
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 employee of an
10 association of apartment owners who, through a lawful action
11 done in an effort to address, prevent, or stop a violation of
12 this chapter or governing documents of the association of
13 apartment owners:
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 of apartment owners,
17 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 employee of an association of apartment
12 owners may bring a civil action in district court alleging a
13 violation of this section. If the apartment owner, board
14 member, managing agent, resident manager, or employee of an
15 association of apartment owners prevails, the court may issue an
16 injunction or award damages, court costs, attorneys' fees, or
17 any other relief the court deems appropriate.

18 (c) As used in this section, "governing documents" means
19 an association of apartment owners' declaration, bylaws, or
20 house rules; or any other document that sets forth the rights
21 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, 2070.

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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, condominium owners, and persons acting on behalf of associations or 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. Effective 7/1/2070. (SD1)

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

