
A BILL FOR AN ACT

RELATING TO COMMON INTEREST COMMUNITIES.

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

1 SECTION 1. Chapter 421J, Hawaii Revised Statutes, is
2 amended by adding three new sections to be appropriately
3 designated and to read as follows:

4 "§421J- Board; resignation. A member of the board of
5 directors may resign from the board at any time; provided that
6 the resignation shall only be effective if the resignation is
7 presented:

8 (1) Orally at a meeting of the board of directors and
9 confirmed verbally or in writing by the presiding
10 officer at the same meeting; or

11 (2) In writing to the president or secretary of the board,
12 signed by the resigning member of the board.

13 §421J- Board; vacancies. Notwithstanding any provision
14 in any association documents to the contrary, a board shall only
15 fill a vacancy in its membership to serve until the next annual
16 meeting or duly noticed special meeting of the association.



1 §421J- Right to vote. Notwithstanding any provision in
2 any association documents to the contrary, the right to vote at
3 an association meeting shall be exercised by the members or
4 through their permitted proxies. This section shall not apply
5 to the reserved developer's rights."

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- Board; resignation. A member of the board of
10 directors may resign from the board at any time; provided that
11 the resignation shall only be effective if the resignation is
12 presented:

13 (1) Orally at a meeting of the board of directors and
14 confirmed verbally or in writing by the presiding
15 officer at the same meeting; or

16 (2) In writing to the president or secretary of the board,
17 signed by the resigning member of the board."

18 SECTION 3. Section 421J-3.5, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[+] §421J-3.5 Notice required; regular annual and special
21 meetings. [+] (a) Not less than fourteen days in advance of any



1 regular annual meeting or special meeting of an association, the
2 secretary or other officer specified in the bylaws shall give
3 written notice of the meeting to each member of the association
4 as provided in the bylaws of the association or by two or more
5 of the following means:

- 6 (1) Hand delivery;
 - 7 (2) United States mail sent to the mailing address of each
8 unit or to another mailing address designated in
9 writing by the association member;
 - 10 (3) Electronic mail to the electronic mailing address
11 designated in writing by the association member; or
 - 12 (4) Posting of the meeting notice in its entirety on a
13 portion of the association's website that is
14 accessible to all members.
- 15 (b) Notice pursuant to this section shall state:
- 16 (1) The date, time, and place of the meeting; and
 - 17 (2) The items on the agenda, including the general nature
18 of and rationale for any proposed amendment to the
19 declaration or bylaws; any proposal for a special
20 assessment, unless the authority for a special
21 assessment is otherwise provided for in the



1 association's governing documents; and any proposal to
2 remove a member of the board.

3 (c) To remove a member of the board or any committee, a
4 proposal to remove the member of the board shall be included in
5 the notice of the meeting. The proposal shall be included on
6 the notice upon written request of any association member made
7 at least fourteen days prior to the distribution of the notice
8 for the meeting.

9 [~~e~~] (d) The requirements of this section shall not be
10 interpreted to preclude any association member from proposing an
11 amendment to the declaration or bylaws [~~or proposing to remove a~~
12 ~~member of the board at an association meeting~~].

13 [~~d~~] (e) The requirements of this section shall not be
14 interpreted to apply to any board meetings or committee meetings
15 of a planned community association."

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

18 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Common Interest Communities; Planned Community Associations;
Condominium Associations; Removal; Vacancies; Right to Vote;
Board of Directors

Description:

Specifies the manner in which a member of a board of a planned community association or condominium association may resign. Limits a planned community association board's ability to fill a vacancy. Clarifies the right to vote in planned community association matters. Requires any proposal to remove a board member of a planned community association be noticed and the proposal to remove included on the meeting notice, upon 14 days' request by an association member. Takes effect on 7/1/2050.
(HD1)

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