

JAN 23 2026

A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1 SECTION 1. The legislature finds that a significant
2 portion of the State's housing stock are units in
3 association-governed condominiums. The number of individuals
4 living in units governed by condominium associations has risen
5 steadily for over sixty years and is expected to increase
6 because it is one of the more affordable means of home
7 ownership.

8 The legislature also finds that reports published by the
9 department of commerce and consumer affairs in the Hawaii
10 Condominium Bulletin regarding mediation cases subsidized by the
11 condominium education trust fund show that most of the disputes
12 were related to interpretation of an association's governing
13 documents. Reports in the Hawaii Condominium Bulletin also show
14 that one of the more frequent statutory violations by managing
15 agents is the failure to comply with section 514B-154.5(c),
16 Hawaii Revised Statutes, which requires certain association



1 documents to be submitted to owners within thirty days of an
2 owner's written request.

3 The legislature further finds that the real estate
4 commission's annual reports reiterate the commission's long-
5 range goal of providing associations with a central depository
6 for all governing documents on its website.

7 The legislature further finds that the "Five States'
8 Approaches to Aspects of Condominium Law" study, as required by
9 Act 43, Session Laws of Hawaii 2024, and completed by the
10 legislative reference bureau in November 2025, found that there
11 was near-universal support for use of online portals to provide
12 access to association documents.

13 The legislature further finds that it is in the best
14 interests of residents of the State to require condominium
15 associations to file timely registrations with the State
16 containing certain information and documents, to be published by
17 the State in a publicly accessible online database. The
18 database would facilitate transparency, as well as resident
19 awareness and access to important information and documents
20 regarding community associations that are necessary for
21 association governance. The database would also alleviate the



1 workload of the real estate commission, lower the burden of
2 condominium disputes on mediation agencies and the courts, and
3 reduce costs for condominium associations and unit owners.

4 Accordingly, the purpose of this Act is to:

- 5 (1) Require the department of commerce and consumer
6 affairs to establish a publicly accessible online
7 portal to include certain condominium association
8 information and documents;
- 9 (2) Impose an additional condominium education trust fund
10 fee for biennial condominium registrations to fund the
11 establishment of the online portal for condominium
12 association information and documents;
- 13 (3) Require certain association information and documents
14 to be provided to the real estate commission for
15 publication on the online portal for condominium
16 association information and documents;
- 17 (4) Require condominium associations to maintain records
18 of the information and documents provided to the real
19 estate commission for publication on the online portal
20 and to make those records available to a unit owner
21 upon request;



- (5) Authorize unit owners to recover reasonable attorneys' fees and costs if they prevail in enforcement actions against a condominium association that fails to make documents available upon request within a specified timeframe;
 - (6) Enable a managing agent to dispose of certain association records after a specified timeframe; and
 - (7) Substitute certain requirements for written affidavits with requirements for written certifications in relation to access to certain association documents.

SECTION 2. Section 514B-52, Hawaii Revised Statutes, is

12 amended by amending subsection (a) to read as follows:

"(a) An application for registration of a project shall:

14 (1) Be accompanied by nonrefundable fees as provided in
15 rules adopted by the director of commerce and consumer
16 affairs pursuant to chapter 91; and
17 (2) Contain the documents and information concerning the
18 project and the condominium property regime as
19 required by sections 514B-54, 514B-83, [and] 514B-84,
20 514B-103, 514B-153, 514B-154, and 514B-154.5, as



1 applicable, and as otherwise may be specified by the
2 commission."

3 SECTION 3. Section 514B-72, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Each project or association with more than five units
6 shall pay to the department of commerce and consumer affairs:

7 (1) A condominium education trust fund fee within one year
8 after the recordation of the purchase of the first
9 unit or within thirty days of the association's first
10 meeting, and thereafter, on or before June 30 of every
11 odd-numbered year, as prescribed by rules adopted
12 pursuant to chapter 91; [and]

13 (2) Beginning with the July 1, 2015, biennium
14 registration, an additional annual condominium
15 education trust fund fee in an amount equal to the
16 product of \$1.50 times the number of condominium units
17 included in the registered project or association to
18 be dedicated to supporting mediation or voluntary
19 binding arbitration of condominium related disputes.

20 The additional condominium education trust fund fee



1 shall total \$3 per unit until the commission adopts
2 rules pursuant to chapter 91[.]; and
3 (3) Beginning with the July 1, 2027 biennium registration,
4 an additional annual condominium education trust fund
5 fee in an amount equal to the product of \$1.00 times
6 the number of condominium units included in the
7 registered project or association to be dedicated to
8 establishment of the online portal for condominium
9 association information and documents. The additional
10 condominium education trust fund fee shall total \$2.00
11 per unit until the commission adopts rules pursuant to
12 chapter 91.

13 On June 30 of every odd-numbered year, any unexpended
14 additional amounts paid into the condominium education trust
15 fund and initially dedicated to supporting mediation or
16 voluntary binding arbitration of condominium related disputes,
17 as required by this paragraph, shall be used for educational
18 purposes as provided in section 514B-71(a)(1), (2), and (3)."

19 SECTION 4. Section 514B-103, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



1 "(a) Each project or association having more than five
2 units shall:

- 3 (1) Secure and maintain a fidelity bond in an amount for
4 the coverage and terms as required by section
5 514B-143(a)(3). An association shall act promptly and
6 diligently to recover from the fidelity bond required
7 by this section. An association that is unable to
8 obtain a fidelity bond may seek approval for an
9 exemption, a deductible, or a bond alternative from
10 the commission. Current evidence of a fidelity bond
11 includes a certification statement from an insurance
12 company registered with the department of commerce and
13 consumer affairs certifying that the bond is in effect
14 and meets the requirement of this section and the
15 rules adopted by the commission;
- 16 (2) Register with the commission through approval of a
17 completed registration application, payment of fees,
18 and submission of any other additional information set
19 forth by the commission. The registration shall be
20 for a biennial period with termination on June 30 of
21 each odd-numbered year. The commission shall



1 prescribe a deadline date prior to the termination
2 date for the submission of a completed reregistration
3 application, payment of fees, and any other additional
4 information set forth by the commission. Any project
5 or association that has not met the submission
6 requirements by the deadline date shall be considered
7 a new applicant for registration and be subject to
8 initial registration requirements. Any new project or
9 association shall register within thirty days of the
10 association's first meeting. If the association has
11 not held its first meeting and it is at least one year
12 after the recordation of the purchase of the first
13 unit in the project, the developer or developer's
14 affiliate or the managing agent shall register on
15 behalf of the association and shall comply with this
16 section, except for the fidelity bond requirement for
17 associations required by section [+]514B-143(a)(3)[+].
18 The public information required to be submitted on any
19 completed application form shall include but not be
20 limited to ~~evidence of and information on fidelity~~
21 ~~bond coverage, names and positions of the officers of~~



1 the association, the name of the association's
2 managing agent, if any, the street and the postal
3 address of the condominium, and the name and current
4 mailing address of a designated officer of the
5 association where the officer can be contacted
6 directly;]:

- (A) Evidence of and information on fidelity bond coverage;
 - (B) Names and positions of the officers of the association;
 - (C) The name and contact information of the association's managing agent, if any;
 - (D) The name and contact information of an emergency contact for the association that is not the managing agent;
 - (E) The street and postal address of the project;
 - (F) An accurate copy of:
 - (i) The articles of incorporation, if any, declaration, bylaws, and amendments thereto;
 - (ii) The regulations, resolutions, and house rules, if any;







- (4) Register or reregister and pay the required fees by the due date. Failure to register or reregister or pay the required fees by the due date shall result in the assessment of a penalty equal to the amount of the registration or reregistration fee; and
- (5) Report promptly in writing to the commission any changes to the information contained on the registration or reregistration application or any other documents required by the commission. Failure to do so may result in termination of registration and subject the project or the association to initial registration requirements."

13 SECTION 5. Section 514B-153, Hawaii Revised Statutes, is
14 amended to read as follows:

"§514B-153 Association records; records to be maintained.

16 (a) An accurate copy of [the declaration, bylaws, house rules,
17 if any, master lease, if any, a sample original conveyance
18 document, all public reports and any amendments thereto,] all
19 documents listed in section 514B-103(a)(2)(F) shall be kept at
20 the managing agent's office[‐], a convenient location at the
21 project, or a location designated by the board; provided that



1 the minutes shall be for all meetings of the association and its
2 board and not limited to the meetings in the immediately
3 preceding twelve months.

4 (b) The managing agent or board shall keep detailed,
5 accurate records in chronological order, of the receipts and
6 expenditures affecting the common elements, specifying and
7 itemizing the maintenance and repair expenses of the common
8 elements and any other expenses incurred. The managing agent or
9 board shall also keep monthly statements indicating the total
10 current delinquent dollar amount of any unpaid assessments for
11 common expenses.

12 (c) Subject to section 514B-152, all records and the
13 vouchers authorizing the payments and statements shall be kept
14 and maintained at the address of the project, or elsewhere
15 within the State as determined by the board.

16 (d) The developer or affiliate of the developer, board,
17 and managing agent shall ensure that there is a written contract
18 for managing the operation of the property, expressing the
19 agreements of all parties, including but not limited to
20 financial and accounting obligations, services provided, and any
21 compensation arrangements, including any subsequent amendments.



1 Copies of the executed contract and any amendments shall be
2 provided to all parties to the contract.

3 (e) The department of commerce and consumer affairs shall
4 maintain a searchable database containing the registration
5 information and attached documents of each association
6 registered with the commission pursuant to section 514B-52. The
7 database shall be publicly accessible on the department of
8 commerce and consumer affairs' website.

9 [←e→] (f) The managing agent, resident manager, or board
10 shall keep an accurate and current list of members of the
11 association and their current addresses, and the names and
12 addresses of the vendees under an agreement of sale, if any.

13 The list shall be maintained at a place designated by the board,
14 and a copy shall be available, at cost, to any member of the
15 association as provided in the declaration or bylaws or rules
16 and regulations or, in any case, to any member who furnishes to
17 the managing agent or resident manager or the board a [duly
18 ~~executed and acknowledged affidavit~~] written certification
19 stating that the list:

20 (1) Will be used by the owner personally and only for the
21 purpose of soliciting votes or proxies or providing



1 information to other owners with respect to
2 association matters; and
3 (2) Shall not be used by the owner or furnished to anyone
4 else for any other purpose.

5 A board may prohibit commercial solicitations.

6 Where the condominium project or any units within the
7 project are subject to a time share plan under chapter 514E, the
8 association shall only be required to maintain in its records
9 the name and address of the time share association as the
10 representative agent for the individual time share owners unless
11 the association receives a request by a time share owner to
12 maintain in its records the name and address of the time share
13 owner.

14 ~~(f)~~ (g) The managing agent or resident manager shall not
15 use or distribute any membership list, including for commercial
16 or political purposes, without the prior written consent of the
17 board.

18 ~~(g)~~ (h) All membership lists are the property of the
19 association and any membership lists contained in the managing
20 agent's or resident manager's records are subject to subsections
21 ~~(e)~~ (f) and ~~(f)~~ (g), and this subsection. A managing



1 agent, resident manager, or board may not use the information
2 contained in the lists to create any separate list for the
3 purpose of evading this section.

4 [+(h)] (i) Subsections [+(f)] (g) and [+(g)] (h) shall not
5 apply to any time share plan regulated under chapter 514E."

6 SECTION 6. Section 514B-154, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By amending subsections (a) through (f) to read:

9 " (a) ~~The association's most current financial statement~~
10 ~~shall be provided to any interested unit owner at no cost or on~~
11 ~~twenty-four-hour loan, at a convenient location designated by~~
12 ~~the board. The meeting minutes of the board of directors, once~~
13 ~~approved, for the current and prior year shall either:~~] Any unit
14 owner shall have the right to inspect, examine, and make copies
15 of the records required to be maintained by section 514B-153, in
16 person or by authorized agent, at any reasonable time, at the
17 association's principal office or with the board or managing
18 agent. To exercise this right, a unit owner shall submit a
19 written request to the board or managing agent, stating the
20 records sought to be inspected, examined, or copied. Failure of
21 a board or managing agent to make available all records



1 requested within ten business days of receipt of the owner's
2 written request shall be deemed a denial. Any unit owner who
3 prevails in an enforcement action to compel inspection,
4 examination, or copying of the records required to be maintained
5 by section 514B-153 shall be entitled to recover reasonable
6 attorneys' fees and costs from the association. These documents
7 shall:

- 8 (1) Be available for examination by apartment owners at no
9 cost or on twenty-four-hour loan at a convenient
10 location at the project, to be determined by the board
11 of directors; [or]
12 (2) Be transmitted to any apartment owner or the owner's
13 authorized representative making a request [for the
14 minutes], by the board of directors, the managing
15 agent, or the association's representative[, within
16 fifteen days of receipt of the request]; provided that
17 the [minutes] documents shall be transmitted by mail,
18 electronic mail transmission, or facsimile, by the
19 means indicated by the owner, if the owner indicated a
20 preference at the time of the request; [and] provided
21 further that the owner shall pay a reasonable fee for



1 administrative costs associated with handling the
2 request [•]; or

3 (3) Be available on the department of commerce and
4 consumer affairs' online portal for registered
5 condominium associations.

6 Costs incurred by apartment owners pursuant to this subsection
7 shall be subject to section 514B-105(d).

8 (b) Financial statements, general ledgers, the accounts
9 receivable ledger, accounts payable ledgers, check ledgers,
10 insurance policies, contracts, and invoices of the association
11 for the duration those records are kept by the association and
12 delinquencies of ninety days or more shall be available for
13 examination by unit owners at convenient hours at a place
14 designated by the board; provided that:

15 (1) The board may require owners to furnish to the
16 association a [duly executed and acknowledged
17 affidavit] written certification stating that the
18 information is requested in good faith [for the
19 protection of the interests of the association, its
20 members, or both;] and will not be used by the unit



1 owner for any commercial purpose or any purpose that
2 does not relate to the association; and
3 (2) Owners shall pay for reasonable administrative costs
4 in excess of [eight] twenty hours per year.

5 Copies of these items shall be provided to any owner upon
6 the owner's request; provided that the owner pays a reasonable
7 fee for duplication, postage, stationery, and other
8 administrative costs associated with handling the request.

9 (c) After any association meeting, and not earlier, unit
10 owners shall be permitted to examine proxies, tally sheets,
11 ballots, owners' check-in lists, and the certificate of
12 election; provided that:

13 (1) Owners shall make a request to examine the documents
14 within thirty days after the association meeting;
15 (2) The board may require owners to furnish to the
16 association a [duly executed and acknowledged
17 affidavit] written certification stating that the
18 information is requested in good faith for the
19 protection of the interest of the association or its
20 members or both; and



3 The documents may be destroyed ninety days after the
4 association meeting; provided that in the event of a contested
5 election, the documents shall be retained until the contested
6 election is resolved. Copies of tally sheets, owners' check-in
7 lists, and the certificates of election from the most recent
8 association meeting shall be provided to any owner upon the
9 owner's request; provided that the owner pays a reasonable fee
10 for duplicating, postage, stationery, and other administrative
11 costs associated with handling the request.



1 (e) [Prior to the organization of the association, any]
2 Any unit owner shall be entitled to inspect as well as receive a
3 copy of the management contract from the entity that manages the
4 operation of the property.

5 (f) Owners may file a written request with the board to
6 examine other documents. The board shall give written
7 authorization or written refusal with an explanation of the
8 refusal within ~~thirty calendar~~ ten business days of receipt of
9 the request."

10 2. By amending subsection (h) to read:

11 "(h) A managing agent retained by one or more associations
12 may dispose of the records of any association [which] that are
13 more than [five] ten years old, except for tax records, which
14 [shall] may be [kept for] disposed of after seven years, without
15 liability if the managing agent first provides the board of the
16 association affected with written notice of the managing agent's
17 intent to dispose of the records if not retrieved by the board
18 within sixty days, which notice shall include an itemized list
19 of the records proposed to be disposed."

20 3. By amending subsection (j) to read:



1 "(j) Any fee charged to a member to obtain printed copies
2 of association records under this section shall be reasonable;
3 provided that a reasonable fee shall include administrative and
4 duplicating costs and shall not exceed \$1 per printed page, or
5 portion thereof, except the fee for pages exceeding eight and
6 one-half inches by fourteen inches may exceed \$1 per printed
7 page."

8 SECTION 7. Section 514B-154.2, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) For the purposes of this section, "governing
11 documents" means the declaration; bylaws; covenants, conditions,
12 and restrictions; [and] house rules[.]; and any amendments
13 thereto."

14 SECTION 8. Section 514B-154.5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§514B-154.5 Association documents to be provided.** (a)
17 Notwithstanding any other provision in the declaration, bylaws,
18 or house rules, if any, the following documents, records, and
19 information, whether maintained, kept, or required to be
20 provided pursuant to this section or section 514B-103, 514B-152,
21 514B-153, or 514B-154, shall be made available to any unit owner



- 1 and the owner's authorized agents by the managing agent,
2 resident manager, board through a board member, or the
3 association's representative:
- 4 (1) All financial and other records sufficiently detailed
5 in order to comply with requests for information and
6 disclosures related to the resale of units;
- 7 (2) ~~An accurate copy of the declaration, bylaws, house
rules, if any, master lease, if any, a sample original
conveyance document, and all public reports and any
amendments thereto;~~ All records required to be
8 maintained pursuant to section 514B-153(a);
- 9 (3) Detailed, accurate records in chronological order of
10 the receipts and expenditures affecting the common
11 elements, specifying and itemizing the maintenance and
12 repair expenses of the common elements and any other
13 expenses incurred and monthly statements indicating
14 the total current delinquent dollar amount of any
15 unpaid assessments for common expenses;
- 16 (4) All records and the vouchers authorizing the payments
17 and statements kept and maintained at the address of
18



the project, or elsewhere within the State as determined by the board, subject to section 514B-152;

- (5) All signed and executed agreements for managing the operation of the property, expressing the agreement of all parties, including but not limited to financial and accounting obligations, services provided, and any compensation arrangements, including any subsequent amendments;
 - (6) An accurate and current list of members of the condominium association and the members' current addresses and the names and addresses of the vendees under an agreement of sale, if any. A copy of the list shall be available, at cost, to any unit owner or owner's authorized agent who furnishes to the managing agent, resident manager, or the board a ~~duly executed and acknowledged affidavit~~ written certification stating that the list:
 - (A) Shall be used by the unit owner or owner's authorized agent personally and only for the purpose of soliciting votes or proxies or for



providing information to other unit owners with respect to association matters; and

(B) Shall not be used by the unit owner or owner's authorized agent or furnished to anyone else for any other purpose;

(7) The association's most current financial statement, at no cost or on twenty-four-hour loan, at a convenient location designated by the board;

[+8] Meeting minutes of the association, pursuant to
section 514B-122:

(9) Meeting minutes of the board, pursuant to section 514B-126, which shall be:

(A) Available for examination by unit owners or owners' authorized agents at no cost or on twenty-four hour loan at a convenient location at the project to be determined by the board; or

(B) ~~Transmitted to any unit owner or owner's authorized agent making a request for the minutes within fifteen days of receipt of the request by the owner or owner's authorized agent; provided that:~~





1 [duly executed and acknowledged affidavit]
2 written certification stating that the
3 information is requested in good faith for the
4 protection of the interests of the association,
5 its members, or both; and
6 (B) Unit owners or owners' authorized agents shall
7 pay for administrative costs in excess of [eight]
8 twenty hours per year;
9 [+(11)] (9) Proxies, tally sheets, ballots, unit owners'
10 check-in lists, and the certificate of election
11 subject to section 514B-154(c);
12 [+(12)] (10) Copies of an association's documents, records,
13 and information, whether maintained, kept, or required
14 to be provided pursuant to this section or section
15 514B-103, 514B-152, 514B-153, or 514B-154;
16 [+(13)] (11) A copy of the management contract from the
17 entity that manages the operation of the property
18 before the organization of an association;
19 [+(14)] (12) Other documents requested by a unit owner or
20 owner's authorized agent in writing; provided that the
21 board shall give written authorization or written



1 refusal with an explanation of the refusal within
2 [thirty calendar] ten business days of receipt of a
3 request for documents pursuant to this paragraph; and
4 [(+15)] (13) A copy of any contract, written job description,
5 and compensation between the association and any
6 person or entity retained by the association to manage
7 the operation of the property on-site, including but
8 not limited to the general manager, operations
9 manager, resident manager, or site manager; provided
10 that personal information may be redacted from the
11 contract copy, including but not limited to the
12 manager's date of birth, age, signature, social
13 security number, residence address, telephone number,
14 non-business electronic mail address, driver's license
15 number, Hawaii identification card number, bank
16 account number, credit or debit card number, access
17 code or password that would permit access to the
18 manager's financial accounts, or any other information
19 that may be withheld under state or federal law.

20 (b) Subject to section 514B-105(d), and except as provided
21 under section 514B-154.2, physical copies of the items in



1 subsection (a) shall be provided to any unit owner or owner's
2 authorized agent upon the owner's or owner's authorized agent's
3 request; provided that the owner or owner's authorized agent
4 pays a reasonable fee for duplication, postage, and stationery.

5 (c) Notwithstanding any provision in the declaration,
6 bylaws, or house rules providing for another period of time, all
7 documents, records, and information listed under subsection (a),
8 whether maintained, kept, or required to be provided pursuant to
9 this section or section 514B-103, 514B-152, 514B-153, or
10 514B-154, shall be provided no later than [~~thirty~~] ten business
11 days after receipt of a unit owner's or owner's authorized
12 agent's written request, unless a lesser time is provided
13 pursuant to this section or section 514B-152, 514B-153, or
14 514B-154, and except as provided in subsection (a)(14).

15 (d) Except as provided under section [+]514B-154.2[+], any
16 documents, records, and information, whether maintained, kept,
17 or required to be provided pursuant to this section or section
18 514B-103, 514B-152, 514B-153, or 514B-154, may be made available
19 electronically to the unit owner or owner's authorized agent if
20 the owner or owner's authorized agent [~~requests such~~] makes a
21 request in writing.



19 (g) This section shall apply to all condominiums organized
20 under this chapter or any predecessor thereto.



1 (h) If the board fails to provide records properly
2 requested under this section, the owner may seek appropriate
3 relief and shall be entitled to an award of reasonable
4 attorneys' fees and costs if the unit owner prevails.

5 [+] (i) Nothing in this section shall be construed to
6 create any new requirements for the release of documents,
7 records, or information."

8 SECTION 9. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 10. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

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

14

INTRODUCED BY: Carol Johnson



S.B. NO. 2838

Report Title:

DCCA; Real Estate Commission; Condominiums; Associations; Managing Agents; Documents; Records; Online Portal; Condominium Education Trust Fund Fee; Attorneys' Fees

Description:

Requires the Department of Commerce and Consumer Affairs to establish a publicly accessible online portal for condominium association information and documents submitted to the Real Estate Commission with registrations, to be funded by an additional Condominium Education Trust Fund Fee. Requires a condominium association to provide information and documents for publication on the online portal, maintain records, and make records available to a unit owner within a specified timeframe upon request. Authorizes unit owners to recover reasonable attorneys' fees and costs if they prevail in proceedings related to a condominium association's failure to make documents available upon request within a specified timeframe.

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

