

ACT 124

H.B. NO. 114

A Bill for an Act Relating to Condominiums.

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

SECTION 1. Section 514A-11, Hawaii Revised Statutes, is amended to read as follows:

“§514A-11 Recordation and contents of declaration. The bureau of conveyances and the land court shall immediately set up the mechanics and method by which recordation of a master deed or lease and the declaration may be made. Provisions shall be made for the recordation of instruments affecting the individual apartments on subsequent resales, mortgages, and other encumbrances, as is done with all other real estate recordations; provided that land court certificates of title shall not be issued for apartments. The declaration to which section 514A-20 refers shall express the following particulars:

- (1) Description of the land, whether leased or in fee simple, on which the building or buildings and improvements are or are to be located[.];

- (2) Description of the building or buildings, stating the number of stories and basements, the number of apartments, and the principal materials of which it or they is or are constructed or to be constructed[.];
- (3) The apartment number of each apartment, and a statement of its location, approximate area, number of rooms, and immediate common element to which it has access, designated parking stall, if considered a limited common element, and any other data necessary for its proper identification[.];
- (4) Description of the common elements[.];
- (5) Description of the limited common elements, if any, stating to which apartments their use is reserved[.];
- (6) The percentage of undivided interest in the common elements appertaining to each apartment and its owner for all purposes, including voting[.];
- (7) Statement of the purposes for which the building or buildings and each of the apartments are intended and restricted as to use[.];
- (8) The name of a person to receive service of process in the cases hereinafter provided, together with the residence or place of business of the person which shall be within the county [or city and county] in which the property is located[.];
- (9) Provision as to the percentage of votes by the apartment owners which shall be determinative of whether to rebuild, repair, or restore the property in the event of damage or destruction of all or part of the property[.];
- (10) Any further details in connection with the property which the person executing the declaration may deem desirable to set forth consistent with this chapter[.];
- (11) The method by which the declaration may be amended, consistent with this chapter[.]; provided that an amendment to the [declaration] declarations of all condominium projects existing as of the effective date of this Act and all condominium projects created thereafter shall require a vote or written consent of [not less than] seventy-five per cent of all apartment owners, except as otherwise provided in this chapter[.]; provided further that the declarations of condominium projects having five or fewer apartments may provide for the amendment thereof by a vote or written consent of more than seventy-five per cent of all apartment owners;
- (12) Description as to any additions, deletions, modifications, and reservations as to the property, including without limitation provisions concerning the merger or addition of later phases of the project. To the extent provided in the declaration, an amendment to the declaration which is made to implement [such] those additions, deletions, modifications, reservations or merger provisions shall require the vote or written consent of only the declarant or such percentage of apartment owners as is provided in the declaration[.];
- (13) In the case of a project which includes one or more existing structures being converted to condominium status, a statement that the project is in compliance with all ordinances, codes, rules, regulations, or other requirements in force at the time of its construction[.]; and
- (14) In the case a project which includes one or more existing structures being converted to condominium status, statement of whether any

variance has been granted from any ordinance, code, rule, regulation, or other requirement in force at the time of its construction or from any current ordinance, code, rule, regulation, or other requirement.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 22, 1991.)