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## A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1           SECTION 1. Chapter 514B, Hawaii Revised Statutes, is  
2 amended by adding a new section to part VI to be appropriately  
3 designated and to read as follows:

4           "§514B-       Association; duty to repair. (a) The  
5 association shall:

6           (1) Comply with all applicable building and housing laws  
7           materially affecting health and safety;

8           (2) Keep the common elements in a clean and safe  
9           condition; and

10          (3) Make all repairs and arrangements necessary to put and  
11          keep the common elements in a habitable condition.

12          (b) The association, upon written notification by the  
13 department of health or other state or county agencies that  
14 there exists a condition in the common elements that constitutes  
15 a health or safety violation, shall commence repairs of the  
16 condition within seven calendar days of the notification with a  
17 good faith requirement that the repairs be completed as soon as



1 possible; provided that if the association is unable to commence  
2 the repairs within seven calendar days for reasons beyond the  
3 association's control, the association shall inform the affected  
4 unit owners of the reason for the delay and set a reasonable  
5 tentative date on which repairs will commence.

6 (c) If the association fails to perform in the manner  
7 specified in subsection (b), the affected unit owners may:

8 (1) Immediately do or have done the necessary repairs in a  
9 competent manner and, upon submission to the  
10 association of receipts amounting to at least the sum  
11 deducted, deduct from the affected unit owners'  
12 assessments for common expenses no more than  
13 \$ \_\_\_\_\_ or one month's assessments, whichever is  
14 greater, for the affected unit owners' actual  
15 expenditures for work done to correct the health or  
16 safety violation; or

17 (2) Submit to the association, at least seven calendar  
18 days before commencing repair work, written signed  
19 estimates from each of two persons qualified to  
20 perform the necessary repairs and proceed to have the  
21 repairs completed by the person who provides the lower



1 estimate; provided that the association may require in  
2 writing a reasonable substitute repair person or  
3 substitute materials and, upon submission to the  
4 association of receipts amounting to at least the sum  
5 deducted, the affected unit owners may deduct  
6 \$ \_\_\_\_\_ or one month's assessments, whichever is  
7 greater, for the affected unit owners' actual  
8 expenditures for work done to correct the health or  
9 safety violation.

10 (d) The association, upon written notification by an  
11 affected unit owner of any defective condition in the common  
12 elements that affects the unit owner's unit and that is in  
13 material noncompliance with subsection (a), shall commence  
14 repairs of the condition within twelve business days of the  
15 notification with a good faith requirement that the repairs be  
16 completed as soon as possible; provided that if the association  
17 is unable to commence repairs within twelve business days for  
18 reasons beyond the association's control, the association shall  
19 inform the affected unit owner of the reason for the delay and  
20 set a reasonable tentative date on which repairs will commence.  
21 In any case involving repairs, except those required due to



1 misuse by the affected unit owner, to electrical, plumbing, or  
2 other facilities necessary to provide sanitary and habitable  
3 living conditions the association shall commence repairs within  
4 three business days of receiving oral or written notification,  
5 with a good faith requirement that the repairs be completed as  
6 soon as possible; provided that if the association is unable to  
7 commence repairs within three business days for reasons beyond  
8 the association's control, the association shall inform the  
9 affected unit owner of the reasons for the delay and set a  
10 reasonable tentative date on which repairs will commence.

11 (e) If the association fails to perform in the manner  
12 specified in subsection (d), the affected unit owner may  
13 immediately do or have done the necessary work in a competent  
14 manner and, upon submission to the association of receipts  
15 amounting to at least the sums deducted, deduct from the  
16 affected unit owner's assessment for common expenses no more  
17 than \$ \_\_\_\_\_ or one month's assessment, whichever is  
18 greater, for the affected unit owner's actual expenditures for  
19 work done to correct the defective condition.

20 (f) At the time the affected unit owner initially notifies  
21 the association under subsection (d), the affected unit owner



1 shall list every condition that the affected unit owner knows or  
2 should know of noncompliance under subsection (d), in addition  
3 to the objectionable condition that the affected unit owner then  
4 intends to correct or have corrected at the association's  
5 expense. Failure by the affected unit owner to list a condition  
6 that the affected unit owner knew of or should have known of  
7 shall estop the affected unit owner from requiring the  
8 association to correct the condition and from having the  
9 condition corrected at the association's expense under this  
10 section for a period of six months after the initial  
11 notification to the association. Total correction and repair  
12 work costs under this section chargeable to the association  
13 during each six-month period shall not exceed an amount equal to  
14 three months' assessments.

15 (g) In no event may an affected unit owner repair a common  
16 element at the association's expense when the condition  
17 complained of was caused by the want of due care by the affected  
18 unit owner, a member of the affected unit owner's family, or  
19 other person on the premises with the affected unit owner's  
20 consent.



1        (h) Before correcting a condition affecting facilities  
2 shared by more than one unit, the affected unit owner shall  
3 notify all other affected unit owners sharing limited common  
4 elements with the affected unit owner and shall arrange the work  
5 to create the least practicable inconvenience to the other  
6 affected unit owners.

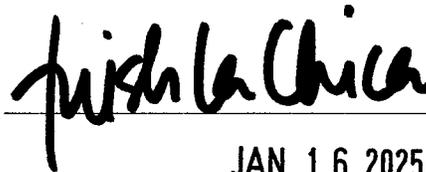
7        (i) For the purposes of this section, "health or safety  
8 violation" means any condition on the property that is in  
9 noncompliance with subsection (a)(1)."

10        SECTION 2. New statutory material is underscored.

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

12

INTRODUCED BY:



JAN 16 2025



# H.B. NO. 336

**Report Title:**

Condominiums; Associations; Health or Safety Violations; Common Elements; Duty to Repair

**Description:**

Requires condominium associations to repair defective conditions of common elements that constitute health or safety violations. Allows unit owners to make the repairs at the association's expense.

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

