

HB 1523-FN - AS INTRODUCED

2026 SESSION

26-2666

04/09

HOUSE BILL ***1523-FN***

AN ACT relative to disclosure requirements for condominium associations.

SPONSORS: Rep. Alexander Jr., Hills. 29; Rep. Hunt, Ches. 14; Sen. Reardon, Dist 15

COMMITTEE: Housing

ANALYSIS

This bill establishes disclosure requirements for homeowners' associations.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to disclosure requirements for condominium associations.

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

1 1 New Paragraphs; Homeowners' Associations; Transparency. Amend RSA 292:8-m by inserting
2 after paragraph II the following new paragraphs:

3 III.(a) Homeowners' associations established under this chapter shall retain the following:

4 (1) Detailed records of receipts and expenditures affecting the operation and
5 administration of the association and other appropriate accounting records;

6 (2) Minutes of all meetings of its shareholders or members and board of directors
7 other than executive sessions, a record of all actions taken by the shareholders or members or board
8 of directors without a meeting, and a record of all actions taken by a committee in place of the board
9 of directors on behalf of the association;

10 (3) The names of shareholders or members in a form that permits preparation of a
11 list of the names of all shareholders or members and the addresses at which the association
12 communicates with them, in alphabetical order showing the number of votes each shareholder or
13 member is entitled to cast;

14 (4) Its original and any restated or amended organizational documents required
15 under this chapter, original and any amended land plats or maps, and all rules currently in effect;

16 (5) All financial statements and tax returns of the association for the past 3 years;

17 (6) A list of the names and addresses of its current board of directors members and
18 officers;

19 (7) Its most recent annual report delivered to the secretary of state, if any;

20 (8) Financial and other records sufficiently detailed to enable the association to
21 comply with other requirements of law;

22 (9) Copies of current contracts to which it is a party;

23 (10) Records of board of directors or committee actions to approve or deny any
24 requests for design or architectural approval from shareholders or members; and

25 (11) Ballots, proxies, and other records related to voting by shareholders or members
26 for one year after the election, action, or vote to which they relate.

27 (b) Subject to subparagraphs (c) and (d), all records retained by the homeowners'
28 associations established under this chapter shall be available for examination and copying by a
29 shareholder or member or the shareholder's authorized agent or the member's authorized agent:

30 (1) During reasonable business hours or at a mutually convenient time and location;

31 and

1 (2) Upon 5 days' notice in a record reasonably identifying the specific records of the
2 association requested.

3 (c) Records retained by an association may be withheld from inspection and copying to
4 the extent that they concern:

5 (1) Personnel, salary, and medical records relating to specific individuals;

6 (2) Contracts, leases, and other commercial transactions to purchase or provide
7 goods or services currently being negotiated;

8 (3) Existing or potential litigation or mediation, arbitration, or administrative
9 proceedings;

10 (4) Existing or potential matters involving federal, state, or local administrative or
11 other formal proceedings before a government tribunal for enforcement of the declaration, bylaws, or
12 rules;

13 (5) Communications with the association's attorney that are protected by the
14 attorney-client privilege or the attorney work-product doctrine;

15 (6) Information the disclosure of which would violate federal or state law;

16 (7) Records of an executive session of the board of directors; or

17 (8) Individual shareholder or member account records other than those of the
18 requesting owner.

19 (d) A homeowners' association may charge a reasonable fee for providing copies of any
20 records under this section; provided, that such fee may not exceed the charge for copying a
21 governmental record as provided for in RSA 91-A:4, IV(d).

22 (e) A right to copy records under this paragraph includes the right to receive copies by
23 photocopying or other means, including copies through electronic transmission, if available, upon
24 request by the shareholder or member.

25 (f) A homeowners' association shall not be required to compile or synthesize information.

26 (g) Information provided pursuant to this paragraph shall not be used for commercial
27 purposes.

28 IV. The board of directors and association committees of homeowners' associations
29 established under this chapter may hold an executive session only during a regular or special
30 meeting of the board or committee. No final vote or action shall be taken during an executive
31 session. An executive session may be held only for the following purposes:

32 (a) To consult with the association's attorney.

33 (b) To discuss existing or potential litigation or mediation, arbitration, or administrative
34 proceedings.

35 (c) To discuss labor or personnel matters.

36 (d) To discuss contracts, leases, and other commercial transactions to purchase or
37 provide goods or services currently being negotiated, including the review of bids or proposals, if the

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1 board of directors or committee determines that premature general knowledge of those matters
2 would place the association at a disadvantage or that public knowledge would violate the privacy of
3 any person.

4 V. The provisions of paragraphs III and IV in this section shall be administered and
5 enforced by the consumer protection and antitrust bureau, department of justice, established in RSA
6 21-M:9.

7 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1523-FN- FISCAL NOTE
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AN ACT relative to disclosure requirements for condominium associations.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable Increase \$100,000 to \$500,000	Indeterminable Increase \$100,000 to \$500,000	Indeterminable Increase \$100,000 to \$500,000
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill establishes new transparency and disclosure requirements for homeowners' associations (HOAs), including mandatory retention of organizational, financial, and governance records and requirements for member access to documents within 5 days of request. It also limits the purposes for which HOA boards may enter executive session and prohibits voting in executive session. The Consumer Protection and Antitrust Bureau within the Department of Justice (DOJ) is responsible for administering and enforcing these requirements.

The Department of Justice states the bill would create an enforceable legal framework for HOA transparency and that every HOA member would have the ability to file complaints with the Consumer Protection and Antitrust Bureau. The Bureau currently has no jurisdiction over HOA governance disputes, and DOJ anticipates a significant increase in complaints, investigations, and enforcement needs, making the overall fiscal impact indeterminable. However, the DOJ reports if the volume of work is as they expect they would require two unclassified attorneys and one paralegal (PARALGLS-LGL ASSTS-F, SOC23-04) beginning in FY 2027. The combined cost of these positions is estimated at \$365,000 in FY 2027, \$368,000 in FY 2028, and \$376,000 in FY 2029, reflecting \$274,000, \$276,000, and \$280,000 respectively for the two attorneys and \$91,000, \$92,000, and \$96,000 respectively for the paralegal across these fiscal years. It is

assumed if these positions are authorized they will be included in the Departments FY 2028 and FY 2029 budget request.

AGENCIES CONTACTED:

Department of Justice