

ACT 204

H.B. NO. 1354

A Bill for an Act Relating to Horizontal Property Regimes.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 514A-83.2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A proxy, to be valid, must be delivered to the secretary of the association of apartment owners or the managing agent, if any, no later than 4:30 p.m. on the second [at least two] business [days] day prior to the date of the meeting to which it pertains, and must contain at least: the name of the association of apartment owners, the date of the meeting of the association of apartment owners, the printed name and signature of the person or persons

giving the proxy, the apartment or apartments for which the proxy is given, the printed name of the person or entity to whom the proxy is given, and the date that the proxy is given.”

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

“§514A- Pets in apartments. (a) Whenever the bylaws do not forbid apartment owners from keeping animals as pets in their apartments, the bylaws shall not forbid the tenants of the apartment owners from keeping pets in the apartments rented or leased from the owners; provided that:

- (1) The apartment owner agrees in writing to allow the apartment owner's tenant to keep a pet in the apartment;
- (2) The tenants may keep only those types of pets which may be kept by apartment owners;
- (3) The bylaws may allow each owner or tenant to keep only one pet in the apartment;
- (4) The animals shall not include those described as pests under section 150A-2, or animals prohibited from importation under section 141-2, 150A-5, or 150A-6;
- (5) The bylaws may include reasonable restrictions or prohibitions against excessive noise or other problems caused by pets on the property; and
- (6) The bylaws may reasonably restrict or prohibit the running of pets at large in the common areas of the property.

(b) Any amendments to the bylaws pertaining to pet restrictions or prohibitions which exempt circumstances existing prior to the adoption of the amendments shall apply equally to apartment owners and tenants.”

SECTION 3. This Act shall control and supersede any conflicting bylaws that are in existence on the effective date of this Act.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved June 3, 1985.)

Note

1. Edited pursuant to HRS §23G-16.5.