

STAND. COM. REP. NO.

362

Honolulu, Hawaii

Feb 14, 2007

RE: H.B. No. 1087
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 1087 entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS,"

begs leave to report as follows:

The purpose of this bill is to clarify the applicability of the condominium management alternative dispute resolution process established under Act 277, Session Laws of Hawaii 2006 (Act 277).

The Hawaii Council of Associations of Apartment Owners and Hawaii Independent Condominium and Cooperative Owners testified in support of this bill. The Department of Commerce and Consumer Affairs (DCCA) supported the intent of this measure.

Act 277 provides an alternative dispute resolution hearing procedure for condominium disputes. However, the hearing procedure was not codified because it is scheduled to be repealed on June 30, 2009. DCCA has concluded that because the hearing procedure was not specifically codified in part VI of chapter 514B, Hawaii Revised Statutes, relating to management of condominiums, there is uncertainty as to whether the hearing procedure applies to condominiums created before July 1, 2006. This bill amends Act 277 to clarify that the hearing procedure applies to condominiums created before July 1, 2006.

HB1087 HD1 HSCR CPC HMS 2007-1982




Your Committee has amended this measure by:

- (1) Changing the effective date to June 29, 2020, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1087, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1087, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



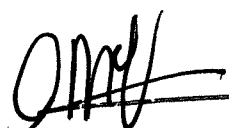
ROBERT N. HERKES, Chair



HSCR 362

State of Hawaii
House of Representatives
The Twenty-fourth Legislature

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 1087		Date: February 7, 2007		
Committee Referral: CPC, JUD		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommittal for further consideration				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. HERKES, Robert N. (C)	X			
2. McKELVEY, Angus L.K. (VC)	X			
3. CALDWELL, Kirk	X			
4. EVANS, Cindy	X			
5. GREEN, Josh, M.D.				X
6. ITO, Ken	X			
7. LUKE, Sylvia	X			
8. MORITA, Hermina M.				X
9. SONSON, Alex M.				X
10. SOUKI, Joseph M.	X			
11. TSUJI, Clift	X			
12. YAMANE, Ryan I.	X			
13. YAMASHITA, Kyle T.	X			
14. MARUMOTO, Barbara C.	X			
15. THIELEN, Cynthia	X			
TOTAL	12			3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – HMSO Duplicate (Pink) – Clerk's Office				