
A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

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

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

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



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

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

5 A board may prohibit commercial solicitations.

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

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

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



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

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

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

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

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



- 1 (5) All signed and executed agreements for managing the
2 operation of the property, expressing the agreement of
3 all parties, including but not limited to financial
4 and accounting obligations, services provided, and any
5 compensation arrangements, including any subsequent
6 amendments;
- 7 (6) An accurate and current list of [~~members~~] each member
8 of the condominium association [~~and the members'~~
9 ~~current addresses and the names and addresses of the~~
10 ~~vendees~~]; each vendee under an agreement of sale, if
11 any[-]; and the postal address, electronic mail
12 address, or both addresses of each member and each
13 vendee. A copy of the list shall be available, at
14 cost, to any unit owner or owner's authorized agent
15 who furnishes to the managing agent, resident manager,
16 or the board a duly executed and acknowledged
17 affidavit stating that the list:
- 18 (A) Shall be used by the unit owner or owner's
19 authorized agent personally and only for the
20 purpose of soliciting votes or proxies or for



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

3 (B) Shall not be used by the unit owner or owner's
4 authorized agent or furnished to anyone else for
5 any other purpose;

6 (7) The association's most current financial statement, at
7 no cost or on twenty-four-hour loan, at a convenient
8 location designated by the board;

9 (8) Meeting minutes of the association, pursuant to
10 section 514B-122;

11 (9) Meeting minutes of the board, pursuant to section
12 514B-126, which shall be:

13 (A) Available for examination by unit owners or
14 owners' authorized agents at no cost or on
15 twenty-four-hour loan at a convenient location at
16 the project, to be determined by the board; or

17 (B) Transmitted to any unit owner or owner's
18 authorized agent making a request for the minutes
19 within fifteen days of receipt of the request by
20 the owner or owner's authorized agent; provided
21 that:



1 (i) The minutes shall be transmitted by mail,
2 electronic mail transmission, or facsimile,
3 by the means indicated by the owner or
4 owner's authorized agent, if the owner or
5 owner's authorized agent indicated a
6 preference at the time of the request; and

7 (ii) The owner or owner's authorized agent shall
8 pay a reasonable fee for administrative
9 costs associated with handling the request,
10 subject to section 514B-105(d);

11 (10) Financial statements, general ledgers, the accounts
12 receivable ledger, accounts payable ledgers, check
13 ledgers, insurance policies, contracts, and invoices
14 of the association for the duration those records are
15 kept by the association, and any documents regarding
16 delinquencies of ninety days or more shall be
17 available for examination by unit owners or owners'
18 authorized agents at convenient hours at a place
19 designated by the board; provided that:

20 (A) The board may require unit owners or owners'
21 authorized agents to furnish to the association a



1 duly executed and acknowledged affidavit stating
2 that the information is requested in good faith
3 for the protection of the interests of the
4 association, its members, or both; and

5 (B) Unit owners or owners' authorized agents shall
6 pay for administrative costs in excess of eight
7 hours per year;

8 (11) Proxies, tally sheets, ballots, unit owners' check-in
9 lists, and the certificate of election subject to
10 section 514B-154(c);

11 (12) Copies of an association's documents, records, and
12 information, whether maintained, kept, or required to
13 be provided pursuant to this section or section
14 514B-152, 514B-153, or 514B-154;

15 (13) A copy of the management contract from the entity that
16 manages the operation of the property before the
17 organization of an association; and

18 (14) Other documents requested by a unit owner or owner's
19 authorized agent in writing; provided that the board
20 shall give written authorization or written refusal
21 with an explanation of the refusal within thirty



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1 calendar days of receipt of a request for documents
2 pursuant to this paragraph."

3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.

9

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'A. S.', written over a horizontal line.

JAN 10 2018



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Report Title:

Condominiums; Association Documents; Electronic Mail

Description:

Requires a condominium association to maintain a current list of the postal address, email address, or both addresses of each owner and vendee. Requires the association to make the list available to each member of the association.

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

