

## **RFA #04-2020**

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Date Submitted: 12/01/2020

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### **Executive Summary**

Immediately make and pass a motion for the following: managing agent and others shall refrain from placing owners' unit numbers and/or names in meeting agendas and/or minutes. The only exception is: owners' written permission on a revised check-in form, or orally for virtual meetings (to be placed on the minutes).

### **Recommendation**

This is an urgent PASS and will lower the risk of litigation.

### **Rationale**

Hawaii recognizes a constitutional right of condominium property owners to privacy. *State v. Tetu*, 139 Hawai'i 207,225, 386 P.3d 844 (2016). In that case it was a private condominium. The only possible justification to place owners' names and/or unit numbers on agendas and/or minutes (without their consent) is to discourage participation and to punish those who oppose the board or management. The individuals who want their names listed in agendas or minutes should be given the opportunity to agree in writing on the check- in form at meetings, or orally in virtual meetings (to be placed on the minutes). The danger in rejecting this RFA is that owners and residents will be afraid to report very serious crimes or unhealthful/unsafe activities to management and the board, out of fear of reprisal.