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# A BILL FOR AN ACT

RELATING TO PROPERTY.

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

1 PART I

2 SECTION 1. Chapter 521, Hawaii Revised Statutes, is  
3 amended by adding a new section to be appropriately designated  
4 and to read as follows:

5 "§521- Absentee owner or landlord; on-island agent  
6 registry; required; penalties. (a) The department shall  
7 establish and maintain a registry of agents that shall contain  
8 the information of an on-island agent designated by an absentee  
9 owner or landlord to act on the owner's or landlord's behalf  
10 pursuant to section 521-43(f).

11 (b) The department shall make the registry available for  
12 public access on the office of consumer protection's website.

13 (c) Within days of an absentee owner or landlord  
14 designating an agent, the absentee owner or landlord shall  
15 register with the department:

16 (1) Any agent designated to act on the owner's or  
17 landlord's behalf pursuant to section 521-43(f); and



1       (2) The properties that the agent is designated to manage  
2       on behalf of the absentee owner or landlord.

3       (d) An absentee owner or landlord shall notify the  
4 department within            days of any changes in:

5       (1) The identity of an agent or an agent's contact  
6       information; and

7       (2) Any property that an agent is designated to manage on  
8       behalf of the owner or landlord.

9       (e) An absentee owner or landlord that fails to comply  
10 with this section shall be subject to the penalties imposed by  
11 section 521-67(b).

12       (f) The department shall adopt rules pursuant to chapter  
13 91 to implement this section.

14       (g) For the purposes of this section:

15       "Absentee owner or landlord" has the same meaning as  
16 defined in section 521-43(f).

17       "Department" means the department of commerce and consumer  
18 affairs."

19       SECTION 2. Section 521-43, Hawaii Revised Statutes, is  
20 amended by amending subsection (f) to read as follows:



1           "(f) Any absentee owner or landlord [~~who resides without~~  
2 ~~the State or on another island from where the rental unit is~~  
3 ~~located~~] shall designate on the written rental agreement and  
4 continuously maintain an agent residing on the same island where  
5 the unit is located to act [~~in~~] on the absentee owner's or  
6 landlord's behalf[~~-~~]; provided that an absentee owner or  
7 landlord shall not designate the tenant as the agent. An  
8 absentee owner or landlord shall provide on the rental agreement  
9 the agent's name and contact information, including the agent's  
10 phone number, electronic mail address, and mailing address. In  
11 the case of an oral rental agreement, the information shall be  
12 supplied to the tenant, on demand, in a written statement.

13           For the purposes of this subsection:

14           "Absentee owner or landlord" means an owner or landlord who  
15 resides outside of the State or on another island of the State  
16 from where the rental unit is located."

17           SECTION 3. Section 521-67, Hawaii Revised Statutes, is  
18 amended to read as follows:

19           "~~[§]521-67[§]~~ **Tenant's remedy for failure by landlord to**  
20 **disclose.** (a) If [~~the~~] a landlord fails to comply with any  
21 disclosure requirement specified in section 521-43, with the



1 exception of subsection (f), within ten days after proper demand  
2 therefor by the tenant, the landlord shall be liable to the  
3 tenant for \$100 plus reasonable [attorney's] attorneys' fees.

4 (b) If an absentee owner or landlord fails to comply with  
5 the requirements of section 521-43(f), the absentee owner or  
6 landlord shall be subject to a fine payable to the department of  
7 commerce and consumer affairs in an amount equal to one month's  
8 rent or \$2,000, whichever is greater, every thirty days  
9 following proper notification of the violation until an on-  
10 island agent is registered with the department."

11 PART II

12 SECTION 4. Section 514B-153, Hawaii Revised Statutes, is  
13 amended by amending subsection (e) to read as follows:

14 "(e) Any member who resides outside of the State or on  
15 another island of the State from where the member's unit is  
16 located shall designate an on-island agent and shall provide the  
17 board with the name and current address of the agent, regardless  
18 of whether the unit is a rental unit. The managing agent,  
19 resident manager, or board shall keep an accurate and current  
20 list of members of the association and their current addresses,  
21 and the names and addresses of the vendees under an agreement of



1 sale[7] or on-island agents, if any. The list shall be  
2 maintained at a place designated by the board, and a copy shall  
3 be available, at cost, to any member of the association as  
4 provided in the declaration or bylaws or rules and regulations  
5 or, in any case, to any member who furnishes to the managing  
6 agent or resident manager or the board a duly executed and  
7 acknowledged affidavit stating that the list:

- 8 (1) Will be used by the owner personally and only for the  
9 purpose of soliciting votes or proxies or providing  
10 information to other owners with respect to  
11 association matters; and
- 12 (2) Shall not be used by the owner or furnished to anyone  
13 else for any other purpose.

14 A board may prohibit commercial solicitations.

15 Where the condominium project or any units within the  
16 project are subject to a time share plan under chapter 514E, the  
17 association shall only be required to maintain in its records  
18 the name and address of the time share association as the  
19 representative agent for the individual time share owners unless  
20 the association receives a request by a time share owner to



1 maintain in its records the name and address of the time share  
2 owner."

3 SECTION 5. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on July 1, 2050.



**Report Title:**

DCCA; OCP; Registry of Agents; Absentee Owners and Landlords;  
Penalties; Condominium Associations

**Description:**

Requires the Department of Commerce and Consumer Affairs to establish and maintain a Registry of Agents designated to manage a property on behalf of an absentee owner or landlord, which shall be available for public access on the Office of Consumer Protection's website. Requires an absentee owner or landlord to register any agents managing a property on their behalf with the Department of Commerce and Consumer Affairs. Prohibits an absentee owner or landlord from designating a tenant as an agent. Establishes penalties for an absentee owner or landlord that fails to register an agent with the DCCA or fails to designate an agent. Requires member owners of a condominium association who live outside the State or on another island of the State from where the unit is located to provide the association's board with the contact information of a designated on-island agent for the unit, which shall be included on the address list maintained by the association. Effective 7/1/2050. (SD1)

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

