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# A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1           SECTION 1. Chapter 514A, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§514A-     Retaliation prohibited. (a) An association of  
5 apartment owners, board of directors, managing agent, resident  
6 manager, apartment owner, or any person acting on behalf of an  
7 association of apartment owners or an apartment owner shall not  
8 retaliate or discriminate against an apartment owner who,  
9 through a lawful action done in an effort to address, prevent,  
10 or stop a violation of this chapter or governing documents of  
11 the association of apartment owners:

12           (1) Complains or otherwise reports an alleged violation;

13           (2) Causes a complaint or report of an alleged violation  
14 to be filed with the association of apartment owners,  
15 the commission, or other appropriate entity;

16           (3) Participates in or cooperates with an investigation of  
17 a complaint or report filed with the association of



1           apartment owners, the commission, or other appropriate  
2           entity;

3           (4) Otherwise acts in furtherance of a complaint, report,  
4           or investigation concerning an alleged violation; or

5           (5) Exercises or attempts to exercise any right under this  
6           chapter or the governing documents of the association  
7           of apartment owners.

8           (b) An apartment owner may bring a civil action in  
9           district court alleging a violation of this section. If the  
10          apartment owner prevails, the court may issue an injunction or  
11          award damages, court costs, attorneys' fees, or any other relief  
12          the court deems appropriate.

13          (c) As used in this section, "governing documents" means  
14          an association of apartment owners' declaration, bylaws, or  
15          house rules; or any other document that sets forth the rights  
16          and responsibilities of the association of apartment owners, its  
17          board of directors, its managing agent, or the apartment  
18          owners."

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



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1           "§514B-     Retaliation prohibited.     (a)     An association,  
2 board, managing agent, resident manager, unit owner, or any  
3 person acting on behalf of an association or a unit owner shall  
4 not retaliate or discriminate against a unit owner who, through  
5 a lawful action done in an effort to address, prevent, or stop a  
6 violation of this chapter or governing documents of the  
7 association:

8           (1)     Complains or otherwise reports an alleged violation;

9           (2)     Causes a complaint or report of an alleged violation  
10           to be filed with the association, the commission, or  
11           other appropriate entity;

12           (3)     Participates in or cooperates with an investigation of  
13           a complaint or report filed with the association, the  
14           commission, or other appropriate entity;

15           (4)     Otherwise acts in furtherance of a complaint, report,  
16           or investigation concerning an alleged violation; or

17           (5)     Exercises or attempts to exercise any right under this  
18           chapter or the governing documents of the association.

19           (b)     A unit owner may bring a civil action in district  
20 court alleging a violation of this section.     If the unit owner  
21 prevails, the court may issue an injunction or award damages,



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1 court costs, attorneys' fees, or any other relief the court  
2 deems appropriate.

3 (c) As used in this section, "governing documents" means  
4 an association's declaration, bylaws, or house rules; or any  
5 other document that sets forth the rights and responsibilities  
6 of the association, its board, its managing agent, or the unit  
7 owners."

8 SECTION 3. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 2017.

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INTRODUCED BY:   
JAN 19 2017



# H.B. NO. 177

**Report Title:**

Condominiums; Associations; Board of Directors; Condominium Owners; Violations; Retaliation; Prohibition

**Description:**

Prohibits associations of apartment owners, boards of directors, managing agents, resident managers, and condominium owners from retaliating or discriminating against a condominium owner who files a complaint; acts in furtherance of a complaint, report, or investigation of an alleged violation of the State's condominium laws or a condominium's governing documents; or exercises or attempts to exercise any right as a condominium owner.

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

