
A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1 SECTION 1. The legislature urges all of the State's
2 residents to be prepared for emergencies and disasters,
3 including the significant number who live in condominium units.
4 Although condominium residents would benefit from the
5 development of disaster preparedness plans that help ensure
6 safety during emergencies, the legislature finds that not all
7 condominium properties have disaster preparedness plans in
8 place.

9 The purpose of this Act is to require the creation of
10 adequate disaster preparedness plans for condominium properties.

11 SECTION 2. Chapter 514B, Hawaii Revised Statutes, is
12 amended by adding a new section to part III to be appropriately
13 designated and to read as follows:

14 "§514B-A Disaster preparedness plan to accompany
15 declaration. (a) A disaster preparedness plan shall accompany
16 each declaration for a new condominium property regime submitted
17 for recordation after December 31, 2019.



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1 (b) Each disaster preparedness plan shall conform to the
2 requirements of section 514B-B(b)."

3 SECTION 3. Chapter 514B, Hawaii Revised Statutes, is
4 amended by adding a new section to part VI, subpart C, to be
5 appropriately designated and to read as follows:

6 "§514B-B Disaster preparedness plan; existing condominium
7 property regimes. (a) Each managing agent retained by a
8 condominium property regime created before January 1, 2020, for
9 the management of condominium property shall prepare a disaster
10 preparedness plan for the condominium property regime before
11 January 1, 2020.

12 (b) Each disaster preparedness plan, at minimum, shall:

- 13 (1) Provide for the safe exit of persons from the
14 condominium property regime in the event of a
15 disaster, including persons who have impaired
16 mobility, are disabled, or have special medical needs;
- 17 (2) Provide one or more options for alternative shelter in
18 the event of a disaster for persons residing or
19 occupying the condominium property regime;
- 20 (3) Include plans to provide food for individuals who are
21 unable to return to their condominium units for



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1 extended periods of time as a result of a disaster;

2 and

3 (4) As necessary, include procedures that are appropriate
4 for different types of disasters.

5 (c) A managing agent shall not be required to prepare a
6 disaster preparedness plan pursuant to this section if a
7 previous managing agent or the association previously created a
8 disaster preparedness plan for the condominium property regime.

9 (d) A managing agent that prepares a disaster preparedness
10 plan pursuant to this section shall be immune from suit and
11 liability for any claim for damage to or loss of property or
12 personal injury or other civil liability caused or arising out
13 of any actual or alleged act, error, or omission with respect to
14 the plan or any execution of the plan; provided that the actual
15 or alleged act, error, or omission did not result from gross
16 negligence or intentional wrongdoing on the part of the managing
17 agent.

18 (e) For the purposes of this section, "disaster" means any
19 emergency, or imminent threat thereof, that results or is likely
20 to result in loss of life or property."



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1 SECTION 4. Section 514B-153, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) ~~[An accurate copy]~~ Accurate copies of ~~[the]~~:

4 (1) The declaration~~[τ]~~;

5 (2) The bylaws~~[τ]~~;

6 (3) The house rules, if any~~[τ]~~;

7 (4) The master lease, if any~~[τ]~~;

8 (5) The disaster preparedness plan;

9 (6) A sample original conveyance document~~[τ]~~;

10 (7) All public reports; and ~~[any]~~

11 (8) Any amendments ~~[thereto]~~ to the records in paragraphs

12 (1) to (7),

13 shall be kept at the managing agent's office."

14 SECTION 5. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 6. In codifying the new sections added by sections
18 2 and 3 of this Act, the revisor of statutes shall substitute
19 appropriate section numbers for the letters used in designating
20 the new sections in this Act.



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1 SECTION 7. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 8. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Condominiums; Disaster Preparedness; Managing Agents

Description:

Requires a disaster preparedness plan to accompany each declaration for a new condominium property regime submitted for recordation after December 31, 2019. Requires each managing agent for each condominium property regime created before January 1, 2020, to prepare a disaster preparedness plan.

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