
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 subsections (e) and (f) 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 seventy-five 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; and provided further that this paragraph shall
14 not apply to time share units.

15 (f) At any regular or special meeting of the association,
16 any member of the board may be removed and successors shall be
17 elected for the remainder of the term to fill the vacancies thus
18 created. The removal and replacement shall be by a vote of a
19 majority of the unit owners and ~~[, otherwise,]~~ cumulative voting
20 shall not be permitted. Otherwise, the removal and replacement
21 shall be in accordance with all applicable requirements and
22 procedures in the bylaws for the removal and replacement of



1 directors and, if removal and replacement is to occur at a
2 special meeting, section 514B-121(b)."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect three hundred sixty-
6 five days after its approval.



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. (HB2812 HD1)

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