

STAND. COM. REP. NO.

834

Honolulu, Hawaii

MAR 22 2011

RE: H.B. No. 1431
H.D. 1
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Public Safety, Government Operations, and Military Affairs, to which was referred H.B. No. 1431, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COVENANTS,"

begs leave to report as follows:

The purpose and intent of this measure is to allow a county council to adopt ordinances or rules, including the adoption of penalties, to enforce covenants that run with the land that impose standards regarding use, maintenance, landscaping, and setbacks.

Your Committee received testimony in support of this measure from numerous individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that certain planned communities may have covenants that run with the land which may not be enforceable without enabling legislation of a county council. The covenants typically provide for greater frontage setbacks, wider streets with front lawns, restrictions on the land's use such as limiting each parcel to only one single family dwelling, and prohibiting rooming or boarding houses and any business whatsoever. These limitations, restrictions, covenants, and conditions were thoughtfully constructed for the purpose of preserving and maintaining the attractiveness, values, and character of the residential neighborhood being planned. Covenants running with the land are recorded with the Bureau of Conveyances as

2011-1760 SSCR SMA.doc

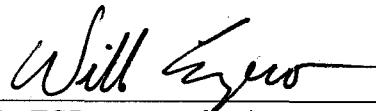


attachments to each deed and run with the residential lots in transfers to new owners and successors.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Government Operations, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1431, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1431, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Government Operations, and
Military Affairs,



WILL ESPERO, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Government Operations, and
Military Affairs
PGM

Bill / Resolution No.:* HB 1481, HD1	Committee Referral: PGM, JDL	Date: 3-17-11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	/			
KIDANI, Michelle N. (VC)	/			
BAKER, Rosalyn H.	/			
RYAN, Pohai	/			
SLOM, Sam				/
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes