



**For the Record**

# SESSION SPONSOR

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**Hotwire Communications is a leader in fiber-optic technology, providing cutting-edge fiber-based telecommunications services since 2002. Our network footprint stretches across the country to deliver a suite of services including internet, TV, voice, and home security and automation products to discerning multi-family communities that value a long-term partnership with their provider.**

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**Sponsor Attendees:**

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

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

“Association records” means all of the following:

- Any financial document required to be provided to a member in Article 7 (commencing with [Section 5300](#)) or in Sections [5565](#) and [5810](#).
- Any financial document or statement required to be provided in Article 2 (commencing with [Section 4525](#)) of Chapter 4.
- Interim financial statements, periodic or as compiled, containing any of the following:
  - Balance sheet.
  - Income and expense statement.
  - Budget comparison.
  - 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.

- Executed contracts not otherwise privileged under law.
- Written board approval of vendor or contractor proposals or invoices.
- State and federal tax returns.
- Reserve account balances and records of payments made from reserve accounts.
- 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](#)).
- Membership lists, including name, property address, mailing address, email address, as collected by the association in accordance with [Section 4041](#) where applicable, but not including information for members who have opted out pursuant to [Section 5220](#).
- Check registers.
  - The governing documents.
  - An accounting prepared pursuant to subdivision (b) of [Section 5520](#).
  - An “enhanced association record” as defined in subdivision (b).
  - “Association election materials” as defined in subdivision (c).

**Subsection (b):** “Enhanced association records” means invoices, receipts and canceled checks for payments made by the association, purchase orders approved by the association, bank account statements for bank accounts in which assessments are deposited or withdrawn, credit card statements for credit cards issued in the name of the association, statements for services rendered, and reimbursement requests submitted to the association.

**Subsection (c):** “Association election materials” means returned ballots, signed voter envelopes, the voter list of names, parcel numbers, and voters to whom ballots were to be sent, proxies, and the candidate registration list. Signed voter envelopes may be inspected but may not be copied. An association shall maintain association election materials for one year after the date of the election.

*(Amended by Stats.2021, Ch. 640, Sec. 6.5. Effective January 1, 2022.)*

## Amount of Time to Retain Corporate Records (Chart)

Description	Years to Retain
<b>FINANCIAL AND ACCOUNTING RECORDS</b> (Based on Requirements of Federal and State Laws)	
Accounts Payable Ledger Accounts Receivable Ledger Bank Deposit Slips Bank Reconciliations Bank Statements and Cancelled Checks Paid Vendor Invoices - Operating	5 years
Budgets Monthly Financial Statements	7 years
Annual Audit or Review Report Office Equipment Records Tax Returns Tax Bills and Statements Year End Financial Statements	Permanent
<b>LABOR RECORDS</b>	
Applications for Employment Employee Changes and Terminations Employee Contracts Payroll Registers Personnel Files	5 years
Attendance Records	7 years
Job Descriptions	Permanent Unless Superseded
<b>RESERVES</b>	
Common Area Inventory Listing Contracts for Work Performed Invoices for Reserve Items Maintenance / Repair Records Measurements of Common Areas Reserve Studies	Permanent Record
<b>OPERATIONS</b>	
Bids, Awards, Contracts	7 years (If Warranty Period in Excess of 7 Years, 4 Years after Expiration Date of Warranty)
Assessment Collection Records for Unsatisfied Accounts	Permanent Record Until Collected
Assessment Collection Records for Satisfied Accounts and/or Paid in Full	5 years
<b>LOT FILES</b>	
All Matters involving Architectural / Landscape Issues - Present or Former Owners	Permanent
Violations of Non-Permanent Nature (such as Parking, Pet and Non-Architectural Violations)	Delete from Lot File when Lot is Sold to New Owner

## Amount of Time to Retain Corporate Records (Chart)

Description	Years to Retain
Billings for Paid Assessments	Delete 3 Years after Final Payment is Made
<b>ADMINISTRATIVE</b>	
Governing Documents Insurance Records Minutes Resolutions Documentation in Compliance with California Civil Code Statutes: Annual Budget Disclosure Annual Reserves Disclosure Annual Assessment Collection Policy Disclosure <i>Civil Code</i> §1365 Signature Compliance Summary of Insurance Information All Other Election Matters, such as: Amendments Membership Action	Permanent Record
Election Records Related to Election of Directors	2 Years
Non-Collection Legal Matters	Permanent Unless Attorney Advises Otherwise

**NOTE: PLEASE REVIEW THIS CHART WITH THE ASSOCIATION'S LEGAL COUNSEL AND CPA.**

**SAMPLE  
RECORD REQUEST FORM**

Homeowner Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

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**Description of the Documents Being Requested**

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\_\_\_\_\_

\_\_\_\_\_

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**Acknowledgment of Costs and Record Availability**

I am requesting the above documents, pursuant to Civil Code §5200. I acknowledge that the Association may incur costs for collecting the requested documents, reviewing and redacting the documents for confidential information, and copying said documents, and that I must pay the cost for such incurred charges, pursuant to Civil Code §5205(g). The Association will provide me with an estimated cost that must be paid by me prior to receipt of the copies I am requesting. I acknowledge that the Association's obligation to produce the requested records are limited to the current and two previous fiscal years (except for minutes of the board and decision-making committees) pursuant to Civil Code §5210. The Association is not required to produce minutes of any executive session, and it is not required to produce confidential information contained in other records.

Homeowner Initials: \_\_\_\_\_

**Appropriate Use of Documents**

I agree I will not use the documents or information contained therein for any unlawful purpose, any commercial purpose, or for any other purpose not reasonably related to my interest as a member of this Association. I understand that if I do misuse the documents, both the Association and any member whose privacy is compromised or who otherwise incurs damage as a result of misuse of the information are entitled to take legal action against me.

Homeowner Initials: \_\_\_\_\_

**Applicable Charges**

The following charges may apply depending on the nature of each request:

1. Collecting requested documents, reviewing for and redacting confidential information. To be charged at a rate of \$10.00 per hour with a maximum of \$200.00, per document request.
2. Copying redacted documents. To be charged at \$0.15 per page.
3. Delivery of copied documents via Certified Mail with Return Receipt or First Class US Mail. To be charged at the actual postage cost.

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**Delivery of Documents (please indicate your preference by checking one of the options)**

I request the documents be sent without mailing charges to my email address listed above on this form.

I request the documents be sent to the mailing address listed above on this form.

**Option to Waive Certified Mail Service Charge:**

I request the documents be sent to me via regular First Class mail. I acknowledge that the Association will not be able to track or verify the delivery of my documents without Certified Mail service, and I hold the Association harmless for any documents that are lost during transit.

**Homeowner Acknowledgement and Signature**

I acknowledge that I have read this form completely, understand it, and agree to pay the costs described above as a condition of production of requested documents, to refrain from misuse of the information obtained hereby, and to abide by any statement of purpose set forth above.

I declare under penalty of perjury under the laws of the State of California that the foregoing assertions are correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Homeowner Signature