

JAN 22 2021

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 the occurrence of the
2 coronavirus disease 2019 (COVID-19) pandemic has demonstrated a
3 need to provide condominiums and planned community associations
4 with greater flexibility in governance during any period in
5 which a state of emergency is in effect. Accordingly, the
6 purpose of this Act is to authorize electronic meetings and
7 electronic or machine voting for planned community associations
8 and condominiums during any period in which a state of emergency
9 declared pursuant to chapter 127A, Hawaii Revised Statutes, is
10 in effect in the county in which the condominium or association
11 is located, regardless of what the association documents
12 provide.

13 SECTION 2. Section 421J-6, Hawaii Revised Statutes, is
14 amended to read as follows:

15 " [+] §421J-6 [+] Robert's Rules of Order[-]; state of
16 emergency. All association and board of directors meetings
17 shall be conducted in accordance with the most current edition



1 of Robert's Rules of Order, Newly Revised[-]; provided that
2 associations shall allow for electronic meetings and electronic
3 or machine voting during any period in which a state of
4 emergency, declared pursuant to chapter 127A, is in effect in
5 the county in which the association is located, regardless of
6 what the association documents otherwise provide."

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

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

20 (f) All association meetings shall be held at the address
21 of the condominium or elsewhere within the State as determined



1 by the board; provided that in the event of a natural
2 disaster[-] or during a declared state of emergency, such as a
3 hurricane, an association meeting may be held outside the
4 State."

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

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



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

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

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

7

INTRODUCED BY: Resuly H Bek
By Request



S.B. NO. 236

Report Title:

Planned Community Associations; Condominiums; Electronic Meetings; Electronic Voting; State of Emergency

Description:

Clarifies association documents, declarations, and bylaws shall be deemed to authorize electronic meetings and electronic or machine voting during any period in which a state of emergency, declared pursuant to chapter 127A, Hawaii Revised Statutes, is in effect in the county in which the association or condominium is located, regardless of what the association documents, declarations, or bylaws otherwise provide.

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

