

JAN 20 2017

A BILL FOR AN ACT

RELATING TO RESIDENTIAL REAL PROPERTY.

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

SECTION 1. Chapter 421J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§421J- Prompt repair of damages. If damage is inflicted on the common areas within a planned community that affects a unit owned by a member, the member responsible for the damage, or the association or a management company on the association's behalf, if it is responsible, is liable for the prompt repair thereof; provided that where the association or management company is liable for repairs and the management company, on the association's behalf, fails to complete the repairs in a timely fashion, the member whose unit was damaged may pay for repairs and seek reimbursement from the management company; provided further that the association shall not be responsible to pay the costs of removing or replacing any finished surfaces or other barriers that impede its ability to maintain and repair the common areas."



SECTION 2. Section 514B-137, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except to the extent provided by the declaration or bylaws, the association is responsible for the operation of the property, and each unit owner is responsible for maintenance, repair, and replacement of the owner's unit. Each unit owner shall afford to the association and the other unit owners, and to employees, independent contractors, or agents of the association or other unit owners, during reasonable hours, access through the owner's unit reasonably necessary for those purposes. Unless entry is made pursuant to subsection (b), if damage is inflicted on the common elements or on any unit through which access is taken, the unit owner responsible for the damage, or the association^[7] or a managing agent on the association's behalf, if it is responsible, is liable for the prompt repair thereof; provided that where the association or managing agent is liable for repairs and the managing agent, on the association's behalf, fails to complete the repairs in a timely fashion, the unit owner whose unit was damaged may pay for repairs and seek reimbursement from the managing agent; provided further that the association shall not be responsible



1 to pay the costs of removing or replacing any finished surfaces
2 or other barriers that impede its ability to maintain and repair
3 the common elements."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.
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INTRODUCED BY:

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Lorraine R. Snow
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S.B. NO. 296

Report Title:

Real Property; Planned Community Associations; Condominiums;
Management Companies; Managing Agents; Damages; Repairs

Description:

Requires prompt repair of any damages to the common areas or common elements in a planned community association or condominium. Specifies that if a management company or managing agent is responsible for repairs on an association's behalf and fails to complete the repairs in a timely fashion, a unit owner may repair damages and seek reimbursement from the management company or managing agent.

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

