

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.