
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 Accordingly, the purpose of this Act is to require
4 condominium associations to provide certain association
5 documents in an electronic format to unit owners.

6 SECTION 2. Section 514B-154.2, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[~~§~~514B-154.2] **[Governing] Association documents;**
9 **electronic copies.** (a) Notwithstanding any other provision to
10 the contrary in the declaration, bylaws, or house rules, an
11 association shall provide an electronic copy of [~~its governing~~]
12 the association documents[~~7~~] listed in subsection (b), as
13 amended or restated, to a unit owner or the unit owner's
14 authorized agent, upon request, at no cost to the unit owner or
15 the unit owner's authorized agent.

16 (b) [~~For the purposes of this section, "governing~~
17 ~~documents" means the declaration, bylaws, covenants, conditions,~~
18 ~~and restrictions; and house rules.~~] Association documents to be
19 provided in an electronic format shall include:

20 (1) Evidence of and information on fidelity bond coverage;



- 1 (2) Names and positions of the officers of the
- 2 association;
- 3 (3) The name and contact information of the association's
- 4 managing agent, if any;
- 5 (4) The name and contact information of an emergency
- 6 contact for the association that is not the managing
- 7 agent;
- 8 (5) The street and postal address of the project;
- 9 (6) An accurate copy of:
- 10 (A) The articles of incorporation, if any,
- 11 declaration, bylaws, and amendments thereto;
- 12 (B) Covenants, conditions, and restrictions;
- 13 (C) The regulations, resolutions, and house rules, if
- 14 any;
- 15 (D) Master lease, if any;
- 16 (E) A sample original conveyance document;
- 17 (F) All public reports and any amendments thereto;
- 18 (G) All contracts, leases, or other agreements
- 19 entered into by the board to which the
- 20 association is a party or under which the



1 association or unit owners have obligations or
2 liabilities;

3 (H) Minutes of all meetings of the association,
4 pursuant to sections 514B-122 and 514B-126 for
5 the immediately preceding twelve months;

6 (I) All policies of insurance of the association,
7 including current policies and policies for the
8 immediately preceding ten years;

9 (J) The most recent reserve study;

10 (K) A list of the association's planned capital
11 expenditures, if any, from the date of
12 registration through June 30 of the following
13 year;

14 (L) The association's most recent audited financial
15 statement;

16 (M) The association's most recently adopted budget
17 with any monthly or recurring association fees
18 and any applicable current or approved special
19 assessments specifically outlined; and

20 (N) All reports issued within the preceding ten years
21 on the structural status of each property owned,



1 operated, or governed by the project or
2 association; and

3 (7) A description of the location of all building permits
4 for work in the common elements of the project or
5 association, which shall be posted during
6 construction."

7 SECTION 3. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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



S.B. NO. 2838
S.D. 1

Report Title:

Condominiums; Associations; Managing Agents; Documents;
Electronic Format

Description:

Requires condominium associations to provide certain association documents in electronic format to unit owners. Effective 7/1/2050. (SD1)

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