

§1603-118. Association records

(a) An association must retain the following: [PL 2011, c. 368, §8 (NEW).]

(1) Records of receipts and expenditures affecting the operation and administration of the association and other appropriate accounting records for the past 6 years; [PL 2011, c. 368, §8 (NEW).]

(2) Minutes of all meetings of its unit owners and executive board other than executive sessions, a record of all actions taken by the unit owners or executive board without a meeting and a record of all actions taken by a committee in place of the executive board on behalf of the association; [PL 2011, c. 368, §8 (NEW).]

(3) The names of current unit owners in a form that permits preparation of a list of the names of all unit owners and the addresses at which the association communicates with them, in alphabetical order showing the number of votes each unit owner is entitled to cast; [PL 2011, c. 368, §8 (NEW).]

(4) Copies of its original or restated organizational documents and bylaws and all amendments to them and all rules currently in effect; [PL 2011, c. 368, §8 (NEW).]

(5) All financial statements and tax returns of the association for the past 3 years; [PL 2011, c. 368, §8 (NEW).]

(6) A list of the names and addresses of its current executive board members and officers; [PL 2011, c. 368, §8 (NEW).]

(7) Its most recent annual report delivered to the Secretary of State; [PL 2011, c. 368, §8 (NEW).]

(8) Financial and other records sufficiently detailed to enable the association to comply with section 1604-108; [PL 2011, c. 368, §8 (NEW).]

(9) Copies of current contracts to which it is a party; [PL 2011, c. 368, §8 (NEW).]

(10) Records of executive board or committee actions to approve or deny any requests for design or architectural approval from unit owners; and [PL 2011, c. 368, §8 (NEW).]

(11) Ballots, proxies and other records related to voting by unit owners for one year after the election, action or vote to which they relate. [PL 2011, c. 368, §8 (NEW).]

(b) Subject to subsections (c) and (d), all records retained by an association must be available for examination and copying by a unit owner or the unit owner's authorized agent: [PL 2011, c. 368, §8 (NEW).]

(1) During reasonable business hours or at a mutually convenient time and location; and [PL 2011, c. 368, §8 (NEW).]

(2) Upon 10 days' notice in writing reasonably identifying the specific records of the association requested. [PL 2011, c. 368, §8 (NEW).]

(c) Records retained by an association may be withheld from inspection and copying to the extent that they concern: [PL 2011, c. 368, §8 (NEW).]

(1) Personnel, salary and medical records relating to specific individuals; [PL 2011, c. 368, §8 (NEW).]

(2) Contracts, leases and other commercial transactions to purchase or provide goods or services currently being negotiated; [PL 2011, c. 368, §8 (NEW).]

(3) Existing or potential litigation or mediation, arbitration or administrative proceedings; [PL 2011, c. 368, §8 (NEW).]

(4) Existing or potential matters involving federal, state or local administrative or other formal proceedings before a governmental tribunal for enforcement of the declaration, bylaws or rules; [PL 2011, c. 368, §8 (NEW).]

(5) Communications with the association's attorney that are otherwise protected by the attorney-client privilege or the attorney work-product doctrine; [PL 2011, c. 368, §8 (NEW).]

(6) Information the disclosure of which would violate law other than this Act; [PL 2011, c. 368, §8 (NEW).]

(7) Records of an executive session of the executive board; or [PL 2011, c. 368, §8 (NEW).]

(8) Individual unit files other than those of the requesting unit owner. [PL 2011, c. 368, §8 (NEW).]

(d) An association may charge a reasonable fee for providing copies of any records under this section and for supervising the unit owner's inspection. [PL 2011, c. 368, §8 (NEW).]

(e) A right to copy records under this section includes the right to receive copies by photocopying or other means, including copies through an electronic transmission if available upon request by the unit owner. [PL 2011, c. 368, §8 (NEW).]

(f) An association is not obligated to compile or synthesize information. [PL 2011, c. 368, §8 (NEW).]

(g) Information provided pursuant to this section may not be used for commercial purposes or any other purpose not reasonably related to the management of the association or the duties, rights or responsibilities of unit owners, officers or executive board members under this Act or the association's governing documents. [PL 2011, c. 368, §8 (NEW).]

SECTION HISTORY

PL 1981, c. 699 (NEW). PL 2011, c. 368, §8 (RPR).

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