



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.

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Contact Us

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CONDOMINIUM: COMMON ISSUES IN CONDOMINIUM GOVERNANCE

Real Estate Branch
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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 for more information and some frequently asked questions.

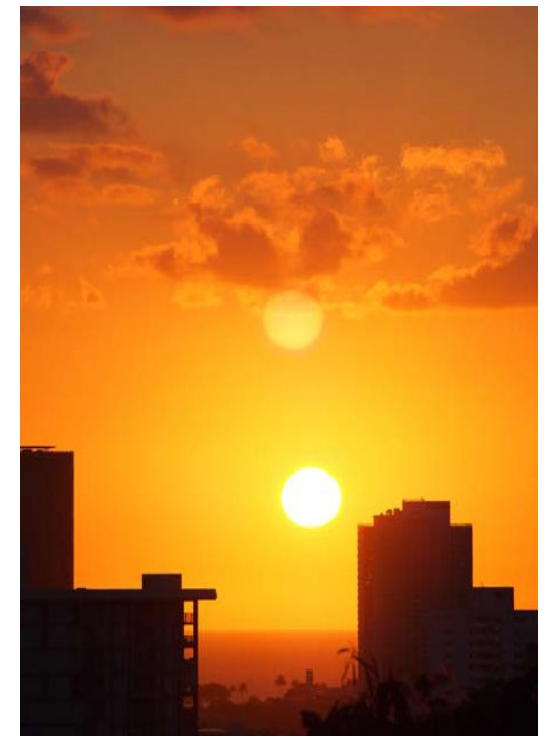
- What services does the REB provide to the condominium community?
- Where can I get help with association disputes?
- What laws apply to my condominium association?
- How do I get a copy of my association documents?

CONDOMINIUM:

COMMON ISSUES IN CONDOMINIUM GOVERNANCE – PART 2

*Real Estate Branch
Department of Commerce and
Consumer Affairs*

August 2016



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.

Parking Stalls



Owners may transfer or exchange parking stalls assigned to their unit unless prohibited by the declaration.

Any such transfer must be executed and recorded as an amendment to

the condominium project's declaration.

The amendment only needs to be signed by the owner of the unit whose stall is being transferred and the owner of the unit receiving the stall, unless the unit has a mortgage or lease.

A copy of the amendment must be promptly delivered to the association.

Insurance

Unless otherwise provided in the declaration and bylaws, a condominium association must obtain:

- Property insurance on the common elements, in a total amount of not less than the full insurable replacement cost of the insured property;
- Commercial general liability insurance against claims and liabilities arising in connection with the ownership, existence, use, or management of the property in a minimum amount of \$1,000,000.
- A fidelity bond (if >5 units at the project), covering persons who control or disburse the funds of the association; and
- Directors' and officers' liability insurance at a level deemed reasonable by the Board.

The association's property insurance must include the condominium units, the limited common elements, and the common elements but is not required to cover improvements to the units installed by unit owners.



The Board, with the vote or written consent of a majority of the unit owners, may require unit owners to obtain reasonable types and levels of insurance.

Pets

Whether pets are allowed is determined by the condominium association's bylaws.



If there is no provision in the bylaws that prohibits pets, then the presumption is that pets are allowed.

The Bylaws may have restrictions relating to pets, including prohibitions against excessive noise, size, and number.

A unit owner who keeps a pet in the owner's unit, upon the death of the pet, may replace it with another.

A unit owner who keeps a pet, at the time the Bylaws are amended to prohibit owners from keeping pets, shall not be subject to the prohibition but shall be entitled to keep the pet and acquire new pets.

If the Bylaws do not prohibit unit owners from keeping pets, the Bylaws cannot prohibit tenants from keeping pets provided that the unit owner consents in writing to allow the tenant to keep a pet.