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# A BILL FOR AN ACT

RELATING TO CONDOMINIUM PROPERTY REGIMES.

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

1           SECTION 1.   Section 514A-13.4, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~§514A-13.4~~   **Telecommunications equipment.**   (a)

4 Notwithstanding any other provisions to the contrary in this  
5 chapter, in the declaration of any project, or in the bylaws of  
6 any association:

7           (1)   The board of directors of an association shall have  
8                the authority to install or cause the installation of  
9                antennas, conduits, chases, cables, wires, and other  
10               television signal distribution and telecommunications  
11               equipment upon the common elements of the project;  
12               provided that the same shall not be installed upon any  
13               limited common element without the consent of the  
14               owner or owners of the apartment or apartments for the  
15               use of which the limited common element is reserved;  
16               and

17           (2)   The installation of antennas, conduits, chases,  
18               cables, wires, and other television signal

1 distribution and telecommunications equipment upon the  
2 common elements by the board shall not be deemed to  
3 alter, impair, or diminish the common interest,  
4 elements, and easements appurtenant to each apartment  
5 or to be a structural alteration or addition to any  
6 building different in any material respect from the  
7 plans of the project filed in accordance with section  
8 514A-12; provided that no such installation shall  
9 directly affect any nonconsenting apartment owner.

10 (b) Notwithstanding any other provision to the contrary in  
11 this chapter, in the declaration of any project or in the bylaws  
12 of any association:

13 (1) The board shall be authorized to abandon or change the  
14 use of any television signal distribution and  
15 telecommunications equipment due to technological or  
16 economic obsolescence or to provide an equivalent  
17 function by different means or methods; and

18 (2) The abandonment or change of use of any television  
19 signal distribution or telecommunications equipment by  
20 the board due to technological or economic  
21 obsolescence or to provide an equivalent function by  
22 different means or methods shall not be deemed to

1 alter, impair, or diminish the common interest,  
2 elements, and easements appurtenant to each apartment  
3 or to be a structural alteration or addition to any  
4 building different in any material respect from the  
5 plans of the project filed in accordance with section  
6 514A-12.

7 (c) Notwithstanding any other provision to the contrary in  
8 this chapter, in the declaration of any project, or in the  
9 bylaws of any association:

10 (1) The board of directors of an association may permit  
11 owners to install antennas for amateur radios in their  
12 apartments or their limited common element;

13 (2) The installation of antennas for amateur radios  
14 approved by the board pursuant to paragraph (1) shall  
15 not be deemed to alter, impair, or diminish the common  
16 interest, elements, and easements appurtenant to each  
17 apartment or to be a structural alteration or addition  
18 to any building different in any material respect from  
19 the plans of the project filed in accordance with  
20 section 514A-12; provided that no installation shall  
21 directly affect any nonconsenting apartment owner; and

1        (3) If a board of directors in its sole discretion denies  
 2        an owner permission to install an antenna for an  
 3        amateur radio in the owner's apartment or limited  
 4        common element, the board shall provide the reasons  
 5        for the denial in writing.

6        [~~e~~] (d) As used in this section:

7        "Directly affect" means the installation of television  
 8        signal distribution and telecommunications equipment in a manner  
 9        which would specially, personally, and adversely affect an  
 10       apartment owner in a manner not common to the apartment owners  
 11       as a whole.

12       "Television signal distribution" and "telecommunications  
 13       equipment" shall be construed in their broadest possible senses  
 14       in order to encompass all present and future forms of  
 15       communications technology."

16       SECTION 2. Section 514B-140, Hawaii Revised Statutes, is  
 17       amended to read as follows:

18       **"§514B-140 Additions to and alterations of condominium.**

19       (a) No unit owner shall do any work that may jeopardize the  
 20       soundness or safety of the property, reduce the value thereof,  
 21       or impair any easement, as reasonably determined by the board.

1           (b) Subject to the provisions of the declaration, no unit  
2 owner may make or allow any material addition or alteration, or  
3 excavate an additional basement or cellar, without first  
4 obtaining the written consent of sixty-seven per cent of the  
5 unit owners, the consent of all unit owners whose units or  
6 appurtenant limited common elements are directly affected, and  
7 the approval of the board, which shall not be unreasonably  
8 [~~withhold such approval.~~] withheld. The declaration may limit  
9 the board's ability to approve or condition a proposed addition  
10 or alteration; provided that the board shall always have the  
11 right to disapprove a proposed addition or alteration that the  
12 board reasonably determines could jeopardize the soundness or  
13 safety of the property, impair any easement, or interfere with  
14 or deprive any nonconsenting owner of the use or enjoyment of  
15 any part of the property.

16           (c) Subject to the provisions of the declaration,  
17 nonmaterial additions to or alterations of the common elements  
18 or units, including, without limitation, additions to or  
19 alterations of a unit made within the unit or within a limited  
20 common element appurtenant to and for the exclusive use of the  
21 unit, shall require approval only by the board, which shall not  
22 unreasonably withhold the approval, and [~~such~~] the percentage,

1 number, or group of unit owners as may be required by the  
2 declaration or bylaws; provided that the installation of solar  
3 energy devices shall be allowed on single-family residential  
4 dwellings or townhouses pursuant to the provisions in section  
5 196-7.

6 As used in this subsection:

7 "Nonmaterial additions and alterations" means an addition  
8 to or alteration of the common elements or a unit that does not  
9 jeopardize the soundness or safety of the property, reduce the  
10 value thereof, impair any easement, detract from the appearance  
11 of the project, interfere with or deprive any nonconsenting  
12 owner of the use or enjoyment of any part of property, or  
13 directly affect any nonconsenting owner.

14 "Solar energy device" means any new identifiable facility,  
15 equipment, apparatus, or the like which makes use of solar  
16 energy for heating, cooling, or reducing the use of other types  
17 of energy dependent upon fossil fuel for its generation;  
18 provided that if the equipment sold cannot be used as a solar  
19 device without its incorporation with other equipment, it shall  
20 be installed in place and be ready to be made operational in  
21 order to qualify as a "solar energy device"; provided further

1 that "solar energy device" shall not include skylights or  
2 windows.

3 "Townhouse" means a series of individual houses, having  
4 architectural unity and a common wall between each unit,  
5 provided that each unit extends from the ground to the roof.

6 (d) Notwithstanding any other provisions to the contrary  
7 in this chapter or in any declaration or bylaws:

8 (1) Regarding the installment of telecommunications  
9 equipment:

10 (A) The board shall have the authority to install or  
11 cause the installation of antennas, conduits,  
12 chases, cables, wires, and other television  
13 signal distribution and telecommunications  
14 equipment upon the common elements of the  
15 project; provided that the same shall not be  
16 installed upon any limited common element without  
17 the consent of the owner or owners of the unit or  
18 units for the use of which the limited common  
19 element is reserved; and

20 (B) The installation of antennas, conduits, chases,  
21 cables, wires, and other television signal  
22 distribution and telecommunications equipment

1           upon the common elements by the board shall not  
2           be deemed to alter, impair, or diminish the  
3           common interest, common elements, and easements  
4           appurtenant to each unit, or to be a structural  
5           alteration or addition to any building  
6           constituting a material change in the plans of  
7           the project filed in accordance with sections  
8           514B-33 and 514B-34; provided that no such  
9           installation shall directly affect any  
10          nonconsenting unit owner; and

11          (2) Regarding the abandonment of telecommunications  
12          equipment:

13           (A) The board shall be authorized to abandon or  
14           change the use of any television signal  
15           distribution and telecommunications equipment due  
16           to technological or economic obsolescence or to  
17           provide an equivalent function by different means  
18           or methods; and

19           (B) The abandonment or change of use of any  
20           television signal distribution or  
21           telecommunications equipment by the board due to  
22           technological or economic obsolescence or to



1 provide an equivalent function by different means  
2 or methods shall not be deemed to alter, impair,  
3 or diminish the common interest, common elements,  
4 and easements appurtenant to each unit or to be a  
5 structural alteration or addition to any building  
6 constituting a material change in the plans of  
7 the project filed in accordance with sections  
8 514B-33 and 514B-34.

9 As used in this subsection:

10 ~~["Directly affect" means the installation of television~~  
11 ~~signal distribution and telecommunications equipment in a manner~~  
12 ~~which would specially, personally, and adversely affect a unit~~  
13 ~~owner in a manner not common to the unit owners as a whole.]~~

14 "Television signal distribution" and "telecommunications  
15 equipment" shall be construed in their broadest possible senses  
16 in order to encompass all present and future forms of  
17 communications technology.

18 (e) Notwithstanding any other provision to the contrary in  
19 this chapter, in the declaration of any project, or in the  
20 bylaws of any association:

1       (1) The board of directors of an association may permit  
2       owners to install antennas for amateur radios in their  
3       apartments or their limited common element;

4       (2) The installation of antennas for amateur radios  
5       approved by the board pursuant to paragraph (1) shall  
6       not be deemed to alter, impair, or diminish the common  
7       interest, elements, and easements appurtenant to each  
8       apartment or to be a structural alteration or addition  
9       to any building different in any material respect from  
10       the plans of the project filed in accordance with  
11       sections 514B-33 and 514B-34; provided that no  
12       installation shall directly affect any nonconsenting  
13       apartment owner; and

14       (3) If a board of directors in its sole discretion denies  
15       an owner permission to install an antenna for an  
16       amateur radio in the owner's apartment or limited  
17       common element, the board shall provide the reasons  
18       for the denial in writing.

19       (f) As used in this section, "directly affect" means the  
20       installation of television signal distribution and  
21       telecommunications equipment in a manner which would specially,

1 personally, and adversely affect a unit owner in a manner not  
2 common to the unit owners as a whole."

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

5 SECTION 4. This Act shall take effect on July 1, 2050.

**Report Title:**

Condominium Property Regimes; HAM Radio Equipment

**Description:**

Allows the board of directors of an association to allow owners to install antennas for amateur radios. Requires a written statement of the reasons for a denial. (SD1)