

Ask the Condominium Specialist

Q. Our annual condominium association meeting was cancelled due to the pandemic and social distancing requirements. The proxies had all been turned in. Will these proxies be valid for our rescheduled annual meeting?

A. The answer to that depends on whether your annual meeting was adjourned or cancelled outright. If the annual meeting was called to order and then adjourned, any valid proxies for that meeting will be valid for its adjournments as well.

If the meeting was cancelled, then proxies must be sent out for the new meeting date along with receive-by dates for these proxies; proxies received within this time are valid for the new meeting. See Hawaii Revised Statutes section 514B-123 (d) and (f), available at our website, www.hawaii.gov/hirec for these proxy provisions.

Additionally, for an excellent summary of what steps should be taken for adjourned or cancelled association meetings and when, please read

[this informative guide written by Steve Glanstein, Professional Registered Parliamentarian and CAI Hawaii.](#)

Q. I have placed my condominium unit up for sale. Are there any special guidelines I must follow during a pandemic for the sale of my condominium property? Also, I'm assuming it's okay to move forward with the sale.

A. You are not alone as it turns out. Anecdotal reports indicate many people have placed their properties up for sale during this pandemic period and have moved forward with the transactions. People also ask if there are any special protocols in place during this time. The condominium law, Hawaii Revised Statutes ("HRS") Chapter 514B and the Real Estate Licensing Law, HRS Chapter 467 do not address guidelines to be followed during a pandemic. During these times, therefore, you should look to the real estate industry groups and state and local government for any guidance that may exist. The professional industry groups may also have forms available that should be reviewed and signed before showing or visiting properties for sale. Check with your attorney or real estate licensee to assure that you have taken all necessary steps to limit potential legal liability during this unprecedented

time.

Additionally, look to the mayor of your respective county for additional guidance. Honolulu County, for example, at its website www.honolulu.gov has a link to Proclamations, Orders and Rules Re: COVID-19. In his March 22, 2020, Emergency Order No. 2020-2, Honolulu Mayor Kirk Caldwell declared “real estate services” to be included in the broad category of “Professional Services” that are deemed “essential” during this pandemic shutdown and therefore not affected by any mandatory shutdowns.

If your transaction will take place on a neighbor island, the mayors of the other three counties have also issued proclamations related to business activity during the pandemic that may affect condominium sales in those counties. Be sure to familiarize yourself with any that relate to real property sales, and again, get advice from your real estate licensee or an attorney.

The information provided herein is informal and intended for general informational purposes only. Consult with an attorney familiar with the

*Hawaii condominium law for specific legal
advice regarding your situation.*