
A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1 SECTION 1. The legislature finds that a condominium
2 project's bylaws serve as the governing document by which the
3 condominium's association of unit owners or its board of
4 directors enforces rules against unit owners. The legislature
5 further finds that in many cases, a condominium project's bylaws
6 were adopted without participation by current unit owners, who
7 may have purchased their units years after the adoption of the
8 bylaws. Thus, a unit owner is often at a disadvantage when
9 disputes involving their condominium's bylaws arise between the
10 unit owner and an association or its board of directors.

11 The purpose of this Act is to assist condominium unit
12 owners by specifying that in disputes between a unit owner and
13 an association or its board of directors involving activities
14 occurring within the unit owner's unit, condominium bylaws shall
15 be construed in favor of the unit owner.



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

4 "§514B- Construction of bylaws. Notwithstanding
5 section 514B-10 or any other law to the contrary, in disputes
6 between a unit owner and an association or its board of
7 directors involving activities occurring within the unit owner's
8 unit:

9 (1) Any bylaw at issue in the dispute shall be strictly
10 construed against the association or its board of
11 directors, and any ambiguity in the bylaw shall be
12 resolved in favor of the unit owner; provided that if
13 a statute, ordinance, or other law specifically
14 addresses the disputed activity, the statute,
15 ordinance, or law shall control;

16 (2) If a bylaw at issue in the dispute requires approval
17 or consent of the association or its board of
18 directors:

19 (A) Approval or consent by a nonresident unit owner's
20 agent shall be deemed equivalent to that of the
21 unit owner in all respects, unless the unit owner



1 has specified in writing the unit owner's
2 disapproval or nonconsent; and
3 (B) For those instances where board approval is
4 required by the bylaws, inaction by the
5 association's board of directors of more than
6 sixty days after the board of directors' consent
7 was requested shall be deemed approval or consent
8 of the association's board of directors;

9 (3) Upon resolution of the dispute, the association may
10 thereafter adopt bylaws that specifically prohibit or
11 allow the disputed activity, but any such bylaw shall
12 apply prospectively and shall not affect activities
13 commenced before its effective date; and

14 (4) Activities not specifically prohibited by a bylaw,
15 statute, ordinance, or law shall be deemed allowed
16 under the bylaws and shall not require approval or
17 consent of the association or its board of directors.

18 Nothing in this section shall prevent a unit owner,
19 association, or its board of directors from requesting mediation
20 or arbitration of a dispute under this part."



H.B. NO. 1613

1 SECTION 3. Section 514B-10, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Any deed, declaration, bylaw, or condominium map
4 shall be liberally construed to facilitate the operation of the
5 condominium property regime[-], subject to the provisions of
6 section 514B- ."

7 SECTION 4. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 5. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect upon its approval.

13

INTRODUCED BY:

The image shows two handwritten signatures in black ink. The top signature is large and stylized, appearing to be 'A. I. ...'. Below it is a smaller signature that looks like 'I. ...'. Both signatures are written over a horizontal line.

JAN 10 2018



H.B. NO. 1613

Report Title:

Condominiums; Bylaws; Disputes

Description:

Specifies that in disputes between a condominium unit owner and a condominium association or its board of directors involving activities occurring within the unit owner's unit, bylaws shall be construed in favor of the unit owner.

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

