

---

---

# A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1           SECTION 1. Chapter 514A, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§514A-     Retaliation prohibited. (a) An association of  
5 apartment owners, board of directors, managing agent, resident  
6 manager, apartment owner, or any person acting on behalf of an  
7 association of apartment owners or an apartment owner shall not  
8 retaliate or discriminate against an apartment owner, board  
9 member, managing agent, resident manager, or association  
10 employee who, through a lawful action done in an effort to  
11 address, prevent, or stop a violation of this chapter or  
12 governing documents of the association of apartment owners:

- 13           (1) Complains or otherwise reports an alleged violation;  
14           (2) Causes a complaint or report of an alleged violation  
15           to be filed with the association of apartment owners,  
16           the commission, or other appropriate entity;



1       (3) Participates in or cooperates with an investigation of  
2       a complaint or report filed with the association of  
3       apartment owners, the commission, or other appropriate  
4       entity;

5       (4) Otherwise acts in furtherance of a complaint, report,  
6       or investigation concerning an alleged violation; or

7       (5) Exercises or attempts to exercise any right under this  
8       chapter or the governing documents of the association  
9       of apartment owners.

10       (b) An apartment owner, board member, managing agent,  
11       resident manager, or association employee may bring a civil  
12       action in district court alleging a violation of this section.  
13       If the apartment owner, board member, managing agent, resident  
14       manager, or association employee prevails, the court may issue  
15       an injunction or award damages, court costs, attorneys' fees, or  
16       any other relief the court deems appropriate.

17       (c) As used in this section, "governing documents" means  
18       an association of apartment owners' declaration, bylaws, or  
19       house rules; or any other document that sets forth the rights  
20       and responsibilities of the association of apartment owners, its



1 board of directors, its managing agent, or the apartment  
2 owners."

3 SECTION 2. Chapter 514B, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§514B- Retaliation prohibited. (a) An association,  
7 board, managing agent, resident manager, unit owner, or any  
8 person acting on behalf of an association or a unit owner shall  
9 not retaliate or discriminate against a unit owner, board  
10 member, managing agent, resident manager, or association  
11 employee who, through a lawful action done in an effort to  
12 address, prevent, or stop a violation of this chapter or  
13 governing documents of the association:

14 (1) Complains or otherwise reports an alleged violation;  
15 (2) Causes a complaint or report of an alleged violation  
16 to be filed with the association, the commission, or  
17 other appropriate entity;

18 (3) Participates in or cooperates with an investigation of  
19 a complaint or report filed with the association, the  
20 commission, or other appropriate entity;



1       (4) Otherwise acts in furtherance of a complaint, report,  
2           or investigation concerning an alleged violation; or

3       (5) Exercises or attempts to exercise any right under this  
4           chapter or the governing documents of the association.

5       (b) A unit owner, board member, managing agent, resident  
6 manager, or association employee may bring a civil action in  
7 district court alleging a violation of this section. If the  
8 unit owner, board member, managing agent, resident manager, or  
9 association employee prevails, the court may issue an injunction  
10 or award damages, court costs, attorneys' fees, or any other  
11 relief the court deems appropriate.

12       (c) As used in this section, "governing documents" means  
13 an association's declaration, bylaws, or house rules; or any  
14 other document that sets forth the rights and responsibilities  
15 of the association, its board, its managing agent, or the unit  
16 owners."

17       SECTION 3. New statutory material is underscored.

18       SECTION 4. This Act shall take effect on July 1, 2017.



**Report Title:**

Condominiums; Associations; Board of Directors; Condominium Owners; Violations; Retaliation; Prohibition

**Description:**

Prohibits associations of apartment owners, boards of directors, managing agents, resident managers, and condominium owners from retaliating or discriminating against a condominium owner, board member, managing agent, resident manager, or association employee who files a complaint; acts in furtherance of a complaint, report, or investigation of an alleged violation of the State's condominium laws or a condominium's governing documents; or exercises or attempts to exercise any right as a condominium owner. (HB177 HD1)

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

