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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-110, Hawaii Revised Statutes, is  
2 amended by amending subsection (h) to read as follows:

3 "(h) This section shall not preclude the removal and  
4 replacement of any one or more members of the board pursuant to  
5 section 514B-106(f) [-]; provided that any director elected by a  
6 class of unit owners may be removed or replaced only by a vote  
7 of a majority of the common interest represented by that class.  
8 Any removal and replacement shall not affect the proportionate  
9 composition of the board as prescribed in the bylaws as amended  
10 pursuant to this section."

11 SECTION 2. Section 514B-123, Hawaii Revised Statutes, is  
12 amended by amending subsection (c) to read as follows:

13 "(c) No votes allocated to a unit owned by the association  
14 may be cast for the election or reelection of directors [-];  
15 provided that, notwithstanding section 514B-106(b) or any  
16 provision in an association's declaration or bylaws to the  
17 contrary, in a mixed-use project containing units for  
18 residential and nonresidential use, if directors representing



1 residential units are elected by owners of residential units and  
2 directors representing nonresidential units are elected by  
3 owners of nonresidential units, the votes allocated to any  
4 nonresidential unit owned by the association may be cast for the  
5 election or reelection of directors by the association, acting  
6 by and through the association's board of directors."

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 Statutory material to be repealed is bracketed  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

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

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**Report Title:**

Condominium; Associations; Board of Directors; Mixed-use  
Projects; Elections

**Description:**

Clarifies that the removal or replacement of a director elected by a class of unit owners shall be by a majority of only the members of that class. Authorizes an association to cast a vote for the election or reelection of directors when the association owns a nonresidential unit in a mixed-use condominium project in which the directors representing residential units are elected by owners of residential units and the directors representing nonresidential units are elected by owners of nonresidential units. (SD1)

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

