

March 19, 2012

Testimony for Hearing before the  
Committee on Health  
House of Representatives  
State of Hawaii

**LATE**

Tuesday, March 20, 2012, 9:00 am  
Conference Room 329  
Hawaii State Capitol

Re: Opposition to SB 2295 SD 1 Relating to Condominiums

Chair Yamane, Vice Chair Morikawa and Committee Members,

My name is Hiroko Vaughan. I have been living at One Kalakaua for five years and one month. I am a widow with no children of my own and no relatives in this State.

I really believe I made a good decision to move into this condominium after my realtor had suggested that this place was the most suitable place for me. I am reasonably healthy and spend daily life independently right now but I will never know when I might need assistance from the Assisted Living Program and this is the reason I moved in. I feel very secure, comfortable, and can enjoy my remaining life knowing that if I need services they are here for me.

Please vote against this bill.

**morikawa2 - Grant**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 19, 2012 4:06 PM  
**To:** HLTtestimony  
**Cc:** bruceh@hmcmtg.com  
**Subject:** Testimony for SB2295 on 3/20/2012 9:00:00 AM

**LATE**

Testimony for HLT 3/20/2012 9:00:00 AM SB2295

Conference room: 329  
Testifier position: Oppose  
Testifier will be present: Yes  
Submitted by: Bruce Howe  
Organization: CAI-LAC  
E-mail: [bruceh@hmcmtg.com](mailto:bruceh@hmcmtg.com)  
Submitted on: 3/19/2012

**Comments:**

I submit this testimony as a member of the Legislative Action Committee of the Community Associations Institute. We oppose this and any other bill aimed at changing the documents of an individual condominium or other communitu association through legislation rather than through amendment of the documents of the association by the owners. Each association has a vehicle for change set up in it's By-Laws and under HRS 514 B or A or through 421J; and that vehicle is amendment by the consent of 67% (or 75% or 65% under the old law) of the owners of the asociation.

Each owner received a copy of the association documents prior to purchase and was made aware of that proceedure. If change is to be made to those documents each owner should be able to rely on the sanctity of the contractual agreement in his or her Deed and associated Declatation and By-Laws. To allow an owner who fails to obtain the consent of the designated % of his co-owners to the change to then legislate that change is a violation of his legitimate expectations of the sanctity of a contract.

For these reasons, we oppose this and any legislation which substitutes the will of the legislature for the will of the owners in the association.

Thank you for your attention.  
Bruce Howe

**morikawa2 - Grant**

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**From:** Rep. Ryan Yamane  
**Sent:** Tuesday, March 20, 2012 7:05 AM  
**To:** HLTtestimony  
**Subject:** FW: Senate Bill 2295 SD1 "Relating to Condominiums"

**LATE**

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**From:** James Moss [bondrlm@aol.com]  
**Sent:** Tuesday, March 20, 2012 4:33 AM  
**To:** Rep. Ryan Yamane  
**Cc:** [bondrlm@aol.com](mailto:bondrlm@aol.com)  
**Subject:** Senate Bill 2295 SD1 "Relating to Condominiums"

Dear Chairman Yamane:

I am writing to voice opposition by both my wife and myself to Senate Bill 2295 SD1 "Relating to Condominiums."

Within the last 24 hours I learned that once again an attempt is being made to change the concept of residential living at One Kalakaua, this time through legislative action. My wife and I do not live at One Kalakaua, but we own the unit there in which my Mother lived for a number of years and we are very familiar with why she moved there, and the care and comfort she received while she was still alive. My Mother passed away in 2004.

Prior to her passing, one of the current residents decided, for reasons that are not totally clear to me, that policies and programs had to change at One Kalakaua. As the vast majority of One Kalakaua residents did not agree with that resident, this person decided to advance their agenda through the courts--and they lost!

I well remember the depression and stress my Mother went through at that time because of the upheaval taking place within One Kalakaua. It was a terrible time for her, a time that did not have to exist if the principal proponent of change, a neighbor in One Kalakaua, had had any heart and soul at all! To this day, my Mother's children and grandchildren believe that the stress she went through may have contributed to her passing!

One Kalakaua was a wonderful place for my Mother, and it is my belief that those who choose to purchase a residence there, do so well aware of the services and programs available. Our family never felt that my Mother was misled or was being treated unfairly by management. We know how management and the Board of Directors carefully adhere to applicable governmental regulations. And the fact that it is generally difficult to purchase or rent there is evidence that this is a highly sought after residential building.

We can not see how life will be better for residents of One Kalakaua if Senate Bill 2295 SD1 is passed by the House. It is my belief that if passed, changes will be required which will cause unhappiness and personal hardship to many who live there!

We hope that you and your committee will reject Senate Bill 2295 SD1----"If it ain't broke, why change it?"

Sincerely,

James A. Moss  
Colonel, USAF, Ret.  
[bondrlm@aol.com](mailto:bondrlm@aol.com)

Chairman Yamane & Members of the Health Committee:

**L A T F**

My name is Bertha Lum. I am testifying against SB<sup>2</sup>295. My husband, Francis, and I moved to One Kalakaua when it opened in Oct. 1997. We're tagged as the "original" residents. One Kalakaua was developed at a very opportune time for us. We had returned to live in Hawaii after my husband had retired from the U.S. Dept. of Agriculture in Wash. D.C. This was now the time for us to decide how we would spend our years as aging seniors.

Picking One Kalakaua as our retirement home was a decision we never regretted. We acquired a convenient condo in fee simple, gave away our vacuum cleaner, reduced our cooking equipment and fell into a carefree and independent lifestyle. We took full advantage of the exercise classes, especially tai chi and qi gong. We realized we were not going to need the extra health services that would be available. However, that didn't deter us from wanting to share in the general costs of maintaining such a program. It was like buying into an insurance policy for any future help we might need. As a result, we had "peace of mind" knowing we could choose the health services in-house when we needed them. It was also "peace of mind" for our five children, four of whom were living on the mainland at that time.

We are grateful for the nearly 15 years we lived at One Kalakaua and hope the shared assisted living concept will be continued. Truly, SB295 is not needed or wanted.

Thank you for this opportunity to give this testimony.

*Bertha Y. Lum*