

The Honorable Marcus Oshiro, Chair  
Vice Chair, Marilyn Lee  
Members of the Finance Committee

Thursday, March 3, 2011  
3:15 p.m.  
Conference 308

## **HB1431**

### **Testimony in Support**

Good afternoon, Chairman Oshiro, Vice Chair Lee and members of the Finance Committee (FIN). My name is Carole Berg and I thank you for this hearing on HB1431 – **Relating to Covenants**. the opportunity to testify in support of HB1431. I would like to submit testimony **in support of this bill**.

I live in a residential neighborhood that has protective provisions that are part of the property deed and am on the Board of Directors of the neighborhood association that monitors the compliance to these provisions. These covenants are not a secret in our area as house hunters are informed of their existence by realtors, they are included in the documents buyers sign at closing, and are referred to in the quarterly newsletter sent out to all residents by the association. However, when homeowners are ready to remodel or make other improvements, a conflict often arises due to the discrepancy between the neighborhood's more stringent requirements and the City and County's minimum or more lenient codes regarding land use.

The passage of HB 1431 will allow neighborhoods with covenants to maintain the integrity that was established through the orderly planning and development created to promote and protect the public safety and welfare, keep lots residential not commercial, provide for off street parking keeping roadways clear, encourage homeowners to maintain landscaping and basic home repairs, conserve natural resources, and function within the existing infrastructure by not allowing building on every square inch of available land on each lot.

The passage of HB 1431 will alleviate the problems created in communities where residents who follow the covenants are pitted against those who ignore them and associations with covenants are pitted against the City and its ordinances.

Thank you.

Chair Marcus Oshiro  
Vice Chair Marilyn Lee  
Finance Committee Members  
FIN Hearing 3-3-11@3:15pm; HB1431

My name is F.M. Scotty Anderson a resident of Honolulu.

I appreciate this opportunity to comment on HR 1431 relating to covenants on private property. I wanted to appear in person, but a prior committed prevents that.

While I support this legislation, I don't feel that it goes far enough.

As a Neighborhood Board member and currently Chair of Board number 3, Waialae – Kahala, I can assure you this is a subject that is on our agenda at every meeting.

When a person buys a piece of property anywhere in our State, it is often covered by certain covenants that speak to what you can or cannot do to the land or building etc. In recent years it has become more and more difficult to enforce these existing covenants due to cost of litigation that the associations which normally would press for enforcement just are not able to afford.

Besides covenants, there are other issues that should be addressed on this subject. Any property owner, even without covenants should not be able to continue to have a property that has a nuisance that might or does cause injury or damage to another person or property. (See HB 236, HB 237 and HB 1523).

I hope the committee will pass this bill and add more to it to give the citizens and our local government agencies the teeth they need to maintain neighborhoods as they should be maintained.

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