

Honolulu, Hawaii

FEB 07 2012

RE: S.B. No. 2184

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 2184 entitled:

"A BILL FOR AN ACT RELATING TO PRIVATE TRANSFER FEES,"

begs leave to report as follows:

The purpose and intent of this measure is to permanently prohibit private transfer fees by eliminating the repeal date of Act 169, Session Laws of Hawaii 2010.

Your Committee received testimony in support of this measure from the Hawaii Association of Realtors and one individual.

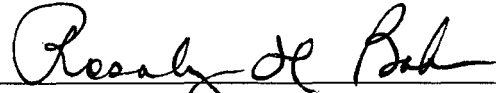
Your Committee finds that private transfer fees are fees imposed by private parties, through deed restrictions or covenants, on transferees of real property in connection with future conveyances of the property. Private transfer fees may be imposed as part of a new housing development on the initial and subsequent purchasers of a property.

Your Committee further finds that private transfer fees may create significant barriers to homeownership. The Legislature passed Act 169, Session Laws of Hawaii 2010, in response to concerns over private transfer fees and their potential negative impacts on homeownership and property values. Your Committee additionally finds that as of October 2011, thirty-three states have either banned or placed conditions on the use of private transfer fees. Accordingly, your Committee concludes that a permanent prohibition on the use of private transfer fees in the State is justified and appropriate.



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 S.B. No. 2184 and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Labor.

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:		
SB 2184	CPN, JDL	2-1-12		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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	7	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes