
A BILL FOR AN ACT

RELATING TO COMMON INTEREST COMMUNITIES.

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

1 SECTION 1. The legislature finds that the occurrence of a
2 global pandemic has demonstrated a need to provide condominium
3 associations and planned community associations with greater
4 flexibility in governance during any period in which a state of
5 emergency is in effect as declared by the governor, or a local
6 state of emergency as declared by the mayor of a county in which
7 the condominium or planned community is located, pursuant to
8 chapter 127A, Hawaii Revised Statutes.

9 The purpose of this Act is to authorize all planned
10 community associations and condominium associations to conduct
11 electronic meetings and electronic or machine voting during a
12 declared state of emergency or local state of emergency.

13 SECTION 2. Chapter 421J, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§421J- Association documents; state of emergency. The
17 association documents shall be deemed to authorize electronic



1 meetings and electronic or machine voting during any period in
2 which a state of emergency or local state of emergency declared
3 pursuant to chapter 127A is in effect in the county in which the
4 planned community is located, regardless of what the association
5 documents otherwise provide."

6 SECTION 3. Section 514B-121, Hawaii Revised Statutes, is
7 amended by amending subsections (e) and (f) to read as follows:

8 "(e) All association meetings shall be conducted in
9 accordance with the most recent edition of Robert's Rules of
10 Order Newly Revised. If so provided in the declaration or
11 bylaws, meetings may be conducted by any means that allow
12 participation by all unit owners in any deliberation or
13 discussion[-]; provided that electronic meetings and electronic
14 or machine voting shall be authorized during any period in which
15 a state of emergency or local state of emergency declared
16 pursuant to chapter 127A is in effect in the county in which the
17 condominium is located, regardless of what the declaration or
18 bylaws provide.

19 (f) All association meetings shall be held at the address
20 of the condominium or elsewhere within the State as determined
21 by the board; provided that in the event of a natural disaster,



1 such as a hurricane, or during a state of emergency or local
2 state of emergency declared pursuant to chapter 127A, an
3 association meeting may be held outside the State."

4 SECTION 4. Section 514B-125, Hawaii Revised Statutes, is
5 amended by amending subsection (d) to read as follows:

6 "(d) All board meetings shall be conducted in accordance
7 with the most recent edition of Robert's Rules of Order Newly
8 Revised. [~~Unless otherwise provided in the declaration or~~
9 ~~bylaws, a]~~ A board may permit any meeting to be conducted by any
10 means of communication through which all directors participating
11 may simultaneously hear each other during the meeting[-], unless
12 otherwise provided in the declaration or bylaws; provided that a
13 board may so meet during any period in which a state of
14 emergency or local state of emergency declared pursuant to
15 chapter 127A is in effect in the county in which the condominium
16 is located, regardless of any provision in the declaration or
17 bylaws to the contrary. A director participating in a meeting
18 by this means is deemed to be present in person at the meeting.
19 If permitted by the board, any unit owner may participate in a
20 meeting conducted by a means of communication through which all
21 participants may simultaneously hear each other during the



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1 meeting, provided that the board may require that the unit owner
2 pay for the costs associated with the participation."

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

5 SECTION 6. This Act shall take effect upon its approval.

6

INTRODUCED BY:



JAN 22 2021



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Report Title:

Planned Community Associations; Condominium Associations;
Electronic Meetings; Electronic or Machine Voting; State of
Emergency

Description:

Authorizes planned community associations and condominium associations to conduct electronic meetings and electronic or machine voting in a state of emergency or local state of emergency, regardless of what a planned community association's documents or a condominium association's bylaws or declarations provide.

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