
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, board
9 member, or employee of an association of apartment owners who,
10 through a lawful action done in an effort to address, prevent,
11 or stop a violation of this chapter or governing documents of
12 the association of apartment owners:

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



1 (3) Participates in or cooperates with an investigation of
2 a complaint or report filed with the association of
3 apartment owners, the commission, or other appropriate
4 entity;

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

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

10 (b) An apartment owner, board member, or employee of an
11 association of apartment owners may bring a civil action in
12 district court alleging a violation of this section. If the
13 apartment owner, board member, or employee of an association of
14 apartment owners prevails, the court may issue an injunction or
15 award damages, court costs, attorney's fees, or any other relief
16 the court deems appropriate.

17 (c) As used in this section:

18 "Governing documents" means declarations, bylaws, house
19 rules, or any other document that sets forth the rights and
20 responsibilities of the association of apartment owners, its
21 board of directors, its managing agent, or the apartment owners.



- 1 "Retaliation" includes but is not limited to:
2 (1) Taking any action that is not supported by the
3 applicable statute or the association of apartment
4 owners' declaration, bylaws, or house rules; or
5 (2) An abuse of power."

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

9 "§514B- Retaliation prohibited. (a) An association,
10 board, managing agent, resident manager, unit owner, or any
11 person acting on behalf of an association or a unit owner shall
12 not retaliate or discriminate against a unit owner, board
13 member, or association employee who, through a lawful action
14 done in an effort to address, prevent, or stop a violation of
15 this chapter or governing documents of the association:

- 16 (1) Complains or otherwise reports an alleged violation;
17 (2) Causes a complaint or report of an alleged violation
18 to be filed with the association, the commission, or
19 other appropriate entity;



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

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

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

8 (b) A unit owner, board member, or association employee
9 may bring a civil action in district court alleging a violation
10 of this section. If the unit owner, board member, or
11 association employee prevails, the court may issue an injunction
12 or award damages, court costs, attorney's fees, or any other
13 relief the court deems appropriate.

14 (c) As used in this section:

15 "Governing documents" means declarations, bylaws, house
16 rules, or any other document that sets forth the rights and
17 responsibilities of the association, its board, its managing
18 agent, or the unit owners.

19 "Retaliation" includes but is not limited to:



1 (1) Taking any action that is not supported by the
2 applicable statute or the association of apartment
3 owners' declaration, bylaws, or house rules; or

4 (2) An abuse of power."

5 SECTION 3. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

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

Description:

Prohibits apartment and condominium associations, boards of directors, managing agents, resident managers, and apartment and condominium owners from retaliating or discriminating against an owner, board member, or association employee who takes lawful action to address, prevent, or stop a violation of Hawaii's condominium laws or a condominium's governing documents, or exercises any rights as an owner. (SB369 HD1)

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

