

STAND. COM. REP. NO.

315

Honolulu, Hawaii

Feb 18, 2009

RE: H.B. No. 876
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 876 entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS,"

begs leave to report as follows:

The purpose of this bill is to:

- (1) Raise from \$1,800 to \$3,600 the maximum amount of the special assessment for delinquent monthly common assessments that can be charged against a person who purchases a condominium unit; and
- (2) Expand association procedures and limitations on liability concerning elderly unit owners aging in place, to include handicapped and disabled persons.

The Hawaii Independent Condominium and Cooperative Owners and Hawaii Council of Associations of Apartment Owners testified in support of this bill. The Hawaii Legislative Action Committee of the Community Associations Institute opposed this measure. The Hawaii Bankers Association and Hawaii Financial Services Association offered comments.

HB876 HD1 HSCR HUS HMS 2009-2168



Your Committee has amended this bill by:

- (1) Blanking out the maximum amount of the special assessment for delinquent monthly common assessments that can be charged against a person who purchases a condominium unit;
- (2) Replacing all references in the bill to "unit owner" with "unit owner or resident";
- (3) Deleting all instances of the word "handicapped" in the bill and adding a definition of "disabled";
- (4) In regards to the limitations on the liability of unit owners' associations with respect to board actions and recommendations for elderly or disabled unit owners:
 - (A) Specifying that the limitations on liability relate to board actions and recommendations that are made so that elderly or disabled unit owners will not pose any health or safety hazards to themselves or others;
 - (B) Clarifying that the abuse of others includes physical or mental abuse; and
 - (C) Removing loneliness and neglect, and inappropriate requests of others for assistance, as problems of aging and aging in place that would pose harm or health or safety hazards for the elderly or disabled unit owner or others;
- (5) Clarifying that the board may request appropriate assistance from a government agency responsible for adult protective services, and also allowing the board to request appropriate assistance from mental health or medical practitioners;
- (6) Changing its effective date to January 1, 2050; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 876, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 876, H.D. 1, and be referred to the Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,


JOHN M. MIZUNO, Chair



