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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 any provision in an association's  
16 declaration or bylaws to the contrary, in a mixed-use project  
17 containing units for both residential and nonresidential use, if  
18 directors representing residential units are elected by owners



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

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 Statutory material to be repealed is bracketed  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

8 SECTION 4. This Act shall take effect upon its approval.  
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**Report Title:**

Condominiums; Associations; Board of Directors; Elections

**Description:**

Authorizes the association to cast a vote for the board 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 directors representing nonresidential units are elected by owners of nonresidential units. Requires that a member of a condominium board of directors that is elected by a class of owners only be removed by a vote of a majority of the common interest represented by that class.  
(Proposed SD1)

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

