



## Learn more about the Real Estate Branch (REB) of the Department of Commerce and Consumer Affairs

Check out the REB website [www.hawaii.gov/hirec](http://www.hawaii.gov/hirec) for more information and some frequently asked questions.

- What services does the REB provide to the condominium community?
- Where can I get help with association disputes?
- What laws apply to my condominium association?
- How do I get a copy of my association documents?

## Real Estate Branch

### About Us

The Real Estate Branch, as part of the Professional and Vocational Licensing Division, assists the Real Estate Commission in carrying out its responsibility for the education, licensure and discipline of real estate licensees; registration of condominium projects, condominium associations, condominium managing agents, and condominium hotel operators; and intervening in court cases involving the real estate recovery fund.

### Subscribe

Receive emails on relevant condominium educational materials. Sign up now at <http://cca.hawaii.gov/reb/subscribe/>

### Contact Us

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**CONDOMINIUM:  
CONDOMINIUM  
GOVERNANCE, IN BRIEF**  
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## CONDOMINIUM:

## CONDOMINIUM GOVERNANCE, IN BRIEF

*Real Estate Branch  
Department of Commerce and  
Consumer Affairs*

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## Common Elements

One of the most important duties of the condominium association is the maintenance of the common elements. Common elements as described in the declaration or bylaws typically include the landscaping; recreational facilities; private streets and driveways; hallways; lobby areas; load-bearing members; water and electrical systems; roofs; fences and any other common areas. Many condominium associations hire a managing agent to arrange for this maintenance work; however, this is not required by the condominium law.

## Cost

The cost of operating and maintaining the condominium is funded through

budgeting and assessing procedures carried out by the association. The sole source of income for many associations is regular periodic assessments, often called “maintenance fees”, levied on all owners in the project.

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Excerpt from Condominium Property Regimes: Owner Rights and Responsibilities. The full document may be found at the REB website [www.hawaii.gov/hirec](http://www.hawaii.gov/hirec)

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## Amount of Fee

The amount of a unit owner’s fee is determined by the owner’s interest in the common elements (the “common interest”) as set forth in the declaration (HRS § 514B-41 (a)). All owners **MUST** pay the assessments (HRS § 514B-146 (a)); they cannot be avoided simply by not utilizing various common facilities (HRS § 514B-144 (g)). Assessments cannot be withheld or put into escrow because owners think they do not owe them or disagree with board policies. The board of directors is responsible for notifying the owners in writing of any maintenance fee increases at least 30 days in advance (HRS 514B-144 (h)).



## Assessments

In addition to assessments for common expenses, owners can be assessed the cost of repair and maintenance of the limited common elements assigned to their unit in an equitable manner as set forth in the declaration (HRS § 514B-41 (a)). The board can choose to forego allocation of the limited common expense to the owners of the unit to which the limited common element is assigned, under certain circumstances. The board must reasonably determine that the extra cost incurred to separately account for and charge the costs is not justified, and adopt a resolution to that effect (HRS § 514B-41 (c)).