



## 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

Condominium Hotline: 808-586-2644  
Hours: 9:00 AM – 3:00 PM  
Email: [hirec@dcca.hawaii.gov](mailto:hirec@dcca.hawaii.gov)  
Web: [www.hawaii.gov/hirec](http://www.hawaii.gov/hirec)

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 do I file a complaint against my association?
- What laws apply to my condominium association?
- How do I get a copy of my association documents?



CONDOMINIUM:  
COMMON ISSUES IN  
CONDOMINIUM  
GOVERNANCE  
Real Estate Branch  
335 Merchant Street #333  
Honolulu, HI 96813

## CONDOMINIUM:

## COMMON ISSUES IN CONDOMINIUM GOVERNANCE – PART 1

*Real Estate Branch  
Department of Commerce and  
Consumer Affairs*

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## Common Issues in Condominium Governance:

This brochure, part of a two part series is intended to provide general information on certain circumstances that occur in the day-to-day operations of a condominium, especially those that may be subject to specific laws.

This is not a substitute for obtaining legal advice or other competent professional assistance to address specific circumstances.

### Smoking

State law prohibits smoking in enclosed and partially enclosed places open to the public including elevators, lobbies, hallways, and other common areas in condominiums.

The prohibition also applies to electronic smoking devices.

There are no State or county laws that prohibit smoking within individual residential condominium units.



## Modifications & Additions



An owner is prohibited from doing any work in or outside their unit, which would jeopardize the

soundness and safety of the “property.”

If an owner proposes to make a material addition or alteration that would not jeopardize the property, they usually must obtain the written consent of:

- 67% of the unit owners
- All unit owners whose units or appurtenant limited common elements would be directly affected by the addition or alteration, and
- The Board, which consent cannot be unreasonably withheld.

Nonmaterial additions and alterations are those that do not: jeopardize the soundness or safety of the property; reduce its value; impair any easement; detract from the appearance of the project; interfere with or deprive any nonconsenting owner of the use or

enjoyment of any part of the property; or directly affect any nonconsenting owner. These usually require:

- Approval by the Board, which approval cannot be unreasonably withheld; and
- Such percentage, number, or group of unit owners as required by the declaration or bylaws.

### Aging in Place

Refers to the concept whereby an elderly person may continue to live at home rather than having to move to an outside facility.



- A condominium’s Board may request a functional assessment of an elderly or disabled unit owner or resident who is aging, aging in place, or living independently with a physical or mental disability or disabling condition.
- The Board, however, is not required to request such an assessment or implement the recommendations of an assessment.