



LATE TESTIMONY

P.O. Box 976
Honolulu, Hawaii 96808

The Honorable Clayton Hee, Chair
Committee on Judiciary and Labor

RE: BILL: SB39 SD1
DATE: April 23, 2011
TIME: 9:00 a.m.
PLACE: Conference Room 016

Dear Senator Hee 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. CAI-LAC opposes this bill in its present form because it conflates notices of association meetings, which are already addressed by Chapter 421J and Chapter 414D, with notices of board meetings. A proposed SD2 which addresses this issue as well as other presented by the bill in its current form is attached for the Committee's consideration.

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.

COMMUNITY ASSOCIATIONS INSTITUTE
HAWAII LEGISLATIVE ACTION COMMITTEE

/s/ Philip L. Lahne

PHILIP L. LAHNE

Enclosure

A BILL FOR AN ACT

RELATING TO PLANNED COMMUNITY ASSOCIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 421J-5, Hawaii Revised Statutes, is amended by adding a new subsection (h) to read as follows:

"(h) (i) At the same time notice of any meeting of the board of directors, other than emergency meetings, is given to directors, the association shall give notice of the meeting to each member of the association by one or more of the following means:

- (1) Hand delivery; or
- (2) United States mail sent to the mailing address of each association member as shown in the association's records; or
- (3) Electronic mail to the electronic mailing address designated in writing by the association member; or
- (4) Posting of the meeting notice in its entirety on a portion of the association's website that is accessible to all members; or

(5) As provided in the association's association documents.

(ii) Notice pursuant to this section shall state:

(1) The date, time, and place of the meeting; and

(2) The items on the agenda; provided that nothing herein shall be interpreted to preclude the board from discussing and considering matters raised at the meeting that are not on the agenda.

(iii) Notice pursuant to this section includes notices published in a newsletter distributed to association members in the manner specified in subsection (i).

(iv) The requirements of this section shall not be interpreted to preclude a board of directors from (a) meeting without notice to association members in an emergency situation which requires immediate action, and (b) discussing and considering matters that are not listed on the agenda distributed to association members that are raised at the meeting.

(v) The requirements of this section shall not be interpreted to invalidate any notice given in good faith in accordance with an association's association Documents."

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 2011.

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. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



Villages of
Kapolei
Association

LATE TESTIMONY

Honorable Clayton Hee
Chair: Committee on Judiciary and Labor

Re: SB 39 SD1 Relating to Planned Communities
February 23, 2010
9:00 a.m.
Conference Room 016, State Capitol

Chair Hee, Vice Chair Maile Shimabukuro and Committee Members:

Thank you for allowing me the opportunity to testify in **opposition** of SB39 SD1. 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 SD-1 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 SD1 seeks to mandate additional meeting notice requirements for board meetings as well. Our concerns regarding the added costs were addressed by the Housing Committee and provisions were made to allow no cost alternatives as in the posting on the Association website, however, the 14 day requirement was left in place. Board meetings are held to take care of the business of the Association on a timely basis. Our By-laws currently require only 72 hours notice for a board meeting to be held. A 14 day notice would mean the agenda would be half a month old. I would like to suggest that the notice requirement be consistent with the Documents of the Association or in the absence that a requirement be placed in 421J. Currently our board meetings are listed on bulletin boards in our Recreation Center, on our web site and with sign boards in various locations throughout the Villages one week before our regularly scheduled 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

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 2:06 AM
To: JDLTestimony
Cc: stevegghi@gmail.com
Subject: Testimony for SB39 on 2/23/2011 9:00:00 AM

Testimony for JDL 2/23/2011 9:00:00 AM SB39

Conference room: 016
Testifier position: oppose
Testifier will be present: No
Submitted by: Steve Glanstein
Organization: Management Information consultants
Address:
Phone:
E-mail: stevvegghi@gmail.com
Submitted on: 2/23/2011

Comments:

Unfortunately I have to be at CPN this morning. The bill is only supported by 2 vocal individuals as indicated by 40 pages of testimony in CPN. The requirement for notice to ALL owners of a PCA which could cost thousands is unnecessary. The reliance on e-mail is also inappropriate because many people DO NOT WANT their e-mail address used due to viruses and spam. I hope this committee sees the prior testimony and holds this bill. Imagine if a representative from Mililani had to send 16,000 letters/emails to people whenever the rep went to a meeting. This proposal is ludicrous and if adopted, will simply increase costs and further erode the pool of board members willing to serve their homeowner associations.