

CHAPTER 141
HB 502 - FINAL VERSION

8Mar2017... 0397h
04/20/2017 1409s
04/20/2017 1469s

2017 SESSION

17-0496
05/01

HOUSE BILL **502**

AN ACT relative to the availability of condominium financial information to unit owners.

SPONSORS: Rep. Webb, Rock. 6; Rep. Rouillard, Hills. 6; Rep. Umberger, Carr. 2; Rep. Kotowski, Merr. 24; Rep. Pantelakos, Rock. 25; Rep. Baroody, Hills. 43; Rep. M. MacKay, Hills. 30; Rep. Abbott, Ches. 1; Rep. Patten, Merr. 17; Rep. Almy, Graf. 13; Sen. Carson, Dist 14; Sen. Reagan, Dist 17; Sen. Avard, Dist 12

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

 This bill requires condominium associations to make certain financial information available to unit owners.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to the availability of condominium financial information to unit owners.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 141:1 New Section; Condominium Act; Disclosure of Financial Information to Unit Owners.
2 Amend RSA 356-B by inserting after section 37-d the following new section:

3 356-B:37-e Disclosure of Financial Information and Meeting Minutes to Unit Owners.

4 I. Financial information shall be presented on a profit and loss statement and shall be
5 available to the unit owners 30 days prior to the annual meeting. The format of the profit and loss
6 statement shall remain constant from year to year. It shall include specification of all revenues
7 received in the budget year less future revenue liabilities, and specification of all expenses by
8 general type. When the annual meeting is held before the end of the fiscal year, year-to-date
9 spending shall be provided in each category, and a final year-end accounting shall be sent to each
10 unit owner within 90 days of the close of the fiscal year.

11 II. Each unit owner shall have access to all financial information within 15 days of the unit
12 owner's request regarding any contracts, mortgages, loans, and the terms of such loans, and any
13 outstanding debts and balances of all accounts held by the association. The individual accounts of
14 unit owners shall not be included unless a lien for nonpayment of assessments or fees has been
15 recorded, in which case, the account shall be disclosed pursuant to a request for financial
16 information under this section.

17 III. Each unit owner shall have access to the names of all employees of the association and
18 the salaries paid to employees with association funds, including any third party arrangements for
19 services, except at time sharing condominiums where employees' salaries shall be confidential
20 unless disclosure is consented to by the association board of directors and the condominium
21 manager, if there is a manager. If an employee is related to a board member, or is a former officer
22 of the association, the board shall disclose this fact to the unit owners at the next regular or annual
23 meeting.

24 IV. A fee may be charged to unit owners for provision of information requested beyond the
25 last 3 fiscal years.

26 V. The board of directors shall make copies of the minutes of all meetings available to the
27 unit owners within 60 days of the meeting or 15 days of the date such minutes are approved by the
28 board, whichever occurs first. The association may opt to provide the minutes electronically or
29 publish them on the association website, in which case the owners shall be informed of the website

CHAPTER 141
HB 502 - FINAL VERSION
- Page 2 -

1 address. A unit owner who submits a written request for access to the association's website shall be
2 granted access within 15 days of the request, at no additional charge to the owner.

3 VI. The board of directors may approve the minutes through the use of electronic means
4 such as email, video conferencing, fax machine, or PDF files transmitted over the Internet.

141:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 16, 2017
Effective Date: August 15, 2017