
From: Myoung Oh [MOh@hawaii Realtors.com]
Sent: Monday, February 01, 2010 4:22 PM
To: HSGtestimony
Subject: Testimony: 02.03.10 HB2819 - HSG
Attachments: 02.03.10 HB2819 Disclosure on Zoning or General Plans - HSG.pdf

Aloha,

Attached is testimony **opposing H.B. 2819** from the Hawai'i Association of REALTORS®.

Testifiers Name/Org: Myoung Oh, Hawai'i Association of REALTORS®

Committee: Committee on Housing

Hearing Date/Time: Wednesday, February 3, 2010 at 9:00 a.m.

Measure Number: H.B. 2819

Copies Requested: Transmitting via e-mail, no copies requested.

Thank you for your time.

<<02.03.10 HB2819 Disclosure on Zoning or General Plans - HSG.pdf>>

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February 2, 2010

The Honorable Rida Cabanilla, Chair
House Committee on Housing
State Capitol, Room 325
Honolulu, Hawaii 96813

RE: H.B. Relating to Real Property Disclosures

HEARING: Wednesday, February 3, 2010 at 9:00 a.m.

Aloha Chair Cabanilla, Vice Chair Chong and Members of the Committee:

I am Myoung Oh, Government Affairs Director, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 8,800 members in Hawai'i. HAR **opposes** H.B. 2819, which requires sellers to disclose to buyers any violations, inconsistencies, or nonconformities with zoning laws or general plans, as well as the existence or absence of variances.

Present law requires the seller to disclose all material facts known to the seller. A seller must prepare the disclosure statement in good faith and with due care, but is not required to explore information that is not within the seller's personal knowledge. To the extent the disclosure requirements identified in the bill is known to the seller, it must be disclosed under present law. Therefore, HAR believes the bill is unnecessary as it duplicates present law and will create confusion.

HAR respectfully requests that, should the Committee feel inclined to pass this measure, a revised effective date of November 1, 2010 be inserted, so that HAR may review and revise its Seller Real Property Disclosure Form.

HAR looks forward to working with our state lawmakers in building better communities by supporting quality growth, seeking sustainable economies and housing opportunities, embracing the cultural and environmental qualities we cherish, and protecting the rights of property owners.

Mahalo for the opportunity to testify.

