
A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1 SECTION 1. Section 514B-106, Hawaii Revised Statutes, is
2 amended by amending subsection (e) to read as follows:

3 "(e) Not later than the termination of any period of
4 developer control, the unit owners shall elect a board of at
5 least three members; provided that [~~projects~~]:

6 (1) Except as provided in paragraph (3), projects created
7 after May 18, 1984, with one hundred or more
8 individual units, shall have an elected board of at
9 least nine members unless the membership has amended
10 the bylaws to reduce the number of directors; [~~and~~
11 ~~provided further that projects~~]

12 (2) Except as provided in paragraph (3), projects with
13 more than one hundred individual units where at least
14 seventy per cent of the unit owners do not reside at
15 the project may amend the bylaws to reduce the board
16 to as few as five members by the written consent of a
17 majority of owners or the vote of a majority of a
18 quorum at any annual meeting or special meeting called



1 for that purpose. The association may rely on its
2 membership records in determining whether a unit is
3 owner-occupied. A decrease in the number of directors
4 shall not deprive an incumbent director of any
5 remaining term of office[-]; and

6 (3) Projects with more than one hundred residential-use
7 and nonresidential-use individual units and more than
8 twenty-five individual owners shall have an elected
9 board of at least nine members reflecting the
10 proportionate number of units for residential and
11 nonresidential uses; provided that no more than three
12 board members shall represent nonresidential-use
13 units."

14 SECTION 2. Section 514B-107, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) Members of the board shall be unit owners or co-
17 owners, vendees under an agreement of sale, a trustee of a trust
18 which owns a unit, or an officer, partner, member, or other
19 person authorized to act on behalf of any other legal entity
20 which owns a unit. There shall not be more than one
21 representative on the board from any one unit[-]; provided that
22 a legal entity owning multiple nonresidential-use units within a



1 project may have only one representative on the board
 2 representing every nonresidential-use unit owned by that legal
 3 entity."

4 SECTION 3. Statutory material to be repealed is bracketed
 5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect three hundred sixty-
 7 five days after its approval.
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JAN 26 2010



Report Title:

Condominium Association Board of Directors; Members

Description:

Establishes a minimum number of members for condominium association boards of directors for mixed-use condominiums with a certain number of units and owners. Limits the number of board members representing nonresidential-use units.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

