

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE CONCURRENT RESOLUTION 118  
URGING ASSOCIATIONS OF APARTMENT OWNERS AND  
CONDOMINIUM UNIT OWNERS' ASSOCIATIONS IN THE STATE  
TO DEVELOP EMERGENCY AND EVACUATION PLANS FOR  
RESIDENTS, INCLUDING PROVISIONS FOR SENIORS AND  
RESIDENTS WITH SPECIAL HEALTH NEEDS

PRESENTATION TO THE  
COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

BY

MAJOR GENERAL ROBERT G. F. LEE  
DIRECTOR OF CIVIL DEFENSE

APRIL 9, 2008

Chair Herkes and Committee Members:

I am Major General Bob Lee, Director of Civil Defense, State Department of Defense. I am providing written testimony on House Concurrent Resolution 118.

We are in support of House Resolution 118; however, we recommend amending paragraph 7, to read "BE IT FURTHER RESOLVED, those associations of apartment owners and condominium unit owners' associations throughout the state are urged to develop emergency plans that include evacuation and shelter-in-place plans that address the special needs of senior and medically fragile residents."

The plans should include provisions for emergency supplies such as water and non-perishable food. These plans should be distributed to all residents and posted publicly where they can be viewed by residents and visitors.

The language in SCR 85, S.D.2 includes the above suggestions and is acceptable to State Civil Defense.

Thank you for the opportunity to provide written testimony on this measure.

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## DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814  
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

April 9, 2008

### TESTIMONY TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

House Concurrent Resolution 118/House Resolution 100 – Urging the Associations of Apartment Owners and Condominium Unit Owners' Associations in the State to Develop Emergency and Evacuation Plans for Residents, Including Provisions for Seniors and Residents with Special Health Needs

The Disability and Communication Access Board (DCAB) supports House Concurrent Resolution 118/House Resolution 100 which urges the Association of Apartment Owners and Condominium Unit Owners Association in Hawaii to develop emergency evacuation plans for residents, including provisions for seniors and residents with special health needs.

DCAB is one of three co-conveners of an Interagency Working Group that has developed an Interagency Action Plan for the Emergency Preparedness for Persons with Disabilities and Special Health Needs. One of the basic premises of the "2008 Interagency Action Plan for the Emergency Preparedness of Persons with Disabilities and Special Health Needs" is that "Emergency readiness is foremost an individual's personal responsibility, or, if the person is in the care of another person, the caregiver's responsibility. Increased personal readiness for a person with a disability or special health need is even more important to ensure that the person's unique challenges or needs are met."

Urging the Associations of Apartment Owners and Condominium Unit Owners to develop emergency and evacuation plans for residents, including persons with disabilities and special health needs is consistent with the 2008 Interagency Action Plan. We urge the Associations to include residents with disabilities in discussions to develop emergency and evacuation plans, beyond just the voluntary survey mentioned in the resolution. Including residents with disabilities also offers an avenue for direct contact with other residents with disabilities to ensure all residents are aware of emergency readiness, as well as procedures and evacuation routes to use during an emergency. Therefore, we feel including residents with disabilities will provide an invaluable resource in the development of the plans.

We urge your favorable consideration of these resolutions.

Thank you for the opportunity to testify.

Respectfully submitted,

PATRICIA M. NIELSEN  
Chairperson  
Legislative Committee

FRANCINE WAI  
Executive Director

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**PRESENTATION OF THE  
REAL ESTATE COMMISSION**

TO THE HOUSE COMMITTEE ON  
CONSUMER PROTECTION AND COMMERCE

TWENTY-FOURTH LEGISLATURE  
Regular Session of 2008

Wednesday, April 9, 2008  
1:00 p.m.

**TESTIMONY ON HOUSE CONCURRENT RESOLUTION NO. 118 AND HOUSE  
RESOLUTION NO. 100, URGING ASSOCIATIONS OF APARTMENT OWNERS AND  
CONDOMINIUM UNIT OWNERS' ASSOCIATIONS IN THE STATE TO DEVELOP  
EMERGENCY AND EVACUATION PLANS FOR RESIDENTS, INCLUDING PROVISIONS  
FOR SENIORS AND RESIDENTS WITH SPECIAL HEALTH NEEDS.**

TO THE HONORABLE ROBERT N. HERKES, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Bill Chee and I serve as the Chair of the Real Estate Commission's ("Commission") Condominium Review Committee, and I thank you for the opportunity to present testimony on House Concurrent Resolution No. 118 and House Resolution No. 100. House Concurrent Resolution No. 118 and House Resolution No. 100 address an important subject. The Commission, however, has some administrative concerns with the resolutions.

The resolutions, among other things, require the Executive Director of the Real Estate Commission to transmit copies of House Concurrent Resolution No. 118 and House Resolution No. 100 to the chairperson of the board of each registered association of apartment owners and condominium unit owners' associations. However, the resolutions fail to:

- Identify whether the transmittal to each registered association of apartment owners and condominium unit owners' associations are to those currently registered with the Commission or registered with some other entity. If the resolutions are intended to refer to only associations and unit owners associations registered with the Commission, then the scope of the resolutions should be made consistent with this intent. There are a number of associations of apartment owners and condominium

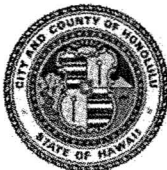
unit owners' associations not registered with the Commission and which are virtually indiscernible but are recorded at the Department of Land and Natural Resources, Bureau of Conveyances; and

- Specify when the printing and mailing of the resolutions shall be completed. If the printing and mailing is to be completed in this fiscal year with funds from the Condominium Education Trust Fund ("CETF") the Commission's budget would increase but without raising its budgetary ceiling level. This may require the Commission to reduce or eliminate programs under its present budget proposal. Further, the condominium law mandates the Commission expend monies from the CETF for the benefit of the condominium community, especially the condominium owners and developers who contribute to the fund. The resolutions' use of the CETF may benefit those citizens outside of the registered condominium community. This may present a problem as to the Commission's fiduciary duties.

Thank you for the opportunity to provide testimony on House Concurrent Resolution No. 118 and House Resolution No. 100.

HONOLULU FIRE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

836 South Street  
Honolulu, Hawaii 96813-5007  
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd



MUIF HANNEMANN  
MAYOR

KENNETH G. SILVA  
FIRE CHIEF

ALVIN K. TOMITA  
DEPUTY FIRE CHIEF

April 7, 2008

The Honorable Robert N. Herkes, Chair  
Committee on Consumer Protection and Commerce  
House of Representatives  
State Capitol, Room 320  
Honolulu, Hawaii 96813

Dear Chair Herkes:

Subject: H.C.R. 118/H.R. 100 Relating to Developing Emergency Evacuation Plans for  
Condominium Associations

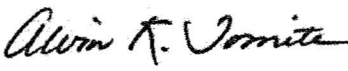
I am Kenneth G. Silva, Fire Chief of the Honolulu Fire Department (HFD). The HFD supports H.C.R. 118/H.R. 100, which would urge the association of apartment owners throughout the state to develop emergency and evacuation plans that include the special needs of senior and medically fragile residents.

Knowing what to do in an emergency can minimize panic and prevent tragic consequences for natural and manmade disasters, including fire. Critical minutes elapse from the onset of an emergency until emergency responders arrive and commence operations. Building occupants can provide the immediate actions necessary to evacuate and assist residents in a safe, orderly manner, which has proven to save lives and minimize property damage.

The HFD is available to provide guidance and assist the condominium association of apartment owners in developing their emergency and evacuation plans and requests your committee's support on the passage of H.C.R. 118/H.R. 100.

Should you have any questions, please call HFD Legislative Liaison Lloyd Rogers at 723-7171.

Sincerely,

  
for KENNETH G. SILVA  
Fire Chief

KGS/LR:bh

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COUNTY OF KAUAI  
Fire Department  
Mo'ikeha Building  
4444 Rice Street, Suite 295  
Lihu'e, Kaua'i, Hawaii 96766

April 3, 2008

The Honorable Robert N. Herkes, Chair  
Committee on Consumer Protection and Commerce  
House of Representatives  
State Capitol, Room 320  
Honolulu, Hawaii 96813

Dear Chairs Herkes:

Subject: House Concurrent Resolution (H.C.R.) 118/House Resolution (H.R.) 100 -  
Relating to Developing Emergency Evacuation Plans for Condominium  
Associations

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD). The KFD supports H.C.R. 118/H.R. 100, which would urge the association of apartment owners throughout the state to develop emergency and evacuation plans that include the special needs of senior and medically fragile residents.

Knowing what to do in an emergency can minimize panic and prevent tragic consequences for natural and manmade disasters, including fire. Critical minutes elapse from the onset of an emergency until emergency responders arrive and commence operations. Building occupants can provide the immediate actions necessary to evacuate and assist residents in a safe, orderly manner, which has proven to save lives and minimize property damage.

The KFD is available to provide guidance and assist the condominium association of apartment owners in developing their emergency and evacuation plans and requests your committees' support on the passage of H.C.R. 118/H.R. 100.

Should you have any questions, please call me at (808) 241-6500.

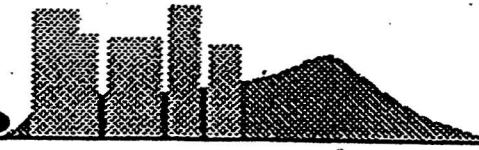
Sincerely,

A handwritten signature in black ink that reads "Robert Westerman". The signature is written in a cursive, flowing style.

Robert Westerman  
Fire Chief, County of Kaua'i

RFW/eld

# H.I.C.C.O.



**HAWAII INDEPENDENT CONDOMINIUM & COOPERATIVE OWNERS**  
1600 ALA MOANA BLVD. - APT. 3100 - HONOLULU - HAWAII 96815

April 9, 2008

Representative Rober N. Herkes, Chair  
Representative Angus L.K. McKelvey, Vice-Chair  
Committee on Consumer Protection and Commerce

**Testimony on HCR 118: Urging Associations of Apartment Owners and Condominium Unit Owners' Associations in the State to Develop Emergency and Evacuation Plans for Residents, Including Provisions for Seniors and Residents with Special Health Needs.**

Dear Representatives:

Thank you for this opportunity to testify in strong support of HCR 118 on behalf of the Hawaii Independent Condominium and Co-op Owners (HICCO).

Sometime and somewhere in the near future there will be an emergency either Oahu wide or in a multi-unit residential building. This resolution urges these associations of apartment owners to develop emergency plans that will address the needs of their senior residents in the event of an emergency. These multi-unit buildings are like mini cities. Just as civil defense prepares citizens for emergencies, the Boards of Directors of these associations must prepare their residents for the emergencies that will occur. And they will occur.

HICCO respectfully requests that your committee approve HCR 118.

Sincerely,

*Richard Port*

Richard Port, Chair  
Legislative Committee

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**mckelvey3**

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**From:** Ruthtutu@aol.com  
**Sent:** Friday, April 04, 2008 6:24 AM  
**To:** CPCtestimony  
**Cc:** cullen@hawaii.edu; jgmcderm@health.state.hi.us; Manis@lava.net; tlenzer@hawaii.rr.com; wes.lum@doh.hawaii.rr.com; sen.ihara@hawaii.gov; Sen. Suzanne Chun Oakland  
**Subject:** Testimony

From: Ruth Dias Willenborg, Resident of Poinciana Manor, 1015 Aoloa Pl. #360, Kailua, Hawaii (Also Board member of ALOH(Assisted Living Options Hawaii)  
 (Ph. 261-1046)

House of Representatives  
 Committee on Consumer Protection & Commerce  
 Rep. Robert N. Herkes, Chair, Rep. Angus McKelvey, Vice Chair  
 Wed. April 9, 1 p.m. Conf. Rm. 309

HCR118 & HR 100 Urging Assoc. of Apartment Owners and Condo Owners Assoc. to Develop Emergency Evacuation Plans for Residents, including Provisions for Seniors & Residents with Special Health Needs

INSUPPORT---- With ADDITION for them to IMMEDIATELY REVIEW along with their Management firms, of their GROSS DIRECTION of their responsibilities to DISABLED RESIDENTS, and the IGNORANCE and non-compliance to the Federal ADA laws, the Federal FAIR HOUSING law regarding the DISABLED. The NEW Condo LAW with the MEDIATION Process, being ignored and refusal to mediate. even when in non-compliance of these FEDERAL LAWS.

I have spent many years in advocacy here in support of Consumers, Disabled, ELDERLY, etc. and some on this committee are familiar with my previous association as AARP Legislative Chair in this advocacy and continued in many other capacities.

My husband and I (both ELDERLY and DISABLED) are NOW DESPERATELY in need of some quick remedy to help us and others in our building, who suffer the same ignorance and stubbornness from our Boards of Directors as well as in many other Condos, when it comes to the needs, and the laws meant to protect the elderly, disabled and many with special needs!

WE have been married nine years He is soon to be 75 and I will soon be age 80. Unfortunately, along with normal aging problems, my husband was diagnosed with NPH (Normal Pressure Hydrocephalus) about 5 years ago, with resulting Brain Shunt implants and then various problems, which did help intermitently, but for over a year doctors (5 specialists) have finally concluded that he is not responding to the SHUNT corrections, with rapid downgrading of his condition which will be fatal. I have been the Caregiver and Driver for the last 5 years, and 3 years ago was diagnosed with EMPHYSEMA, among our many other problems! This has resulted in my requiring OXYGEN 24/7 beginning in Oct. 2007. (Secondhand smoke and other factors apparently, as a non-smoker for OVER 30 years! This happens to about 20% of the victims.) You are well aware of the resulting complications to the health of CAREGIVERS! I have developed further HEALTH complications making it harder to keep us to keep going and try to get ACTION to our problems, and of others!

I am worn out, despondent and unable to get any further action in my trying to reach HUD officials! It took me from August to Christmas to FINALLY get the new STATE Mediation process completed, and from the non response of our Board of Directors to us, or to the Mediation process and our contact with the Condo Specialist at Consumer Affairs! THEY FINALLY REFUSED TO MEDIATE. The details are unbelievable! CONDO Boards will not be properly informed of the NEW LAW and forced to obey without some further STATE actions, publicity, and actual threats or actions for their non-compliance as to the severity of this problem, as more and more AGING IN PLACE is happening and will increase more rapidly!. Unfortunately, much suffering and health problems will happen to condo residents as well!

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4/7/2008



Our situation began In June of last year, with the NEW President and a Board who are NEGLIGENT in their duties and responsibilities to residents and owners, and even GESTAPO means of their authority abuse..I have lived in this building(owner) almost 20 years, and was a previous condo owner and served on Board of Directors at that time as Treasurer. for 8 years. So I am not unfamiliar with what should be RIGHT and WRONG whether covered by LAW, or not!

But the help is NOT there fast enough for those condo residents in desperate need of recognition of health and disabling problems, by delay and ignorance of the steps now necessary to get any help, from the new Mediation process to then reaching proper people at State and Federal levels to get immediate help PLEASE HELP. This resolution seems to be a proper place for this GREAT NEED!

Mahalo for serving your community,  
Ruth Dias Willenborg

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