

**[CHAPTER 514B]  
CONDOMINIUMS**

Part I. General Provisions

SECTION

514B-1	Short title
514B-2	Applicability
514B-3	Definitions
514B-4	Separate titles and taxation
514B-5	Conformance with county land use laws
514B-6	Supplemental county rules governing a condominium property regime
514B-7	Construction against implicit repeal
514B-8	Severability
514B-9	Obligation of good faith
514B-10	Remedies to be liberally administered

Part II. Applicability

514B-21	Applicability to new condominiums
514B-22	Applicability to preexisting condominiums
514B-23	Amendments to governing instruments

Part III. Creation, Alteration, and Termination of Condominiums

514B-31	Creation
514B-32	Contents of declaration
514B-33	Condominium map
514B-34	Condominium map; certification of architect, engineer, or surveyor
514B-35	Unit boundaries
514B-36	Leasehold units
514B-37	Common interest
514B-38	Common elements
514B-39	Limited common elements
514B-40	Transfer of limited common elements
514B-41	Common profits and expenses
514B-42	Metering of utilities
514B-43	Liens against units
514B-44	Contents of deeds or leases of units
514B-45	Blanket mortgages and other blanket liens affecting a unit at time of first conveyance or lease
514B-46	Merger of projects or increments
514B-47	Removal from provisions of this chapter

#### Part IV. Registration and Administration of Condominiums

- 514B-51 Registration required; exceptions
- 514B-52 Application for registration
- 514B-53 Inspection by commission
- 514B-54 Developer's public report; requirements for issuance of effective date
- 514B-55 Developer's public report; request for hearing by developer
- 514B-56 Developer's public report; amendments
- 514B-57 Commission oversight of developer's public report
- 514B-58 Annual report
- 514B-59 Expiration of developer's public reports
- 514B-60 No false or misleading information
- 514B-61 General powers and duties of commission
- 514B-62 Deposit of fees
- 514B-63 Condominium specialists; appointment; duties
- 514B-64 Private consultants
- 514B-65 Investigative powers
- 514B-66 Cease and desist orders
- 514B-67 Termination of registration
- 514B-68 Power to enjoin
- 514B-69 Penalties
- 514B-70 Limitation of actions
- 514B-71 Condominium education trust fund
- 514B-72 Condominium education trust fund; payments by associations and developers
- 514B-73 Condominium education trust fund; management

#### Part V. Protection of Condominium Purchasers

##### A. General Provisions

- 514B-81 Applicability; exceptions
- 514B-82 Sale of units
- 514B-83 Developer's public report
- 514B-84 Developer's public report; special types of condominiums
- 514B-85 Preregistration solicitation
- 514B-86 Requirements for binding sales contracts; purchaser's right to cancel
- 514B-87 Rescission after sales contract becomes binding
- 514B-88 Delivery
- 514B-89 Sales contracts before completion of construction
- 514B-90 Refunds upon cancellation or termination
- 514B-91 Escrow of deposits
- 514B-92 Use of purchaser deposits to pay project costs
- 514B-93 Early conveyance to pay project costs
- 514B-94 Misleading statements and omissions; remedies

B. Sales to Owner-Occupants

- 514B-95 Definitions
- 514B-95.5 Announcement or advertisement; publication
- 514B-96 Designation of residential units
- 514B-96.5 Unit selection; requirements
- 514B-97 Affidavit
- 514B-97.5 Prohibitions
- 514B-98 Sale of residential units; developer requirements
- 514B-98.5 Enforcement
- 514B-99 Penalties
- 514B-99.3 False statement
- 514B-99.5 Inapplicability of laws

Part VI. Management of Condominiums

A. Powers, Duties, and Other General Provisions

- 514B-101 Applicability; exceptions
- 514B-102 Association; organization and membership
- 514B-103 Association; registration
- 514B-104 Association; powers
- 514B-105 Association; limitations on powers
- 514B-106 Board; powers and duties
- 514B-106.5 Service of process
- 514B-107 Board; limitations
- 514B-108 Bylaws
- 514B-109 Restatement of declaration and bylaws
- 514B-110 Bylaws amendment permitted; mixed use property; representation on board
- 514B-111 Judicial power to excuse compliance with requirements of declaration or bylaws
- 514B-112 Condominium community mutual obligations

B. Governance - Elections and Meetings

- 514B-121 Association meetings
- 514B-122 Association meetings; minutes
- 514B- Voting for elections; cumulative voting
- 514B-123 Association meetings; voting; proxies
- 514B-124 Association meetings; purchaser's right to vote
- 514B-125 Board meetings
- 514B-126 Board meetings; minutes

C. Operations

- 514B-131 Operation of the property
- 514B-132 Managing agents
- 514B-133 Association employees; background check; prohibition
- 514B-134 Management and contracts; developer, managing agent, and association

514B-135	Termination of contracts and leases of developer
514B-136	Transfer of developer rights
514B-137	Upkeep of condominium
514B-138	Upkeep of condominium; high-risk components
514B-139	Upkeep of condominium; disposition of unclaimed possessions
514B-140	Additions to and alterations of condominium
514B-141	Tort and contract liability; tolling of limitation period
514B-142	Aging in place; limitation on liability
514B-143	Insurance
514B-144	Association fiscal matters; assessments for common expenses
514B-145	Association fiscal matters; collection of unpaid assessments from tenants or rental agents
514B-146	Association fiscal matters; lien for assessments
514B-147	Association fiscal matters; other liens affecting the condominium
514B-148	Association fiscal matters; budgets and reserves
514B-149	Association fiscal matters; handling and disbursement of funds
514B-150	Association fiscal matters; audits, audited financial statement
514B-151	Association fiscal matters; lease rent renegotiation
514B-152	Association records; generally
514B-153	Association records; records to be maintained
514B-154	Association records; availability; disposal; prohibitions
514B-154.5	Association documents to be provided
514B-155	Association as trustee
514B-156	Pets
514B-157	Attorneys' fees, delinquent assessments, and expenses of enforcement

#### D. Alternative Dispute Resolution

514B-161	Mediation
514B-162	Arbitration
514B-163	Trial de novo and appeal

## PART I. GENERAL PROVISIONS

**[§514B-1] Short title.** This chapter may be cited as the Condominium Property Act.

**[§514B-2] Applicability.** Applicability of this chapter is governed by part II.

**§514B-3 Definitions.** As used in this chapter and in the declaration and bylaws, unless specifically provided otherwise or required by the context:

"Affiliate of a developer" means a person that directly or indirectly controls, is controlled by, or is under common control with, the developer.

"Association" means the unit owners' association organized under section 514B-102 or under prior condominium property regimes statutes.

months prior to the commencement of the term for which lease rent is to be renegotiated, all costs and expenses of the renegotiation shall be assessed to the remaining lessees whose lease rent is to be renegotiated in the same proportion that the common interest appurtenant to each lessee's unit bears to the common interest appurtenant to all remaining lessees' units whose lease rent is to be renegotiated. The unpaid amount of this assessment shall constitute a lien upon the lessee's unit, which may be collected in accordance with section 514B-146 in the same manner as an unpaid common expense.

(c) In any project where the association is a lessor or sublessor, the association shall fulfill its obligations under this section by appointing independent counsel to represent the lessees in the negotiations and proceedings related to the rent renegotiation. The lessees' counsel shall act on behalf of the lessees in accordance with the vote or written consent of a majority of the lessees casting ballots or submitting written consents as determined by the ratio that the common interest appurtenant to each lessee's unit bears to the total common interest appurtenant to the units of participating lessees. Nothing in this subsection shall be interpreted to preclude the lessees from making a decision (by the vote or written consent of a majority of the lessees as described above) to retain other counsel or additional professional advisors as may be reasonably necessary or appropriate to complete the negotiations and proceedings. In the event of a deadlock among the lessees or other inability to proceed with the rent renegotiation on behalf of the lessees, the lessees' counsel may apply to the circuit court of the judicial circuit in which the condominium is located for instructions. The association shall not instruct or direct the lessees' counsel or other professional advisors. All costs and expenses incurred under this subsection shall be assessed by the association to the lessees as provided in subsection (a) or (b), as may be applicable.

(d) As used in this section, "lessees" or "remaining lessees" means all unit owners who have not purchased the leased fee interest appurtenant to their units as of the earlier of any date specified in the lease or sublease for the commencement of lease rent negotiation or nine months prior to the commencement of the term for which the lease rent is to be renegotiated. The board's allocation of expenses under this section shall be final and binding in the absence of a determination that the board abused its discretion.

**§514B-152 Association records; generally.** The association shall keep financial and other records sufficiently detailed to enable the association to comply with requests for information and disclosures related to resale of units. Except as otherwise provided by law, all financial and other records shall be made available pursuant to section 514B- for examination by any unit owner and the owner's authorized agents. Association records shall be stored on the island on which the association's project is located; provided that if original records, including but not limited to invoices, are required to be sent off-island, copies of the records shall be maintained on the island on which the association's project is located.

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

(b) The managing agent or board shall keep detailed, accurate records in chronological order, of the receipts and expenditures affecting the common elements, specifying and itemizing the maintenance and repair expenses of the common elements and any other expenses incurred. The managing agent or board shall also keep monthly statements indicating the total current delinquent dollar amount of any unpaid assessments for common expenses.

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

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

(e) The managing agent, resident manager, or board shall keep an accurate and current list of members of the association and their current addresses, and the names and addresses of the vendees under an agreement of sale, if any. The list shall be maintained at a place designated by the board, and a copy shall be available, at cost, to any member of the association as provided in the declaration or bylaws or rules and regulations or, in any case, to any member who furnishes to the managing agent or resident manager or the board a duly executed and acknowledged affidavit stating that the list:

- (1) Will be used by the owner personally and only for the purpose of soliciting votes or proxies, or for providing information to other owners with respect to association matters; and
- (2) Shall not be used by the owner or furnished to anyone else for any other purpose.

A board may prohibit commercial solicitations.

Where the condominium project or any units within the project are subject to a time share plan under chapter 514E, the association shall only be required to maintain in its records the name and address of the time share association as the representative agent for the individual time share owners unless the association receives a request by a time share owner to maintain in its records the name and address of the time share owner.

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

(g) All membership lists are the property of the association and any membership lists contained in the managing agent's or resident manager's records are subject to subsections (e) and (f), and this subsection. A managing agent, resident manager, or board may not use the information contained in the lists to create any separate list for the purpose of evading this section.

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

**§514B-154 Association records; availability; disposal; prohibitions.** (a) The association's most current financial statement shall be provided to any interested unit owner at no

cost or on twenty-four-hour loan, at a convenient location designated by the board. The meeting minutes of the board of directors, once approved, for the current and prior year shall either:

- (1) Be available for examination by apartment owners at no cost or on twenty-four-hour loan at a convenient location at the project, to be determined by the board of directors; or
- (2) Be transmitted to any apartment owner making a request for the minutes, by the board of directors, the managing agent, or the association's representative, within fifteen days of receipt of the request; provided that the minutes shall be transmitted by mail, electronic mail transmission, or facsimile, by the means indicated by the owner, if the owner indicated a preference at the time of the request; and provided further that the owner shall pay a reasonable fee for administrative costs associated with handling the request.

Costs incurred by apartment owners pursuant to this subsection shall be subject to section 514B-105(d).

(b) Financial statements, general ledgers, the accounts receivable ledger, accounts payable ledgers, check ledgers, insurance policies, contracts, and invoices of the association for the duration those records are kept by the association and delinquencies of ninety days or more shall be available for examination by unit owners at convenient hours at a place designated by the board; provided that:

- (1) The board may require owners to furnish to the association a duly executed and acknowledged affidavit stating that the information is requested in good faith for the protection of the interests of the association, its members, or both; and
- (2) Owners shall pay for administrative costs in excess of eight hours per year.

Copies of these items shall be provided to any owner upon the owner's request; provided that the owner pays a reasonable fee for duplication, postage, stationery, and other administrative costs associated with handling the request.

(c) After any association meeting, and not earlier, unit owners shall be permitted to examine proxies, tally sheets, ballots, owners' check-in lists, and the certificate of election; provided that:

- (1) Owners shall make a request to examine the documents within thirty days after the association meeting;
- (2) The board may require owners to furnish to the association a duly executed and acknowledged affidavit stating that the information is requested in good faith for the protection of the interest of the association or its members or both; and
- (3) Owners shall pay for administrative costs in excess of eight hours per year.

If there are no requests to examine proxies and ballots, the documents may be destroyed thirty days after the association meeting. If there are requests to examine proxies and ballots, the documents shall be kept for an additional sixty days, after which they may be destroyed. Copies of tally sheets, owners' check-in lists, and the certificates of election from the most recent association meeting shall be provided to any owner upon the owner's request; provided that the owner pays a reasonable fee for duplicating, postage, stationery, and other administrative costs associated with handling the request.

(d) The managing agent shall provide copies of association records maintained pursuant to this section and sections 514B-152 and 514B-153 to owners, prospective purchasers and their prospective agents during normal business hours, upon payment to the managing agent of a reasonable charge to defray any administrative or duplicating costs. If the project is not

managed by a managing agent, the foregoing requirements shall be undertaken by a person or entity, if any, employed by the association, to whom this function is delegated.

(e) Prior to the organization of the association, any unit owner shall be entitled to inspect as well as receive a copy of the management contract from the entity that manages the operation of the property.

(f) Owners may file a written request with the board to examine other documents. The board shall give written authorization or written refusal with an explanation of the refusal within thirty calendar days of receipt of the request.

(g) An association may comply with this part by making information available to unit owners, at the option of each unit owner and at no cost to the unit owner for downloading the information, through an Internet site.

(h) A managing agent retained by one or more associations may dispose of the records of any association which are more than five years old, except for tax records, which shall be kept for seven years, without liability if the managing agent first provides the board of the association affected with written notice of the managing agent's intent to dispose of the records if not retrieved by the board within sixty days, which notice shall include an itemized list of the records proposed to be disposed.

(i) No person shall knowingly make any false certificate, entry, or memorandum upon any of the books or records of any managing agent or association. No person shall knowingly alter, destroy, mutilate, or conceal any books or records of a managing agent or association.

(j) Any fee charged to a member to obtain copies of association records under this section shall be reasonable; provided that a reasonable fee shall include administrative and duplicating costs and shall not exceed \$1 per page, or portion thereof, except the fee for pages exceeding eight and one-half inches by fourteen inches may exceed \$1 per page.

**§514B-154.5 Association documents to be provided.** (a) Notwithstanding any other provision in the declaration, bylaws, or house rules, if any, the following documents, records, and information, whether maintained, kept, or required to be provided pursuant to this section or section 514B-152, 514B-153, or 514B-154, shall be made available to any unit owner and the owner's authorized agents by the managing agent, resident manager, board through a board member, or the association's representative:

- (1) All financial and other records sufficiently detailed in order to comply with requests for information and disclosures related to the resale of units;
- (2) An accurate copy of the declaration, bylaws, house rules, if any, master lease, if any, a sample original conveyance document, and all public reports and any amendments thereto;
- (3) Detailed, accurate records in chronological order of the receipts and expenditures affecting the common elements, specifying and itemizing the maintenance and repair expenses of the common elements and any other expenses incurred and monthly statements indicating the total current delinquent dollar amount of any unpaid assessments for common expenses;
- (4) All records and the vouchers authorizing the payments and statements kept and maintained at the address of the project, or elsewhere within the State as determined by the board, subject to section 514B-152;



- (5) All signed and executed agreements for managing the operation of the property, expressing the agreement of all parties, including but not limited to financial and accounting obligations, services provided, and any compensation arrangements, including any subsequent amendments;
- (6) An accurate and current list of members of the condominium association and the members' current addresses and the names and addresses of the vendees under an agreement of sale, if any. A copy of the list shall be available, at cost, to any unit owner or owner's authorized agent who furnishes to the managing agent, resident manager, or the board a duly executed and acknowledged affidavit stating that the list:
  - (A) Shall be used by the unit owner or owner's authorized agent personally and only for the purpose of soliciting votes or proxies or for providing information to other unit owners with respect to association matters; and
  - (B) Shall not be used by the unit owner or owner's authorized agent or furnished to anyone else for any other purpose;
- (7) The association's most current financial statement, at no cost or on twenty-four-hour loan, at a convenient location designated by the board;
- (8) Meeting minutes of the association, pursuant to section 514B-122;
- (9) Meeting minutes of the board, pursuant to section 514B-126, which shall be:
  - (A) Available for examination by unit owners or owners' authorized agents at no cost or on twenty-four-hour loan at a convenient location at the project, to be determined by the board; or
  - (B) Transmitted to any unit owner or owner's authorized agent making a request for the minutes within fifteen days of receipt of the request by the owner or owner's authorized agent; provided that:
    - (i) The minutes shall be transmitted by mail, electronic mail transmission, or facsimile, by the means indicated by the owner or owner's authorized agent, if the owner or owner's authorized agent indicated a preference at the time of the request; and
    - (ii) The owner or owner's authorized agent shall pay a reasonable fee for administrative costs associated with handling the request, subject to section 514B-105(d);
- (10) Financial statements, general ledgers, the accounts receivable ledger, accounts payable ledgers, check ledgers, insurance policies, contracts, and invoices of the association for the duration those records are kept by the association, and any documents regarding delinquencies of ninety days or more shall be available for examination by unit owners or owners' authorized agents at convenient hours at a place designated by the board; provided that:
  - (A) The board may require unit owners or owners' authorized agents to furnish to the association a duly executed and acknowledged affidavit stating that the information is requested in good faith for the protection of the interests of the association, its members, or both; and
  - (B) Unit owners or owners' authorized agents shall pay for administrative costs in excess of eight hours per year;
- (11) Proxies, tally sheets, ballots, unit owners' check-in lists, and the certificate of election subject to section 514B-154(c);

- (12) Copies of an association's documents, records, and information, whether maintained, kept, or required to be provided pursuant to this section or section 514B-152, 514B-153, or 514B-154;
- (13) A copy of the management contract from the entity that manages the operation of the property before the organization of an association; and
- (14) Other documents requested by a unit owner or owner's authorized agent in writing; provided that the board shall give written authorization or written refusal with an explanation of the refusal within thirty calendar days of receipt of a request for documents pursuant to this paragraph.

(b) Subject to section 514B-105(d), copies of the items in subsection (a) shall be provided to any unit owner or owner's authorized agent upon the owner's or owner's authorized agent's request; provided that the owner or owner's authorized agent pays a reasonable fee for duplication, postage, stationery, and other administrative costs associated with handling the request.

(c) Notwithstanding any provision in the declaration, bylaws, or house rules providing for another period of time, all documents, records, and information listed under subsection (a), whether maintained, kept, or required to be provided pursuant to this section or section 514B-152, 514B-153, or 514B-154, shall be provided no later than thirty days after receipt of a unit owner's or owner's authorized agent's written request, unless a lesser time is provided pursuant to this section or section 514B-152, 514B-153, or 514B-154, and except as provided in subsection (a)(14).

(d) Any documents, records, and information, whether maintained, kept, or required to be provided pursuant to this section or section 514B-152, 514B-153, or 514B-154, may be made available electronically to the unit owner or owner's authorized agent if the owner or owner's authorized agent requests such in writing.

(e) An association may comply with this section or section 514B-152, 514B-153, or 514B-154 by making the required documents, records, and information available to unit owners or owners' authorized agents for download through an internet site, at the option of each unit owner or owner's authorized agent and at no cost to the unit owner or owner's authorized agent.

(f) Any fee charged to a unit owner or owner's authorized agent to obtain copies of association's documents, records, and information, whether maintained, kept, or required to be provided pursuant to this section or section 514B-152, 514B-153, or 514B-154, shall be reasonable; provided that a reasonable fee shall include administrative and duplicating costs and shall not exceed \$1 per page, or portion thereof, except that the fee for pages exceeding eight and one-half inches by fourteen inches may exceed \$1 per page.

(g) This section shall apply to all existing condominiums organized under chapter 514A or 514B.

(h) Nothing in this section shall be construed to create any new requirements for the release of documents, records, or information.

**[§514B-155] Association as trustee.** With respect to a third person dealing with the association in the association's capacity as a trustee, the existence of trust powers and their proper exercise by the association may be assumed without inquiry. A third person shall not be bound to inquire whether the association has power to act as trustee or is properly exercising trust powers. A third person, without actual knowledge that the association is exceeding or