or closing any file for each unit"

SOURCE: [NRS § 116.4109](#).

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## Nevada Common-Interest Community Disclosure Form (NRS Section 116.41095)

**NRS 116.41095 Required form of information statement.** The information statement required by [NRS 116.4103](#) and [116.4109](#) must be in substantially the following form:

BEFORE YOU PURCHASE PROPERTY IN A

COMMON-INTEREST COMMUNITY

DID YOU KNOW . . .

### 1. YOU GENERALLY HAVE 5 DAYS TO CANCEL THE PURCHASE AGREEMENT?

When you enter into a purchase agreement to buy a home or unit in a common-interest community, in most cases you should receive either a public offering statement, if you are the original purchaser of the home or unit, or a resale package, if you are not the original purchaser. The law generally provides for a 5-day period in which you have the right to cancel the purchase agreement. The 5-day period begins on different starting dates, depending on whether you receive a public offering statement or a resale package. Upon receiving a public offering statement or a resale package, you should make sure you are informed of the deadline for exercising your right to cancel. In order to exercise your right to cancel, the law generally requires that you hand deliver the notice of cancellation to the seller within the 5-day period, or mail the notice of cancellation to the seller by prepaid United States mail within the 5-day period. Alternatively, if you are not the original purchaser and received a resale package, you may deliver the notice of cancellation by electronic transmission to the seller within the 5-day period in order to exercise your right to cancel. For more information regarding your right to cancel, see Nevada Revised Statutes 116.4108, if you received a public offering statement, or Nevada Revised Statutes 116.4109, if you received a resale package.

### 2. YOU ARE AGREEING TO RESTRICTIONS ON HOW YOU CAN USE YOUR PROPERTY?

These restrictions are contained in a document known as the Declaration of Covenants, Conditions and Restrictions. The CC&Rs become a part of the title to your property. They bind you and every future owner of the property whether or not you have read them or had them explained to you. The CC&Rs, together with other “governing documents” (such as association bylaws and rules and regulations), are intended to preserve the character and value of properties in the community, but may also restrict what you can do to improve or change your property and limit how you use and enjoy your property. By purchasing a property encumbered by CC&Rs, you are agreeing to limitations that could affect your lifestyle and freedom of choice. You should review the CC&Rs, and other governing documents before purchasing to make sure that these limitations and controls are acceptable to you. Certain provisions in the CC&Rs and other

governing documents may be superseded by contrary provisions of [chapter 116](#) of the Nevada Revised Statutes. The Nevada Revised Statutes are available at the Internet address <http://www.leg.state.nv.us/nrs/>.

### 3. YOU WILL HAVE TO PAY OWNERS' ASSESSMENTS FOR AS LONG AS YOU OWN YOUR PROPERTY?

As an owner in a common-interest community, you are responsible for paying your share of expenses relating to the common elements, such as landscaping, shared amenities and the operation of any homeowners' association. The obligation to pay these assessments binds you and every future owner of the property. Owners' fees are usually assessed by the homeowners' association and due monthly. You have to pay dues whether or not you agree with the way the association is managing the property or spending the assessments. The executive board of the association may have the power to change and increase the amount of the assessment and to levy special assessments against your property to meet extraordinary expenses. In some communities, major components of the common elements of the community such as roofs and private roads must be maintained and replaced by the association. If the association is not well managed or fails to provide adequate funding for reserves to repair, replace and restore common elements, you may be required to pay large, special assessments to accomplish these tasks.

### 4. IF YOU FAIL TO PAY OWNERS' ASSESSMENTS, YOU COULD LOSE YOUR HOME?

If you do not pay these assessments when due, the association usually has the power to collect them by selling your property in a nonjudicial foreclosure sale. If fees become delinquent, you may also be required to pay penalties and the association's costs and attorney's fees to become current. If you dispute the obligation or its amount, your only remedy to avoid the loss of your home may be to file a lawsuit and ask a court to intervene in the dispute.

### 5. YOU MAY BECOME A MEMBER OF A HOMEOWNERS' ASSOCIATION THAT HAS THE POWER TO AFFECT HOW YOU USE AND ENJOY YOUR PROPERTY?

Many common-interest communities have a homeowners' association. In a new development, the association will usually be controlled by the developer until a certain number of units have been sold. After the period of developer control, the association may be controlled by property owners like yourself who are elected by homeowners to sit on an executive board and other boards and committees formed by the association. The association, and its executive board, are responsible for assessing homeowners for the cost of operating the association and the common or shared elements of the community and for the day to day operation and management of the community. Because homeowners sitting on the executive board and other boards and committees of the association may not have the experience or professional background required to understand and carry out the responsibilities of the association properly, the association may hire professional community managers to carry out these responsibilities.

Homeowners associations operate on democratic principles. Some decisions require all homeowners to vote, some decisions are made by the executive board or other boards or committees established by the association or governing documents. Although the actions of the association and its executive board are governed by state laws, the CC&Rs and other documents that govern the common-interest community, decisions made by these persons will affect your use and enjoyment of your property, your lifestyle and freedom of choice, and your cost of living in the community. You may not agree with decisions made by the association or its governing bodies even though the decisions are ones which the association is authorized to make. Decisions may be made by a few persons on the executive board or governing bodies that do not necessarily reflect the view of the majority of homeowners in the community. If you do not agree with decisions made by the association, its executive board or other governing bodies, your remedy is typically to attempt to use the democratic processes of the association to seek the election of members of the executive board or other governing bodies that are more responsive to your needs. If you have a dispute with the association, its executive board or other governing bodies, you may be able to resolve the dispute through the complaint, investigation and intervention process administered by the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels, the Nevada Real Estate Division and the Commission for Common-Interest Communities and Condominium Hotels. However, to resolve some disputes, you may have to mediate or arbitrate the dispute and, if mediation or arbitration is unsuccessful, you may have to file a lawsuit and ask a court to resolve the dispute. In addition to your personal cost in mediation or arbitration, or to prosecute a lawsuit, you may be responsible for paying your share of the association's cost in defending against your claim.

**6. YOU ARE REQUIRED TO PROVIDE PROSPECTIVE PURCHASERS OF YOUR PROPERTY WITH INFORMATION ABOUT LIVING IN YOUR COMMON-INTEREST COMMUNITY?**

The law requires you to provide a prospective purchaser of your property with a copy of the community's governing documents, including the CC&Rs, association bylaws, and rules and regulations, as well as a copy of this document. You are also required to provide a copy of the association's current year-to-date financial statement, including, without limitation, the most recent audited or reviewed financial statement, a copy of the association's operating budget and information regarding the amount of the monthly assessment for common expenses, including the amount set aside as reserves for the repair, replacement and restoration of common elements. You are also required to inform prospective purchasers of any outstanding judgments or lawsuits pending against the association of which you are aware. For more information regarding these requirements, see Nevada Revised Statutes 116.4109.

**7. YOU HAVE CERTAIN RIGHTS REGARDING OWNERSHIP IN A COMMON-INTEREST COMMUNITY THAT ARE GUARANTEED YOU BY THE STATE?**

Pursuant to provisions of [chapter 116](#) of Nevada Revised Statutes, you have the right:

(a) To be notified of all meetings of the association and its executive board, except in cases of emergency.

(b) To attend and speak at all meetings of the association and its executive board, except in some cases where the executive board is authorized to meet in closed, executive session.

(c) To request a special meeting of the association upon petition of at least 10 percent of the homeowners.

(d) To inspect, examine, photocopy and audit financial and other records of the association.

(e) To be notified of all changes in the community's rules and regulations and other actions by the association or board that affect you.

## 8. QUESTIONS?

Although they may be voluminous, you should take the time to read and understand the documents that will control your ownership of a property in a common-interest community. You may wish to ask your real estate professional, lawyer or other person with experience to explain anything you do not understand. You may also request assistance from the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels, Nevada Real Estate Division, at (telephone number).

Buyer or prospective buyer's initials: \_\_\_\_\_

Date: \_\_\_\_\_



## Appendix C. Emerging Issues Identified by Interviewees

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In addition to the six regulatory areas examined in this report, interviewees identified emerging challenges that may shape the future of condominium governance. These challenges—including volunteer board capacity limitations, conflicts between governing documents and affordable housing initiatives, rising insurance costs, and aging building infrastructure—reflect growing pressures on associations to balance financial stability, regulatory compliance, and homeowner safety. Together, they highlight areas where state oversight, education, and policy innovation may become increasingly important.

### *Challenges of Volunteer Governance*

Interviewees noted that board members serve without compensation and typically do not view this role as career work, with many directors lacking training or experience in association governance. This can lead to shirking behavior as people avoid responsibility and hope others will volunteer instead. Although protecting home values and neighborhood quality may motivate some individuals to serve, various management problems appear to stem from directors' limited knowledge about their legal duties and operational responsibilities.

States could potentially address these issues by providing education programs and training resources specifically for association boards, teaching directors how to operate communities, understand their legal obligations, and handle disputes. Florida, for example, requires association board members to complete educational certificates by completing a condominium education course “administered by the division” or by a division-approved provider. “The educational curriculum must be at least 4 hours long and include instruction on milestone inspections, structural integrity reserve studies, elections, recordkeeping, financial literacy and transparency, levying of fines, and notice and meeting requirements.”<sup>431</sup>

States could consider either requiring training or offering training as an optional resource. Requiring training may make it more likely that board members have the information they need to effectively manage associations, but could also deter individuals from volunteering to serve on boards in the first place. Regardless of whether training is mandatory or optional, state-provided or approved training might cover practices that minimize conflicts and techniques for managing problems when they arise, with services delivered through telephone support, websites, and educational materials. Such programs could help reduce issues caused by inexperienced leadership and potentially make board service less daunting.

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<sup>431</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.112\(2\)\(d\)5.b.II.](#) Most interviewees were not asked about the board member certification requirement, but one who was said while requiring some board member education was a good thing, four hours was too onerous.

## *Governing Documents and Affordable Housing Initiatives*

One interviewee noted growing conflicts between governing documents and efforts to expand affordable housing, particularly in high-cost areas. They described how governing documents sometimes include provisions that restrict density and rentals, effectively limiting opportunities for more affordable housing development. The interviewee noted that such private restrictions can function similarly to exclusionary zoning and observed that recent legislative efforts have aimed to override governing document provisions inconsistent with state and local housing goals, although they were unable to identify specific measures.

## *Condominium Associations and the Regional Insurance Crisis*

Interviewees in multiple states raised the issue of insurance availability as a future challenge to condominium associations. In some states, property insurance is increasingly difficult to obtain as a result of natural disasters, such as wildfires in California and hurricanes in Florida. Condominium associations are also experiencing the insurance crisis that is impacting many homeowners in these regions. Interviewees noted that policy solutions on the insurance crisis are still under development, but that condominium association finances may be effected until a solution is identified.

## *The Growing Challenge of Aging Condominiums and Deferred Maintenance*

Over the last decade or so, there has been increasing attention to the “ticking time bomb” of aging condominiums, which was brought to the fore by the Champlain Towers collapse in Surfside, Florida.<sup>432</sup> This issue of aging infrastructure compounded by insufficient association reserves has also been raised by interviewees in a number of states.

In these aging buildings, systems such as plumbing, electrical wiring, and concrete structures reach or exceed their intended lifespans. Deferred maintenance, often because of insufficient reserve funds and reluctance to increase fees, exacerbates deterioration and raises safety concerns. Indeed, according to 2020 Foundation for Community Association (FCAR) research, 50% of survey respondents believed their condominium associations lacked sufficient reserve funds to “address any major unplanned component repair or replacement.”<sup>433</sup>

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<sup>432</sup> Peter Coy, “Aging Condos Are a ‘Ticking Time Bomb’ and Need More Oversight,” *Bloomberg*, July 6, 2021. Available at: <https://www.bloomberg.com/news/articles/2021-07-06/aging-condos-are-a-ticking-time-bomb-and-need-more-oversight?embedded-checkout=true>.

<sup>433</sup> Foundation for Community Associations Institute Research, *Breaking Point: Examining Aging Infrastructure in Community Associations*, April 2020. Available at: <https://foundation.caionline.org/wp-content/uploads/2020/04/FoundationAgingInfrastructureReport.pdf>.

## Appendix D. How Associations Handle Unexpected Expenses

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At the request of the Hawaii Legislative Reference Bureau, we also explored how condominium and community association boards handle unexpected expenses (*e.g.*, unexpected increases in insurance premiums). This appendix summarizes relevant statutory requirements and common practices in the selected states, focusing on reserve management, financial review obligations, and procedures for imposing special assessments or otherwise meeting unforeseen financial needs.

### California

California Civil Code outlines specific requirements for condominium association boards regarding the accounting, planning, and monitoring of their reserve funds, including the development and maintenance of a reserve funding plan.<sup>434</sup> Boards are required to conduct monthly reviews of their financial information, including both operating and reserve accounts.<sup>435</sup> Condominium association boards are required to conduct regular reviews of the association common areas and structures to identify potential future repairs and the extent to which the reserves are appropriate for those needs.<sup>436</sup> If applicable, the reserve funding plan should be updated to reflect these reviews and any future assessments or special assessments needed to appropriately fund the reserves.<sup>437</sup> This study is restricted to financial assets that are cash, or the equivalent of cash.<sup>438</sup> Condominium associations work on these reviews and reserve planning funds are subject to disclosure requirements.<sup>439</sup>

California Civil Code also regulates the use of reserve funds, restricting reserve fund use to: “the repair, restoration, replacement, or maintenance of, or litigation involving the repair, restoration, replacement, or maintenance of, major components that the association is obligated to repair, restore, replace, or maintain and for which the reserve fund was established.”<sup>440</sup> Statute allows for exceptions to temporarily transfer funds from reserve to operational accounts to

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<sup>434</sup> [California Civil Code, Division 4, General Provisions, Part 5, Common Interest Developments, Chapter 7, Finances, Sections 5500-5580](#)

<sup>435</sup> [California Civil Code, Division 4, General Provisions, Part 5, Common Interest Developments, Chapter 7, Finances, Section 5500](#)

<sup>436</sup> [California Civil Code, Division 4, Part 5, Chapter 7, Sections 5500-5580](#)

<sup>437</sup> [California Civil Code, Division 4, Part 5, Chapter 7, Sections 5500-5580.](#)

<sup>438</sup> [California Civil Code, Division 4, General Provisions, Part 5, Common Interest Developments, Chapter 7, Finances, Section 5565](#)

<sup>439</sup> [California Civil Code, Division 4, Part 5, Chapter 7, Sections 5500-5580](#)

<sup>440</sup> [California Civil Code, Division 4, General Provisions, Part 5, Common Interest Developments, Chapter 7, Finances, Section 5510.](#)

address cash flow issues, with board approval, but must return the funds to the reserve account or issue a special assessment to fund the reserve account within a year.<sup>441</sup>

California Civil Code includes required processes for condominium association boards to impose assessments and special assessments.<sup>442</sup> For example, assessments must be approved by the board and assessments are subject to increase limits outlined in statute. However, statute outlines three “extraordinary” situations in which statutory limits to the board’s ability to increase assessment do not apply: court-ordered expenses, expenses related to health and safety of the common-interest development, expenses related to something “for which the association is responsible that could not have been reasonably foreseen by the board.”<sup>443</sup>

## Delaware

In Delaware, both DUCIOA and UPA require the executive board of condominium associations to maintain a fully-funded<sup>444</sup> repair and replacement reserve, based on the current reserve study.<sup>445</sup> The reserve is “solely for the repair and replacement of common elements, and for no other purpose, including operating budget shortfalls or other expenditures appropriately addressed by a contingency reserve.”<sup>446</sup>

Under DUCIOA, which applies to post-2009 condominiums, the repair and replacement reserve is updated in the annual budget, and condominium unit owners pay assessments, at least annually, to fully fund the repair and replacement reserve.<sup>447</sup> The executive board may also adopt special assessments “from time to time for an unexpected, nonrecurring or other common

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<sup>441</sup> [California Civil Code, Division 4, General Provisions, Part 5, Common Interest Developments, Chapter 7, Finances, Section 5515 – 5520.](#)

<sup>442</sup> [California Civil Code, Division 4, General Provisions, Part 5, Common Interest Developments, Chapter 8, Assessments and Assessment Collection, Sections 5600-5625.](#)

<sup>443</sup> [California Civil Code, Division 4, General Provisions, Part 5, Common Interest Developments, Chapter 8, Assessments and Assessment Collection, Section 5610.](#)

<sup>444</sup> Fully funded is defined as containing a “balance of funds which

(i) When supplemented by a fixed, budgeted annual addition, will meet fully, without supplementation by borrowed funds or special assessments, the cost of each projected repair and replacement noted in the reserve study no later than the date when each such repair or replacement is projected to be required by the reserve study, and

(ii) With all budgeted contributions and expenditures for repairs and replacements projected out no less than 20 years, will never fall below a positive balance.” [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter I, General Provisions, Section 103; Delaware Code, Title 25, Property, Chapter 22, Unit Properties, Subchapter I, Preliminary Provisions, Section 2202.](#)

<sup>445</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter II, Creation, Alteration, and Termination of Common Interest, Section 205; Delaware Code, Title 25, Chapter 22, Subchapter I, Section 2202.](#)

<sup>446</sup> [Delaware Code, Title 25, Chapter 81, Subchapter I, Section 103; Delaware Code, Title 25, Chapter 22, Subchapter I, Section 2202.](#)

<sup>447</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter III, Management of the Common Interest Community, Section 315.](#)

expense not included in the annual budget.”<sup>448</sup> The special assessment must be voted on unanimously by the executive board in order to take effect.<sup>449</sup> The UPA has no information about the requirements for special assessments for older buildings.

## Florida

Florida law establishes a structured financial review process for condominium associations by requiring open budget meetings, advance notice to all owners, and detailed annual budgets showing projected revenues and expenses.<sup>450</sup> Florida condominiums are required to include reserve accounts in the association annual budget “for capital expenditures and deferred maintenance.” Reserve accounts must include “roof replacement, building painting, and pavement resurfacing, regardless” of expected costs, as well as “any other item that has a deferred maintenance expense or replacement cost that exceeds \$25,000.” In addition, associations required to conduct structural integrity reserve studies must also maintain reserves according to the findings of the study (for more on structural integrity reserve studies, see Appendix E).<sup>451</sup>

Although the annual budget must include reserve accounts for expected costs, condominium associations may impose special assessments for unexpected expenses that were not included in the annual budget.<sup>452</sup> A special assessment is “any assessment levied against a unit owner other than the assessment required by a budget adopted annually.”<sup>453</sup> Boards must provide notice of the meeting to consider nonemergency special assessments “must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property at least 14 days before the meeting.” The person providing the required notice must execute an affidavit as evidence of compliance with the notice requirement, and the affidavit must be filed as an official record.<sup>454</sup> The notice must include information notifying unit owners “that assessments will be considered” and must “provide the estimated cost and description of the purposes for such assessments” (including information on related contracts, if applicable).<sup>455</sup> Florida law does not require owner approval before associations impose special assessments.

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<sup>448</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter I, General Provisions, Section 103.](#)

<sup>449</sup> [Delaware Code, Title 25, Property, Chapter 81, Delaware Uniform Common Interest Ownership Act, Subchapter III, Management of the Common Interest Community, Section 324.](#)

<sup>450</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.112\(2\)\(e\)-\(f\).](#)

<sup>451</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.112\(2\)\(f\)2.a.](#)

<sup>452</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.116\(10\).](#) Peter M. Dunbar, *The Condominium Concept, A Practical Guide for Officers, Owners, Realtors, Attorneys, and Directors of Florida Condominiums*, 17<sup>th</sup> ed., 2024.

<sup>453</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.103\(27\).](#)

<sup>454</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.112\(2\)\(c\)1.](#)

<sup>455</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.112\(2\)\(c\)3.](#)

However, associations may not make a “material alteration or substantial additions to the common elements or to real property which is association property” unless allowed by the declaration or approved by 75 percent of association voting interests.<sup>456</sup> While association governing documents may create additional requirements for imposing special assessments, associations may “levy special assessments without a vote of the owners” regardless of any such requirements “in response to damage or injury caused by or anticipated in connection with” a declared emergency.<sup>457</sup>

## Massachusetts

In Massachusetts, the Condominium Law provides that all condominiums must maintain an adequate replacement reserve fund, collected as part of the common expense fund.<sup>458</sup> The statute does not define adequate in this context. The board is responsible for the annual budget, which includes annual maintenance and repair of the common area facilities.<sup>459</sup>

The law explains the procedure for levying fees for expenses that go further than regular repairs, stating that if more than 50% and less than 75% of unit owners “agree to make an improvement to the common areas and facilities,” that cost will be borne only by those agreeing to it. If 75% or more agree to it, then the cost is to be borne by all unit owners, with a caveat about costs that are 10% or more of the value of the unit.<sup>460</sup>

The vagueness of the statute has led to litigation about the definition of an “improvement”. In 2005, the Land Court explained that cost alone does not make work an improvement rather than repair, which can be decided by the condominium board alone. The court stated that improvement refers to “work which does more in the way of new, permanent addition to, or expansion of, the common elements than proposed here.”<sup>461</sup>

## Nevada

Executive boards of common-interest communities in Nevada are responsible for developing budgets that meet the community’s financial obligations and for establishing adequate reserves on a reasonable funding schedule, as required under NRS § 116.3115.<sup>462</sup> These reserves are

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<sup>456</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.113\(2\).](#)

<sup>457</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.1265\(1\)\(l\), \(1\).](#)

<sup>458</sup> [Massachusetts General Laws, Part II, Real and Personal Property and Domestic Relations, Title 1, Title to Real Property, Chapter 183A, Condominiums, Section 10.](#)

<sup>459</sup> [Massachusetts General Laws, Part II, Real and Personal Property and Domestic Relations, Title 1, Title to Real Property, Chapter 183A, Condominiums, Section 6.](#)

<sup>460</sup> [Massachusetts General Laws, Part II, Real and Personal Property and Domestic Relations, Title 1, Title to Real Property, Chapter 183A, Condominiums, Section 18.](#)

<sup>461</sup> *Bonderman v. Naghieh*, No. 310980, 2005 WL 1663469 (Mass. Land Ct. July 18, 2005).

<sup>462</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.3115.](#)

intended to cover the repair, replacement, and restoration of major components of the common elements the association is obligated to maintain. Boards are also required to meet at least quarterly to review the association's financial status, including reconciliations of operating and reserve accounts, year-to-date revenues and expenses against the budget, bank statements, and the status of any legal matters.<sup>463</sup> According to interviewees, these statutory requirements for regular financial review should ensure boards are aware of emerging obligations such as rising insurance premiums.

However, if unexpected expenses arise, the board would need to look at the governing documents to determine its authority in relations to increasing the assessments. Some association's documents provide the board the authority to increase the assessments annually a certain percentage. If the governing documents are silent or additional money is needed, a vote of the unit owners to increase the assessment outside of what the governing documents indicate is required. Additionally, the board could review its authority as it pertains to obtaining a loan or exploring alternative insurance options.<sup>464</sup>

In summary, the selected states require association boards to maintain reserves and follow structured financial review processes and associations in each state follow specific processes for addressing unexpected costs. These approaches reflect broader policy goals of ensuring fiscal responsibility while preserving flexibility for associations to respond to unforeseen obligations.

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<sup>463</sup> [Nevada Revised Statutes, Chapter 116, Common-Interest Ownership \(Uniform Act\), Section 116.31083\(7\).](#)

<sup>464</sup> October 6, 2025 e-mail from RAND interviewee. Furthermore, in the case of rising insurance premiums, under NRS §§ 116.3113 through 116.31138, maintaining insurance is mandatory and failure to do so can have significant legal and financial consequences. If required coverage is not reasonably available, the association must promptly notify unit owners (NRS § 116.3113(3)).



## Appendix E. Florida Milestone Inspections and Structural Integrity Reserve Studies

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On June 24, 2021, the partial collapse of the Champlain Towers South condominium building in Surfside, Florida led to the deaths of 98 people in “one of the deadliest structural disasters in American history.”<sup>465</sup> In the wake of the tragedy, Florida instituted several legislative reforms aimed at strengthening condominium governance and government oversight to ensure that condominiums across the state are inspected for structural integrity and that associations have sufficient reserves to fund repairs necessary for maintaining building structural integrity.<sup>466</sup>

The first major reform bill, SB 4-D, required all condominiums in Florida three stories or higher to undergo a milestone inspection (MI) after 30 years<sup>467</sup> and to conduct a structural integrity reserve study (SIRS) “at least every 10 years after the condominium’s creation.”<sup>468</sup> A milestone inspection is “a structural inspection of a building” to identify “the life safety and adequacy of the structural components of the building” and determine “any necessary maintenance, repair, or replacement of any structural component of the building.”<sup>469</sup> A structural integrity reserve study assesses structurally important components of condominium properties such as the roof, structural elements, fire protection systems, plumbing, electrical systems, exterior paint and other waterproofing systems, windows and exterior doors, and other items with large deferred maintenance or replacement costs. Studies must include a visual inspection of each required item, an estimate for how long the item will last and its replacement cost, and a plan for funding reserves to replace items.<sup>470</sup>

In addition, it prevented developer-controlled associations from waiving reserve funding or reducing reserve funds and unit-controlled associations from either providing “no reserves or reserves less than adequate” than those determine by the SIRS as necessary to maintain specified items “related to the structural integrity and safety of the building” and related items where

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<sup>465</sup> U.S. Government Accountability Office, *Disaster Assistance: Information on the 2021 Condominium Collapse in Surfside, Florida*, GAO-24-106558, February 6, 2024. <https://www.gao.gov/assets/d24106558.pdf>

<sup>466</sup> These laws also sought to address corruption and other concerns. Jim Ash, *Bill to Enhance Safety Measures Becomes Law*, The Florida Bar News, June 18, 2024. <https://www.floridabar.org/the-florida-bar-news/bill-to-enhance-condo-safety-measures-becomes-law/> This section will focus on the issues related to milestone inspection studies and structural integrity reserve studies.

<sup>467</sup> [Florida Senate, Building Safety, Bill 4-D, 2022, Chapter, 2022-269, Section 3](#)

<sup>468</sup> [Florida Senate, Building Safety, Bill 4-D, 2022, Chapter, 2022-269, Section 6](#)

<sup>469</sup> [Florida Statutes, Title XXXIII, Regulation of Trade, Commerce, Investments, and Solicitations, Chapter 553, Building Construction Standards, Section 553.899.](#)

<sup>470</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.112\(2\)\(g\).](#)



deferred maintenance or replacement costs exceed \$10,000.<sup>471</sup> A Florida Bar advisory task force had found that because Florida law had previously allowed condominium associations to waive reserve funding, “[m]any associations are not in the position or are reluctant to fund necessary deferred maintenance or capital projects when the need arises because of the lack of reserve funds as a result of waiving reserves, sometimes for necessary.”<sup>472</sup>

In part because of the new requirements of SB 4-D, many condominium assessments increased substantially, with the median condominium monthly assessment fee rising almost 60% from 2019 to 2024.<sup>473</sup> Listings for Florida condominiums in buildings that are 30 years or older increased 56% from 2023 to 2024, a much higher rate than the 9% increase of homes nationwide during the same time frame.<sup>474</sup>

Responding to concerns about the difficulties of obtaining MI and SIRS and the increases in condominium assessments, additional legislation was passed to modify the new requirements in an effort to reduce the financial burden on condominium owners while maintaining reform efforts. HB 913 allowed condominium associations an additional year to complete required MIs and SIRSs, updated the buildings required to obtain MIs and SIRSs to three habitable stories or higher, increased the threshold for reserve items to \$25,000, allowed the funding of reserves through special assessments, lines of credit, or loans, and allowed for pooled reserve funding (instead of straight-line accounting, where each required item must be funded through a specific reserve fund), among other changes.<sup>475</sup> The existing requirements for MIs can be found in § 553.899;<sup>476</sup> SIRS requirements are in 718.112(2)(g).<sup>477</sup>

Most interviewees thought that the MI and SIRS reforms were important for condominium safety and governance. However, they cautioned that many condominiums faced difficulties implementing new requirements, facing hurdles such as a lack of structural engineers who could

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<sup>471</sup> [Florida Senate, Building Safety, Bill 4-D, 2022, Chapter, 2022-269, Section 15](#)

<sup>472</sup> Condominium Law and Policy Life Safety Advisory Task Force, *Report of the Florida Bar RPPTL Condominium Law and Policy Safety Advisory Task Force*, October 12, 2021, p. 19. Although not directly examining the Champlain Towers South collapse, the task force formed soon after the disaster to review Florida condominium law “to determine if changes or additions to legislation and/or regulations could prevent or minimize the likelihood of another tragedy like the Champlain Towers South collapse, or similar tragedies in the future,” p. 2. Many taskforce recommendations were instituted in SB 4-D.

<sup>473</sup> Alexandra Glorioso and Rebecca San Juan, “Florida’s Surfside Law Helps Developers as Condo Owner’s Face Spiking Fees and Foreclosures,” *Miami Herald*, March 1, 2025. Other factors, such as rising insurance premiums across the country, may also be responsible for assessment increases. Insurance premiums increased approximately 20% from 2020 to 2023. Steve Koller, *The Insurance Crisis Continues to Weigh on Homeowners*, Housing Perspectives Blog, Harvard University Joint Center for Housing Studies, December 9, 2024.

<sup>474</sup> Florida Policy Project and John Burns Research & Consulting, *The Future of Florida Condos: Facts and Statistics*, January, 2025. <https://floridapolicyproject.com/wp-content/uploads/2025/01/Florida-Condo-Market-January-2025.pdf>

<sup>475</sup> [Florida Senate, Condominium and Cooperative Associations, Bill CS/CS/HB 913, 2025, Chapter 2025-175](#)

<sup>476</sup> [Florida Statutes, Title XXXIII, Regulation of Trade, Commerce, Investments, and Solicitations, Chapter 553, Building Construction Standards, Section 553.899.](#)

<sup>477</sup> [Florida Statutes, Title XL, Real and Personal Property, Chapter 718, Condominiums, Section 718.112\(2\)\(g\).](#)

conduct required inspections or quickly increasing reserves. While most interviewees approved of legislative fixes to provide additional time or other flexibility, they remarked that the rapid pace of change was often confusing for condominium associations and unit owners. Some interviewees thought that rules for MIs and SIRSs should be stricter. One interviewee disapproved of the loosening of the requirement that inspections only be conducted by structural engineers. Another interviewee thought legislation was needed to allow local requirements for inspections that were similar in nature to MIs to necessitate corresponding SIRSs requirements that would require funding reserves necessary to meet the requirements of the locally-required inspection. On the other hand, one interviewee thought that the existing rules were at the right level and no further changes were necessary. Regardless of whether interviewees thought that additional changes were needed, interviewees across the board thought that the existing requirements were effective and close to where they should be.

## Appendix F. Hawaii Condominium Governance and Regulation Across Six Selected Topics

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This brief overview provides general context on Hawaii’s condominium law and practice. It is not intended as a comprehensive or definitive summary. The purpose of this section is to offer background information to help readers compare Hawaii’s framework with those of other states discussed in this report.

### State Regulation and Enforcement of Condominium Operations and Governance

The regulation and enforcement framework governing condominium operations and governance in Hawaii is codified primarily within the Hawaii Revised Statutes (HRS) Chapter 514B, known as the Condominium Property Act, which establishes the comprehensive legal framework for the creation, operation, and governance of condominium associations.<sup>478</sup> This legislation dictates the fundamental requirements for governance documents—the declaration and bylaws—and sets the standards for administrative and financial operation.<sup>479</sup>

The Regulated Industries Complaints Office (RICO), within Hawaii’s Department of Commerce and Consumer Affairs, is the statutory agency responsible for investigating condominium-related complaints under the Condominium Property Act, including matters involving project registration, administration, financial management, and the conduct of developers, associations, and managing agents. RICO oversees much more than condominiums—it serves as Hawaii’s watchdog for more than 50 regulated industries, investigating complaints, promoting compliance, educating consumers and licensees, and even administering the State’s Lemon Law arbitration program.<sup>480</sup>

With respect to condominiums, RICO is specifically authorized to investigate complaints related to:

- **Registration and administration of condominiums** – ensuring compliance with condominium registration and reporting requirements<sup>481</sup>;

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<sup>478</sup> Hawaii Department of Commerce and Consumer Affairs, Real Estate Branch. *Condominium Property Regimes: Owner Rights and Responsibilities*. Honolulu: State of Hawaii, accessed October 14, 2025. [https://files.hawaii.gov/dcca/reb/condo\\_ed/condo\\_gen/condo\\_bod/2009\\_CondoOwnersRandR.pdf](https://files.hawaii.gov/dcca/reb/condo_ed/condo_gen/condo_bod/2009_CondoOwnersRandR.pdf).

<sup>479</sup> Hawaii DCCA Real Estate Branch, “*Condominium Property Regimes: Owner Rights and Responsibilities*,” accessed October 14, 2025.

<sup>480</sup> Hawaii Department of Commerce and Consumer Affairs, “Hawaii Regulated Industries Complaints Office: About RICO,” webpage, undated. Accessed October 14, 2025: <https://cca.hawaii.gov/rico/about/>.

<sup>481</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part IV.](#)

- **Protection of condominium purchasers** – addressing violations that may affect the rights or disclosures owed to purchasers<sup>482</sup>;
- **Condominium association registration** – confirming that associations have met statutory registration obligations<sup>483</sup>;
- **Condominium managing agents** – reviewing complaints concerning licensed managing agents and their fiduciary responsibilities<sup>484</sup>;
- **Pre-organization management contracts** – verifying the legality and transparency of management contracts entered into before formal association organization<sup>485</sup>;
- **Handling and disbursement of association funds** – investigating alleged mismanagement, commingling, or unauthorized use of association monies<sup>486</sup>; and
- **Maintenance and provision of association records** – ensuring owner access to required records and safeguarding the transparency of association operations.<sup>487</sup>

Owners may seek RICO’s assistance when concerns arise about developer, association, or managing agent conduct within these statutory areas—particularly when financial practices or recordkeeping appear inconsistent with the law. However, disputes that fall outside RICO’s jurisdiction, such as differences over association governance, enforcement of house rules, or neighbor conflicts, must be resolved through mediation, arbitration, or civil litigation as provided by Hawaii’s condominium law.<sup>488</sup>

Statutory law gives the Real Estate Commission authority to enforce the condominium law through cease-and-desist orders<sup>489</sup> and court injunctions<sup>490</sup> against any violator, and terminate registrations specifically against developers for violations including noncompliance with orders, fund misappropriation, misrepresentations, or zoning failures.<sup>491</sup> Penalties include criminal

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<sup>482</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part V.](#)

<sup>483</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part VI, Management of Condominiums, Section 103.](#)

<sup>484</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part VI, Management of Condominiums, Section 132.](#)

<sup>485</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part VI, Management of Condominiums, Section 134.](#)

<sup>486</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part VI, Management of Condominiums, Section 149.](#)

<sup>487</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part VI, Management of Condominiums, Sections 152 -154.5](#); Hawaii Department of Commerce and Consumer Affairs, Real Estate Branch. *Where Do I File a Condominium Complaint?* Honolulu: State of Hawaii, revised March 19, 2025. [https://cca.hawaii.gov/reb/faqs/condo\\_faqs/where-do-i-file-a-condo-complaint/](https://cca.hawaii.gov/reb/faqs/condo_faqs/where-do-i-file-a-condo-complaint/).

<sup>488</sup> Hawaii DCCA Real Estate Branch, “*Where Do I File a Condominium Complaint?*” webpage, 2025. See, generally, HRS, Chapter 514B.

<sup>489</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part IV, Registration of Administration, Section 66.](#)

<sup>490</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part IV, Registration of Administration, Section 68.](#)

<sup>491</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part IV, Registration of Administration, Section 67.](#)

charges<sup>492</sup> with fines up to \$10,000 and/or imprisonment up to one year for statutory violations, or fines up to \$10,000 without imprisonment for rule violations, and civil penalties<sup>493</sup> up to \$10,000 per violation against any person, with each violation constituting a separate offense. The Real Estate Commission has delegated enforcement and investigative responsibilities in part to RICO.<sup>494</sup>

Aside from RICO, other complaint pathways include:

- Common expense assessments (regular monthly fees): Owners cannot withhold payment and must pay the full amount immediately, but can then pursue mediation, arbitration, or small claims court to contest the charges while keeping all assessments current, with entitlement to any refund owed.<sup>495</sup>
- Penalties, fines, late fees, lien filing fees, and attorney's fees: Owners can demand mediation within 30 days of receiving a detailed billing statement and are not required to pay these disputed charges until mediation is completed within 60 days, although the association may proceed with collection if mediation fails or the 60-day period expires.<sup>496</sup>
- Interpretation or enforcement of association documents (declaration, bylaws, house rules): Mediation is mandatory upon written request unless the parties have already mediated the dispute or litigation/arbitration has commenced; parties have 45 days to agree on a mediator or the requesting party can seek a court order compelling mediation (prevailing party awarded up to \$1,500 in fees/costs). After mediation or if mediation is unavailable, any party can demand mandatory arbitration conducted under state rules, unless a party challenges suitability in circuit court within 20 days. Both processes exclude disputes involving property damage/health/safety threats, personal injury claims, or matters affecting insurance coverage; mediation also excludes assessments, while arbitration excludes mortgagees, developers/contractors, assessment collection actions (unless paid in full), and claims more than \$2,500 where arbitration would void insurance coverage.<sup>497</sup>
- Provisions in declaration or bylaws that unreasonably interfere with association management: The board can petition the circuit court to excuse compliance with specific provisions (including assessment limits, lender approval requirements, supermajority voting thresholds for certain amendments, unit owner signature requirements, or quorum

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<sup>492</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part IV, Registration of Administration, Section 69\(a\).](#)

<sup>493</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part IV, Registration of Administration, Section 69\(b\).](#)

<sup>494</sup> Hawaii Department of Commerce and Consumer Affairs, "Can the Real Estate Commission step in to resolve my condominium dispute?" Real Estate Branch Frequently Asked Questions, undated. [https://cca.hawaii.gov/reb/faqs/condo\\_faqs/can-the-real-estate-commission-step-in-to-resolve](https://cca.hawaii.gov/reb/faqs/condo_faqs/can-the-real-estate-commission-step-in-to-resolve); and "Regulated Industries Complaints Office (RICO)," <https://cca.hawaii.gov/rico/> (accessed November 2025).

<sup>495</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part VI, Management of Condominiums, Section 146.](#)

<sup>496</sup> [Hawaii Revised Statutes, Title 28., Part 1, Chapter 514B, Part VI, Section 146.](#)

<sup>497</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part VI, Management of Condominiums, Section 161, Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part VI, Management of Condominiums, Section 162.](#)

requirements) if the court finds compliance is unnecessary to protect legitimate interests of members or lenders, with all unit owners receiving certified mail notice of the court hearing.<sup>498</sup>

- Fines for violations of declaration, bylaws, or rules: Unit owners have the right to appeal any fine to the board with notice and an opportunity to be heard, and after paying the fine, can initiate dispute resolution through mediation or arbitration; the association may also establish regulations requiring nonbinding ADR as a prerequisite to filing a lawsuit for disputes between the board and unit owners or between unit owners.<sup>499</sup>

Hawaii law prohibits retaliation by any association or its representatives against individuals who lawfully report, participate in, or act to prevent violations of condominium laws or governing documents. Those subjected to retaliation may file a civil action for relief, including injunctions, damages, and attorney's fees.<sup>500</sup>

Hawaii's Condominium Education Trust Fund, established under HRS §§ 514B-71–73<sup>501</sup>, is administered by the Real Estate Commission to promote education, research, efficient association management, and dispute resolution for condominiums. Funded by fees paid by condominium associations and developers, the trust fund supports mediation and voluntary arbitration, educational initiatives, and administrative operations.

## Condominium Ombudsman's Office

Hawaii does not possess a fully institutionalized, dedicated condominium ombudsman's office. However, under HRS §514B-63, the Director of Commerce and Consumer Affairs may appoint condominium specialists and support staff to assist consumers with information and referrals on condominium-related matters.<sup>502</sup>

## Dedicated Alternative Dispute Resolution Programs

Hawaii's existing statutory framework requires mandatory mediation for disputes between unit owners and association boards or managing agents involving the interpretation or enforcement of declarations, bylaws, or house rules, unless the dispute concerns threatened

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<sup>498</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part VI, Management of Condominiums, Section 111.](#)

<sup>499</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part VI, Management of Condominiums, Section 104.](#)

<sup>500</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part VII, Retaliation prohibited, Section 191.](#)

<sup>501</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part IV, Registration and Administration, Section 71, Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part IV, Registration and Administration, Section 72, and Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part IV, Registration and Administration, Section 73.](#)

<sup>502</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part IV, Registration and Administration, Section 63.](#)

property damage, health and safety issues, assessments, personal injury claims, or matters affecting insurance coverage. Either party may request mediation, and if evaluative mediation (where the mediator assesses the case and may offer opinions on likely outcomes) is requested, the other party cannot opt for facilitative mediation (where the mediator helps parties communicate without evaluating the merits) instead. Under HRS § 514B-161, mediation subsidies are funded by the Condominium Education Trust Fund, covering up to \$3,000 with a \$375 fee from each party.<sup>503</sup>

Under Hawaii law, arbitration becomes mandatory upon the unilateral request of any party for disputes concerning the interpretation, application, or enforcement of condominium laws or governing documents, meaning one party can compel the other to arbitrate. The arbitration process is subject to both Real Estate Commission-adopted rules and Chapter 658A, with arbitrators bound by substantive law but not by rules of evidence. Arbitration is not mandatory for disputes involving the Real Estate Commission, mortgagees, developers and their contractors, personal injury claims, claims exceeding \$2,500 where arbitration would affect insurance coverage, or cases deemed unsuitable for arbitration by a court.<sup>504</sup> As an alternative, Hawaii law provides for voluntary binding arbitration, which requires mutual agreement of both parties and may be supported by the Condominium Education Trust Fund only after parties have first attempted evaluative mediation, with reduced fees of \$175 per party and fund support up to \$6,000 per case.<sup>505</sup>

Under Hawaii law<sup>506</sup>, a board or its members who violate the mandatory mediation or arbitration provisions<sup>507</sup> may be deemed to have breached their fiduciary duty to the association. A board member can avoid liability by submitting written disagreement or correcting the violation within forty-five days.

## Requirements for Owner Access to Association Documents

Under Hawaii law<sup>508</sup>, condominium associations must provide unit owners and their authorized agents with access to a comprehensive range of association documents and records. These required documents include all financial records and statements, the association's governing documents (declaration, bylaws, and house rules), meeting minutes from both association and board meetings, contracts with management companies and service providers,

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<sup>503</sup> [Hawaii Revised Statutes, Title 28, Part 1, Chapter 514B, Part VI, Section 161.](#)

<sup>504</sup> [Hawaii Revised Statutes, Title 28, Part 1, Chapter 514B, Part VI, Section 162.](#)

<sup>505</sup> [Hawaii Revised Statutes, Title 28, Part 1, Chapter 514B, Part VI, Section 162.5.](#)

<sup>506</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part VI, Management of Condominiums, Section 106.](#)

<sup>507</sup> [Hawaii Revised Statutes, Title 28, Part 1, Chapter 514B, Part VI, Section 161,](#) [Hawaii Revised Statutes, Title 28, Part 1, Chapter 514B, Part VI, Section 162.](#)

<sup>508</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part VI, Management of Condominiums, Section 154.5.](#)



member lists, insurance policies, general ledgers, and records of unit owner delinquencies exceeding 90 days. The law mandates that associations make these materials available for examination at convenient locations and times, with some documents accessible at no cost while others may be subject to reasonable administrative fees.

The statute establishes clear timelines and procedures for document requests. Associations must provide requested documents within 30 days of receiving a written request from a unit owner or their authorized agent, although certain items, such as board meeting minutes, must be transmitted within 15 days. Documents can be made available for on-site examination, provided as copies for reasonable fees not exceeding \$1 per standard page, or delivered electronically if the requesting party prefers. Associations also have the option to comply by making documents available for download through an internet site at no cost to unit owners.

Failure to comply with these document access requirements carries significant consequences: Any person who violates these provisions may face criminal penalties including fines up to \$10,000 and imprisonment for up to one year, as well as civil penalties of up to \$10,000 per violation.<sup>509</sup>

## Requirements for Owner Disclosure and Education at the Point of Sale

Hawaii's statutory framework provides consumer protections for condominium purchasers in both developer sales and owner-to-owner resales. When a condominium unit is sold by a developer, state law requires the provision of detailed buyer information and an extended opportunity for contract cancellation. A sales contract cannot become binding until the developer delivers a copy of the project's public report to the buyer. This report must include key governing documents—the recorded declaration, bylaws, house rules (if any), and a condominium map—along with any amendments. Developers may provide these documents in print or, with explicit written buyer consent, through electronic means such as email, computer disc, or online download. In addition, developers must provide purchasers with a Real Estate Commission-prescribed form explaining their thirty-day right to cancel, which acknowledges that the buyer has had sufficient opportunity to read and understand the public report.<sup>510</sup>

Purchasers have until midnight of the thirtieth day after execution of the contract and receipt of all required disclosures to cancel for any reason. This right may be waived through three actions: (1) submission of a signed waiver using the prescribed form, (2) expiration of the thirty-day period without action, or (3) closing on the sale prior to the end of the thirty-day

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<sup>509</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part IV, Registration and Administration, Section 69.](#)

<sup>510</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part V, Protection of Condominium Purchasers, Section 86.](#)



period. Further, purchasers have an additional thirty-day rescission right if a material change occurs in the project after the initial contract has been executed.<sup>511</sup>

For condominium resales between private owners, disclosure and rescission rights differ but maintain similar objectives. Sellers must provide buyers with a complete set of association and property governing documents, including the declaration, bylaws, articles of incorporation, organizational documents, and rules related to common areas, architectural control, and maintenance responsibilities. Where applicable, sellers must also disclose deed restrictions, covenants, or other enforceable conditions governing the property. These materials must be delivered within 10 calendar days after both parties receive the current property title report. Upon receipt of the documents, buyers have fifteen calendar days to review and, if desired, rescind the purchase agreement by providing written notice to the seller. Absent such notice, the buyer is deemed to have accepted the property under its stated conditions. The statute also permits electronic disclosure when documents are available online, subject to the buyer's written consent and identification of relevant internet addresses.<sup>512</sup>

## Condominium Management Licensing Requirements

All managing agents hold a real-estate broker's license, except when the agent is a registered trust company.<sup>513</sup> In addition, any individual or entity acting as a condominium managing agent in Hawaii must register annually with the Hawaii Real Estate Commission,<sup>514</sup> and Hawaii law requires all registered condominium managing agents to maintain a fidelity bond.<sup>515</sup>

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<sup>511</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part V, Protection of Condominium Purchasers, Section 87.](#)

<sup>512</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 508D, Mandatory Seller Disclosures in Real Estate Transactions, Section 3.5.](#)

<sup>513</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part VI, Management of Condominiums, Section 132.](#)

<sup>514</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part VI, Management of Condominiums, Section 103\(a\)\(1\).](#)

<sup>515</sup> [Hawaii Revised Statutes, Title 28, Property, Part 1, General Provisions, Chapter 514B, Condominiums, Part VI, Management of Condominiums, Section 132\(a\)\(3\).](#)

## Abbreviations

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ADR	Alternative Dispute Resolution
CA BPC	California Business and Professions Code
CA CIV	California Civil Code
CA CORP	California Corporations Code
CAI	Community Associations Institute
CIC	Common-Interest Communities
DBPR	Department of Business and Professional Regulation
Del. C.	Delaware Code
DUCIOA	Delaware Uniform Common Interest Ownership Act
FCAR	Foundation for Community Association Research
Fla. Admin. Code R.	Florida Administrative Code Rules
Fla. Stat.	Florida Statutes
FY	Fiscal Year
HOA	Homeowners Association
IDR	Internal Dispute Resolution
IRB	Institutional Review Board
Mass. Gen. Laws ch.	Massachusetts General Laws Chapter
MI	Milestone Inspection
NAC	Nevada Administrative Code
NRS	Nevada Revised Statutes
RICO	Regulated Industries Complaints Office
SIRS	Structural Integrity Reserve Study
SME	Subject-Matter Expert
UPA	Unit Property Act

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