
A BILL FOR AN ACT

RELATING TO COMMON INTEREST COMMUNITIES.

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

1 SECTION 1. Section 421J-10, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) All costs and expenses, including reasonable
4 attorneys' fees, incurred by or on behalf of the association
5 for:

6 (1) Collecting any delinquent assessments against any unit
7 or the owner of any unit;

8 (2) Foreclosing any lien on any unit; or

9 (3) Enforcing any provision of the association documents
10 or this chapter;

11 against a member, occupant, tenant, employee of a member, or any
12 other person who in any manner may use the property, shall be
13 promptly paid on demand to the association by such person or
14 persons; provided that if the association is not the prevailing
15 party, all costs and expenses, including reasonable attorneys'
16 fees, incurred by any such person or persons as a result of the
17 action of the association, shall be promptly paid on demand to



1 the person by the association[-]; provided further that the
 2 association or board of directors shall not expend association
 3 funds to enforce against de minimis infractions of association
 4 bylaws, rules, or regulations. The reasonableness of any
 5 attorney's fees paid by a person or by an association as a
 6 result of an action pursuant to paragraph (2) shall be
 7 determined by the court.

8 For purposes of this subsection, a "de minimis infraction"
 9 means a technical violation of a bylaw, rule, or regulation that
 10 results in not more than three complaints from separate units
 11 within a calendar year, or does not result in a fine of more
 12 than \$500 per violation pursuant to the bylaws, rules, or
 13 regulations of the association."

14 SECTION 2. Section 514B-104, Hawaii Revised Statutes, is
 15 amended by amending subsection (b) to read as follows:

16 "(b) If a tenant of a unit owner violates the declaration,
 17 bylaws, or rules and regulations of the association, in addition
 18 to exercising any of its powers against the unit owner, the
 19 association may:

- 20 (1) Exercise directly against the tenant the powers
- 21 described in subsection (a)(11);



1 (2) After giving notice to the tenant and the unit owner
2 and an opportunity to be heard, levy reasonable fines
3 against the tenant for the violation, provided that a
4 unit owner shall be responsible for the conduct of the
5 owner's tenant and for any fines levied against the
6 tenant or any legal fees incurred in enforcing the
7 declaration, bylaws, or rules and regulations of the
8 association against the tenant; and

9 (3) Enforce any other rights against the tenant for the
10 violation, which the unit owner as landlord could
11 lawfully have exercised under the lease, including
12 eviction, or which the association could lawfully have
13 exercised directly against the unit owner, or both.

14 The association or board of directors shall not expend
15 association funds to enforce against de minimis infractions of
16 association bylaws, rules, or regulations; provided that a "de
17 minimis infraction" means a technical violation of a bylaw,
18 rule, or regulation that results in not more than three
19 complaints from separate units within a calendar year, or does
20 not result in a fine of more than \$500 per violation pursuant to
21 the bylaws, rules, or regulations."



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

3 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Planned Community Associations; Condominiums; Association Funds

Description:

Prohibits planned community associations, condominium associations, or their boards of directors from expending association funds to enforce de minimis violations of association bylaws, rules, or regulations that result in not more than three complaints from separate units within a calendar year or result in a fine of not more than \$500 per violation pursuant to the bylaws, rules, or regulations. (SD1)

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