
A BILL FOR AN ACT

RELATING TO PLANNED COMMUNITY ASSOCIATIONS.

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

1 SECTION 1. Section 421J-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§421J-3~~ **Board of directors.** (a) Every member of
4 the board of directors shall be a member of the association.
5 However, a developer may appoint or elect directors pursuant to
6 any special voting rights or power of appointment reserved to
7 the master developer.

8 (b) The board of directors shall be composed of the number
9 and group of persons specified in the association documents.
10 There shall not be more than one representative on the board of
11 directors from any one unit that is owned by any person other
12 than the master developer or declarant.

13 (c) No director shall serve more than two consecutive
14 terms of office."

15 SECTION 2. Section 421J-4, Hawaii Revised Statutes, is
16 amended by amending subsection (d) to read as follows:

17 "(d) Any board of directors that uses association funds to
18 distribute proxies that include the election of directors shall



1 first post notice of its intent to distribute proxies in
2 prominent locations within the project at least thirty days
3 prior to its distribution of proxies; provided that if the board
4 receives within seven days of the posted notice a request by any
5 owner for nomination to the board accompanied by a statement,
6 the board shall mail to all owners, by certified mail, along
7 with a postage-paid self-addressed envelope, either:

- 8 (1) A proxy form containing the names of all owners who
9 have requested nomination to the board accompanied by
10 their statements; or
- 11 (2) A proxy form containing no names, but accompanied by a
12 list of names of all owners who have requested
13 nomination to the board and their statements[-];
14 provided that proxies shall be used only for
15 determining quorum, and shall not be used for
16 allocating votes to any particular candidate.

17 The statement, which shall be limited to black text on
18 white paper, shall not exceed [~~one hundred words,~~] one single-
19 sided 8-1/2" x 11" page, indicating the owner's qualifications
20 to serve on the board and reasons for wanting to receive
21 proxies. In addition, a questionnaire approved by the board may
22 accompany the notice of intent to distribute proxies. The



1 questionnaire shall not exceed one single-sided 8-1/2" x 11"
2 page and shall be distributed to all board nominees, who shall
3 have at least seven days to complete the questionnaire at their
4 discretion. Responses may be written on the questionnaire or on
5 one side of a separate 8-1/2" x 11" page. The board of
6 directors shall include a nominee's responses to the
7 questionnaire with the documents mailed to all owners under
8 paragraphs (1) and (2), and may print the responses either on
9 the back of the nominee's statement or separately."

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

12 SECTION 4. This Act shall take effect upon its approval.

13

INTRODUCED BY: _____

H. Kashima

JAN 25 2011



Report Title:

Planned Community Associations

Description:

Limits directors to a maximum of 2 consecutive terms of office. Updates guidelines for proxy mailing and proxy forms. Allows inclusion of questionnaire to accompany notice of intent to distribute proxies.

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

