

STAND. COM. REP. NO.

868

Honolulu, Hawaii

MAR 23 2011

RE: H.B. No. 319
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 Commerce and Consumer Protection, to which was referred H.B. No. 319, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO OWNER-BUILDERS,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that a property owner with an open owner-builder permit is qualified for an exemption, upon a showing of hardship, from the prohibition on sale or lease of a constructed or improved property within one year of the construction or improvement.

Your Committee received testimony in support of this measure from the Contractors License Board, Hawai'i Association of REALTORS, and one private individual.

Your Committee finds that this measure clarifies an unintended inconsistency in the current law that allows an owner-builder who has completed a home construction or improvement project to receive an exemption, upon a showing of hardship, from the prohibition on selling or leasing the constructed or improved property within one year of completing the construction or improvement but does not allow the same exemption to an owner-builder who is not able to complete the construction or improvement due to a hardship. Your Committee further finds that this measure assists the Contractors License Board in determining eligibility for the hardship exemption by requiring an applicant to submit documentation of hardship.

2011-1776 SSCR SMA.doc



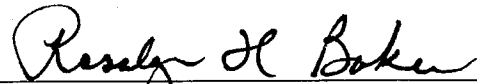
868

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2011; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 319, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 319, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,




ROSALYN H. BAKER, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:
HB 319, HDI	CPN	3-18-11
<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
BAKER, Rosalyn H. (C)	✓	
TANIGUCHI, Brian T. (VC)	✓	
GALUTERIA, Brickwood	✓	
GREEN, M.D., Josh	✓	
NISHIHARA, Clarence K.	✓	
SOLOMON, Malama		✓
SLOM, Sam	✓	
TOTAL	6	0 0 1
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
		Goldenrod Committee File Copy

*Only one measure per Record of Votes