

# HAWAII

## Basic Information on community association operations in this state

1. Is UCA the legal basis for community associations?	YES    NO
2. Do state laws/regulations (in general) apply to Condominium Associations and Homeowner Associations, and Coop Associations equally? <ul style="list-style-type: none"> <li>514A,B,C - Condominiums</li> <li>514C - Condominiums and Cooperative Housing Corporations</li> <li>514E Time Sharing Plans</li> <li>Cooperative Housing Corporations HRS 421I</li> <li>Planned Community Associations (applies to HOAs) HRS 421J</li> </ul>	YES    NO
3. What state agency regulates community associations?  <b>DEPARTMENT OF COMMERCE, REAL ESTATE DIVISION</b> <a href="http://cca.hawaii.gov/reb/hrs/">http://cca.hawaii.gov/reb/hrs/</a>	
4. Are community associations, HOAs registered as business entities or nonprofit corporations?  <b>NOT FOR PROFIT</b> <ul style="list-style-type: none"> <li>HRS 429 Unincorporated-Nonprofit Associations</li> <li><a href="http://hawaiicondolaw.com/wp-content/uploads/2012/03/Unincorporated-Nonprofit-Assn-429.pdf">http://hawaiicondolaw.com/wp-content/uploads/2012/03/Unincorporated-Nonprofit-Assn-429.pdf</a></li> </ul>	
5. How many community associations in this state?  <i>(Source: CAI Fact Book 2016 Statistics)</i>	1000-2000 est'd
6. Does this state have laws that regulate use of technology?  If Yes, do these laws impact: <ul style="list-style-type: none"> <li>Information privacy;</li> <li>Data access;</li> <li>Identity Theft;</li> <li>Data breach?</li> </ul>	YES    NO  YES YES YES 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 ELECTRONI INFORMATION

\*(Language states “any medium upon which records of personal information are stored)

- **HRS 487R1**
- **HRS 487R2**
- **HRS487R3**
- **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 3<sup>rd</sup> party vendors.
  - R3 defines damages per occasion

<http://www.capitol.hawaii.gov/>

### **Identity theft statutes and penalties**

**HRS 708 – sections 839.55, 839.5,, 839.7839.8 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