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# A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1           SECTION 1. The legislature finds that condominium managing  
2 agents have used condominium association membership lists  
3 without the consent or approval of the association's board for  
4 purposes not intended and not specified in the laws of Hawaii  
5 and the association's declarations and bylaws.

6           The purpose of this Act is to limit the managing agents'  
7 use of membership lists to specific, enumerated purposes only.

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

10           "~~§~~514B-153~~§~~ **Association records; records to be**  
11 **maintained.** (a) An accurate copy of the declaration, bylaws,  
12 house rules, if any, master lease, if any, a sample original  
13 conveyance document, all public reports and any amendments  
14 thereto, shall be kept at the managing agent's office.

15           (b) The managing agent or board shall keep detailed,  
16 accurate records in chronological order, of the receipts and  
17 expenditures affecting the common elements, specifying and



1 itemizing the maintenance and repair expenses of the common  
2 elements and any other expenses incurred. The managing agent or  
3 board shall also keep monthly statements indicating the total  
4 current delinquent dollar amount of any unpaid assessments for  
5 common expenses.

6 (c) Subject to section 514B-152, all records and the  
7 vouchers authorizing the payments and statements shall be kept  
8 and maintained at the address of the project, or elsewhere  
9 within the State as determined by the board.

10 (d) The developer or affiliate of the developer, board,  
11 and managing agent shall ensure that there is a written contract  
12 for managing the operation of the property, expressing the  
13 agreements of all parties, including but not limited to  
14 financial and accounting obligations, services provided, and any  
15 compensation arrangements, including any subsequent amendments.  
16 Copies of the executed contract and any amendments shall be  
17 provided to all parties to the contract.

18 (e) The managing agent [~~or~~], resident manager, or board  
19 shall keep an accurate and current list of members of the  
20 association and their current addresses, and the names and  
21 addresses of the vendees under an agreement of sale, if any.  
22 The list shall be maintained at a place designated by the board,



1 and a copy shall be available, at cost, to any member of the  
2 association as provided in the declaration or bylaws or rules  
3 and regulations or, in any case, to any member who furnishes to  
4 the managing agent or resident manager or the board a duly  
5 executed and acknowledged affidavit stating that the list:

6 (1) Will be used by [~~such~~] the owner personally and only  
7 for the purpose of soliciting votes or proxies, or for  
8 providing information to other owners with respect to  
9 association matters; and

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

12 A board may prohibit commercial solicitations.

13 (f) The managing agent or resident manager shall not use  
14 or distribute any membership list, including for commercial or  
15 political purposes, without the prior written consent of the  
16 board.

17 (g) All membership lists are the property of the  
18 association and any membership lists contained in the managing  
19 agent's or resident manager's records are subject to subsections

20 (e) and (f), and this subsection. A managing agent, resident  
21 manager, or board may not use the information contained in the



1 lists to create any separate list for the purpose of evading  
2 this section.

3 (h) Subsections (f) and (g) shall not apply to any time  
4 share plan regulated under chapter 514E."

5 SECTION 3. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 4. This Act shall take effect upon its approval.



S.B. NO. 920  
S.D. 1  
H.D. 1  
C.D. 1

**Report Title:**

Condominium Association; Membership List

**Description:**

Limits the use of condominium association membership lists by the condominium managing agent, resident manager, and board.

(CD1)

