

HB192. Re Homeowners Associations

- Expands the definition of “association“ under HRS 421J-2 to include certain homeowners associations;
- Clarify that if a proxy is a standard proxy form authorized by an association, and the proxy is returned with no box checked or more than one box checked, the proxy shall be counted for quorum purposes only.

HB239. Re Condominiums

Clarifies HRS 514B-123 that if a proxy is a standard proxy form authorized by an association, and the proxy is returned with no box checked or more than one box checked, the proxy shall be counted for quorum purposes only.

SB292. Re Condominiums

- Repeals HRS 514A – effective – 1/1/2019.

HB832. Re Condominiums

- Clarifies HRS 514B-106 by providing that any violation by a board or its officers or members of a mandatory provision of Sections 514B-161 (mediation) or 514B-162 (arbitration) may constitute a violation of the fiduciary duty owed pursuant to that section, subject to a safe-harbor that would allow a board member to minimize his or her exposure to liability;
- Clarifies HRS 514B-125 to provide for a balance between the right of association members to speak and participate in board meetings while ensuring that a board is able to complete its agenda in a timely manner;
- Amends HRS 514B-125(e) to require the notice for board meetings to include a list of items expected to be on the meeting agenda;
- Amends HRS 514B-126(c) to require unapproved final drafts of the minutes of a board meeting to be available within 30 days after the meeting.

HB1498. Re Condominiums

- Amends HRS 514B-154.5(a) to clarify that an employment contract of a person hired by an association to manage the operations of the project, i.e., a resident manager, site-manager, general manager, must be produced if requested by a unit owner and provides guidance as to what information can be redacted.

- Clarifies HRS 514B-110 by providing that the removal or replacement of a director elected by a class of unit owners shall be by a majority of only the members of that class.
- Amends HTS 514B-123 by specifying that for an election in a mixed-use condo project where directors are elected by different classes of owners, an association is permitted to cast a vote or votes allocated to any nonresidential unit owned by the association where those eligible to vote in the election are limited to owners of one or more nonresidential units, including the nonresidential unit owner by the association.
- Clarifies HTS 514B-107 by amending (b) to say that no tenant can serve on the board of directors.

HB1499. Re Condominiums (deferred to 2018)

- Amends HRS 667-94 to clarify that an association does not have to rescind the notice of default And intention to foreclose or restart the foreclosure by filing a new notice of default and intent to foreclose if a unit owner defaults on a payment plan to cure a nonjudicial foreclosure; Specifies that if the unit owner and association have agreed on a payment plan to prevent a nonjudicial foreclosure from proceeding, any fines imposed while the payment plan is in effect shall not be deemed a default under the payment plan; Clarifies the obligations of a unit owner and association while the unit owner is not in default under the payment plan.
- Amends HRS 514B-105 by clarifying that the pay first, dispute later provisions apply only to common expenses assessments and not to late fees, penalties or attorneys' fees; a unit owner may demand mediation prior to paying contested charges, other than common expense assessments; specify requirements for mediation on contested charges except for common expense assessments.
- Amended HRS 514B by adding a new provision allowing parties to enter into voluntary binding arbitration subsidized by the condo education fund.
- Amend HRS 514B-161 by expanding the persons who can mediate a dispute to include board members and managing agents; clarifies the mediation statute by providing that if evaluative mediation is requested in writing, a response to do facilitative mediation instead shall be treated as a rejection to mediate; adds a judicial remedy to compel mediation with recovery of costs