



## Regulated Industries Complaints Office

235 S. Beretania Street, Ninth Floor

Honolulu, Hawaii 96813

[cca.hawaii.gov/rico](http://cca.hawaii.gov/rico)

# Got Records? Information for Condo Owners About Access to Information

**What are condo associations?** Condominium Associations are designed to be, and operate as, self-governing entities. Condominium law is based on principles of (1) self-governance and (2) owner-enforcement, with little or no government intervention. In fact, the word “condominium” comes from Latin words meaning “common ownership and control.”

***Getting all the information you can, will give you the big picture you need...***

- 1. Got Records or Documents?** Condominium Associations are self-governing entities and the law provides for a condominium owner, or an authorized agent, to have access to select association information so that he/she can participate in managing the association. The documents required by law to be made available to owners and their agents are found in Chapter 514B of the Hawaii Revised Statutes. Some of the documents are listed in this brochure. The documents should tell you:
  - What the condominium association is responsible for
  - How members of the board are elected and may be removed
  - The powers and duties of board members
  - How the declaration or by-laws can be amended
  - What can be done when a homeowner fails to meet an obligation, such as not paying maintenance fees
- 2. What Must Associations and Owners Do?** To facilitate the provision of information to owners, associations and their managing agents are ***encouraged strongly*** to maintain a list of documents, by title and date, which are available to owners. Or they should maintain a form “checklist,” of documents available for review or copying, for use by an owner seeking records.

In general associations must provide the requested records by **no later than 30 days** after receiving an owner’s written request.

If the association does not have a form to fill out, RICO has forms to use that are accessible on-line at [cca.hawaii.gov/rico/got-records](http://cca.hawaii.gov/rico/got-records). The owner should keep a copy of the written request in his or her files.

- 3. Resale, Foundational, and Docs Affecting the Common Elements?** Associations must maintain records that form the basis for the association, and, select information concerning common elements and re-sales. These include:
  - **Resale Information.** Financial and other records sufficiently detailed to enable the association to comply with information and disclosures related to resale of units.
  - **The Declaration.** It forms an association, and, governs its use and maintenance.
  - **The Bylaws.** They govern and dictate the rules that residents must live by.
  - **House rules.** An association may also have house rules.
  - **A sample original conveyance document.**
  - **All public reports and any amendments.**

- **All final, written agreements for managing the property.** A managing agreement must include information about the services to be provided, compensation to be paid, and the managing agent's financial and accounting obligations.
  - An **accurate and current list of association members.** The list of members is available to owners, but there may be a charge and limitations on use.
  - Detailed, accurate **records** (in chronological order) **of receipts and expenditures** that affect common elements including select summary information of delinquent unpaid assessments for common expenses.
4. **Operational Documents?** Operational records are those used primarily by the board and managing agent to run the association on a day-to-day basis. They include:
    - **The most current financial statement.** It shall be provided at no cost or on 24-hour loan.
    - **Board meeting minutes** for the current and prior year. (Also available at no cost or on 24-hour loan.)
    - **Association meeting minutes.**
    - **Financial statements** (other than the most current one), **general ledgers**, the **accounts receivable ledger**, **accounts payable ledgers**, **check ledgers**, **insurance policies**, **contracts**, and **invoices**.
  5. **Documents Related to Member Voting** - Within 30 days of an association meeting, unit owners can request to examine proxies, tally sheets, ballots, check-in lists, and certificates of election.
  6. **Fees, Costs and Good Faith Affidavits** - Associations may charge reasonable fees and assess costs of up to \$1.00 per page for most copies. Associations may also require an owner to execute an affidavit that the information is being requested in good faith and in the interests of the association or its members or both.
  7. **All Other Association Documents** - Not all association documents are required to be provided to owners. However, owners may file a written request to the board to examine any document **not** required to be made available by law. The board must respond in writing to such a request within 30 days.
  8. **About RICO...We May Be Able to Help with Document Disagreements** - The Regulated Industries Complaints Office (RICO) accepts complaints from owners who are refused access to association documents that are required by law to be made available. Copies of the written request to the association, and, the date and title of each document requested, are needed for RICO to evaluate & process a records complaint. Whether a RICO complaint has been filed or not, in the interest of self-governance owners are encouraged to resolve records disputes directly with their associations.

## RESOURCES

The **Real Estate Branch** provides general information and advice to condominium owners. Helpful information and publications are available also at [cca.hawaii.gov/reb](http://cca.hawaii.gov/reb) and [cca.hawaii.gov/rico/got-records](http://cca.hawaii.gov/rico/got-records). A **condominium specialist** can answer general questions and refer you to helpful information by calling 1-844-808-3222.

The Department of Commerce and Consumer Affairs (DCCA), and its Regulated Industries Complaints Office (RICO), offer tools, tips, and services you can use to check out an individual or business. Information is available by calling 1-844-808-3222 or online at [cca.hawaii.gov/businesscheck](http://cca.hawaii.gov/businesscheck). Please also dial 1-844-808-3222 (DCCA) to reach RICO for information about filing a RICO complaint or to report unlicensed activity. Or, visit RICO online at [cca.hawaii.gov/rico](http://cca.hawaii.gov/rico).

*This brochure is for informational purposes only and not intended for the purposes of providing legal advice. Information provided is subject to change.*