Selected 1998 Legislative Acts Affecting Condominium Owners

The following highlights some of the statutory amendments to Hawaii Revised Statutes (HRS), Chapter 514A, Condominium Property Regimes, made by the 1998 Legislature. Readers are advised to consult the full text of the Acts, as this discussion is intended only to briefly summarize the amendments and do not constitute legal advice. For specific advice as to how the provisions of HRS Chapter 514A apply to a particular circumstance, readers should seek the advice of a licensed Hawaii attorney familiar with condominium law.

Copies of the Acts may be obtained from the Legislature and through the State library system.

This material can be made available for individuals with special needs. Please call the Senior Condominium Specialist at (808) 586-2644 to submit your request.
Dear Condominium Owners and Managing Agents:

The 1998 legislature passed a number of bills that impact condominium owners and managing agents. Summaries of the legislation begin on page 1. Of interest to condominium owners are the bills enacted into law affecting association registration, composition of the board of directors and collection of delinquent assessments.

Also of interest in this issue is a new feature reporting disciplinary actions taken by the Real Estate Commission against condominium managing agents and condominium hotel operators for violation of the requirements and conditions of registration. These actions when they occur are routinely reported in the Commission’s bulletin to real estate licensees. Since these actions may be of particular interest to the condominium community the report is being included here. This feature can be found on page 1.

House rules provide the day to day procedures and process for the operation and use of the common elements. On page 3 an article reproduced from the Community Association Institute (CAI) with permission, provides information about effective rulemaking accommodating change is of particular interest.

CAI is a national organization involved with issues and education relating to condominium governance and management. It has a Hawaii chapter. Other organizations with the same mission which have made their presence known to the Commission include those entities listed in the Education Calendar under providers on the last page of this bulletin.

The Education Calendar lists information about seminars and courses of interest to condominium owners, board of directors, and managers. The information also appears on the Real Estate Commission’s Home Page and is updated (often frequently prior to the next bulletin) when the Commission is made aware of the offerings. Check the listing at: http://www.hawaii.gov/hirec. This bulletin also appears on the Home Page. The Home Page is linked to other Hawaii state agencies, state agencies in other states, real estate centers, and national organizations. A visit to the Home Page is a “definite must.”

In closing, just a few announcements: condominium hotel operators and condominium managing agents registrations terminate on December 31, 1998; and that the Real Estate Commission’s Condominium Review Committee will be holding its neighbor island meeting at the Kauai Marriott Resort, 3610 Rice Street, Lihue, Kauai, Friday, September 18, 1998 at 1:30 p.m. We shall be reporting on this meeting in the next bulletin.

Aloha,
Alfredo G. Evangelista, Chair
Condominium Review Committee

Q. We are having an annual meeting. As president of a 135 unit condominium, I sit on every committee of the association of apartment owners. We have a proxy committee and the committee’s annual duty is to revise the association’s official proxy form in accordance with the most current law and recommend a proxy form to the board. The committee has reviewed the current law on proxies as set forth in section 514A-83.2, Hawaii Revised Statutes. The committee has revised the association’s proxy form which is enclosed for your review and comments.

A. Your association is to be congratulated for having such an active board and volunteer committees. Commitment like yours and the other volunteer committee members helps to protect and enhance the value of your investment. It must be a great place to live or purchase.

We respond to your question as follows. Although the issue of proxies and its handling may be affected by many other laws and circumstances, we offer the following information:

1. Check with the association’s condominium managing agent, who may have other information on proxies;
2. Review all proxy related provisions in the most currently recorded association bylaws (sometimes this information may appear in the declarations and house rules);
3. Review Chapter 514A, HRS, especially 514A-82(b) and 514A-83.2, HRS (requirements for a valid proxy) and all proxy related sections; for example, section 514A-82 (b) (3) requires the notices of association meetings, whether annual or special, include a standard proxy form authorized by the association, if any; section 514A-96 (b), HRS requires the inclusion on all association’s official proxy form a box wherein the owner may indicate that the owner wishes to obtain a copy of the annual audit report;
4. Review all proxy related sections in the most current edition of Robert’s Rules of Order;
5. Review the Board of Director’s Guide—Proxies, June 1994 (check the information in the guide against the current law found in the sections cited in 3 above);
6. Review all information and instructions issued with the proxy including the proxy itself, that it

See Q&A on pg. 6
Rulemaking

Section 514A-82 (a) (9), HRS, requires that the condominium association bylaws provide for administrative rules (house rules). Administrative rules implement the association’s bylaws in providing the details for the operation and use of common elements. What follows is an article about drafting and adopting effective house rules. This article which appeared in the publication Community Management Vol. 5, No. 3 May/June 1998 pages 4-5 is being reproduced here with the permission of the Community Association Institute (CAI). CAI is a national organization involved with issues and education relating to condominium governance and management. It has a Hawaii chapter. Questions regarding the article may be directed to Community Management, c/o Community Associations Institute, 1630 Duke Street, Alexandria, VA 22314, Telephone: (703) 548-8600, FAX: (703) 836-6907.

Effective Rulemaking Practices Accommodate Change

Just because a rule or restriction is on the books doesn’t mean it’s reasonable. It also doesn’t mean that residents are aware of it—or that they support it.

“The board is not responsible for blindly enforcing every provision in the documents,” said Missouri attorney Marvin Nodiff. “Instead, the board has discretion to not enforce a specific provision, particularly when it may be illegal and expose the association and the owners to financial or criminal penalties.”

The board also has a responsibility to periodically review the restrictions. And if a restriction is outdated or unreasonable, the association should discard it or rewrite it. Here are some ways to ensure that restrictions are reasonable and supported by the community.

Listen to the Community

If residents object to a restriction, listen to their reasons. In 1996, the Courts of Four Seasons Homeowners Association in Annapolis, Maryland had planned to file suit against owner Thomas McMahon. McMahon’s fence violated two covenants, the board charged, and needed to be moved back eight feet. But at an association meeting, many residents said they thought legal action was unnecessary. They later supported this position by circulating a community petition.

The board responded to resident concerns. Three months after voting to sue, it voted 3 to 2 to offer McMahon a compromise. McMahon, who said he could not afford to go to court, accepted. Under the agreement, McMahon moved his fence back four feet instead of eight. He also agreed to stain the fence to match other community fences and to re-landscape his yard.

Boards should not mindlessly enforce restrictions. They should listen to residents. If residents are failing to follow a rule, the problem may be the restriction itself.

Legal Audit

With a legal audit, an attorney reviews all aspects of the association’s operations and prepares a report on potential legal risks. An audit ensures that rules and covenants meet federal and state requirements, that they are reasonable and enforceable, and that they aren’t outdated. According to Georgia attorney Seth Weissman, who has conducted legal audits for numerous associations, an audit includes these steps:

- Reviewing all association documents, including declarations, bylaws, articles of incorporation, policy resolutions, rules and regulations, minutes, insurance policies, contracts, and correspondence
- Reviewing the association’s operations and procedures
- Reviewing dangerous conditions that may exist on the property
- Preparing a report on the areas of legal risk and how these risks can be minimized or eliminated
- Developing an implementing an action plan to minimize legal risks

“Legal counsel should annually review the documents to identify provisions that may be ambiguous, unreasonable, illegal, or otherwise invalid or unenforceable,” Nodiff said. The attorney may also want the manager’s input to determine which rules and restrictions are vague, confusing, or unworkable.

Periodic Reviews

One way to uncover outdated or unenforceable rules is through periodic reviews. Russ Hoselton, PCAM, led such a review at the Kukui Plaza condominium in Honolulu. In 1995, association staff and volunteers reviewed each of the community’s rules and regulations. Their mission: to seek out unreasonable and unenforceable rules.

“What is the purpose of the rule?” they asked. Is it enforceable? Is it fair? Did it single people out? Is the rule even necessary? Does it address a real problem?

There were 89 rules when they started. Only 32 survived.

According to Hoselton, residents were thrilled by the reduction in rules and voiced their approval at the annual meeting. “The board will spend a lot less time dealing
RuleMaking from previous page with rule violations and complaints,” said Hoselton, in the Common Ground article “Bending the Rules.” “Living at our community is much easier these days.”

Time Limits

A time limit is like setting an alarm clock for your rules. After two years, for example, a rule with a time limit would expire. At that point, the board would examine the rule to ensure it is necessary, legal, and enforceable. If so, the rule would be reinstated for another two years. If not, the rule would be dropped.

Property manager Norman Craig developed a time limit policy for the Holly Hill condominium in Forestville, Maryland. Said Craig: “Staggered expiration dates allow you to review the rule and see if it’s still needed. It makes sense. Associations are not stagnant—they are in constant transition. Rule-making needs to take this into consideration.”

Amending the Documents

If your association’s governing documents are unclear, unreasonable, or out of date, the board may need to amend the documents. Be prepared, however—it can be a difficult task.

Start by contacting your association attorney. The attorney can help the board decide if an amendment is the proper remedy for the problem. As Colorado attorneys Thomas Hindman and Lynn Jordan note, “Amending CC&Rs to modify behavior—barking dogs, loud stereos—is rarely successful. Behavior problems are better left to rules.”

An amendment is probably needed, according to Hindman and Jordan, if the documents:

- Do not comply with state law
- Are ambiguous and difficult to interpret and enforce
- Do not give the association sufficient power to create and successfully enforce the rules
- Do not allow the board to efficiently operate the community or deal with community concerns (such as outdated use restrictions)
- Contain developer “boilerplate” language that is no longer applicable
- Set unreasonable restrictions on the community or do not provide the proper tools for the association to effectively solve specific problems
- Do not have a mechanism to correct previous legal problems

Once the board approves the amendment, it must obtain community support. The best way to do this is by asking members for input early in the process. In addition to learning how members feel, it also allows the board to explain why the amendment is necessary and why — due to high voting percentages — the association needs each member’s support.

“Don’t forget to listen to your members’ comments,” said Hindman and Jordan. “They may be able to point out issues the board had not considered.”

Hindman and Jordan also recommend that boards develop a strategy. Documents usually are amended either by a vote held at a meeting or by written consent. If a meeting is required, the board must consider “legal issues, such as notice and quorum requirements, and practical concerns, like the date, time, and location of the meeting.”

“If the meeting is not required, the board must decide whether to mail or hand deliver the amendment and consent form, who will do the mailing or canvassing, if signatures must to notarized, if the canvassers are notaries, how much time will elapse before follow-up contacts will be initiated, and how will those contacts be made (by mail, in person, or by telephone).” The association also will need to determine the best way to contact mortgagees, which may include identifying loan numbers and confirming whether the loan has been assigned.

Successful boards then monitor their progress, adjust to changes, track which members (and mortgagees) agree to the amendment, and review returned consents to make sure the signatures are properly notarized (if required) and match the membership roster.

“The board should set realistic goals or benchmarks to measure progress—for example, obtaining 50 percent of the consents one month after mailing them,” suggest Hindman and Jordan. “Finishing the project in 90 days is a good target.”

If the amendment is approved, it should be recorded or filed where the declaration was recorded. (Note: The Hawaii Condominium Law does not require that house rules be filed or recorded. Each condominium’s declaration and bylaws should be reviewed for such a requirement.) The board may need to take some additional steps depending on the requirements of its governing documents and state statutes. The association’s attorney should review these steps and confirm that the board has complied with all legal requirements. “Failure to follow the requirements set out in the governing documents or statutes may serve as grounds for challenging the validity or enforceability of the amendment at a later date.” Finally the association should mail the amendment to its members.

This article is adapted from Be Reasonable! To order: call CAI Central at (703) 548 8600. The cost is $9.95 (members) and $14.95 (nonmembers).
Amends provisions relating to sex offender registration and notification information (Megan’s Law). Adds information relating to the offender’s legal residence or mailing address, to include legal addresses of current and known future employers and starting and ending dates of employment; the year, make, model, color, and license number of vehicles owned; statement indicating whether the sex offender has received or is currently receiving mental treatment; and a statement indicating whether the sex offender is a U.S. citizen; and additional identifying information about the sex offender.

Adds as relevant information necessary to protect the public the sex offender’s future street name and zip code, the year, make, model, color, and license number of all vehicles currently owned or operated by the sex offender.

Requires the sex offender to register, in person, with the county chief of police if the offender resides or expects to be present in the county for a period of more than 10 days. Requires the sex offender who changes name, employment, vehicle, or residence address to notify the attorney general of the new registration information in writing within three working days of the change. Requires the attorney general to report changes of registration information in the event a sex offender changes address to another county or state no later than 10 days after receiving notice.

Legislative from pg. 1

The 1998 Legislature also passed other legislation in the area of sex offender registration and notification, and time share. Summaries of such legislation follow.

Real Property

Act 194 (SB 2786 HD1 CD1)

Amends the definition of sex crimes against minors to include an attempt, criminal solicitation, or criminal conspiracy to commit any one of the offenses designated. Amends provisions relating to sex offender registration and notification information (Megan’s Law). Adds information relating to the offender’s legal residence or mailing address, to include legal addresses of current and known future employers and starting and ending dates of employment; the year, make, model, color, and license number of vehicles owned; statement indicating whether the sex offender has received or is currently receiving mental treatment; and a statement indicating whether the sex offender is a U.S. citizen; and additional identifying information about the sex offender.
**Q&A from pg. 2**

does not contain any language or format that may be prejudicial and influencing one choice over another.

The legislative intent of the condominium law (Chapter 514A, Hawaii Revised Statutes [HRS]) is based on self governance by the association of apartment owners, enforcement by apartment owners, majority rules, mandatory arbitration for interpretation and disputes (pursuant to a request), and limited government involvement. The information provided herein is informal and for informational purposes only. This office cannot and does not provide legal advice and suggest that you consult with a Hawaii attorney familiar with the condominium law. Thus, this office is not able to review the submitted proxy materials and provide comments.

Lastly, for information purposes, please note the difference in the choices provided in the statute between giving the proxy to the board of directors as a whole and the vote made on the basis of the preference of the majority of the board versus giving the proxy to those directors present at the meeting and the vote to be shared with each board member receiving an equal percentage.

In closing, please be advised that Section 514A-82 (b) (11), HRS, requires the association, at their own expense, to provide all board members with a current copy of Chapter 514A, HRS, with amendments. In addition, the Real Estate Commission mails annually an unofficial copy of the condominium statute, Chapter 514A, HRS, to each registered association of apartment owners which should be maintained in the association’s reference binder for use by any apartment owner. The unofficial copy of the statute has been mailed to each association along with this bulletin.

Please also be advised that the Real Estate Commission mailed the Board of Director’s Guide—Proxies, June 1994 to each registered association of apartment owners for its use. The unofficial copies of Chapter 514A, HRS and this publication should all be found in the association’s reference binder. If you are missing the Proxies publication, please call the Hawaii Real Estate Research and Education Center at 956-7892 for availability and cost. If you would like your own copy of Chapter 514A (Condominium Property Regime) and the accompanying rules Chapter 107, mail a check for $2.75 requesting the publications to:

Cashier — DCCA
P. O. Box 541
Honolulu, Hawaii 96801

Call for availability and latest cost at 586-2832. No phone order requests.

**Alert from pg. 1**

registration with the Commission. The Department of Commerce and Consumer Affairs, Professional Vocational Licensing Division issues a pocket card with an expiration date to registered condominium managing agents and condominium hotel operators. Ask to see the pocket cards.

Real estate brokers registered as condominium managing agents or condominium hotel operators are reminded that their real estate brokers license must be renewed simultaneously. Unless an exemption is applicable, a broker’s license is required for registering as a condominium managing agent and a condominium hotel operator. All real estate licenses must be renewed and fees paid by December 31. Licenses that are not renewed by December 31, 1998 will be considered forfeited on January 1, 1999. Individuals real estate licenses renewing on active status must complete 10 hours of approved continuing education courses.

- **Licensees and Businesses Information Center: New Phone Service (808) 587-3222.**

In June, the Department of Commerce and Consumer Affairs (DCCA) began operations of its Licensees and Businesses Information Center (587-3222). This new phone service aids consumers in obtaining information on licensees, businesses and registrations, including condominium managing agents and condominium hotel operators. However, information about registered associations of apartment owners continues to be provided by the Real Estate Branch at (808) 586-2644. Nevertheless, callers may obtain the information from the following sources, with just a single phone call to 587-3222:

1. Business Registration Division (BREG) – information on existing businesses (corporate officers, mailing address, etc.);

2. Regulated Industries Complaints Office (RICO) – information on complaint history on existing or past licensees including registered condominium managing agents and condominium hotel operators;

3. Office of Consumer Protection (OCP) – complaint history information on existing or past businesses; and

4. Professional & Vocational Licensing Division (PVL) – information about existing licenses and registrations of condominium managing agents and condominium hotel operators (licensee verification, license type, insurance information, etc.).
**Legislative from pg. 5**

hold time share interests to be recorded with the Bureau of Conveyances. Provides criteria. Adds definitions of apartment lease, leasehold time share interest, notice of time share plan, time share interest, and time share plan. Act to take effect July 1, 1999.

**Act 136 (SB 2334 SD 1 HD1)**

Amends Act 331, session laws of 1993, relating to time sharing by repealing its sunset date. Prohibits sales agents or acquisition agents of time share units or plans to sell, offer for sale, or advertise for sale any tourist activity at less than the actual cost of the activity paid for by the licensee. Act to take effect June 22, 1998.

**Act 198 (SB 2823 SD1 HD1 CD1)**

Amends provision relating to time sharing by requiring any acquisition, sales, or resale agents, and their employees and independent contractors to wear an identification badge while off premises and engaged in acquisition or sales agent activity related to encouraging others to attend time share sales presentations or to contact a time share sales agent or developer. Defines off premises.

**Act 122 (HB 2506 HD1 SD1 CD1)**

Establishes an alternate foreclosure process that allows a mortgagee to conduct a power of sale foreclosure. Adds definitions for borrower, foreclosing mortgagee, mailed, mortgage, mortgage agreement, mortgagee, mortgaged property, mortgagor, open house, power of sale or power of sale foreclosure, property, record or recorded, and served.

**Actions from pg. 1**

**RICO**

Regulated Industries Complaints Office – By law, this office receives, investigates, prosecutes consumer complaints for over forty professions, occupations, and programs including real estate licensees (brokers and salespersons) and the condominium property regime.

**REC#**

Case number relating to real estate complaints.

**CPR#**

Case number relating to condominium property regime complaints.

**Management, Inc. and Thomas A. Lilly**

**REC 95-143-L, CPR 95-13-L**

RICO filed a Petition for Disciplinary Action against Respondents on August 13, 1997, alleging that contrary to provisions of the agreement for management of a Honolulu condominium, they increased their management fee and billed the association of apartment owners for the use of Respondents’ offices and that Respondent Lilly caused the loss of the AOAO records.

Respondents expressly denied any wrongdoing but agreed to enter into a Settlement Agreement. In the Settlement Agreement, Respondents represented that:

a. In retrospect and notwithstanding the circumstances involving the direction by the AOAO to destroy any files more than five years old, and that the contents of the files appeared to be unrelated to the project, and that the files were infested with silverfish, it was unwise for Respondents to leave the AOAO’s files unattended in the parking lot to air it of the pesticide. Henceforth, Management, Inc., will take reasonable steps to protect any records given to it by an AOAO to avoid loss or theft of such records.

b. The failure of Management, Inc. to reflect revisions to the Management, Inc./AOAO contract (previously approved by the AOAO board) in formal amendments to the contract was an oversight and will not be repeated.

c. It has agreed to pay the fine because it serves as fair warning to itself and all other condominium managing agents that the Commission believes that the duty to safeguard records and to formalize contracts of any amendments thereto should be taken seriously by all managing agents no matter what the reason or circumstance for the managing agent’s failure to do so.

Under terms of the Settlement Agreement After Filing of Petition for Disciplinary Action, Respondents agreed to pay a $1,000 fine within 30 days of Commission approval of the Agreement.

The Commission approved the Settlement Agreement on May 29, 1998.
## Education Calendar

This calendar lists upcoming educational events of interest to the condominium community. The publishers express no opinion about the quality or content of any event they do not sponsor. This listing should not be construed as an endorsement or sponsorship of any event, unless expressly indicated. Events may be subject to change; please check directly with the provider to confirm each event.

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Course Title</th>
<th>Location</th>
<th>Provider</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/6/98</td>
<td>Call</td>
<td>Transforming client expectations to business success</td>
<td>Call</td>
<td>IREM</td>
</tr>
<tr>
<td>10/7-8/98</td>
<td>Call</td>
<td>Managing human resources for optimal results</td>
<td>Call</td>
<td>IREM</td>
</tr>
<tr>
<td>11/12/98</td>
<td>11:30-1:00</td>
<td>Luncheon Meeting</td>
<td>Hale Koa Hotel</td>
<td>HCAAO</td>
</tr>
<tr>
<td>10/7/98</td>
<td>noon-4:00</td>
<td>Hiring Practices for Peak Performances</td>
<td>Kukui Plaza</td>
<td>ADT</td>
</tr>
<tr>
<td>10/24/98</td>
<td>8am (reg)</td>
<td>Managing the Small Condos</td>
<td>Hale Koa Hotel</td>
<td>ADT</td>
</tr>
<tr>
<td></td>
<td>8:30 - noon</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Hyatt Regency</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Crystal City</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Arlington, VA</td>
<td></td>
</tr>
<tr>
<td>11/21/98</td>
<td>8am (reg)</td>
<td>Construction Defects</td>
<td>Hale Koa Hotel</td>
<td>CAI-H</td>
</tr>
<tr>
<td></td>
<td>8:30 - noon</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/01/98</td>
<td>8:30-4:30</td>
<td>Vacation ownership coming of age</td>
<td>Cocktail Reception</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4:30-6:00</td>
<td></td>
</tr>
</tbody>
</table>

For full information on the above-listed courses, please call the provider.

<table>
<thead>
<tr>
<th>Provider</th>
<th>Phone</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADT –</td>
<td>988-6670 (Oahu)</td>
<td>1142 Auahi St. Suite 1806, Honolulu, HI 96814</td>
</tr>
<tr>
<td>Alakahi –</td>
<td>988-6670 (Oahu)</td>
<td>1630 Duke St., Alexandria, VA 22314</td>
</tr>
<tr>
<td>CAI –</td>
<td>(703) 548-8600</td>
<td>1630 Duke St., Alexandria, VA 22314</td>
</tr>
<tr>
<td>CCM –</td>
<td>488-1133 (Oahu)</td>
<td>P.O. Box 976, Honolulu, HI 96808</td>
</tr>
<tr>
<td>HAC –</td>
<td>879-8847 (Maui)</td>
<td>P.O. Box 647, Kihei, HI 96753</td>
</tr>
<tr>
<td>HCAAO –</td>
<td>523-6096 (Oahu)</td>
<td>1571 PIkoi St. #506, Honolulu, HI 96822</td>
</tr>
<tr>
<td></td>
<td>533-2528 (Oahu)</td>
<td>677 Ala Moana Blvd., Suite 701,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Honolulu, HI 96813</td>
</tr>
<tr>
<td>HICLE –</td>
<td>956-6551 (Oahu)</td>
<td>2515 Dole Street, Suite 203, Honolulu, HI 96822</td>
</tr>
<tr>
<td>IREM –</td>
<td>1-800-837-0706</td>
<td>1136 12th Ave., Suite 220, Honolulu, HI 96816</td>
</tr>
<tr>
<td>UH-SPP –</td>
<td>956-8244 (Oahu)</td>
<td>2530 Dole St., Honolulu, HI 96822</td>
</tr>
</tbody>
</table>

Real Estate Branch and Real Estate Commission’s homepage at: [http://www.hawaii.gov/hirec](http://www.hawaii.gov/hirec)

Address: 250 S. King St., Rm. 702; Honolulu, HI 96813; Phone: 586-2643

HAWAII CONDOMINIUM BULLETIN, FALL 1998 ©Hawaii Real Estate Commission. All rights reserved. This Bulletin, or any part thereof, may not be reproduced without the written permission of the Hawaii Real Estate Commission, except permission is granted to registered Hawaii condominium associations to reproduce and distribute copies of this entire publication, but not for profit, as an educational service. This publication is intended to provide general information and is not a substitute for obtaining legal advice or other competent professional assistance to address specific circumstances. The information contained in this Bulletin is made pursuant to Hawaii Administrative Rules Section 16-201-92 and is not an official or binding interpretation, opinion or decision of the Hawaii Real Estate Commission or the Department of Commerce and Consumer Affairs. The Hawaii Condominium Bulletin is funded by the Condominium Management Education Fund, Real Estate Commission, Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs, State of Hawaii.