

Members entitled to most records

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Q. Is my homeowners association required to provide me with the name and address for all members/owners of the association?

Most HOAs are organized as nonprofit corporations under Chapter 55A of the N.C. General Statutes. HOA members are entitled to inspect and copy most of the association's records. NCGS 55A-1602 reads in part:

A member is entitled to inspect and copy, at a reasonable time and location specified by the corporation, any of the records of the corporation described [below] if the member gives the corporation written notice of his demand at least five business days in advance. That includes: Minutes of all meetings of the members and board of directors;

Records of all actions taken by the members or the board without a meeting;

Records of all actions taken by committees of the board;

Articles of Incorporation, bylaws, and all amendments thereto;

Resolutions of the members or board relating to the number or classification of directors, or to the characteristics, qualifications, rights, limitations, and obligations of members;

All written communications to members generally within the last three years, and financial statements;

A list of the names and business or home addresses of the current directors and officers.

The law goes on to say:

A member may inspect and copy the records...only if:

- (1) The member's demand is made in good faith and for a proper purpose;
- (2) The member describes with reasonable particularity the purpose and the records the member desires to inspect; and
- (3) The records are directly connected with this purpose.

However, the HOA's membership roster is a little more closely guarded. NCGS 55A-16-05 places limits on how owners may use the HOA's membership list. The lists cannot be used to:

Solicit money or property unless such money or property will be used solely to solicit the votes of the members in an election to be held by the corporation;

Used for any commercial purpose; or

Sold to or purchased by any person.

So, the HOA's board may require you to disclose your purpose for wanting to obtain the membership roster, and they may deny you access to those records if they believe your request was not made in good faith or for a proper purpose.

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