

LATE

SB 2046  
RELATING  
TO  
Multi-Unit Family

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# LATE TESTIMONY

## HAWAII COUNCIL OF ASSOCIATIONS OF APARTMENT OWNERS

P.O. Box 726  
Aiea, Hawaii 96701  
Telephone (808) 566-2122

January 23, 2008

Sen. Suzanne Chun-Oakland, Chair  
Sen. Les Ihara, Vice-Chair  
Senate Committee on Human Services and Public Housing  
State Capitol  
Honolulu, Hawaii 96813

Re: **Testimony in Opposition to SB 2406,  
Relating to Multi-Unit Residential Buildings  
Hearing on Thursday, January 24, 2008, 1:30 p.m. Conf. Rm. #016**

Chair Chun-Oakland, Vice-Chair Ihara and members of the Committee:

The Hawaii Council of Associations of Apartment Owners (HCAAO) represents 103 apartment associations with over 28,000 individual apartments. HCAAO has strong concerns regarding this bill and urges you to defer or table it.

**THIS IS ALREADY BEING DONE.** Many condominiums are already doing similar activities. They keep and update cards on every resident in the building with their contact information and emergency information. There are notices in the building asking residents to notify the resident manager if they want to be placed on a list that will allow them to be rescued in an emergency. The fire department requires all highrises to have an emergency evacuation plan with a copy filed with the fire station. Many buildings have lists of residents that may need assistance in leaving the building in an emergency, e.g., disabled, elderly, and those lists are supposed to be given to the first emergency responder so that they can be rescued.

**SURVEYS MAY BE HIPPA VIOLATIONS.** The HIPPA Privacy Rule mandates the protection and privacy of all health information. Are AOAO's and their employees and agents exempt from HIPPA? Are the questions in the surveys HIPPA compliant. What happens if a resident just absolutely refuses to complete the questions on the survey or share or disclose their medical conditions.

**SUPPORT THE ESTABLISHMENT OF NATURALLY OCCURRING RETIREMENT COMMUNITITES ("NORC").** NORC'S are well established in New York City, Boston and cities in Florida. NORC'S are established in multi-unit residential buildings by the residents. The purpose of a NORC is to establish a voluntary network among the aging residents in a building so as to get services to that aging community in the building at competitive cost, e.g., house cleaning, grocery shopping, running errands, medical appointments, handy man jobs. The NORC also provides a social outlet for the aging residents in a building and the group monitors its own members, e.g., they will find out who needs ambulatory assistance, who are disabled and their specific disabilities, who has dementia, etc. and the NORC works with vendors and the building management to accommodate those needs without disrupting the care and maintenance of the building and the needs of other residents. Where NORC's have been recognized and established, the state (and federal government) allows them to apply for grants to pay for supplies, phones, temporary workers to assist in providing services to the elderly in that particular NORC.

Dr. Colin Hayashida has been working with high-rise buildings for years trying to set up such groups. I know that there is a group at Yacht Harbor Towers and at Mott-Smith where the retired residents have set up something similar to a NORC. They work closely with the building management and the management appears to be grateful that the group is addressing the concerns of the elderly residents since this removes some of the burden from them in addressing those needs.

I feel that the State's time and resources are better spent in trying to establish NORC's in high-rise buildings. NORC's would allow elderly residents to age in place in their units among residents they know and who are similarly situated rather than having to live with strangers and compete for nursing home beds that just don't exist.

Thank you for allowing me to testify on this bill.

  
Jane Sugimura  
President

**Makiki Plaza**

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**From:** "Makiki Plaza" <makikipla001@hawaii.rr.com>  
**Sent:** Tuesday, January 22, 2008 11:04 AM  
**Subject:** Fw: SB 2046

LATE

**This is my reply.**

Dottie Collins, ARM  
 Resident Manager  
 Makiki Plaza AOA  
 1561 Pensacola St.  
 Honolulu HI 96822  
 Phone 521-6858  
 Fax 531-3040

----- Original Message -----

**From:** Makiki Plaza

**To:** [senihara@capitol.hawaii.gov](mailto:senihara@capitol.hawaii.gov) ; [senbaker@capitol.hawaii.gov](mailto:senbaker@capitol.hawaii.gov) ; [senchunoakland@capitol.hawaii.gov](mailto:senchunoakland@capitol.hawaii.gov) ;  
[sentokuda@capitol.hawaii.gov](mailto:sentokuda@capitol.hawaii.gov) ; [senhanabusa@capitol.hawaii.gov](mailto:senhanabusa@capitol.hawaii.gov)

**Sent:** Tuesday, January 22, 2008 10:50 AM

**Subject:** Fw: SB 2046

It is with unbelief that I read SB2046. Obviously, none of you have ever been a building manager. Do any of you live in a Multi-Unit Residential Building? If you do, did you ask your building manager for an opinion of this bill?

Our job is 24/7 as it is. We are responsible for the physical plant of the property, basically all the common areas. We also assist residents with many activities. We are already required to compile a list of all elderly, children and handicapped residents to be available to first-responders. Plus lists of residents, contact numbers, emergency contacts, etc.

The majority of multi-unit residential buildings are not elderly housing projects, care homes or facilities for handicapped individuals. Our units are individual homes, clustered together in one building.

To ask this information is an invasion of privacy, and, quite frankly, none of our business.

All of our residents are able-bodied or have caretakers who monitor their situation.

Please reconsider this bill.

Sincerely,

Dottie Collins, ARM

Resident Manager

Makiki Plaza AOA

1561 Pensacola St.

Honolulu HI 96822

Phone 521-6858

Fax 531-3040

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L A T E

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Thank you for allowing me to testify on this bill.

  
Jane Sugimura  
President



Ralph Shumway, ARM®  
Residential Manager

L A T E

**SB2046**

**Introduction**

- My name is Ralph Shumway.
- I hold an accreditation in residential management, have managed in Hawaii for over 16 years, have been heavily involved in local and national property management organizations, and have won awards in residential management.
- I state this not in arrogance but to lend credence to my testimony.
- This bill is really two bills wrapped in one. I wish to quickly address them one at a time.

**Surveys**

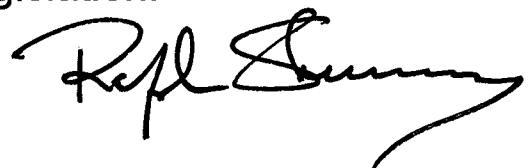
- It would be easy to generate a survey. This is not really a problem.
- However, I would be pleasantly surprised if I received a 10% return. And after 6 months, I would receive half that.
- It is difficult for us to even get people to register, let alone to have them tell us sensitive, personal information. I, personally, as a resident of a multi-family community, would never yield to you or anyone this personal information.
- If you are to mandate this, you need to mandate compliance from the residents for it to have any effect.
- You have to have a standardized questionnaire.
- It will have to be written in every language that is spoken here to be fair for the vast amount of residents that are not proficient in English.
- And of all the questions you proposed to be asked, the only critical one is about the ability to evacuate a building (going up and down stairs).

## **Emergency Evacuation Plan**

- Most large high rise properties already have an emergency operations plan in effect.
- If you mandate that every owner and manager needs an evacuation plan, you will have to create a task force to develop standardized criteria of information and how that information is organized, formatted, and presented.
- I have an emergency operation plan: it is 23 pages long. There is much confidential information in there that should not go out to the residents.
- For the sake of simplicity and understanding, I also have a four page, "what to do in an emergency" hand-out that goes to all of my residents.
- To require every multi-family building, every three-story walk-up, every townhouse, every small apartment building to have an emergency evacuation plan when there is only one way out and one fire extinguisher on each floor is effort that is not needed and just will not happen.

## **Conclusion**

- Please allow the industry to fulfill their needs.
- Hawaiiana Management, for example, will be having a huge resident manager training seminar later this year. They have asked me to help. I will be suggesting that one of the topics will be on developing an emergency operations plan.
- Certified Management recently talked with me about their residential manager training. I will propose the same to them.
- I recognize the good intent behind this legislation. However, this bill needs a heck of a lot more detail work and specifics for it to even have a chance to work.
- And if this bill becomes law, it will add even more burden on over-worked managers without producing any benefit.
- For these reasons, I oppose this legislation.

A handwritten signature in black ink, appearing to read "Rep. Sunny", is located at the bottom right of the page.






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 INSTITUTE OF REAL ESTATE MANAGEMENT
 

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 FACSIMILE TRANSMITTAL SHEET
 

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<b>To:</b> Senate Sergeant-At-Arms	<b>From:</b> Kawika A. Keala
<b>FAX NUMBER:</b> 586-6659	<b>Date:</b> January 24, 2008
<b>COMPANY:</b> Hawaii State Senate	<b>TOTAL NO. OF PAGES INCLUDING COVER:</b> 3
<b>PHONE NUMBER:</b> 586-6130	<b>SENDER'S REFERENCE NUMBER:</b> SB2046-1
<b>Re:</b> SB2046	<b>YOUR REFERENCE NUMBER:</b>

URGENT   
  FOR REVIEW   
  PLEASE COMMENT   
  PLEASE REPLY   
  PLEASE RECYCLE

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**NOTES/COMMENTS:**

Aloha Kakou;

I apologize for the late entry, I had only become aware of this bill late yesterday and have only now been able to transmit this letter.

Please consider this for today's agenda on discussion and feel free to contact me regarding this at 531-2815.

Mahalo

Kawika A. Keala



**Institute of Real Estate Management**

7<sup>th</sup>

**KAWIKA A. MOSSMAN KEALA**

PRESIDENT

ACCREDITED RESIDENT MANAGER'S

1717 MOTT SMITH DRIVE

SUITE #400

HONOLULU, HI 96822-2873

**LATE**

**Hawaii Chapter #34**

Thursday, January 24, 2008

Senate Committee on Human Services  
and Public Housing

Senate Committee on Commerce,  
Consumer Protection, and  
Affordable Housing

Aloha Kakou,

I wish to thank the Committee members for your consideration of allowing me to comment on this Senate Bill albeit a late request due to my only becoming aware of this hearing late yesterday afternoon.

I am the Resident Manager of Mott-Smith Laniloa, a 428 unit condominium located in Makiki. I also serve as the Institute of Real Estate Management (IREM), Hawaii Chapter #34, President of Accredited Resident Managers' (ARM).

I have collaborated with many in the property management field regarding SB2046 and the general consensus among all concerned is that this Bill, although ideally good in caring for our aging community, is unattainable as presented.

The financial impact of the passing of this bill would impose fiscal hardship to many of the very people this Bill is being introduced for.

In the case of the building I manage, this would require the additional hire of at least one full time employee and possibly an additional part time employee. The cost of these additional staff members would have to be imposed directly to the residents of our condominium.

In most condominiums throughout our State, there is one Resident Manager who conducts the daily operations of the property. Landscaping, resident complaints, maintenance resolution, house rule enforcement to name but a few of the requirements of these manager's and live on very limited expenses as is.

A majority of these types of condominiums have very limited budgets as to meet the expense of its residents, many of whom are aging in place.

Again, in these situations it would require the adding of staff and additionally the cost imposed of storing and maintaining these records. That cost would most certainly have to be passed on to the very constituents this Bill is intending to serve.


In the case of Mott-Smith Laniloa, we are in the process of conducting our own collection of resident abilities for egress in an emergency situation and assigning neighbors as Floor Marshals, to insure that limited ability situations, those residents have been attended to.

The later portion of the Bill requiring emergency evacuation plans is very necessary and a legitimate concern, not only for this Senate, but for all of us in the property management community who are tasked with the safety and comfort of our residents.

A Bill addressing these types of issues is absolutely viable, practical and would have minimal impact on budgetary processes.

Finally, all of us in the community of resident management are very concerned with the health of our residents and are in favor of any practical means of helping to insure the safety of the communities we are allowed to serve but feel this would not be the way to do it.

Very respectfully yours,



Kawika A. Keala,  
President