



GOV. MSG. NO. 1292

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 3, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 3, 2023, the following bill was signed into law:

HB1509 HD2 SD1 CD1

RELATING TO COMMON-INTEREST
DEVELOPMENTS.
ACT 189

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO. 1509
H.D. 2
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO COMMON-INTEREST DEVELOPMENTS.

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

1 SECTION 1. The legislature finds that common-interest
2 developments are the fastest growing form of housing in the
3 world and a significant form of land development in the State.
4 Common-interest developments exist in a variety of forms in the
5 State, including condominium property regimes, planned
6 communities, and cooperative housing corporations. In these
7 developments, individuals own property within the development,
8 share ownership and use of common property with all other
9 owners, and participate in a system of self-governance through
10 an association or corporation of the owners within the
11 development.

12 The legislature further finds that the governance documents
13 of the association or corporation provide the manner for
14 resolving any disputes that may arise within the development.
15 However, while owners within condominium associations may also
16 request the department of commerce and consumer affairs,
17 including the real estate commission and regulated industries



1 complaints office, to facilitate in the resolution of or
2 intervene in a dispute, the owners in other developments are
3 unable to request such support. Instead, the owners in those
4 developments must privately resolve their disputes through their
5 internal processes or the judicial process. Such a resort may
6 be costly to the owner in comparison to the gravity of the
7 dispute and an alternative mechanism for oversight should be
8 examined.

9 Accordingly, the purpose of this Act is to:

- 10 (1) Establish a planned community association oversight
11 task force to examine the rights afforded to owners in
12 a condominium property regime governed by chapter
13 514B, Hawaii Revised Statutes, and determine the
14 feasibility of extending any of those rights to
15 members of planned community associations governed by
16 chapter 421J, Hawaii Revised Statutes; and
- 17 (2) Establish a condominium property regime task force to
18 examine and evaluate issues regarding condominium
19 property regimes governed by chapter 514B, Hawaii
20 Revised Statutes, and conduct an assessment of the



1 alternative dispute resolution systems that were
2 established by the legislature.

3 SECTION 2. (a) There is established a planned community
4 association oversight task force within the department of
5 commerce and consumer affairs for administrative purposes that
6 shall consist of the following members:

7 (1) A representative of the department of commerce and
8 consumer affairs, to be designated by the director of
9 commerce and consumer affairs;

10 (2) A member of the house of representatives, to be
11 designated by the speaker of the house of
12 representatives;

13 (3) A member of the senate, to be designated by the
14 president of the senate; and

15 (4) Any additional members as deemed necessary by the task
16 force.

17 (b) The task force shall:

18 (1) Examine rights afforded to owners in a condominium
19 property regime governed by chapter 514B, Hawaii
20 Revised Statutes, and determine the feasibility of
21 extending any of those rights to members of planned



1 community associations governed by chapter 421J,
2 Hawaii Revised Statutes;

3 (2) Investigate whether additional duties and fiduciary
4 responsibilities should be placed on members of the
5 boards of directors of planned community associations;
6 and

7 (3) Develop any legislation necessary to effectuate the
8 purposes of this subsection.

9 (c) The members of the task force shall serve without
10 compensation, but shall be reimbursed for reasonable expenses
11 necessary for the performance of their duties, including travel
12 expenses.

13 (d) The task force shall submit an interim report of its
14 findings and recommendations, including any proposed
15 legislation, to the legislature no later than twenty days prior
16 to the convening of the regular session of 2024.

17 (e) The task force shall submit a final report of its
18 findings and recommendations, including any proposed
19 legislation, to the legislature no later than twenty days prior
20 to the convening of the regular session of 2025.

21 (f) The task force shall cease to exist on June 30, 2025.



1 SECTION 3. (a) There is established a condominium
2 property regime task force within the department of commerce and
3 consumer affairs for administrative purposes that shall consist
4 of the following members:

5 (1) A representative of the department of commerce and
6 consumer affairs, to be designated by the director of
7 commerce and consumer affairs;

8 (2) A member of the house of representatives, to be
9 designated by the speaker of the house of
10 representatives;

11 (3) A member of the senate, to be designated by the
12 president of the senate; and

13 (4) Any additional members as deemed necessary by the task
14 force.

15 (b) The task force shall:

16 (1) Examine and evaluate issues regarding condominium
17 property regimes governed by chapter 514B, Hawaii
18 Revised Statutes, and conduct an assessment of the
19 alternative dispute resolution systems that have been
20 established by the legislature;



1 (2) Investigate whether additional duties and fiduciary
2 responsibilities should be placed on members of the
3 boards of directors of condominium property regimes;
4 and

5 (3) Develop any legislation necessary to effectuate the
6 purposes of this subsection.

7 (c) The members of the task force shall serve without
8 compensation, but shall be reimbursed for reasonable expenses
9 necessary for the performance of their duties, including travel
10 expenses.

11 (d) The task force shall submit an interim report of its
12 findings and recommendations, including any proposed
13 legislation, to the legislature no later than twenty days prior
14 to the convening of the regular session of 2024.

15 (e) The task force shall submit a final report of its
16 findings and recommendations, including any proposed
17 legislation, to the legislature no later than twenty days prior
18 to the convening of the regular session of 2025.

19 (f) The task force shall cease to exist on June 30, 2025.

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



H.B. NO.

1509
H.D. 2
S.D. 1
C.D. 1

APPROVED this **3rd** day of **July**, 2023



GOVERNOR OF THE STATE OF HAWAII

HB No. 1509, HD 2, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: May 2, 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.


President of the Senate


Clerk of the Senate