
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;
17 (3) Participates in or cooperates with an investigation of
18 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, board member, or employee of an
9 association of apartment owners may bring a civil action in
10 district court alleging a violation of this section. If the
11 apartment owner, board member, or employee of an association of
12 apartment owners prevails, the court may issue an injunction or
13 award damages, court costs, attorneys' fees, or any other relief
14 the court deems appropriate.

15 (c) As used in this section:

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

21 "Retaliation" includes but is not limited to:



- 1 (1) Taking any action that is not supported by the
- 2 association of apartment owners' declaration, bylaws,
- 3 or house rules, applicable state statute, or
- 4 (2) An abuse of power."

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

8 "§514B- Retaliation prohibited. (a) An association,
9 board, managing agent, resident manager, unit owner, or any
10 person acting on behalf of an association or a unit owner shall
11 not retaliate or discriminate against a unit owner, board
12 member, or association employee who, through a lawful action
13 done in an effort to address, prevent, or stop a violation of
14 this chapter or governing documents of the association:

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



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

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

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

11 (c) As used in this section:

12 "Governing documents" means an association's declaration,
13 bylaws, or house rules; or any other document that sets forth
14 the rights and responsibilities of the association, its board,
15 its managing agent, or the unit owners.

16 "Retaliation" includes but is not limited to:

17 (1) Taking any action that is not supported by the
18 association of apartment owners' declaration, bylaws,
19 or house rules, applicable state statute, or

20 (2) An abuse of power."

21 SECTION 3. New statutory material is underscored.



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

2



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, board member, or association employee 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. Effective 07/01/2050. (SD1)

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

