
A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1 **PART I**

2 SECTION 1. Section 514B-154.5, Hawaii Revised Statutes, is
3 amended by amending subsection (a) to read as follows:

4 "(a) Notwithstanding any other provision in the
5 declaration, bylaws, or house rules, if any, the following
6 documents, records, and information, whether maintained, kept,
7 or required to be provided pursuant to this section or section
8 514B-152, 514B-153, or 514B-154, shall be made available to any
9 unit owner and the owner's authorized agents by the managing
10 agent, resident manager, board through a board member, or the
11 association's representative:

12 (1) All financial and other records sufficiently detailed
13 in order to comply with requests for information and
14 disclosures related to the resale of units;

15 (2) An accurate copy of the declaration, bylaws, house
16 rules, if any, master lease, if any, a sample original



- 1 conveyance document, and all public reports and any
2 amendments thereto;
- 3 (3) Detailed, accurate records in chronological order of
4 the receipts and expenditures affecting the common
5 elements, specifying and itemizing the maintenance and
6 repair expenses of the common elements and any other
7 expenses incurred and monthly statements indicating
8 the total current delinquent dollar amount of any
9 unpaid assessments for common expenses;
- 10 (4) All records and the vouchers authorizing the payments
11 and statements kept and maintained at the address of
12 the project, or elsewhere within the State as
13 determined by the board, subject to section 514B-152;
- 14 (5) All signed and executed agreements for managing the
15 operation of the property, expressing the agreement of
16 all parties, including but not limited to financial
17 and accounting obligations, services provided, and any
18 compensation arrangements, including any subsequent
19 amendments;
- 20 (6) An accurate and current list of members of the
21 condominium association and the members' current



1 addresses and the names and addresses of the vendees
2 under an agreement of sale, if any. A copy of the
3 list shall be available, at cost, to any unit owner or
4 owner's authorized agent who furnishes to the managing
5 agent, resident manager, or the board a duly executed
6 and acknowledged affidavit stating that the list:

7 (A) Shall be used by the unit owner or owner's
8 authorized agent personally and only for the
9 purpose of soliciting votes or proxies or for
10 providing information to other unit owners with
11 respect to association matters; and

12 (B) Shall not be used by the unit owner or owner's
13 authorized agent or furnished to anyone else for
14 any other purpose;

15 (7) The association's most current financial statement, at
16 no cost or on twenty-four-hour loan, at a convenient
17 location designated by the board;

18 (8) Meeting minutes of the association, pursuant to
19 section 514B-122;

20 (9) Meeting minutes of the board, pursuant to section
21 514B-126, which shall be:



- 1 (A) Available for examination by unit owners or
- 2 owners' authorized agents at no cost or on
- 3 twenty-four-hour loan at a convenient location at
- 4 the project, to be determined by the board; or
- 5 (B) Transmitted to any unit owner or owner's
- 6 authorized agent making a request for the minutes
- 7 within fifteen days of receipt of the request by
- 8 the owner or owner's authorized agent; provided
- 9 that:
- 10 (i) The minutes shall be transmitted by mail,
- 11 electronic mail transmission, or facsimile,
- 12 by the means indicated by the owner or
- 13 owner's authorized agent, if the owner or
- 14 owner's authorized agent indicated a
- 15 preference at the time of the request; and
- 16 (ii) The owner or owner's authorized agent shall
- 17 pay a reasonable fee for administrative
- 18 costs associated with handling the request,
- 19 subject to section 514B-105(d);
- 20 (10) Financial statements, general ledgers, the accounts
- 21 receivable ledger, accounts payable ledgers, check



1 ledgers, insurance policies, contracts, and invoices
2 of the association for the duration those records are
3 kept by the association, and any documents regarding
4 delinquencies of ninety days or more shall be
5 available for examination by unit owners or owners'
6 authorized agents at convenient hours at a place
7 designated by the board; provided that:

8 (A) The board may require unit owners or owners'
9 authorized agents to furnish to the association a
10 duly executed and acknowledged affidavit stating
11 that the information is requested in good faith
12 for the protection of the interests of the
13 association, its members, or both; and

14 (B) Unit owners or owners' authorized agents shall
15 pay for administrative costs in excess of eight
16 hours per year;

17 (11) Proxies, tally sheets, ballots, unit owners' check-in
18 lists, and the certificate of election subject to
19 section 514B-154(c);

20 (12) Copies of an association's documents, records, and
21 information, whether maintained, kept, or required to

- 1 be provided pursuant to this section or section
2 514B-152, 514B-153, or 514B-154;
- 3 (13) A copy of the management contract from the entity that
4 manages the operation of the property before the
5 organization of an association; [~~and~~]
- 6 (14) Other documents requested by a unit owner or owner's
7 authorized agent in writing; provided that the board
8 shall give written authorization or written refusal
9 with an explanation of the refusal within thirty
10 calendar days of receipt of a request for documents
11 pursuant to this paragraph[-]; and
- 12 (15) A copy of any contract between the association and the
13 general manager or resident manager, as the case may
14 be; provided that personal information may be redacted
15 from the contract copy, including but not limited to
16 the manager's date of birth, age, signature, social
17 security number, residence address, telephone number,
18 non-business electronic mail address, driver's license
19 number, Hawaii identification card number, bank
20 account number, credit or debit card number, access
21 code or password that would permit access to the



- 1 (1) Clarify that the removal or replacement of a director
2 elected by a class of unit owners shall be by a
3 majority of only the members of that class; and
- 4 (2) Specify that for an election in a mixed-use
5 condominium project where directors are elected by
6 different classes of owners, an association is
7 permitted to cast a vote or votes allocated to any
8 nonresidential unit owned by the association where
9 those eligible to vote in the election are limited to
10 owners of one or more nonresidential units, including
11 the nonresidential unit owned by the association.

12 SECTION 3. Section 514B-110, Hawaii Revised Statutes, is
13 amended by amending subsection (h) to read as follows:

14 "(h) This section shall not preclude the removal and
15 replacement of any one or more members of the board pursuant to
16 section 514B-106(f) [-]; provided that any director elected by a
17 class of unit owners may be removed or replaced only by a vote
18 of a majority of the common interest represented by that class.
19 Any removal and replacement shall not affect the proportionate
20 composition of the board as prescribed in the bylaws as amended
21 pursuant to this section."



1 SECTION 4. Section 514B-123, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) No votes allocated to a unit owned by the association
4 may be cast for the election or reelection of directors[-];
5 provided that, notwithstanding section 514B-106(b) or any
6 provision in an association's declaration or bylaws to the
7 contrary, in a mixed-use project containing units for
8 residential and nonresidential use, where the board is comprised
9 of directors elected by owners of residential units and
10 directors elected by owners of nonresidential units, the
11 association, acting by and through its board, may cast the vote
12 or votes allocated to any nonresidential unit owned by the
13 association in any election of one or more directors where those
14 eligible to vote in the election are limited to owners of one or
15 more nonresidential units, which includes the nonresidential
16 unit owned by the association."

17 PART III

18 SECTION 5. Section 514A-11, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "§514A-11 Recordation and contents of declaration. The
21 bureau of conveyances and the land court shall immediately set



1 up the mechanics and method by which recordation of a master
2 deed or lease and the declaration may be made. Provisions shall
3 be made for the recordation of instruments affecting the
4 individual apartments on subsequent resales, mortgages, and
5 other encumbrances, as is done with all other real estate
6 recordations; provided that land court certificates of title
7 shall not be issued for apartments. The declaration to which
8 section 514A-20 refers shall express the following particulars:

- 9 (1) Description of the land, whether leased or in fee
10 simple, on which the building or buildings and
11 improvements are or are to be located;
- 12 (2) Description of the building or buildings, stating the
13 number of stories and basements, the number of
14 apartments, and the principal materials of which it or
15 they is or are constructed or to be constructed;
- 16 (3) The apartment number of each apartment, and a
17 statement of its location, approximate area, number of
18 rooms, immediate common element to which it has
19 access, designated parking stall if considered a
20 limited common element, and any other data necessary
21 for its proper identification;



- 1 (4) Description of the common elements;
- 2 (5) Description of the limited common elements, if any,
3 stating to which apartments their use is reserved;
- 4 (6) The percentage of undivided interest in the common
5 elements appertaining to each apartment and its owner
6 for all purposes, including voting;
- 7 (7) Statement of the purposes for which the building or
8 buildings and each of the apartments are intended and
9 restricted as to use;
- 10 (8) The name of a person to receive service of process in
11 the cases hereinafter provided, together with the
12 residence or place of business of the person which
13 shall be within the county in which the property is
14 located;
- 15 (9) Provision as to the percentage of votes by the
16 apartment owners which shall be determinative of
17 whether to rebuild, repair, or restore the property in
18 the event of damage or destruction of all or part of
19 the property;



- 1 (10) Any further details in connection with the property
2 that the person executing the declaration may deem
3 desirable to set forth consistent with this chapter;
- 4 (11) The method by which the declaration may be amended,
5 consistent with this chapter; provided that an
6 amendment to the declarations of all condominium
7 projects existing as of May 22, 1991, and all
8 condominium projects created thereafter shall require
9 [a], after any proposed amendment, rationale, and
10 ballots for voting are mailed by the board to the
11 apartment owners at the expense of the association of
12 apartment owners for vote or written consent, the vote
13 or written consent of seventy-five per cent of all
14 apartment owners[7]; provided further that for
15 amendments to the declaration of a condominium project
16 that are not of a material adverse nature to owners or
17 do not imperil the viability or stability of the
18 association of apartment owners, the following shall
19 apply:



- 1 (A) To be valid, the vote or written consent must be
2 obtained within three hundred sixty-five days
3 after the mailing;
- 4 (B) Voting shall cease if the required approval is
5 obtained prior to the passage of three hundred
6 sixty-five days after the mailing, upon which the
7 proposed amendment shall be duly adopted, or if a
8 sufficient percentage have voted in the negative
9 so that passage is unobtainable; and
- 10 (C) If at least seventy-five per cent approval of all
11 apartment owners is not obtained by the three
12 hundred sixty-fifth day after the mailing, then
13 the amendment shall be duly adopted if at least
14 seventy-five per cent of those apartment owners
15 who voted approved the amendment;
- 16 except as otherwise provided in this chapter; provided
17 further that the declarations of condominium projects
18 having five or fewer apartments may provide for the
19 amendment thereof by a vote or written consent of more
20 than seventy-five per cent of all apartment owners;



- 1 (12) Description as to any additions, deletions,
2 modifications, and reservations as to the property,
3 including without limitation provisions concerning the
4 merger or addition of later phases of the project. To
5 the extent provided in the declaration, an amendment
6 to the declaration that is made to implement those
7 additions, deletions, modifications, reservations, or
8 merger provisions shall require the vote or written
9 consent of only the declarant or such percentage of
10 apartment owners as is provided in the declaration;
11 and
- 12 (13) A declaration subject to the penalties set forth in
13 section 514A-49(b) that the condominium property
14 regime is in compliance with all zoning and building
15 ordinances and codes, and all other permitting
16 requirements pursuant to section 514A-1.6, and
17 specifying in the case of a property which includes
18 one or more existing structures being converted to
19 condominium status:
- 20 (A) Any variances which have been granted to achieve
21 such compliance; and



1 (B) Whether, as the result of the adoption or
 2 amendment of any ordinances or codes, the project
 3 presently contains any legal non-conforming uses
 4 or structures;
 5 except that a property that is registered pursuant to
 6 section 514A-31 shall instead provide this declaration
 7 pursuant to [+]section[+] 514A-40."

8 SECTION 6. Section 514A-82, Hawaii Revised Statutes, is
 9 amended by amending subsection (b) to read as follows:

10 "(b) In addition to the requirements of subsection (a), the
 11 bylaws shall be consistent with the following provisions:

12 (1) At any regular or special meeting of the apartment
 13 owners, any one or more members of the board of
 14 directors may be removed by the apartment owners and
 15 successors shall then and there be elected for the
 16 remainder of the term to fill the vacancies thus
 17 created. The removal and replacement shall be by a
 18 vote of a majority of the apartment owners and,
 19 otherwise, in accordance with all applicable
 20 requirements and procedures in the bylaws for the
 21 removal and replacement of directors. If removal and



1 replacement is to occur at a special association
2 meeting, the call for the meeting shall be by the
3 president or by a petition to the secretary or
4 managing agent signed by not less than twenty-five per
5 cent of the apartment owners as shown in the
6 association's record of ownership; provided that if
7 the secretary or managing agent shall fail to send out
8 the notices for the special meeting within fourteen
9 days of receipt of the petition, then the petitioners
10 shall have the authority to set the time, date, and
11 place for the special meeting and to send out the
12 notices for the special meeting in accordance with the
13 requirements of the bylaws. Except as otherwise
14 provided in this section, the meeting for the removal
15 and replacement from office of directors shall be
16 scheduled, noticed, and conducted in accordance with
17 the bylaws of the association;

18 (2) The bylaws may be amended at any time by the vote or
19 written consent of sixty-five per cent of all
20 apartment owners; provided that:



- 1 (A) Each one of the particulars set forth in this
2 subsection shall be embodied in the bylaws
3 always; [~~and~~]
- 4 (B) Any proposed bylaws with the rationale for the
5 proposal may be submitted by the board of
6 directors or by a volunteer apartment owners'
7 committee. If submitted by that committee, the
8 proposal shall be accompanied by a petition
9 signed by not less than twenty-five per cent of
10 the apartment owners as shown in the
11 association's record of ownership. The proposed
12 bylaws, rationale, and ballots for voting on any
13 proposed bylaw shall be mailed by the board of
14 directors to the owners at the expense of the
15 association for vote or written consent without
16 change within thirty days of the receipt of the
17 petition by the board of directors[~~-~~];
- 18 (C) The vote or written consent required to adopt the
19 proposed bylaw shall not be less than sixty-five
20 per cent of all apartment owners; provided that
21 for a proposed bylaw that is not of a material



1 adverse nature to apartment owners or does not
2 imperil the viability or stability of the
3 association of apartment owners, if at least
4 sixty-five per cent approval of all apartment
5 owners is not obtained by the three hundred
6 sixty-fifth day after the mailing, then the
7 proposed bylaw shall be duly adopted if at least
8 sixty-five per cent of those apartment owners who
9 voted approved the bylaw;

10 (D) To be valid, the vote or written consent must be
11 obtained within three hundred sixty-five days
12 after mailing for a proposed bylaw submitted by
13 either the board of directors or a volunteer
14 apartment owners' committee[-]; provided further
15 that for a proposed bylaw that is not of a
16 material adverse nature to apartment owners or
17 does not imperil the viability or stability of
18 the association of apartment owners, voting shall
19 cease if the required approval is obtained prior
20 to the passage of three hundred sixty-five days
21 after the mailing, upon which the proposed bylaw



1 shall be duly adopted, or if a sufficient
2 percentage have voted in the negative so that
3 passage is unobtainable;

4 (E) If the bylaw is duly adopted, then the board
5 shall cause the bylaw amendment to be recorded in
6 the bureau of conveyances or filed in the land
7 court, as the case may be [-]; and

8 (F) The volunteer apartment owners' committee shall
9 be precluded from submitting a petition for a
10 proposed bylaw that is substantially similar to
11 that which has been previously mailed to the
12 owners within one year after the original
13 petition was submitted to the board.

14 This paragraph shall not preclude any apartment owner
15 or voluntary apartment owners' committee from
16 proposing any bylaw amendment at any annual
17 association meeting;

18 (3) Notices of association meetings, whether annual or
19 special, shall be sent to each member of the
20 association of apartment owners at least fourteen days
21 prior to the meeting and shall contain at least:



- 1 (A) The date, time, and place of the meeting;
- 2 (B) The items on the agenda for the meeting; and
- 3 (C) A standard proxy form authorized by the
- 4 association, if any;
- 5 (4) No resident manager or managing agent shall solicit,
- 6 for use by the manager or managing agent, any proxies
- 7 from any apartment owner of the association of owners
- 8 that employs the resident manager or managing agent,
- 9 nor shall the resident manager or managing agent cast
- 10 any proxy vote at any association meeting except for
- 11 the purpose of establishing a quorum. Any board of
- 12 directors that intends to use association funds to
- 13 distribute proxies, including the standard proxy form
- 14 referred to in paragraph (3), shall first post notice
- 15 of its intent to distribute proxies in prominent
- 16 locations within the project at least thirty days
- 17 prior to its distribution of proxies; provided that if
- 18 the board receives within seven days of the posted
- 19 notice a request by any owner for use of association
- 20 funds to solicit proxies accompanied by a statement,
- 21 the board shall mail to all owners either:



- 1 (A) A proxy form containing the names of all owners
2 who have requested the use of association funds
3 for soliciting proxies accompanied by their
4 statements; or
- 5 (B) A proxy form containing no names, but accompanied
6 by a list of names of all owners who have
7 requested the use of association funds for
8 soliciting proxies and their statements.
- 9 The statement shall not exceed one hundred words,
10 indicating the owner's qualifications to serve on the
11 board and reasons for wanting to receive proxies;
- 12 (5) A director who has a conflict of interest on any issue
13 before the board shall disclose the nature of the
14 conflict of interest prior to a vote on that issue at
15 the board meeting, and the minutes of the meeting
16 shall record the fact that a disclosure was made;
- 17 (6) The apartment owners shall have the irrevocable right,
18 to be exercised by the board of directors, to have
19 access to each apartment from time to time during
20 reasonable hours as may be necessary for the operation
21 of the property or for making emergency repairs



- 1 therein necessary to prevent damage to the common
2 elements or to another apartment or apartments;
- 3 (7) An owner shall not act as an officer of an association
4 and an employee of the managing agent employed by the
5 association;
- 6 (8) An association's employees shall not engage in selling
7 or renting apartments in the condominium in which they
8 are employed except association-owned units, unless
9 such activity is approved by an affirmative vote of
10 sixty-five per cent of the membership;
- 11 (9) The board of directors shall meet at least once a
12 year. Whenever practicable, notice of all board
13 meetings shall be posted by the resident manager or a
14 member of the board in prominent locations within the
15 project seventy-two hours prior to the meeting or
16 simultaneously with notice to the board of directors;
- 17 (10) Directors shall not expend association funds for their
18 travel, directors' fees, and per diem, unless owners
19 are informed and a majority approve of these expenses;
- 20 (11) Associations at their own expense shall provide all
21 board members with a current copy of the association's



1 declaration, bylaws, house rules, and, annually, a
2 copy of this chapter with amendments;

3 (12) The directors may expend association funds, which
4 shall not be deemed to be compensation to the
5 directors, to educate and train themselves in subject
6 areas directly related to their duties and
7 responsibilities as directors; provided that the
8 approved annual operating budget shall include these
9 expenses as separate line items. These expenses may
10 include registration fees, books, videos, tapes, other
11 educational materials, and economy travel expenses.
12 Except for economy travel expenses within the State,
13 all other travel expenses incurred under this
14 subsection shall be subject to the requirements of
15 paragraph (10);

16 (13) A lien created pursuant to section 514A-90 may be
17 enforced by the association in any manner permitted by
18 law, including nonjudicial or power of sale
19 foreclosure procedures authorized by chapter 667; and

20 (14) If the bylaws provide for cumulative voting by the
21 owners, the owners may so vote if an owner gives



1 notice of the owner's intent to cumulatively vote
2 before voting commences.

3 The provisions of this subsection shall be deemed incorporated
4 into the bylaws of all condominium projects existing as of
5 January 1, 1988, and all condominium projects created after that
6 date."

7 SECTION 7. Section 514B-23, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§514B-23 Amendments to governing instruments. (a) The
10 declaration, bylaws, condominium map, or other constituent
11 documents of any condominium created before July 1, 2006 may be
12 amended to achieve any result permitted by this chapter,
13 regardless of what applicable law provided before July 1, 2006.

14 (b) An amendment to the declaration, bylaws, condominium
15 map or other constituent documents authorized by this section
16 may be adopted by the vote or written consent of a majority of
17 the unit owners; provided that for amendments to the
18 declaration, bylaws, condominium map, or other constituent
19 documents that are not of a material adverse nature to unit
20 owners or do not imperil the viability or stability of the
21 association, the following shall apply:



- 1 (1) If majority approval is not obtained by the three
2 hundred sixty-fifth day after the mailing required by
3 this subsection, then the proposed amendment shall be
4 duly adopted if at least a majority of the unit owners
5 who voted approved the amendment;
- 6 (2) Any proposed amendments, rationale, and ballots for
7 voting shall be mailed by the board to the owners at
8 the expense of the association for vote or written
9 consent;
- 10 (3) To be valid, the vote or written consent must be
11 obtained within three hundred sixty-five days after
12 mailing; and
- 13 (4) Voting shall cease if the required approval is
14 obtained prior to the passage of three hundred sixty-
15 five days, upon which the proposed amendment shall be
16 duly adopted, or if a sufficient percentage have voted
17 in the negative so that passage is unobtainable;
- 18 provided that any amendment adopted pursuant to this section
19 shall not invalidate the reserved rights of a developer. If an
20 amendment grants to any person any rights, powers, or privileges
21 permitted by this chapter, all correlative obligations,



1 liabilities, and restrictions in this chapter also apply to that
2 person."

3 SECTION 8. Section 514B-32, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) A declaration shall describe or include the
6 following:

- 7 (1) The land submitted to the condominium property regime;
- 8 (2) The number of the condominium map filed concurrently
9 with the declaration;
- 10 (3) The number of units in the condominium property
11 regime;
- 12 (4) The unit number of each unit and common interest
13 appurtenant to each unit;
- 14 (5) The number of buildings and projects in the
15 condominium property regime, and the number of stories
16 and units in each building;
- 17 (6) The permitted and prohibited uses of each unit;
- 18 (7) To the extent not shown on the condominium map, a
19 description of the location and dimensions of the
20 horizontal and vertical boundaries of any unit. Unit
21 boundaries may be defined by physical structures or,



- 1 if a unit boundary is not defined by a physical
2 structure, by spatial coordinates;
- 3 (8) The condominium property regime's common elements;
- 4 (9) The condominium property regime's limited common
5 elements, if any, and the unit or units to which each
6 limited common element is appurtenant;
- 7 (10) The total percentage of the common interest that is
8 required to approve rebuilding, repairing, or
9 restoring the condominium property regime if it is
10 damaged or destroyed;
- 11 (11) The total percentage of the common interest, and any
12 other approvals or consents, that are required to
13 amend the declaration. Except as otherwise
14 specifically provided in this chapter, and except for
15 any amendments made pursuant to reservations set forth
16 in paragraph (12), [~~the approval of the owners of at
17 least sixty seven per cent of the common interest
18 shall be required for~~] all amendments to the
19 declaration[?] shall require, after any proposed
20 amendment, rationale, and ballots for voting are
21 mailed by the board to the owners at the expense of



1 the association for vote or written consent, the vote
2 or written consent of sixty-seven per cent of all unit
3 owners; provided that for amendments to the
4 declaration that are not of a material adverse nature
5 to unit owners or do not imperil the viability or
6 stability of the association, the following shall
7 apply:

8 (A) To be valid, the vote or written consent must be
9 obtained within three hundred sixty-five days
10 after the mailing;

11 (B) Voting shall cease if the required approval is
12 obtained prior to the passage of three hundred
13 sixty-five days after the mailing, upon which the
14 proposed amendment shall be duly adopted, or if a
15 sufficient percentage have voted in the negative
16 so that passage is unobtainable; and

17 (C) If at least sixty-seven per cent approval of all
18 unit owners is not obtained by the three hundred
19 sixty-fifth day after the mailing, then the
20 amendment shall be duly adopted if at least



1 sixty-seven per cent of those unit owners who
2 voted approved the amendment;

3 (12) Any rights that the developer or others reserve
4 regarding the condominium property regime, including,
5 without limitation, any development rights, and any
6 reservations to modify the declaration or condominium
7 map. An amendment to the declaration made pursuant to
8 the exercise of those reserved rights shall require
9 only the consent or approval, if any, specified in the
10 reservation; and

11 (13) A declaration, subject to the penalties set forth in
12 section 514B-69(b), that the condominium property
13 regime is in compliance with all zoning and building
14 ordinances and codes, and all other permitting
15 requirements pursuant to section 514B-5 and chapter
16 205, including section 205-4.6 where applicable. In
17 the case of a project in the agricultural district
18 classified pursuant to chapter 205, the declaration,
19 subject to the penalties set forth in section
20 514B-69(b), shall include an additional statement that
21 there are no private restrictions limiting or



1 prohibiting agricultural uses or activities in
2 compliance with section 205-4.6. In the case of a
3 property that includes one or more existing structures
4 being converted to condominium property regime status,
5 the declaration required by this section shall
6 specify:

7 (A) Any variances that have been granted to achieve
8 the compliance; and

9 (B) Whether, as the result of the adoption or
10 amendment of any ordinances or codes, the project
11 presently contains any legal nonconforming
12 conditions, uses, or structures.

13 A property that is registered pursuant to section
14 514B-51 shall instead provide the required declaration
15 pursuant to section 514B-54. If a developer is
16 converting a structure to condominium property regime
17 status and the structure is not in compliance with all
18 zoning and building ordinances and codes, and all
19 other permitting requirements pursuant to section
20 514B-5, and the developer intends to use purchaser's
21 funds pursuant to the requirements of section 514B-92



1 or 514B-93 to cure the violation or violations, then
2 the declaration required by this paragraph may be
3 qualified to identify with specificity each violation
4 and the requirement to cure the violation by a date
5 certain."

6 SECTION 9. Section 514B-108, Hawaii Revised Statutes, is
7 amended by amending subsection (e) to read as follows:

8 "(e) The bylaws may be amended at any time by the vote or
9 written consent of at least sixty-seven per cent of all unit
10 owners[-]; provided that for amendments to the bylaws that are
11 not of a material adverse nature to unit owners or do not
12 imperil the viability or stability of the association, if at
13 least sixty-seven per cent approval of all unit owners is not
14 obtained by the three hundred sixty-fifth day after the mailing
15 required by this subsection, then the proposed bylaw shall be
16 duly adopted if at least sixty-seven per cent of those unit
17 owners who voted approved the bylaw. Any proposed bylaws
18 together with the detailed rationale for the proposal may be
19 submitted by the board or by a volunteer unit owners group. If
20 submitted by that group, the proposal shall be accompanied by a
21 petition signed by not less than twenty-five per cent of the



1 unit owners as shown in the association's record of ownership.
2 The proposed bylaws, rationale, and ballots for voting on any
3 proposed bylaw shall be mailed by the board to the owners at the
4 expense of the association for vote or written consent without
5 change within thirty days of the receipt of the petition by the
6 board. The vote or written consent, to be valid, must be
7 obtained within three hundred sixty-five days after mailing for
8 a proposed bylaw submitted by either the board or a volunteer
9 unit owners group. For proposed bylaws that are not of a
10 material adverse nature to unit owners or do not imperil the
11 viability or stability of the association, voting shall cease if
12 the required approval is obtained prior to the passage of three
13 hundred sixty-five days, upon which the proposed bylaw shall be
14 duly adopted, or if a sufficient percentage have voted in the
15 negative so that passage is unobtainable. If the bylaw is duly
16 adopted, the board shall cause the bylaw amendment to be
17 recorded. The volunteer unit owners group shall be precluded
18 from submitting a petition for a proposed bylaw that is
19 substantially similar to that which has been previously mailed
20 to the owners within three hundred sixty-five days after the
21 original petition was submitted to the board.



Report Title:

Condominium Associations; Contracts; Resident Managers; General Managers; Owners; Board of Directors; Mixed-use Projects; Elections; Governing Instruments; Declarations; Bylaws; Votes

Description:

Part I: requires copies of contracts between the association and the resident manager or general manager to be made available to any unit owner, and allows certain personal information to be redacted from the contracts. Part II: clarifies that in cases where the removal or replacement of a director elected by a class of unit owners is authorized, such removal or replacement may be by a majority of only the members of that class; and specifies that, for an election in a mixed-use condominium project where directors are elected by different classes of owners, an association may cast the vote or votes allocated to any nonresidential unit owned by the association where those eligible to vote in the election are limited to owners of one or more nonresidential units, including the nonresidential unit owned by the association. Part III: clarifies the procedures to amend condominium association declarations, bylaws, and other governing instruments that are not of a material adverse nature to condominium owners or do not imperil the viability or stability of the condominium association. Effective 7/1/2050.
(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.

