

**July 2024**

Q: Clarification on what Member info can be released and under what conditions.

A: This is governed by RCW 64.38.045(4). In short, all of the following documents must be kept by the Association and released to an owner who requests the information:

- (a) The current budget, detailed records of receipts and expenditures affecting the operation and administration of the association, and other appropriate accounting records within the last seven years;*
- (b) Minutes of all meetings of its owners and board other than executive sessions, a record of all actions taken by the owners or board without a meeting, and a record of all actions taken by a committee in place of the board on behalf of the association;*
- (c) The names of current owners, addresses used by the association to communicate with them, and the number of votes allocated to each lot;*
- (d) Its original or restated declaration, organizational documents, all amendments to the declaration and organizational documents, and all rules currently in effect;*
- (e) All financial statements and tax returns of the association for the past seven years;*
- (f) A list of the names and addresses of its current board members and officers;*
- (g) Its most recent annual report delivered to the secretary of state, if any;*
- (h) Copies of contracts to which it is or was a party within the last seven years;*
- (i) Materials relied upon by the board or any committee to approve or deny any requests for design or architectural approval for a period of seven years after the decision is made;*
- (j) Materials relied upon by the board or any committee concerning a decision to enforce the governing documents for a period of seven years after the decision is made;*
- (k) Copies of insurance policies under which the association is a named insured;*
- (l) Any current warranties provided to the association;*
- (m) Copies of all notices provided to owners or the association in accordance with this chapter or the governing documents; and*
- (n) Ballots, proxies, absentee ballots, and other records related to voting by owners for one year after the election, action, or vote to which they relate.*

However, with that said, the statute confirms the following information must be redacted or otherwise removed from the files before it is produced to a requesting owner:

- (a) Personnel and medical records relating to specific individuals;*
- (b) Contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated;*
- (c) Existing or potential litigation or mediation, arbitration, or administrative proceedings;*
- (d) Existing or potential matters involving federal, state, or local administrative or other formal proceedings before a governmental tribunal for enforcement of the governing documents;*
- (e) Legal advice or communications that are otherwise protected by the attorney-client privilege or the attorney work product doctrine, including communications with the managing agent or other agent of the association;*
- (f) Information the disclosure of which would violate a court order or law;*
- (g) Records of an executive session of the board;*
- (h) Individual lot files other than those of the requesting owner;*
- (i) Unlisted telephone number or electronic address of any owner or resident;*
- (j) Security access information provided to the association for emergency purposes; or*
- (k) Agreements that for good cause prohibit disclosure to the members.*

The Association is also obligated to redact or otherwise remove “the address of any owner or resident who is known to the association to be a participant in the address confidentiality program described in RCW 40.24 or any similar program established by law.”

I recommend you and the Board review [RCW 64.38.045\(4\)](#) as it contains a number of important updates that were added to the HOA Act in July 2023.