



What Are Condominium Governing Documents?

State condo law only goes so far, then it's up to each association to come up with its own rules

While chapter 514B, Hawaii Revised Statutes (HRS), is the Condominium Property Act, it does not cover every detail of an individual condominium project. In addition to the Act, the declaration, condominium map and bylaws form the legal basis for the “mini-government” of homeowners that is created. These documents are used to establish the framework for the operation of the association.

Sometimes these documents are supplemented by house rules and/or board policies. When someone purchases a condo unit, they agree to comply with these documents and any rules and policies. So it is important that unit owners not only familiarize themselves with the Act, but also with these governing documents.

What is a declaration?

A declaration is a legal document which creates the condo project. Section 514B-3, HRS: the minimum contents of the declaration are prescribed by law. Section 514B-32, HRS: the declaration includes the legal description of the condo project and each individual unit. It also describes the allowable use of the units and the common and limited common areas, as well as the association’s powers and obligations.

What is a condo map?

The condo map includes at a minimum: a detailed site plan for the project including access to a public road; elevations and floor plans for all buildings; and the layout, location, boundaries, unit numbers and dimensions of the units (Section 514B-33, HRS). The map may also include a parking plan and information on limited common elements.

What are the bylaws?

The bylaws support the declaration and provide the rules and regulations which set up how the condo project is governed (Section 514B-108, HRS). Bylaws usually cover the voting rights of unit owners, election procedures and how often meetings must be held. They can also address budgeting, assessments and insurance coverage requirements.

What are house rules and board policies?

House rules and board policies, while not required, clarify the other governing documents and govern the day-to-day fundamentals of condo living. They may set quiet hours, pool hours and rules for guest parking. They may prohibit an owner from hanging their laundry over their lanai railing to dry and limit the number of shoes and plants at the door. They may also set fines for when rules get broken.

All unit owners should familiarize themselves with these governing documents. ❖

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