

JAN 19 2018

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 part VI to be appropriately
3 designated and to read as follows:

4 "§514B- Managing agents; functions. (a) The functions
5 that may be performed by a managing agent retained for the
6 purpose of managing the operation of the property shall include
7 but not be limited to the following:

8 (1) Controlling or disbursing funds of the association;

9 (2) Preparing budgets or other financial documents for the
10 association;

11 (3) Assisting in providing notice of or conducting an
12 association meeting;

13 (4) Ensuring compliance with statutory notice
14 requirements;

15 (5) Determining amounts due to the association;

16 (6) Collecting amounts due to the association before the
17 filing of a civil action;



- 1 (7) Calculating the votes required for quorum or to
- 2 approve a proposition or amendment;
- 3 (8) Completing all forms related to the management of the
- 4 association that are prescribed by a state agency
- 5 pursuant to law or rule;
- 6 (9) Drafting association meeting notices and agendas;
- 7 (10) Calculating, preparing, and responding to inquiries
- 8 regarding an assessment or estoppel letter or
- 9 certificate;
- 10 (11) Negotiating monetary or performance terms of a
- 11 contract subject to approval by the association;
- 12 (12) Drafting pre-arbitration demands;
- 13 (13) Coordinating or performing maintenance of real or
- 14 personal property and other related routine services
- 15 involved in the operation of the property; and
- 16 (14) Complying with the association's governing documents
- 17 and bylaws as necessary to perform the functions of a
- 18 managing agent.
- 19 (b) A person shall be exempt from the licensing or
- 20 registration requirements under section 514B-132 if the person:



1 (1) Performs clerical or ministerial functions under the
 2 direct supervision and control of a managing agent
 3 licensed or registered pursuant to section 514B-132;
 4 or

5 (2) Performs only maintenance functions of the operation
 6 of the property and does not assist with any functions
 7 enumerated under subsection (a)."

8 SECTION 2. Section 514B-3, Hawaii Revised Statutes, is
 9 amended by amending the definition of "managing agent" to read
 10 as follows:

11 "'Managing agent" means any person retained, as an
 12 independent contractor, for the [~~purpose~~] purposes of managing
 13 the operation of the property[~~-~~], including performing any of
 14 the functions described under section 514B- ."

15 SECTION 3. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

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Report Title:

Condominiums; Associations of Apartment Owners; Unit Owners'
Association Managing Agents; Functions

Description:

Establishes managerial functions in the operation of the property of a managing agent of a condominium. Exempts certain persons from managing agent licensing and registration requirements.

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

