
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) In the event a state of emergency declared pursuant to
21 chapter 127A is in effect in the county in which the association



1 is located that prevents members from physically gathering for
 2 an annual meeting or special meeting, the association may
 3 conduct the annual or special meeting remotely and in a manner
 4 consistent with sections 414D-101(g) or 414D-102(f), as
 5 applicable."

6 SECTION 2. Section 514B-121, Hawaii Revised Statutes, is
 7 amended as follows:

8 1. By amending subsection (a) to read:

9 "(a) A meeting of the association shall be held at least
 10 once each year[-]; provided that, if a state of emergency
 11 declared pursuant to chapter 127A is in effect in the county in
 12 which the association is located that prevents unit owners from
 13 physically gathering for an annual or special meeting, the
 14 association may hold an electronic meeting in a manner that
 15 allows the board and any unit owner who wishes to participate in
 16 that meeting to communicate with each other."

17 2. By amending subsection (e) to read:

18 "(e) All association meetings shall be conducted in
 19 accordance with the most recent edition of Robert's Rules of
 20 Order Newly Revised. [~~If so provided in the declaration or~~
 21 ~~bylaws, meetings~~] Meetings may be conducted by any means that



1 allow participation by all unit owners in any deliberation or
2 discussion. As provided in subsection (a), electronic meetings
3 and electronic or mail voting shall be authorized during any
4 period in which a state of emergency, declared pursuant to
5 chapter 127A, is in effect in the county in which the
6 association is located, regardless of what the declaration or
7 bylaws provide."

8 SECTION 3. Section 514B-125, Hawaii Revised Statutes, is
9 amended by amending subsection (d) to read as follows:

10 "(d) All board meetings shall be conducted in accordance
11 with the most recent edition of Robert's Rules of Order Newly
12 Revised. [~~Unless otherwise provided in the declaration or~~
13 ~~bylaws, a]~~ A board may permit any meeting to be conducted by any
14 means of communication through which all directors participating
15 may simultaneously hear each other during the meeting. A
16 director participating in a meeting by this means is deemed to
17 be present in person at the meeting. If permitted by the board,
18 any unit owner may participate in a meeting conducted by a means
19 of communication through which all participants may
20 simultaneously hear each other during the meeting, provided that



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

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

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



Report Title:

Association Meetings; Election of Board Members; Planned Community Associations; Condominium Associations; Electronic Meetings; State of Emergency

Description:

Allows the annual and special meetings and election of board members of planned community associations, and condominium associations to be conducted remotely by electronic meetings in the event a state of emergency declared pursuant to chapter 127, Hawaii Revised Statutes, is in effect in the county in which the corporation or association is located that prevents shareholders or members from physically gathering for a meeting. (SD1)

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

