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# A BILL FOR AN ACT

RELATING TO HOUSING.

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

1           SECTION 1. Chapter 421J, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§421J-           Unit owners; compliance with declaration,  
5 covenants, bylaws, and administrative provisions; penalties;

6 liens. (a) Notwithstanding any law to the contrary, a unit  
7 owner who repeatedly disregards communications from the  
8 association regarding the unit owner's noncompliance with  
9 provisions in the declaration, covenants, bylaws, and  
10 administrative provisions of the association shall be fined by  
11 the association not more than \$100 for each violation.

12           (b) Any fees, fines, and charges in excess of \$5,000 that  
13 are imposed for a violation of subsection (a) and are delinquent  
14 shall be a lien upon the unit owner's interest in the unit in  
15 the planned community. The lien may be enforced in any manner  
16 permitted by law, including foreclosure and nonjudicial or power  
17 of sale foreclosure procedures authorized by chapter 667. The



1 association shall be entitled to reasonable attorney's fees and  
2 costs in enforcing the lien.

3 (c) The association shall conform its declaration,  
4 covenants, bylaws, and administrative provisions to comply with,  
5 and implement and enforce this section.

6 (d) Any amounts collected under this section shall be  
7 credited to the account of the association."

8 SECTION 2. Chapter 514A, Hawaii Revised Statutes, is  
9 amended by adding a new section to be appropriately designated  
10 and to read as follows:

11 "§514A- Apartment owners; compliance with declaration,  
12 covenants, bylaws, and administrative provisions; penalties;  
13 liens. (a) Notwithstanding any law to the contrary, an  
14 apartment owner who repeatedly disregards communications from  
15 the association of apartment owners regarding the apartment  
16 owner's noncompliance with the declaration, covenants, bylaws,  
17 and administrative provisions of the association of apartment  
18 owners shall be fined by the association of apartment owners not  
19 more than \$100 for each violation.

20 (b) Any delinquent fees, fines, and charges in excess of  
21 \$5,000 that are imposed for a violation of subsection (a) and  
22 are delinquent shall be a lien upon the interest of the



1 apartment owner in the apartment. The lien may be enforced in  
2 any manner permitted by law, including foreclosure and  
3 nonjudicial or power of sale foreclosure procedures authorized  
4 by chapter 667. The association of apartment owners shall be  
5 entitled to reasonable attorney's fees and costs in enforcing  
6 the lien.

7 (c) The association of apartment owners shall conform its  
8 declaration, covenants, bylaws, and administrative provisions to  
9 comply with, and implement and enforce this section.

10 (d) Any amounts collected under this section shall be  
11 credited to the account of the association of apartment owners."

12 SECTION 3. Chapter 514B, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15 **"§514B- Unit owners; compliance with declaration,**  
16 **covenants, bylaws, and administrative provisions; penalties;**  
17 **liens.** (a) Notwithstanding any law to the contrary, a unit  
18 owner who repeatedly disregards communications from the  
19 association regarding the unit owner's noncompliance with the  
20 declaration, covenants, bylaws, and administrative provisions of  
21 the association shall be fined by the association not more than  
22 \$100 for each violation.



1       (b) Any fees, fines, and charges in excess of \$5,000 that  
2 are imposed for a violation of subsection (a) and are delinquent  
3 shall be a lien upon the interest of the unit owner in the unit.  
4 The lien may be enforced in any manner permitted by law,  
5 including foreclosure and nonjudicial or power of sale  
6 foreclosure procedures authorized by chapter 667. The  
7 association shall be entitled to reasonable attorney's fees and  
8 costs in enforcing the lien.

9       (c) The association shall conform its declaration,  
10 covenants, bylaws, and administrative provisions to comply with,  
11 implement and enforce this section.

12       (d) Any amounts collected under this section shall be  
13 credited to the account of the association."

14       SECTION 4. New statutory material is underscored.

15       SECTION 5. This Act shall take effect on July 1, 2012.



**Report Title:**

Housing; Condominiums; Planned Community Associations; Lien

**Description:**

Requires any unit owner to comply with the declaration, covenants, bylaws, and administrative provisions of the association of owners. Establishes penalties and liens for violating the requirements of the association. Requires the association to establish rules to implement and enforce the requirements. Effective July 1, 2012. (HB2721 HD1)

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

