
A BILL FOR AN ACT

RELATING TO PLANNED COMMUNITY ASSOCIATIONS.

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

1 SECTION 1. The legislature finds that planned community
2 associations share many similarities with condominium
3 associations, including individual ownership of residential
4 units, assessment of maintenance fees, a board that represents
5 the association, and meetings that all members have the right to
6 attend.

7 The legislature also finds, however, that members of a
8 planned community association have fewer rights regarding
9 participation in association meetings and governance than
10 members of condominium associations. For example, current law
11 does not provide that twenty-five per cent of the members of a
12 planned community association may call a special meeting.

13 The purpose of this Act is to afford the rights enjoyed by
14 condominium association members regarding association meetings
15 to planned community association members.

16 SECTION 2. Section 421J-3.5, Hawaii Revised Statutes, is
17 amended to read as follows:



1 " ~~[+]~~ §421J-3.5 ~~[Notice required; regular]~~ Regular annual
2 and special meetings ~~[-]~~; notice required. (a) Not less than
3 fourteen days in advance of any regular annual meeting or
4 special meeting of an association, the secretary or other
5 officer specified in the bylaws shall give written notice of the
6 meeting to each member of the association as provided in the
7 bylaws of the association or by two or more of the following
8 means:

- 9 (1) Hand delivery;
- 10 (2) United States mail sent to the mailing address of each
11 unit or to another mailing address designated in
12 writing by the association member;
- 13 (3) Electronic mail to the electronic mailing address
14 designated in writing by the association member; or
- 15 (4) Posting of the meeting notice in its entirety on a
16 portion of the association's website that is
17 accessible to all members.

- 18 (b) Notice pursuant to this section shall state:
 - 19 (1) The date, time, and place of the meeting; and
 - 20 (2) The items on the agenda, including the general nature
 - 21 of and rationale for any proposed amendment to the



1 declaration or bylaws; any proposal for a special
2 assessment, unless the authority for a special
3 assessment is otherwise provided for in the
4 association's governing documents; and any proposal to
5 remove a member of the board.

6 (c) Special meetings of the association may be called by a
7 petition to the secretary or managing agent signed by not less
8 than twenty-five per cent of the members as shown in the
9 association's record of ownership; provided that if the
10 secretary or managing agent fails to send out the notices for
11 the special meeting within fourteen days of receipt of the
12 petition, the petitioners shall have the authority to set the
13 time, date, and place for the special meeting and to send out
14 the notices and proxies for the special meeting at the
15 association's expense in the same manner as established by
16 paragraphs (a) and (b); provided further that a special meeting
17 based upon a petition to the secretary or managing agent shall
18 be set no later than sixty days from receipt of the petition.

19 [~~e~~] (d) The requirements of this section shall not be
20 interpreted to preclude any association member from proposing an

1 amendment to the declaration or bylaws or proposing to remove a
2 member of the board at an association meeting.

3 [~~d~~] (e) The requirements of this section shall not be
4 interpreted to apply to any board meetings or committee meetings
5 of a planned community association."

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 23 2015



H.B. NO. 532

Report Title:

Planned Community Associations; Association Meetings

Description:

Authorizes the members of a planned community association to call a special meeting by petition signed by not less than 25% of the members.

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

