



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?
- How do I obtain a real estate license?
- What are the laws and rules for real estate licensees?

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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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
Web: www.hawaii.gov/hirec



CONDOMINIUM: TENANT RIGHTS AND OBLIGATIONS IN CONDOMINIUM ASSOCIATIONS

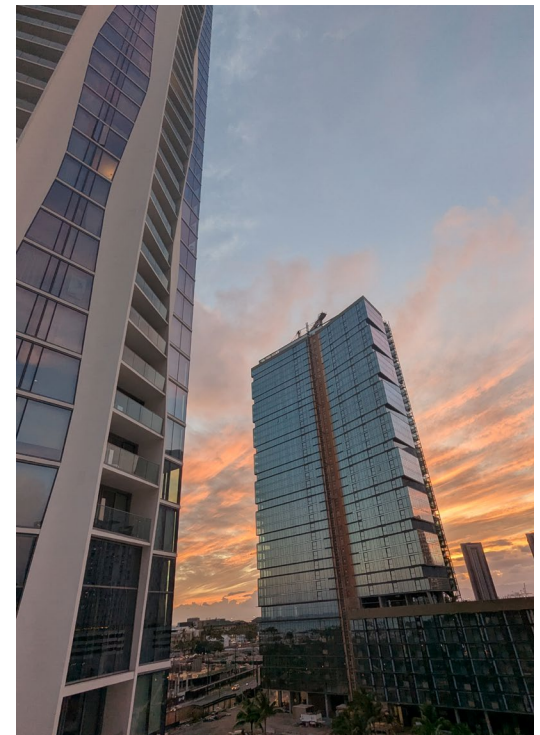
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*Real Estate Branch
Department of Commerce and
Consumer Affairs*

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Tenant Rights and Obligations in a Condominium Association

Tenants living in a condominium association have certain rights and obligations under the condominium law. But what are these rights and obligations?

Tenant behavior is regulated by the condominium's governing documents, such as the declaration, bylaws, and house rules, just like any other resident, in accordance with [§514B-112, HRS](#). Tenants must abide by all rules, regulations, restrictions, and conditions of the association.



For example, if a landlord assures tenants that they could keep a pet,

but the condominium's governing documents prohibits pets, the governing documents will likely overrule the landlord's assurance. Rules for living in the association, such as quiet hours, usage of the property, parking, etc., apply equally to tenants and owners. Prior to signing a rental agreement and moving in, tenants should carefully review the rules of the association.

Fines may be levied against a tenant for violating the rules of the association, pursuant to [§514B-104\(b\), HRS](#). The association can also exercise other rights under the lease as if it were the unit owner, which may include eviction in serious cases.

Tenants are protected in situations where their landlord falls behind on maintenance fee payments. The association may neither deny a tenant access to any of the common areas nor terminate any services normally supplied or paid for by the association.

If the landlord unit owner is more than 30 days delinquent on maintenance fee payments, the association's board may collect and apply the tenant's monthly rent toward the landlord's delinquent amount. This amount cannot exceed the tenant's monthly rent, and the tenant's payment acts as a discharge of the tenant's rental obligation. Any contractual provision between the landlord and tenant providing otherwise is void as a matter of law, pursuant to [§514B-145\(a\), HRS](#).



Tenant Limitations

Sometimes tenants wish to change association policies; however, tenants do not have the same decision-making rights as unit owners, e.g., attending association or board meetings, voting on amendments to the condominium's bylaws or declaration, or participating in association elections. Should tenants want to change how the association is run, tenants must consult and work through their landlord, who as the unit owner, is able to propose and vote on such changes.

The State's subsidized mediation program is not available to tenants.

Additional Resources

Tenants should be aware that they have certain rights and obligations in their landlord-tenant contract that are separate from their rights and obligations in a condominium association.

The Landlord-Tenant Information Center can answer questions about the Landlord-Tenant Law, [chapter 521, HRS](#).

Their office is available by phone at (808) 586-2634, Monday through Friday, 8 am – 12 pm.