
A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

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

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

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, the commission, or
15 other appropriate entity;

16 (3) Participates in or cooperates with an investigation of
17 a complaint or report filed with the association, the
18 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, managing agent, resident
6 manager, or association employee may bring a civil action in
7 district court alleging a violation of this section. The court
8 may issue an injunction or award damages, court costs,
9 attorneys' fees, or any other relief the court deems
10 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 "Retaliate" means to take any action that is not made in
17 good faith and is unsupported by the association's governing
18 documents or applicable law and that is intended to, or has the
19 effect of, being prejudicial in the exercise or enjoyment of any
20 person's substantial rights under this chapter or the
21 association's governing documents."



- 1 SECTION 2. New statutory material is underscored.
- 2 SECTION 3. This Act shall take effect on July 1, 2017.
- 3



Report Title:

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

Description:

Prohibits associations of apartment owners, boards of directors, managing agents, resident managers, unit owners, and persons acting on behalf of associations or unit owners from retaliating against a unit owner, board member, managing agent, resident manager, 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 unit owner. (CD1)

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