
From: mailinglist@capitol.hawaii.gov
Sent: Saturday, January 29, 2011 1:21 PM
To: HSGtestimony
Cc: plahne@alf-hawaii.com
Subject: Testimony for HB641 on 2/2/2011 8:30:00 AM
Attachments: HB641 testimony.pdf

Testimony for HSG 2/2/2011 8:30:00 AM HB641

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Philip L Lahne
Organization: Community Associations Institute
Address: 733 Bishop St., Ste. 2301 Honolulu
Phone: 697-6004
E-mail: plahne@alf-hawaii.com
Submitted on: 1/29/2011

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 31, 2011 12:36 PM
To: HSGtestimony
Cc: adenys@hawaii.rr.com
Subject: Testimony for HB641 on 2/2/2011 8:30:00 AM

Testimony for HSG 2/2/2011 8:30:00 AM HB641

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Al Denys
Organization: Individual
Address: c/o 3179 Koapaka St Honolulu, Hi
Phone: 306-9180
E-mail: adenys@hawaii.rr.com
Submitted on: 1/31/2011

Comments:

I am against HB641 as Community Associations already have rules in place to vote yes or no whether or not to record the meeting. Also, these meetings are not open to the public as as our meetings are only open to members of the association and recording of that meeting can be released, however edited by a thrid party, on utube etc to non-members of the association for whatever reason, usually not in the best interest of the homeowners, which violates our ability to have a productive and transparant meeting of its members without worrying how a disgruntled owner may edit what was actually said during the meeting session. This legislation isn't necessary and prohibits free speech because owners will become afraid to voice their opinions because an individual thinks they have the right to record and dissiminate that recording to anyone and everyone. I strongly recommend that HB 641 not be approved. Thank you.

warmest aloha,
Al Denys

From: Antonette Port [portr001@hawaii.rr.com]
Sent: Monday, January 31, 2011 2:44 PM
To: HSGtestimony
Subject: Testimony HB641

Testifier: Richard Port

Date of Hearing: Wednesday, February 2, 2011;

Time and Place of Hearing: 8:30 a.m. Conf. Rm #325

Bill Number and Title: HB 641 Relating to Condominiums (electronic recordings of meetings)

Committee on Housing

Rep. Rida Cabanilla, Chair

Rep. Pono Chong, Vice Chair

Dear Representative Cabanilla,

I am testifying in strong support of HB 641. It is reasonable in these times in which the Hawaii State Legislature is a national leader in open government to support openness for owners who live in democratic communities called condominiums. Making these meetings more democratic will reduce the autocratic manner in which some condominium communities are run.

Legislative hearings are open to our entire community, and they are frequently televised. Condominium meetings should also be open to their communities as well.

I have **no objection** to Jane Sugimura's suggestion to amend the bill to provide language protecting the Board against liability for possible dissemination of privacy information and to indicate that the Board's own recording is the "official" version of the meeting. Perhaps Ms. Sugimura can suggest language to include in HB 641.

In any event, I request that the House Committee on Housing support and move HB 641.

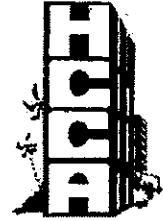


**Hawaii Council of Associations
of Apartment Owners**
DBA: Hawaii Council of Community Associations

P.O. Box 726, Aiea, HI, 96701

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January 31, 2011

Rep. Rida Cabanilla, Chair
Rep. Pono Chong, Vice-Chair
House Committee on Housing

Re: **HB 641 Relating to Condominiums (electronic recordings of meetings)**
Hearing: Wednesday, Feb. 2, 2011, 8:30 a.m., Conf. Rm. #325

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

I am Jane Sugimura, President of the Hawaii Council of Associations of Apartment Owners (HCAAO).

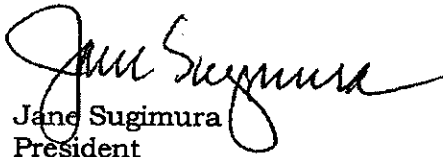
HCAAO supports transparency in condominium governance; however, we have the following concerns relating to this bill:

1. In section 1 of the bill, a condominium meeting is described as a “public meeting”, which it is not. There are limitations on who can attend and who can participate. Only unit owners and guests invited by the Board are allowed to attend regular board meetings and the annual association meetings and unit owners are limited by statute as to the extent of their participation at those meetings.
2. I don't have a concern about unit owners taping a meeting for their own personal, private use so long as there is no dispute that those recordings are not deemed to be the “official” version of the meeting. Many boards record the meetings to prepare meeting minutes and in those cases, the board's recording should be deemed to be the “official record” of the meeting in the event of any dispute.
3. At regular board meetings, unit owners who wish to speak are usually required to give their name and their unit number so that that information can be noted in the meeting minutes. Also, during the meeting discussions, mention is regularly made regarding issues as it affects specific units and

their owners. The names of unit owners and their unit numbers are covered by State and federal privacy laws and this bill needs to exempt the Board from any liability if that information is not properly disseminated or disposed of. Technological advances allow recordings to appear on YouTube and Facebook within hours of their recording and unit owners who record the meetings and who allow privacy information to be so disseminated must be legally accountable to any unit owner for violation of their privacy rights under state and federal laws.

Accordingly, in order for HCAAO to support passage of this bill, it needs to be amended to address our concerns as set forth in this testimony, especially it should include appropriate safeguards to (i) protect the Board against liability for possible dissemination of privacy information and (ii) protect unit owners' privacy interests as already provided for in state and federal laws.

Thank you for the opportunity to testify.


Jane Sugimura
President

From: EKOMOMAI@aol.com
Sent: Monday, January 31, 2011 11:12 PM
To: HSGtestimony
Subject: RE: HB 641

January 31, 2011

**Representative Rida Cabanilla, Chair
Representative Pono Chong, Vice-Chair
Committee on Housing
State Capitol
Honolulu, HI 96813**

VIA E-Mail: HSGtestimony@capitol.hawaii.gov

**Re: H.B. No. 641 – Relating to Planned Community Associations
Hearing: Wednesday, February 2, 2011, 8:30am Conf Room 325**

Dear Chair Cabanilla, Vice-Chair Chong and Committee Members:

My name is Bob Bretschneider. I have been the president of our AOA in Waipio Genty (Liolio) for the past 20 years.

Our Board strongly opposes this measure to allow taping of meetings of the association whether board, executive, etc. for the following reasons:

- **AOAOs, including PCAs are private organizations, and therefore the information generated from any of their meetings is not for the general public.**
- **Taping always includes unintended recordings of voices, video, etc. that becomes part of that tape. There is no way taping of meetings would guarantee that any of the information contained therein would not get into the public domain, such as Utube, etc. regardless of the provisions contained in the measure regarding personal use. It leaves the door open to personal liability**
- **Tapes do get edited, and there are no controls preventing this action if the tapes belong to homeowners, and even with provisions, there is no guarantee copies will not get edited and distributed.**

What the above points out is that there will always be a huge potential for liability that the homeowners (members of the association) must bear if this measure passes, and for whose gain? Who pays for any increased insurance premiums and cover cost of any litigation brought against the association resulting from any of the above concerns?

Based on the above, we strongly request this bill be held. Resolution of these kinds of issues are best left for each association to decide vice having one legislated process for every AOA in the state, as the one size fits all solution.

Sincerely yours,

**Bob Bretschneider
President Liolio AOA**