### Basic Information on community association operations in this state

#### 1. Is UCA the legal basis for community associations?

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

#### 2. Do state laws/regulations (in general) apply to Condominium Associations and Homeowner Associations, and Coop Associations equally?

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

- 514A,B,C - Condominiums
- 514C - Condominiums and Cooperative Housing Corporations
- 514E Time Sharing Plans
- Cooperative Housing Corporations HRS 421I
- Planned Community Associations (applies to HOAs) HRS 421J

#### 3. What state agency regulates community associations?

**DEPARTMENT OF COMMERCE, REAL ESTATE DIVISION**  

#### 4. Are community associations, HOAs registered as business entities or nonprofit corporations?

**NOT FOR PROFIT**

- HRS 429 Unincorporated-Nonprofit Associations  

#### 5. How many community associations in this state?

(Source: CAI Fact Book 2016 Statistics)  
1000-2000 est'd

#### 6. Does this state have laws that regulate use of technology?

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

If Yes, do these laws impact:

- Information privacy;  
  YES
- Data access;  
  YES
- Identity Theft;  
  YES
- Data breach?  
  YES

### Key Statutes - ASSOCIATION/CID SPECIFIC Cyber Security, Data Access and Privacy

NONE FOUND

### Relevant Legislative Trends
The number of House bills proposed related to condo and homeowner associations is on the rise- more than quadrupling in the past two years, following several high-profile cases involving lost or stolen money.

In 2017, twenty-nine (29) House bills were introduced, not including those in the Senate.

### Statutes related to Data Security/retention/protection/disposal and penalties

FOCUS IS BOTH TANBIGLE AND ELECTRONIC INFORMATION *(Language states “any medium upon which records of personal information are stored)*

- HRS 487R1
- HRS 487R2
- HRS 487R3
- HRS 487N-1
  
  - R1 defines persons/entities affected as including corporations or businesses.
  - R2 defines PII. Defines what constitutes "reasonable efforts" and "due diligence" records management and management of 3rd party vendors.
  - R3 defines damages per occasion


### Identity theft statutes and penalties

**HRS 708 – sections 839.55, 839.5, 839.78, 839.8 and 903**

- defines identity theft as a Class C felony.
- Section 895.7 regulates computer access. "Use of a computer in the commission of a separate crime is an offense one class or grade, as the case may be, greater than the offense facilitated. Notwithstanding any other law to the contrary, a conviction under this section shall not merge with a conviction for the separate crime.

**HRS Chapter 487J – Personal Information Protection**

- focuses on defining terms protection of information by all government agencies, businesses, etc. Its genesis is healthcare and credit arenas but language refers to “any business”

### Related General Business/Organization Statutes (non-specific to Associations)

**HRS 0092F Uniform Information Practices Act (modified)**

[http://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0092F/HRS_0092F-.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0092F/HRS_0092F-.htm)

Case law points to the North Carolina General Statutes Chapter 55A (The North Carolina Corporations Act) as well