



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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Contact Us

Condominium Hotline: 1-844-808-DCCA (3222), Ext #1 then #8

Hours: 9:00 AM – 3:00 PM

Email: hirec@dcca.hawaii.gov

Web: www.hawaii.gov/hirec

This brochure is for informational purposes only and not intended for the purpose of providing legal advice. Information provided is subject to change.



CONDOMINIUM: A VACANT BOARD

Real Estate Branch
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*Real Estate Branch
Department of Commerce and
Consumer Affairs*

May 2026



The Absence of Board Members

Condominium associations are required to have board members as [§514B-108\(b\), HRS](#), mandates that each association's bylaws specify the number of board members, the titles of officers, and the process for electing them. Despite this requirement, associations often face challenges in finding owners willing to take on these responsibilities. Owners should be aware of the available options and the consequences of a vacant board.

The information provided is for general informational purposes only and should not be taken as legal advice. Owners should consult qualified legal professionals before taking any action.

Internal Appointments

Boards have the authority to temporarily fill vacancies in its membership until the next annual or duly noticed special association meeting, pursuant to [§514B-106\(b\), HRS](#). This temporary measure allows remaining board members to maintain quorum and continue operating the association while seeking new members or preparing for a board election. However, if the board becomes entirely vacant (as an example, due to

multiple resignations), this option is no longer available.



What Happens Then?

If an association cannot find any volunteers to run in a special election and then serve as board members, owners might be tempted to informally perform the duties typically handled by duly elected board members to prevent the association from becoming non-operational.

However, this approach is strongly discouraged. Director and Officer's insurance typically will not cover actions taken by non-board owners who handle association funds, enforce governing documents, sign contracts, or perform other board functions.

If litigation arises during a period of informal management, courts are unlikely to apply the business judgement rule to a

non-board owner. Actions and policies implemented by these individuals could easily be challenged, as they were not made by duly elected board members.

Given the lack of legal protection and liability coverage for informal operations, owners may simply stop operating the association entirely. However, this creates new problems.

Receivership

If the association effectively stops operating due to the absence of a board, an owner or creditor may petition the [court for the appointment of a receiver](#). A receiver is an independent, court appointed third party who temporarily assumes control of the association and is compensated from association funds until sufficient volunteers can be elected.

Receiverships can be costly, as the court appointee is typically compensated at attorney rates, whereas board members serve on a volunteer basis. As a result, owners will likely face increased fees to cover these expenses.

