

Honolulu, Hawaii
Feb 28, 2008

RE: H.B. No. 2894

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which
was referred H.B. No. 2894 entitled:

"A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY
ASSOCIATIONS,"

begs leave to report as follows:

The purpose of this bill is to enhance and expand the
application of Chapter 421J, Hawaii Revised Statutes (HRS), which
sets forth the rights and obligations of planned community
associations, by among other things:

- (1) Expanding the application of Chapter 421J, HRS, to
include an association whose declaration is not recorded
with the Bureau of Conveyances or Land Court;
- (2) Allowing and setting forth procedures for the
restatement of planned community association documents
by a resolution adopted by the association board; and
- (3) Allowing association documents that may be amended by a
vote of association members at a meeting to also be
amended by the written consent of the same percentage of
association members without a meeting.


The Kaanapali Hillside Homeowners' Association testified in
support of this bill. A concerned individual submitted comments.



Your Committee notes that the current language of this bill may need to be adjusted as this measure moves further along. For example, while this bill provides that restated association documents supersede the original association documents, it also provides that in the event of any conflict, the restated association documents are subordinate to the original association documents.

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. 2894 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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



ROBERT N. HERKES, Chair



