
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 management agents
2 have used member lists without the consent or approval of the
3 board for purposes not intended and not specified in the laws of
4 Hawaii and the associations' declarations and bylaws.

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

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

9 "~~{}~~§514B-153~~{}~~ **Association records; records to be**
10 **maintained.** (a) An accurate copy of the declaration, bylaws,
11 house rules, if any, master lease, if any, a sample original
12 conveyance document, all public reports and any amendments
13 thereto, shall be kept at the managing agent's office.

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



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

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

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

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



1 provided in the declaration or bylaws or rules and regulations
2 or, in any case, to any member who furnishes to the managing
3 agent or resident manager or the board a duly executed and
4 acknowledged affidavit stating that the list:

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

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

11 A board may prohibit commercial solicitations.

12 The managing agent, resident manager, and board shall not
13 use or distribute to any person the membership lists for
14 commercial purposes or political purposes without prior written
15 consent of the board.

16 (f) The managing agent or resident manager shall not use or
17 distribute any membership list without the prior written consent
18 of the board.

19 (g) All membership lists are the property of the
20 association and any membership lists contained in the managing
21 agent's or resident manager's records are subject to subsections
22 (e), (f), and (g). A managing agent, manager, or board may not



1 use the information contained in such lists to create any
2 separate list for the purpose of evading this section."

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

5 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Condominium Association; Member List

Description:

Limits the use of the condominium association member lists by the managing agent. (SD1)

