

Section Clause #1 - Sample Provision Excerpt (Public Preview)

DEPARTMENT OF REGULATORY AGENCIES
STATE OF HA\1\AI I
In the Matter of the Petition
For Charter of Incorporation

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ISSUE #1

of
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ALOHA ESTATES ASSOCIATION

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CHARTER OF INCORPORATION
TO ALL TO WHOM THESE PRESENTS SHALL CO~m:

I, the undersigned Director of Regulatory Agencies
of the State of Hawaii, send greetings:
WHEREAS
I
EARL...

MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW · RESERVE / SIRS

BOARD & COUNSEL REVIEW

Sec. Clause #1 (p. 1): Potential Issue for Review: Reserve provisions omit the mandatory Hawaii 30-year cash-flow / 50% replacement reserve funding requirement and triennial independent reserve study review under HRS § 514B-148 - look for this language in other governing documents, standalone policies, or amendments that were not included in this review.

Statutory / Legal Reference: HRS Ch. 421J (Planned Community Associations) (Statutory Reserve & Budget Mandate)

Statutory Comparison: Under HRS § 514B-148, condominium budgets must include replacement reserves based on a reserve study spanning at least 20 - 30 years that is reviewed by an independent reserve study preparer at least every three years. During review, look for this language in other governing documents, standalone policies/resolutions, Rules & Regulations, or recorded amendments that were not included in the...

CURRENT WORDING IN DOCUMENT:

DEPARTMENT OF REGULATORY AGENCIES STATE OF HA\1\AI I In the Matter of the Petition For Charter of Incorporation)) of)) ALOHA ESTATES ASSOCIATION))) CHARTER OF INCORPORATION TO ALL TO WHOM THESE PRESENTS SHALL CO~m: I, the undersigned Director of Regulatory Agencies of the State of Hawaii, send greetings: WHEREAS I EARL...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

First look for this language in other governing documents, standalone policies/resolutions, or amendments not included in this review. If not already addressed in another document (and if applicable to this community), incorporate: The Board shall annually prepare and adopt an operating and reserve budget based upon a statutory reserve study reviewed by an independent reserve study preparer at...