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LATE

February 29, 2012

Hearing: Wed, 2/29/2012 10:30 a.m. Conf. Rm. #229

RE: TESTIMONY IN SUPPORT OF SB 2295 SDI, RE: CONDOMINIUMS

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Alice Clay and I am and have been a Realtor for some 37 years in Hawaii. As our population ages, the concerns we, as Realtors have in selling or advising our seniors client who are contemplating moving to a condominium that offers assisted living services, are growing, and there is a need for clarification in what is being offered to seniors. Our present laws do not clearly define the operation of an assisted living facility if operated in a condominium and SB 2295 is laid out to explain and define the need for clarification of what the care should be, what services are rendered and who is financially responsible for the operation of an Assisted Living Facility.

## ALICE CLAY TESTIMONY IN SUPPORT OF SB 2295

If an Assisted Living Facility is being operated under and by a condominium, when one buys into this type of condominium, there should be disclosures regarding the accounting of, the services rendered and who pays for the operation of the Assisted Living Facility. All potential buyers should be given this information prior to buying into a condominium that operates an Assisted Living Facility, **unless** the Assisted Living Facility is operating independently from the condominium, AS in having a vendor run the operation of the Assisted Living Facility, then no disclosures would be necessary. BUT, if operating within a condominium, an Assisted Living Facility should stand on it's own and should be accountable for all it's expenses, separate from the expenses of the condominium so that the expenses of the Assisted Living Facility is not commingled with the common expenses from the operation of the condominium. A condo-hotel operation separates out expenses for the condo and from the hotel; likewise the operation of an Assisted Living Facility should be mandated to also separate it's expenses from the condominium.

One of the major concerns that we as Realtors have for our clients living in a condominium operating an Assisted Living Facility is the liability issue that an AOA could face if injury or death is caused by negligence or irresponsibility of a Nurse or CNA. A lawsuit could result in holding all owners of the condominium project responsible for and could devastate a senior's finances. There is no shield in a condominium since it is not an LLC and each and every owner could lose all their wealth. For this and other reasons, I STRONGLY SUPPORT SB 2295.

Thank you for the opportunity to testify for this bill.

Alice Clay Realtor

Late

GRECIA HILL  
Caregivers4seniors  
2500 Kalakaua Avenue, #1203  
Honolulu, Hawaii 96815

February 29, 2012

Sen. Rosalyn H. Baker, Chair  
Sen. Brian T. Taniguchi, Vice-Chair  
Senate Committee on Commerce and Consumer Protection

Re: Testimony in Support of SB 2295 SDI, Re Condominiums

Hearing: Wednesday, February 29, 2012, 10:30 a.m. Conf. Rm. #229

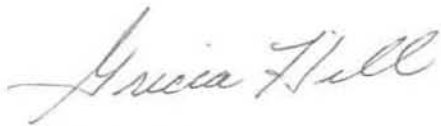
Chair Baker and Vice-Chair Taniguchi and Members of the Committee:

My name is Grecia Hill. I live in Foster Tower Condominium. I have been a caregiver for over 30 years. As owner of Caregivers4seniors, I have provided care to many seniors who want to age in their own home. As an individual condo owner, I am concerned that I not be charged for costs for assisted living services.

I believe many existing condominiums are considering providing assisted living services to their residents whether through programs they initiate or by contracting the services of a third party. Some may include such services in their maintenance fees. I am concerned that I, as a condo owner, would not have a vote if such a program were introduced in my building. The costs and expenses related to the commercial use should be allocated and assessed only to the owners of those units. Owners who do not require these services should not be charged a share of these expenses. The recording of expenses and costs related to assisted living services need to be completely separate from other costs such as maintenance fees and there needs to be accountability for these charges.

I believe this bill to be the next step in achieving these goals.

Thank you for the opportunity to testify on this bill.



Grecia Hill

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