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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-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



1 quorum at any annual meeting or special meeting called  
2 for that purpose ~~[-]~~; and

3 (3) Projects with more than seventy-five individual units  
4 that include nonresidential units, and more than  
5 twenty-five individual owners shall have an elected  
6 board of at least nine members representing  
7 residential and nonresidential units on the board in  
8 proportion to the number of such units in the project;  
9 provided further that no more than three board members  
10 shall represent nonresidential units; provided further  
11 that this paragraph shall not apply to time share  
12 units.

13 The association may rely on its membership records in  
14 determining whether a unit is owner-occupied. A decrease in the  
15 number of directors shall not deprive an incumbent director of  
16 any remaining term of office.

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



1 shall be in accordance with all applicable requirements and  
2 procedures in the bylaws for the removal and replacement of  
3 directors and, if removal and replacement is to occur at a  
4 special meeting, section 514B-121(b)."

5 SECTION 2. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 3. This Act shall take effect on the three hundred  
8 and sixty-fifth day after the day of its approval.

9

INTRODUCED BY:

*Devin (BE)*

JAN 20 2011



**Report Title:**

Condominium Board of Directors; Membership

**Description:**

Requires proportionate representation of residential and nonresidential units on boards of mixed-use condominiums having more than 75 units and 25 owners. Prohibits cumulative voting when removing and replacing condominium board members.

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

