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## A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 514B-3, Hawaii Revised Statutes, is  
2 amended by amending the definition of "common elements" to read  
3 as follows:

4 "Common elements" means:

- 5 (1) All portions of a condominium, other than the  
6 units[+], that benefit all of the unit owners; and  
7 (2) Any other interests in real estate for the benefit of  
8 all unit owners that are subject to the declaration."

9 SECTION 2. Section 514B-3, Hawaii Revised Statutes, is  
10 amended by amending the definition of "limited common element"  
11 to read as follows:

12 "Limited common element" means a portion of the common  
13 elements designated by the declaration [~~or by operation of~~] that  
14 benefits fewer than all of the unit owners and items that are  
15 stipulated under unit boundaries in section 514B-35 [~~for the~~  
16 ~~exclusive use of one or more but fewer than all of the units~~]."

17 SECTION 3. Section 514B-39, Hawaii Revised Statutes, is  
18 amended to read as follows:



# H.B. NO. 1905

1           " ~~[+]§514B-39[+]~~ **Limited common elements.** If the  
2 declaration designates any portion of the common elements as  
3 limited common elements, those limited common elements shall be  
4 subject to the exclusive use and benefit of the owner or owners  
5 of the unit or units to which they are appurtenant, subject to  
6 the provisions of the declaration and bylaws. ~~[No amendment of~~  
7 ~~the declaration affecting any of the limited common elements~~  
8 ~~shall be effective without the consent of the owner or owners of~~  
9 ~~the unit or units to which the limited common elements are~~  
10 ~~appurtenant.] When common elements fall within the definition of~~  
11 limited common elements in section 514B-3, no specific  
12 percentage of vote approval is required by all of the unit  
13 owners to amend the declaration."

14           SECTION 4. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16           SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Steve K. Jan B/R

JAN 19 2006

**Report Title:**

Condominiums; Common Elements; Limited Common Elements

**Description:**

Amends definitions of common elements and limited common elements to clarify that when a common element benefits fewer than all unit owners, that common element is considered a limited common element. Eliminates requirement that owners of units to which limited common elements are appurtenant consent to amendments to declaration that affect those limited common elements.

