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# A BILL FOR AN ACT

RELATING TO HOMEOWNERS' ASSOCIATIONS.

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

1           SECTION 1. The legislature finds that there are  
2 subdivisions that do not fit into the current definition of a  
3 "planned community association", as used in the laws regarding  
4 homeowners' associations. Accordingly, the homeowners'  
5 associations in these subdivisions remain unregulated and lack  
6 access to the cost-effective dispute resolution mechanisms  
7 provided for planned community associations.

8           The legislature further finds that applying the planned  
9 community associations laws to these subdivisions will allow the  
10 subdivisions to be regulated and to have access to current  
11 mediation processes.

12           The purpose of this Act is to expand the definition of  
13 "associations" under the planned community association law to  
14 include certain homeowners' associations.

15           SECTION 2. Section 421J-2, Hawaii Revised Statutes, is  
16 amended by amending the definition of "association" to read as  
17 follows:



1        ""Association" means a nonprofit, incorporated, or  
2 unincorporated organization:

3        (1) Upon which responsibilities are imposed and to which  
4 authority is granted in a declaration that governs a  
5 planned community; [~~or~~]

6        (2) That is a planned community association as defined  
7 under section 607-14 [~~-~~]; or

8        (3) That is a homeowners' association, in which:

9           (A) The voting membership is made up of ten or more  
10           parcel owners or their proxies, or a combination  
11           thereof; and

12           (B) Assessments may be imposed that, if unpaid, may  
13           become a lien on the parcel."

14        SECTION 3. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun before its effective date.

17        SECTION 4. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19        SECTION 5. This Act shall take effect on July 1, 2112.



**Report Title:**

Homeowners' Associations; Planned Community Associations

**Description:**

Expands the law on planned community associations to apply to certain homeowners' associations. (HB192 HD2)

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

