
A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1 SECTION 1. Section 514B-142, Hawaii Revised Statutes, is
2 amended by amending subsections (b) and (c) to read as follows:

3 "(b) Upon a report, observation, or complaint relating to
4 an elderly or disabled unit owner or resident aging or aging in
5 place or living independently with a physical or mental
6 disability or disabling condition, which notes a problem similar
7 in nature to the problems enumerated in subsection (a), the
8 board, in good faith, and without legal responsibility or
9 liability, whether or not under the rule of respondeat superior
10 or other theory of liability, may [~~request~~]:

11 (1) Request a functional assessment regarding the
12 condition of an elderly or disabled unit owner or
13 resident as well as recommendations for services from
14 mental health or medical practitioners, governmental
15 agencies responsible for adult protective services, or
16 non-profit or for-profit service entities

17 [~~which the elderly or disabled unit owner or resident may~~
18 ~~require to maintain a level of independence that enables the~~



1 ~~owner or resident to avoid any harm to self or to others, and to~~
2 ~~avoid disruption to the condominium community; provided that~~
3 ~~when a functional assessment is requested by the board, the unit~~
4 ~~owner or resident shall be deemed to be the client of the person~~
5 ~~or entity conducting the functional assessment. The board,~~
6 ~~upon request or unilaterally, and without legal responsibility~~
7 ~~or liability, may recommend];~~

8 (2) Recommend available services, including assistance
9 from state or county agencies and non-profit or for-
10 profit service entities, to an elderly or disabled
11 unit owner or resident

12 ~~[which may enable the elderly or disabled unit owner or resident~~
13 ~~to maintain a level of independent living with assistance,~~
14 ~~enabling in turn, the elderly or disabled unit owner or resident~~
15 ~~to avoid any harm to self or others, and to avoid disruption to~~
16 ~~the condominium community.]; or~~

17 (3) Employ a nurse licensed, and in the case of an
18 advanced practice registered nurse, recognized under
19 chapter 457, to provide services to an elderly or
20 disabled unit owner or resident,

21 which may enable the elderly or disabled unit owner or resident
22 to maintain a level of independent living with assistance,



1 enabling in turn, the elderly or disabled unit owner or resident
2 to avoid any harm to self or others, and to avoid disruption to
3 the condominium community; provided that when a functional
4 assessment is requested by the board, the unit owner or resident
5 shall be deemed to be the client of the person or entity
6 conducting the functional assessment.

7 (c) There is no affirmative duty on the part of the
8 association, its board, the unit owners, or residents, or their
9 agents or tenants, to request or require an assessment and
10 recommendations or obtain services with respect to an elderly or
11 disabled unit owner or resident when the elderly or disabled
12 unit owner or resident may be experiencing the problems related
13 to aging and aging in place or living independently with a
14 physical or mental disability or disabling condition enumerated
15 in subsection (a). The association, its board, unit owners, or
16 residents, and their agents and tenants, shall not be legally
17 responsible or liable for not requesting or declining to request
18 a functional assessment of, and recommendations for, or not
19 obtaining services for, an elderly or disabled unit owner or
20 resident regarding problems relating to aging and aging in place
21 or living independently with a physical or mental disability or
22 disabling condition."



H.B. NO. 643

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

3 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Condominium Board Liability Limitation; Nurses; Aging in Place

Description:

Allows a condominium board, in good faith, and without legal responsibility or liability, to employ a nurse to provide services to an elderly or disabled unit resident which may allow the resident to live safely and independently and avoid disruption to the condominium community.

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