

# SB39

**Measure Title:** RELATING TO PLANNED COMMUNITY ASSOCIATIONS.

**Report Title:** Planned Community Associations; Notice of Meeting Required

**Description:** Creates notice requirements for meetings of a planned community association or its board of directors.

**Companion:**

**Package:** None

**Current Referral:** CPN, JDL



COMMUNITY ASSOCIATION MANAGEMENT

Queen's Court « 800 Bethel Street, Suite 501 « Honolulu, Hawaii 96813

February 4, 2011

## TESTIMONY SB 39

### OPPOSED

Hawaii First is the third largest association management company in Hawaii and regularly conducts association meetings.

The cost to Associations to notice every homeowner of a meeting is prohibitive. In reality very few owners attend association meetings. Meeting notices are posted throughout the project. Owners with concerns typically call to obtain meeting information.

Even when important matters are pending and the Board solicits attendance through mailings, very few owners show up and attend.

The cost to notice owners would increase maintenance fees and result in no value to the owner or the association. Associations have very limited purposes, primarily maintenance of the common areas.

I OPPOSE SB 39.

Warmest aloha,

A handwritten signature in black ink, appearing to read "Richard Emery", written in a cursive style.

Richard Emery  
President





P.O. Box 976  
Honolulu, Hawaii 96808

The Honorable Rosalyn H. Baker, Chair  
Committee on Commerce and Consumer Protection

RE: BILL: SB 39  
DATE: February 9, 2011  
TIME: 8:30 a.m.  
PLACE: Conference Room 229

Dear Senator Baker and Members of the Committee:

This testimony is submitted on behalf of the Hawai'i Legislative Action Committee of the Community Associations Institute ("CAI"). CAI is a non-profit national and statewide organization whose members include condominium associations, planned community associations, residential cooperatives, homeowners, managing agents, and others involved in creating, managing, servicing, and living in common interest communities. For the reasons discussed below, CAI LAC opposes this bill in its present form.

The bill requires planned community associations to give notice of "any meeting of the association or of the board of directors" in the manner specified in the bill. Insofar as meetings of the association are concerned, the bill is unnecessary and superfluous. Planned community associations are nonprofit corporations governed by the Hawaii Nonprofit Corporations Act, Chapter 414D, Hawai'i Revised Statutes. Chapter 414D already prescribes notice requirements for meetings of nonprofit corporations. *See* Sections 414D-15 and 414D-105. The requirements of this bill are far less complete than and are not consistent with the provisions of Chapter 414D. The bylaws of planned community association also prescribe notice requirements for association meetings. If SB39 is enacted in its present form, planned community associations, or their legal counsel, will be required to examine this bill, their bylaws, and Chapter 414D and try to harmonize the requirements of each. If the Legislature believes that it is necessary to incorporate a provision into Chapter 421J concerning notice of association meetings, the bill should be amended to simply state that notice of association meetings shall be given in accordance with Chapter 414D and the bylaws of the association.

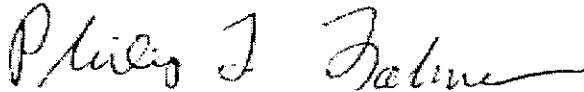
SB39 is even more problematic with respect to board meetings. Most planned community association boards meet monthly. We have been advised by Villages of Kapolei Association that it would cost \$2,279.13 per month, or \$27,337.56 per year, including paper, envelopes, copy charges, postage, and staff costs, to mail notices of monthly board meetings to its 3,910 units. A larger association, Mililani Town Association with its 16,000 units, estimates that its cost would be \$10,340.00 per month or \$103,400 per year for its 10 board meetings in each year. The funds of planned community associations come from the pockets of their members. What this bill

would require is that planned community associations raise maintenance fees or divert funds from things their members actually want to pay for something for which there is no demonstrated need.

In this day and age, almost all planned community associations, including most smaller association, post notices of monthly board meetings on their websites and distribute them by email, and any member who wants to receive notices and attend meetings can easily obtain notices in this manner at little cost to the association. In light of the costs and difficulties of providing notices by postal mail, which most owners will simply throw away, it is respectfully suggested that SB39 be amended to make the default method of giving notices of board meetings shall be by website posting or email and that associations that post board meeting notices on their websites or send them by email to owners who have provided their email addresses shall not be required to send postal notices unless a member specifically requests such notices.

Thank you for the opportunity to submit this testimony. If you have any questions, I can be reached at 697-6004 or by email at [plahne@alf-hawaii.com](mailto:plahne@alf-hawaii.com).

COMMUNITY ASSOCIATIONS INSTITUTE  
HAWAII LEGISLATIVE ACTION COMMITTEE

A handwritten signature in cursive script, appearing to read "Philip L. Lahne".

PHILIP L. LAHNE

Aloha Chair Baker and Committee Members,

I have reviewed Bill 39 recently submitted for approval and am curious as to what prompted this. I also wonder what was done to research this proposal and how it will affect associations. Has the Community Association Institute been involved in this discussion to assist with the language?

Typically, annual member meetings are defined in the bylaws to be mailed to all owners in a designated time period, however Board meetings generally just need to be posted which leads me to the following.

Many associations have a difficult time receiving email addresses from their members and may have less than 50%. Combined with the fact that most owners may be part-time residents, the associations would now have to mail out notice for all board meetings at an additional cost that may be unnecessary. Because of their volunteer nature, many Boards may not have their regular agendas completed 14 days out either.

There are easier ways that associations are handling this, through association websites. A schedule of Board meetings can be posted well in advance and notice of changes can be routinely updated. Agendas can be posted to give anyone opportunity to attend or respond as they choose to. This should be considered.

I would suggest changing the language of the proposed Bill to include the following:

**421J- Notice required. (a) Not less than 14 days in advance of any meeting of the association, or 10 days for meeting of the board of directors, the secretary, other officer or association manager as specified in the bylaws, shall give notice of the meeting to each member of the association by one or more of the following, or as may be described in the bylaws:**

- (1) Hand delivery;
- (2) United States mail sent to the mailing address of each unit or to another mailing address designated in writing by the association member;
- (3) Electronic mail to the electronic mailing address designated in writing by the association member; or
- (4) Posted in entirety on the association' member website made available to all members.

Thank you for your consideration of this language.

Bud Pikrone CMCA, AMS  
General Manager



555 Kaukahi Street  
Wailea, HI 96753  
Ph: 808.874.6866  
Fx: 808.874.4027

[www.wcamaui.com](http://www.wcamaui.com)

I am providing written testimony against SB 39, which for all practical purposes, would require planned community associations to mail notice of every Board of Directors meeting to all owners 14 days in advance of any meeting.

I am President of Haiku Plantations Association in Kaneohe composed of 187 residential lots. We hold 10 Board of Director Meetings a year, with the same schedule in effect for over ten years. Each meeting is posted a week in advance at the entrance to our community and on our web site. Should a change be necessary, it is noted there.

Each mail-out to Association Members costs over \$200. Requiring 10 additional mailings a year will increase our budget over \$2000 each year, which will be passed on to our members. This is an unnecessary expense and a waste of our time and resources.

Sincerely,

Sharon Chang

President, Haiku Plantations Association



Mililani Town Association

95-303 Kaloapau Street  
Mililani Town, HI 96789  
Phone (808) 623-7300

February 5, 2011

Senator Rosalyn Baker, Chair  
Senator Brian Taniguchi, Vice-Chair  
Committee on Housing  
State Capitol  
Honolulu, HI 96813

VIA E-Mail: [CPNTestimony@capitol.hawaii.gov](mailto:CPNTestimony@capitol.hawaii.gov)

Re: S.B. No. 39/OPPOSE  
Hearing: Wednesday, February 9, 2011, 8:30am Conf Room 229

Dear Chair Baker, Vice-Chair Taniguchi And Committee Members:

My name is Eric Matsumoto, Vice President of the Mililani Town Association (MTA). I have served in MTA leadership capacities on the board for 25 of the last 32 years. MTA encompasses 16,000 plus units involving both single family residences and numerous townhouse project sub-associations.

We strongly oppose this measure for the following reasons:

- MTA, as noted above, has a membership of 16,000 plus units. If we were required to send notices of the monthly board meetings, it would create a substantial financial burden on our members. The cost (printing, postage, envelopes, addressing, sorting, stuffing) for mailing notices for each board meeting would amount to approximately \$11,000, with a total annual cost for 10 monthly meetings of \$66,000.
- Not factored into the calculations are the taxes, ever increasing cost of postage and ancillary miscellaneous costs.
- MTA board meetings are held at the same time, on the same day of the week and same week each month.
- This bill is inadequately redundant to Chapter 414D requirements that apply to non-profit organizations of which Planned Community Associations (PCAs) are included for association meeting notices. MTA by-laws also cover association meeting notices.

There is no apparent value-added benefit to any PCA homeowner to justify adoption of this bill, but an unnecessary cost to homeowners in PCAs.

Based on the above, we request this bill be held.

Sincerely yours,

Eric M. Matsumoto  
Vice-President, Board of Directors

Cc: Sen Kidani, Rep Lee, Rep Yamane

February 3, 2011

David O'Neal  
94-1038 Kaiamu Street  
Waipahu, HI 96797

Senator Rosalyn Baker, Chair  
Senator Brian Taniguchi, Vice Chair  
Members of Housing Committee

Re: Testimony in OPPOSITION of SB39, Relating to Planned Community Associations

Dear Chair Baker, Vice Chair Taniguchi, and Housing Committee Members:

I am writing to urge your opposition to SB39.

I am a resident of Royal Kunia, and a member of the Royal Kunia Community Association (RKCA). Our Association meets once per month, on the second Wednesday of the month, for a regular Board meeting. This schedule is posted in our quarterly newsletter, and it is told to all members upon joining the Association. It does not change; it's always the second Wednesday of the month.

SB39 would add a cost of approximately \$3000 per month to our Association, to mail out a meeting notice that quite frankly, very few people even care about. That is an additional \$1.50 per month in dues for our approximately 2000 homes, to tell them about something they are already aware of. There are what I would guess to be about 100 residents out of the 2000 who are "active" in the community by volunteering, serving on the Board and Committees, painting graffiti, helping with events, etc. Of those 100 (who all know when the monthly board meetings are) about 3 to 5 show up to any given meeting, I know because I attend almost all of them. My point being that even mailing out notices does not change anything and does not add to the attendance. People attend when they have an issue to discuss, but otherwise they don't want to sit for an hour talking about planting street trees and landscape contracts. This Bill would add an additional cost burden to all residents, to tell them something they already know.

This legislation is punishing to all who live in Planned Community Associations. Our dues are high enough and we don't need legislation raising our dues, which is what this Bill will do. I humbly ask for your unanimous opposition to SB39, and hope it will not pass out of your Committee.

Sincerely,

David O'Neal  
Waipahu Neighborhood Board Member, Sub-District 1  
Royal Kunia Community Association Government Affairs Chair





*Villages of*  
**Kapolei**  
*Association*

Honorable Rosalyn H. Baker  
Chair: Commerce and Consumer Protection Committee

Honorable Brian T. Taniguchi  
Chair: Judiciary and Government Operations Committee

Re: SB 39 Relating to Planned Communities  
February 9, 2010  
8:30 a.m.  
Conference Room 229, State Capitol

Chair Baker, Vice Chair Taniguchi and Committee Members:

Thank you for allowing me the opportunity to testify in strong opposition of SB39. My name is Warren Wegesend. I am the General Manager of the Villages of Kapolei Association and am here on behalf of the Board of Directors and the members of our Association.

SB 39 creates notice requirements for meetings of a planned community association or its board of directors. Currently notice requirements for association meetings are mandated by 414D-105. SB 39 seeks to mandate additional meeting notice requirements for board meeting as well. This would place an unnecessary financial burden on our association. We currently have approximately 3910 members. SB39 would require that we provide written notice to all of our members. This would cost the association an additional \$2,279.00 per month or \$27,348 annually. Currently our board meetings are listed on bulletin boards our web site and with sign boards in various locations throughout the Villages. A week before the meeting. We do not feel the additional notice requirements are necessary.

Thank you for your consideration and allowing me the opportunity to testify.

Sincerely,

Warren F. Wegesend, Jr., CPM®  
General Manager



# Ewa by Gentry Community Association

91-1795 Keaunui Drive, Ewa Beach, HI 96706

February 3, 2011

Honorable Rosalyn H. Baker  
Honorable Brian Taniguchi  
Commerce and Consumer Protection  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: SB 39/OPPOSE

Dear Chair Baker, Vice-Chair Taniguchi and Committee Members:

I am the executive director of Ewa by Gentry Community Association, a 7,000 member common interest development in Ewa Beach, and a member of the national governing organization of common interest developments (CID's), Community Association Institute (CAI) and oppose SB 39.

There are several levels of concern regarding the bill as it has been introduced that create widely varying operating guidelines between common interest developments (CID's) operating under 514D, the Condominium Property Regimes, Chapter 414D, HRS, the Hawaii Non-Profit Corporations Act, and 421J, Planned Community Associations; each of these guide CID's and their boards of directors.

SB 39 will be extremely costly to homeowners and non-profit, mutual benefit CID's as the monthly maintenance assessments will be driven up disproportionately and the self-governance intended under 421J will be eroded and compromised. If legislators intend to regulate corporations operating under 421J, they should, at the very least, have the regulations consistent with ALL CID's operating in Hawaii, and this proposed legislation clearly intends to single out those subject to 421J and subject them to unreasonable and avoidable expenses.

The purpose of this bill is to allow a single member of a CID the right to require a change in the CC&R's for the express purpose of removing a director from the board and to mandate unreasonable mailing requirements for working board meetings. Both of these issues are already addressed in HRS 514B and are provided for in the governing documents of each community.

Simply stated, we ask the committee to consider that the Legislature has previously expressed intentions that condominium associations be self-governing. The Notice requirements for director meetings and Annual Meetings ("General Meetings") should be the same as it is in HRS 514B-121 and clearly recognize the differences between a working board

Honorable Rosalyn H. Baker  
Honorable Brian Taniguchi  
February 3, 2011  
Page 2 of 2

meeting which all members are entitled to attend, and a membership meeting for the entire membership.

Annual Meetings take place typically at least once annually and require at least 10 days notice of the meeting via USPS first class mail (under 514B), or in accordance with the provisions of the governing documents (if more notice is required). The cost to notify members of a membership meeting in a 7,000 home community is approximately \$4,830 annually for stationary and postage.

Regular Board Meetings are used to conduct business and occur much more frequently. HRS 514B-125 provides for the rights of owners to attend director's meetings and for a 72 hour notice that can be posted in prominent locations in a community.

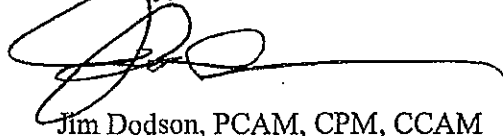
**SB 39 does not distinguish between the two types of meetings and requires first class postage to notice every member of either meeting at least 14 days in advance, without regard to emergencies, catastrophes, or special circumstances that may require immediate board action.**

In EBGCA's case, each board meeting would cost \$4,830, or \$28,980 annually, or \$3.54 per owner. At Millilani, multiply that by 2 ½ times, or approximately \$61,000 if they only meet bi-monthly. The first class mail notice requirement for board meetings should be eliminated. Also, regular meetings that occur on the same date or day each month can be posted in advance in newsletters and websites at no additional cost to the CID's.

Part (c) of the proposed bill seems to allow for one person in a community to call for the removal of a director from the board. While the language is ambiguous, it implies that any association member can propose an amendment to the CC&R's allowing for the removal/ouster of a director from the board. This already exists in every set of project documents and is addressed in HRS 514B. Specifically 514B-121, the right of a member to petition for a special membership meeting to remove a director already exists, so long as 25% of the membership agrees to the petition. At the very least, this proposed law should parallel 514D-121 and be changed accordingly.

I respectfully request that the committee hold or defeat SB 39 in its present form.

Sincerely,



Jim Dodson, PCAM, CPM, CCAM

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229

Testifier position: oppose

Testifier will be present: No

Submitted by: Jim Dodson

Organization: Ewa by Gentry Community Association

Address: 91-1795 Keaunui Drive Ewa Beach, HI 96706

Phone: 808 685-0111

E-mail: [jdodson@ebgca.net](mailto:jdodson@ebgca.net)

Submitted on: 2/1/2011

Comments:

These notice requirements exist in every set of Bylaws for every common interest development in Hawaii, and virtually anywhere. Which will apply? This bill should be killed in its present format and amended to apply to all common interest developments, not just PCA's.

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229

Testifier position: oppose

Testifier will be present: No

Submitted by: Edward Lee

Organization: HKP AOA

Address: 520 Lunalilo Home Road #100 Honolulu HI 96825

Phone: 808-348-7332

E-mail: [egklee@aol.com](mailto:egklee@aol.com)

Submitted on: 2/7/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 05, 2011 5:32 PM  
**To:** CPN Testimony  
**Cc:** naomi@certifiedhawaii.com  
**Subject:** Testimony for SB39 on 2/9/2011 8:30:00 AM

**Categories:**

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Naomi Suzuki  
Organization: Certified Management  
Address: 3179 Koapaka Street Honolulu, HI  
Phone: 808-837-5223  
E-mail: [naomi@certifiedhawaii.com](mailto:naomi@certifiedhawaii.com)  
Submitted on: 2/5/2011

Comments:

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Benjamin Bishop  
Organization: Palehua Community Association  
Address: 92-1479 Makakilo Dr Kapolei, HI  
Phone: 808-477-9572  
E-mail: [bpbishop@hotmail.com](mailto:bpbishop@hotmail.com)  
Submitted on: 2/4/2011

Comments:

Requiring planned community associations to mail notice of every Board of Directors meeting to all owners 14 days in advance of any meeting will be prohibitively expensive because of postage and time to print, envelope, stamp and send. Our monthly meetings are held on the same day of every month and announced in our newsletter and web site. The annual meeting notice is mailed to every member.

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229

Testifier position: oppose

Testifier will be present: No

Submitted by: Roland Mina

Organization: Ke Noho Kai Community Assn

Address: Ewa Beach, HI

Phone:

E-mail: [andy.pearl@gmail.com](mailto:andy.pearl@gmail.com)

Submitted on: 2/4/2011

Comments:

Required mailing to all owners, many of whom are military or non-resident, would unduly raise operating costs and resultant fees to owners. Adequate notice is provided through several different more economical means, including electronic.



---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 04, 2011 9:10 PM  
**To:** CPN Testimony  
**Cc:** mmartin40@hawaii.rr.com  
**Subject:** Testimony for SB39 on 2/9/2011 8:30:00 AM

**Categories:**

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Mary Martin  
Organization: Wailuna AOA  
Address:  
Phone:  
E-mail: [mmartin40@hawaii.rr.com](mailto:mmartin40@hawaii.rr.com)  
Submitted on: 2/4/2011

Comments:

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229

Testifier position: oppose

Testifier will be present: No

Submitted by: Tim Baier

Organization: Pearl Regency Home Owners Association

Address: 98-402 Koauka LP Aiea, HI

Phone:

E-mail: [timlid.baier@att.net](mailto:timlid.baier@att.net)

Submitted on: 2/7/2011

Comments:

**Testifier:** Richard Port

**Committee/s:** Committee on Commerce & Consumer Protection

**Date of Hearing:** Wednesday, February 9, 2011;

**Time and Place of Hearing:** 8:30 a.m. Conf. Rm #229

**Bill Number and Title:** SB 39: Relating to Planned Community Associations.

Dear Senator Baker,

I support the intent of SB 39. If, for any reason, your committee decides not to approve this bill because of

cost considerations, I urge you to consider requiring that owners who are willing to provide their e-mail

addresses receive notice of all meetings accompanied by the agenda for the meetings.

This effort at transparency will reduce many of the concerns that owners in Planned Community

Associations have about issues that can seriously affect them and their property.

Thank you for this opportunity to testify regarding SB 39.

Richard Port

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Al Denys  
Organization: Individual  
Address:  
Phone: 306-9180  
E-mail: [adenys@hawaii.rr.com](mailto:adenys@hawaii.rr.com)  
Submitted on: 2/8/2011

Comments:

I am opposed to SB39, which proposes to revise HRS 421J to require associations to provide written notice of their Board of Directors' meetings to all owners of record via a myriad number of methods. All associations do post meeting notices on bulletin boards and on their websites, however to require a written notice to all owners would be a huge financial and administrative burden for all planned communities under HRS421J (also for any community association under any HRS). For example, a community that I work with has over 3600 owners who reside not only on Oahu but throughout the United States and overseas (note: the number of homeowners living in associations on Maui is even larger).

This association meets monthly and has a good owner turnout at every meeting. Now if the Board of Directors is required to do a monthly mailout, the approximate cost to do so would cost all of the owners over \$10,860.00 per month. This is expense of \$130,320.00 per year! Where will the additional monies for this expenditure come from? The answer is simple...the owners will be required to pay higher maintenance fees, definitely an unnecessary burden to place upon our owners during a bad economy where everyone is living paycheck to paycheck. I know that associations will not be happy to increase maintenance fees to pay for administrative notices while other quality of life improvements have been put on hold because of the state of the economy.

Additionally, after a campaign to increase use of electronic mail as a means for notification of association activities less than 300 owners agreed to provide their email addresses, so electronic mail wouldn't be practical. Also, most associations do not finalize their meeting agenda generally no less than a week prior to their meeting so a requirement of not less than 14 days notice is also impractical and unrealistic.

Therefore, I would ask that you please reconsider not moving forward with this revision in light of the burden it would place on all community associations in Hawaii. Mahalo.

warmest aloha,  
Al Denys

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229

Testifier position: oppose

Testifier will be present: No

Submitted by: Jadean DeCastro

Organization: Individual

Address:

Phone:

E-mail: [jadean@touchstoneproperties-hawaii.com](mailto:jadean@touchstoneproperties-hawaii.com)

Submitted on: 2/7/2011

Comments:

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229

Testifier position: oppose

Testifier will be present: No

Submitted by: Forrest McDermott

Organization: Individual

Address:

Phone:

E-mail: [f.mcdermott@ymail.com](mailto:f.mcdermott@ymail.com)

Submitted on: 2/7/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 05, 2011 11:39 AM  
**To:** CPN Testimony  
**Cc:** dave@mchawaii.com  
**Subject:** Testimony for SB39 on 2/9/2011 8:30:00 AM

**Categories:**

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: David A. Ferguson  
Organization: Individual  
Address: PO Box 11837 Lahaina, HI 96761-6837  
Phone: (808) 661-8795x21  
E-mail: [dave@mchawaii.com](mailto:dave@mchawaii.com)  
Submitted on: 2/5/2011

**Comments:**

Notice is already provided in statute and By-Laws for Association Meetings. Adding requirement for Board meetings is unduly burdensome, expensive and unnecessary. Most associations now are getting websites and posting meetings on the website is adequate. Mail notice to all members of Directors meetings should not be included in this Bill

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 05, 2011 9:58 AM  
**To:** CPN Testimony  
**Cc:** airhartbn@hawaiiantel.net  
**Subject:** Testimony for SB39 on 2/9/2011 8:30:00 AM

**Categories:**

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Robert L. Airhart  
Organization: Individual  
Address:  
Phone:  
E-mail: [airhartbn@hawaiiantel.net](mailto:airhartbn@hawaiiantel.net)  
Submitted on: 2/5/2011

Comments:



---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 05, 2011 5:08 AM  
**To:** CPN Testimony  
**Cc:** cater4349@msn.com  
**Subject:** Testimony for SB39 on 2/9/2011 8:30:00 AM

**Categories:**

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: curtis carter  
Organization: Individual  
Address:  
Phone:  
E-mail: [cater4349@msn.com](mailto:cater4349@msn.com)  
Submitted on: 2/5/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 05, 2011 2:26 PM  
**To:** CPN Testimony  
**Cc:** twalkey@clearwire.net  
**Subject:** Testimony for SB39 on 2/9/2011 8:30:00 AM

**Categories:**

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Ted Walkey  
Organization: Individual  
Address: 99-969 F Aiea Hts Dr Aiea, HI  
Phone: 808-486-6140  
E-mail: [twalkey@clearwire.net](mailto:twalkey@clearwire.net)  
Submitted on: 2/5/2011

**Comments:**

Let it die. It didn't work.

xxx  

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 05, 2011 1:02 AM  
**To:** CPN Testimony  
**Cc:** Keoki96701@hawaii.rr.com  
**Subject:** Testimony for SB39 on 2/9/2011 8:30:00 AM

**Categories:**

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Rick Edds  
Organization: Individual  
Address:  
Phone: 8084863327  
E-mail: [Keoki96701@hawaii.rr.com](mailto:Keoki96701@hawaii.rr.com)  
Submitted on: 2/5/2011

Comments:

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229

Testifier position: support

Testifier will be present: No

Submitted by: Duncan Graham

Organization: Individual

Address:

Phone:

E-mail: [duncan@certifiedhawaii.com](mailto:duncan@certifiedhawaii.com)

Submitted on: 2/4/2011

Comments:

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229

Testifier position: oppose

Testifier will be present: No

Submitted by: Beverly Wellman

Organization: Individual

Address: 94-825 Lumiauw St., E-104 Waipahu, HI

Phone: 808-678-3880

E-mail: [wellmanb001@hawaii.rr.com](mailto:wellmanb001@hawaii.rr.com)

Submitted on: 2/4/2011

Comments:

This bill would resulting in increased costs for the associations, thereby increasing maintenance fees. There are other avenues in place for notifying homeowners of such meetings without increasing costs. Please OPPOSE!

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229

Testifier position: support

Testifier will be present: No

Submitted by: Charles Zahn

Organization: Individual

Address: 92-970 Puanihi St. Kapolei, HI

Phone: 282-5784

E-mail: [czahn@hawaii.rr.com](mailto:czahn@hawaii.rr.com)

Submitted on: 2/2/2011

Comments:

Chair Baker, Vice Chair Taniguchi and Senators of the committee.

I fully support this Bill. Creation of notice requirements for meetings of a planned community association or its board of directors. There are certain Associations that do not give a written agenda to its members in advance of the meeting. Passage of SB39 will allow the association members advance notice of the agenda and the items on that agenda before the meeting comes to order.

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229

Testifier position: oppose

Testifier will be present: No

Submitted by: Jeanne Doerr

Organization: Individual

Address: 15 Mahalo Nui PL Kihie HI

Phone: 8088751462

E-mail: [Jeannekdgmail.com](mailto:Jeannekdgmail.com)

Submitted on: 2/2/2011

Comments:

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229

Testifier position: oppose

Testifier will be present: No

Submitted by: Albert Denys

Organization: Individual

Address:

Phone: 306-9180

E-mail: [adenys@hawaii.rr.com](mailto:adenys@hawaii.rr.com)

Submitted on: 2/1/2011

Comments:

I oppose SB39 as it is not practical because community associations with large memberships already post notices of their meetings by various means to include posting in their neighborhoods and on their websites. To mail notices to all owners of record would be a huge monthly expense that will require maintenance fees to be increased as the owners will bear the expense for this unnecessary requirement. For example, a community association with 3500 owners a monthly mailout would cost approximately \$10,000. per month or \$120,000 per year or an increase of \$34.00 per owner per month. In this economy we can not justify an expense of this nature. Please reconsider and withdraw SB39. Mahalo.

Albert Denys



Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229

Testifier position: oppose

Testifier will be present: No

Submitted by: Irma Pante

Organization: Individual

Address:

Phone:

E-mail: [irma@hmcmt.com](mailto:irma@hmcmt.com)

Submitted on: 2/4/2011

Comments:

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229

Testifier position: oppose

Testifier will be present: No

Submitted by: Ruth Tschumy

Organization: Condo Board president

Address:

Phone:

E-mail: [ruthdt@hawaiiantel.net](mailto:ruthdt@hawaiiantel.net)

Submitted on: 2/4/2011

Comments:

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229

Testifier position: oppose

Testifier will be present: No

Submitted by: Marilyn Hampton

Organization: Individual

Address:

Phone:

E-mail: [marilyn.hampton@hawaiiantel.net](mailto:marilyn.hampton@hawaiiantel.net)

Submitted on: 2/4/2011

Comments:

Testimony for CPN.2/9/2011 8:30:00 AM SB39

Conference room: 229

Testifier position: oppose

Testifier will be present: No

Submitted by: Tori Kinney

Organization: Individual

Address:

Phone:

E-mail: [tlk715@gmail.com](mailto:tlk715@gmail.com)

Submitted on: 2/4/2011

Comments:

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229

Testifier position: oppose

Testifier will be present: No

Submitted by: Margaret Brevoort

Organization: Individual

Address: 56-2863 Akoni Pule Hiway Hawi, HI 96719

Phone: 808-889-6930

E-mail: [pegbre@earthlink.net](mailto:pegbre@earthlink.net)

Submitted on: 2/4/2011

Comments:

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229

Testifier position: oppose

Testifier will be present: No

Submitted by: John Schick

Organization: Individual

Address: Kahoaloha Ln. Honolulu

Phone: 341-9153

E-mail: [johns@hmcmt.com](mailto:johns@hmcmt.com)

Submitted on: 2/4/2011

Comments:

Passage of this bill will cost homeowners associations thousands of dollars in wasted funds. All HOA's have notice requirements in their documents, there is no need to make this change.

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229

Testifier position: oppose

Testifier will be present: No

Submitted by: robert duca

Organization: Individual

Address: 5255 L honoapiilani rd lahaina, HI.

Phone: 925 788 9933

E-mail: [bduca@sbcglobal.net](mailto:bduca@sbcglobal.net)

Submitted on: 2/4/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 05, 2011 5:04 PM  
**To:** CPN Testimony  
**Cc:** phagan@hawaii.rr.com  
**Subject:** Testimony for SB39 on 2/9/2011 8:30:00 AM

**Categories:**

Testimony for CPN 2/9/2011 8:30:00 AM SB39

Conference room: 229  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Paul Hagan  
Organization: Individual  
Address:  
Phone:  
E-mail: [phagan@hawaii.rr.com](mailto:phagan@hawaii.rr.com)  
Submitted on: 2/5/2011

Comments: