

JAN 17 2025

A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

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

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

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

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

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

(b) The association, upon written notification by the department of health or other state or county agencies that there exists a condition in the common elements that constitutes a health or safety violation, shall commence repairs of the condition within seven calendar days of the notification with a 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.



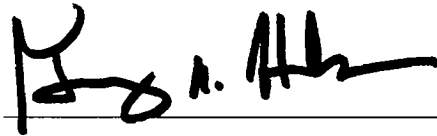
1 (h) Before correcting a condition affecting facilities
2 shared by more than one unit, the affected unit owner shall
3 notify all other affected unit owners sharing limited common
4 elements with the affected unit owner and shall arrange the work
5 to create the least practicable inconvenience to the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



S.B. NO. 573

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.

