

**Association Records and Enhanced Records.
Civil Code §5200.**

For the purposes of this article, the following definitions shall apply:

- (a) “Association records” means all of the following: [Old: [Civ. Code §1365.2\(a\)\(1\)](#)]
- (1) Any financial document required to be provided to a member in Article 7 (commencing with [Section 5300](#)) or in Sections [5565](#) and [5810](#).
 - (2) Any financial document or statement required to be provided in Article 2 (commencing with [Section 4525](#)) of Chapter 4.
 - (3) Interim financial statements, periodic or as compiled, containing any of the following:
 - (A) Balance sheet.
 - (B) Income and expense statement.
 - (C) Budget comparison.
 - (D) General ledger. A “general ledger” is a report that shows all transactions that occurred in an association account over a specified period of time.
The records described in this paragraph shall be prepared in accordance with an accrual or [modified accrual](#) basis of accounting.
 - (4) Executed contracts not otherwise privileged under law.
 - (5) Written board approval of vendor or contractor proposals or invoices.
 - (6) State and federal tax returns.
 - (7) Reserve account balances and records of payments made from reserve accounts.
 - (8) Agendas and minutes of meetings of the members, the board, and any committees appointed by the board pursuant to [Section 7212](#) of the Corporations Code; excluding, however, minutes and other information from executive sessions of the board as described in Article 2 (commencing with [Section 4900](#)).
 - (9) Membership lists, including name, property address, and mailing address, but not including information for members who have opted out pursuant to [Section 5220](#).
 - (10) Check registers.
 - (11) The governing documents.
 - (12) An accounting prepared pursuant to subdivision (b) of [Section 5520](#).

(13) An “enhanced association record” as defined in subdivision (b).

(b) “Enhanced association records” means invoices, receipts and canceled checks for payments made by the association, purchase orders approved by the association, credit card statements for credit cards issued in the name of the association, statements for services rendered, and reimbursement requests submitted to the association. [Old: [Civ. Code §1363.2\(a\)\(2\)](#)]

**Time Periods for Producing Records.
Civil Code §5210.**

- (a) Association records are subject to member inspection for the following time periods:
- (1) For the current fiscal year and for each of the previous two fiscal years.
 - (2) Notwithstanding paragraph (1), minutes of member and board meetings are subject to inspection permanently. If a committee has decisionmaking authority, minutes of the meetings of that committee shall be made available commencing January 1, 2007, and shall thereafter be permanently subject to inspection.
- (b) When a member properly requests access to association records, access to the requested records shall be granted within the following time periods: [Old: [Civ. Code §1365.2\(i\)-\(j\)](#)]
- (1) Association records prepared during the current fiscal year, within 10 business days following the association's receipt of the request.
 - (2) Association records prepared during the previous two fiscal years, within 30 calendar days following the association's receipt of the request.
 - (3) Any record or statement available pursuant to Article 2 (commencing with [Section 4525](#)) of Chapter 4, Article 7 (commencing with [Section 5300](#)), [Section 5565](#), or [Section 5810](#), within the timeframe specified therein.
 - (4) Minutes of member and board meetings, within the timeframe specified in subdivision (a) of [Section 4950](#).
 - (5) Minutes of meetings of committees with decisionmaking authority for meetings commencing on or after January 1, 2007, within 15 calendar days following approval.
 - (6) Membership list, within the timeframe specified in [Section 8330](#) of the Corporations Code.
- (c) There shall be no liability pursuant to this article for an association that fails to retain records for the periods specified in subdivision (a) that were created prior to January 1, 2006. [Old: [Civ. Code §1365.2\(k\)](#)]

Membership List Request Requirements.
Civil Code §5225.

[Old: [Civ. Code §1365.2\(a\)\(1\)\(i\)\(ii\)](#)]

A member requesting the membership list shall state the purpose for which the list is requested which purpose shall be reasonably related to the requester's interest as a member. If the association reasonably believes that the information in the list will be used for another purpose, it may deny the member access to the list. If the request is denied, in any subsequent action brought by the member under [Section 5235](#), the association shall have the burden to prove that the member would have allowed use of the information for purposes unrelated to the member's interest as a member.

**Prohibited Uses of Membership List; Damages for Misuse.
Corporations Code §8338.**

(a) A membership list is a corporate asset. Without consent of the board a membership list or any part thereof may not be obtained or used by any person for any purpose not reasonably related to a member's interest as a member. Without limiting the generality of the foregoing, without the consent of the board a membership list or any part thereof may not be:

(1) Used to solicit money or property unless such money or property will be used solely to solicit the vote of the members in an election to be held by their corporation.

(2) Used for any purpose which the user does not reasonably and in good faith believe will benefit the corporation.

(3) Used for any commercial purpose or purpose in competition with the corporation.

(4) Sold to or purchased by any person.

(b) Any person who violates the provisions of subdivision (a) shall be liable for any damage such violation causes the corporation and shall account for and pay to the corporation any profit derived as a result of said violation. In addition, a court in its discretion may award exemplary damages for a fraudulent or malicious violation of subdivision (a).

(c) Nothing in this article shall be construed to limit the right of a corporation to obtain injunctive relief necessary to restrain misuse of a membership list or any part thereof.

(d) In any action or proceeding under this section, a court may award the corporation reasonable costs and expenses, including reasonable attorneys' fees, in connection with such action or proceeding.

(e) As used in this section, the term "membership list" means the record of the members' names and addresses.

**Petition to Set Aside Demand for Membership List.
Corporations Code §8331.**

(a) Where the corporation, in good faith, and with a substantial basis, believes that the membership list, demanded under [Section 8330](#) by the authorized number ([Section 5036](#)), will be used for a purpose not reasonably related to the interests as members of the person or persons making the demand (hereinafter called the requesting parties) as members or provides a reasonable alternative pursuant to subdivision (c) of [Section 8330](#), it may petition the superior court of the proper county for an order setting aside the demand.

(b) Except as provided in subdivision (c), a petition for an order to show cause why a protective order pursuant to subdivision (d) should not issue shall be filed within 10 business days after the demand by the authorized number under [Section 8330](#) or receipt of a written rejection by the authorized number of an offer made pursuant to subdivision (c) of [Section 8330](#), whichever is later. The petition shall be accompanied by an application for a hearing on the petition. Upon the filing of the petition, the court shall issue a protective order staying production of the list demanded until the hearing on the order to show cause. The court shall set the hearing on the order to show cause not more than 20 days from the date of the filing of the petition. The order to show cause shall be granted unless the court finds that there is no reasonable probability that the corporation will make the showing required under subdivision (f).

(c) A corporation may file a petition under this section more than 10 business days after the demand or rejection under [Section 8330](#), but only upon a showing the delay was caused by excusable neglect. In no event, however, may any petition under this section be considered if filed more than 30 days after the requesting parties' demand or rejection, whichever is later.

(d) Upon the return day of the order to show cause, the court may issue a protective order staying production of the list demanded until final adjudication of the petition filed pursuant to this section. No protective order shall issue under this subdivision unless the court finds that the rights of the requesting parties can reasonably be preserved and that the corporation is likely to make the showing required by subdivision (f) or the court is likely to issue a protective order pursuant to subdivision (g).

(e) If the corporation fails to file a petition within the time allowed by subdivision (b) or (c), whichever is applicable, or fails to obtain a protective order under subdivision (d), then the corporation shall comply with the demand, and no further action may be brought by the corporation under this section.

(f) The court shall issue the final order setting aside the demand only if the corporation proves:

- (1) That there is a reasonable probability that the requesting parties will permit use of the membership list for a purpose unrelated to their interests as members; or
- (2) That the method offered by the corporation is a reasonable alternative in that it reasonably achieves the proper purpose set forth in the requesting parties' demand and that the corporation intends and is able to effectuate the reasonable alternative.

(g) In the final order, the court may, in its discretion, order an alternate mechanism for achieving the proper purposes of the requesting parties, or impose just and proper conditions upon the use of the membership list which reasonably assures compliance with [Section 8330](#) and Section 8338.

(h) The court shall award reasonable costs and expenses including reasonable attorneys' fees, to requesting parties who successfully oppose any petition or application filed pursuant to this section.

(i) Where the corporation has neither, within the time allowed, complied with a demand by the authorized number ([Section 5036](#)) under [Section 8330](#), nor obtained a protective order staying production of the list, or a final order setting aside the demand, which is then in effect, the requesting parties may petition the superior court of the proper county for a writ of mandamus pursuant to Section 1085 of the Code of Civil Procedure compelling the corporation to comply with the demand. At the hearing, the court shall hear the parties summarily, by affidavit or otherwise, and shall issue a peremptory writ of mandamus unless it appears that the demand was not made by an authorized number ([Section 5036](#)), that the demand has been complied with, that the corporation, pursuant to subdivision (c) of [Section 8330](#), made an offer which was not rejected in writing within a reasonable time, or that a protective or final order properly issued under subdivision (d), (f) or (g) is then in effect. No inquiry may be made in such proceeding into the use for which the authorized number seek the list. The court shall award reasonable costs and expenses, including reasonable attorneys' fees, to persons granted an order under this subdivision.

(j) Nothing in this section shall be construed to limit the right of the corporation to obtain damages for any misuse of a membership list obtained under [Section 8330](#), or otherwise, or to obtain injunctive relief necessary to restrain misuse of a member list. A corporation shall be entitled to recover reasonable costs and expenses, including reasonable attorneys' fees, incurred in successfully bringing any such action.

**Membership List.
Corporations Code §8330**

(a) Subject to [Sections 8331](#) and 8332, and unless the corporation provides a reasonable alternative pursuant to subdivision (c), a member may do either or both of the following as permitted by subdivision (b):

(1) Inspect and copy the record of all the members' names, addresses and voting rights, at reasonable times, upon five business days' prior written demand upon the corporation which demand shall state the purpose for which the inspection rights are requested; or

(2) Obtain from the secretary of the corporation, upon written demand and tender of a reasonable charge, a list of the names, addresses and voting rights of those members entitled to vote for the election of directors, as of the most recent record date for which it has been compiled or as of a date specified by the member subsequent to the date of demand. The demand shall state the purpose for which the list is requested. The membership list shall be made available on or before the later of ten business days after the demand is received or after the date specified therein as the date as of which the list is to be compiled.

(b) The rights set forth in subdivision (a) may be exercised by:

(1) Any member, for a purpose reasonably related to such person's interest as a member. Where the corporation reasonably believes that the information will be used for another purpose, or where it provides a reasonable alternative pursuant to subdivision (c), it may deny the member access to the list. In any subsequent action brought by the member under Section 8336, the court shall enforce the rights set forth in subdivision (a) unless the corporation proves that the member will allow use of the information for purposes unrelated to the person's interest as a member or that the alternative method offered reasonably achieves the proper purpose set forth in the demand.

(2) The authorized number of members for a purpose reasonably related to the members' interest as members.

(c) The corporation may, within ten business days after receiving a demand under subdivision (a), deliver to the person or persons making the demand a written offer of an alternative method of achieving the purpose identified in said demand without providing access to or a copy of the membership list. An alternative method which reasonably and in a timely manner accomplishes the proper purpose set forth in a demand made under subdivision (a) shall be deemed a reasonable alternative, unless within a reasonable time after acceptance of the offer the corporation fails to do those things which it offered to do. Any rejection of the offer shall be in writing and shall indicate the reasons the alternative proposed by the corporation does not meet the proper purpose of the demand made pursuant to subdivision (a).

Meeting Minutes.
Civil Code §4950.

(a) The minutes, minutes proposed for adoption that are marked to indicate draft status, or a summary of the minutes, of any board meeting, other than an executive session, shall be available to members within 30 days of the meeting. The minutes, proposed minutes, or summary minutes shall be distributed to any member upon request and upon reimbursement of the association's costs for making that distribution. [Old: [Civ. Code §1363.05\(d\)](#)]

(b) The annual policy statement, prepared pursuant to [Section 5310](#), shall inform the members of their right to obtain copies of board meeting minutes and of how and where to do so. [Old: [Civ. Code §1363.05\(e\)](#)]