
A BILL FOR AN ACT

RELATING TO ASSOCIATION GOVERNANCE.

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

1 SECTION 1. Section 421J-3.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§421J-3.5 **Notice required; regular annual and special**
4 **meetings.** [+] (a) Not less than fourteen days in advance of any
5 regular annual meeting or special meeting of an association, the
6 secretary or other officer specified in the bylaws shall give
7 written notice of the meeting to each member of the association
8 as provided in the bylaws of the association or by two or more
9 of the following means:

10 (1) Hand delivery;

11 (2) United States mail sent to the mailing address of each
12 unit or to another mailing address designated in
13 writing by the association member;

14 (3) Electronic mail to the electronic mailing address
15 designated in writing by the association member; or



1 (4) Posting of the meeting notice in its entirety on a
2 portion of the association's website that is
3 accessible to all members.

4 (b) Notice pursuant to this section shall state:

5 (1) The date, time, and place of the meeting; and

6 (2) The items on the agenda, including the general nature
7 of and rationale for any proposed amendment to the
8 declaration or bylaws; any proposal for a special
9 assessment, unless the authority for a special
10 assessment is otherwise provided for in the
11 association's governing documents; and any proposal to
12 remove a member of the board.

13 (c) The requirements of this section shall not be
14 interpreted to preclude any association member from proposing an
15 amendment to the declaration or bylaws or proposing to remove a
16 member of the board at an association meeting.

17 (d) The requirements of this section shall not be
18 interpreted to apply to any board meetings or committee meetings
19 of a planned community association.

20 (e) Notwithstanding anything to the contrary in the
21 association documents, the association may conduct an annual,



1 regular, or special meeting remotely in a manner consistent with
2 section 414D-101(g) or 414D-102(f), as applicable."

3 SECTION 2. Section 514B-121, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "(e) All association meetings shall be conducted in
6 accordance with the most recent edition of Robert's Rules of
7 Order Newly Revised. [~~If so provided in the declaration or~~
8 ~~bylaws, meetings may be conducted by any means that allow~~
9 ~~participation by all unit owners in any deliberation or~~
10 ~~discussion.] Notwithstanding anything to the contrary in the
11 association's declaration or bylaws or in subsection (b),
12 electronic meetings and electronic, machine, or mail voting
13 shall be authorized:~~

14 (1) During any period in which a state of emergency or
15 local state of emergency, declared pursuant to
16 chapter 127A, is in effect in the county in which the
17 condominium is located;

18 (2) For any association meeting for which notice was given
19 while a state of emergency or local state of
20 emergency, declared pursuant to chapter 127A, was in
21 effect for the county in which the condominium is



1 located but is no longer in effect as of the date of
2 the meeting; provided that the meeting is held within
3 sixty days of the date the notice was first given; or
4 (3) Whenever provided for in an association's declaration
5 or bylaws."

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on January 1, 2050.



Report Title:

Association Meetings; Planned Community Associations;
Condominium Associations; Remote Meetings; Electronic Meetings;
Voting; State of Emergency; Local State of Emergency

Description:

Clarifies that planned community associations may conduct meetings remotely consistent with the Hawaii Nonprofit Corporations Act. Authorizes condominium associations to conduct electronic meetings and electronic, machine, or mail voting in a state of emergency or local state of emergency, or any meeting noticed during such emergencies and for which the applicable emergency has since expired. Effective 1/1/2050.
(HD1)

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

