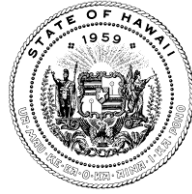


**HB2401**

**HD2 SD1**



**NEIL ABERCROMBIE**  
GOVERNOR

**SHAN S. TSUTSUI**  
LT. GOVERNOR

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**PRESENTATION OF**  
**DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**  
**REGULATED INDUSTRIES COMPLAINTS OFFICE**

**TO THE SENATE COMMITTEE ON**  
**JUDICIARY AND LABOR**

**TWENTY-SEVENTH STATE LEGISLATURE**  
**REGULAR SESSION, 2014**

**TUESDAY, MARCH 25, 2014**  
**10:00 A.M.**

**WRITTEN TESTIMONY**  
**ON**  
**HOUSE BILL 2401 H.D.2 S.D.1**  
**RELATING TO CONDOMINIUMS**

**TO THE HONORABLE CLAYTON HEE, CHAIR,**  
**AND TO THE HONORABLE MAILE S.L. SHIMABUKURO, VICE CHAIR,**  
**AND MEMBERS OF THE COMMITTEE:**

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on House Bill No. 2401 H.D.2 S.D.1, Relating to Condominiums. My name is Daria Loy-Goto, Complaints and Enforcement Officer for the Department's Regulated Industries Complaints Office ("RICO"). RICO offers the following written testimony in support of the bill.

House Bill No. 2401 H.D.2 S.D.1 creates a new section in Chapter 514B, Hawaii Revised Statutes, specifically intended to: 1) clarify the records that shall be made available to condominium unit owners upon request; and 2) require the disclosure of those requested records no later than thirty days after a written request from a unit owner is received.

House Bill No. 2401 H.D.2 S.D.1 consolidates, in a new statutory section, existing provisions relating to the maintenance and disclosure of records, documents, and information to which a unit owner is entitled. The bill serves a significant consumer protection function by clearly identifying all records available to unit owners and by ensuring their timely disclosure, allowing unit owners access to information and the opportunity to participate in the self-governance process.

Thank you for the opportunity to submit written testimony on House Bill No. 2401 H.D.2 S.D.1.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [rrodriguez@soleilmanagement.com](mailto:rrodriguez@soleilmanagement.com)  
**Subject:** Submitted testimony for HB2401 on Mar 25, 2014 10:00AM  
**Date:** Monday, March 24, 2014 9:52:40 AM

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**HB2401**

Submitted on: 3/24/2014

Testimony for JDL on Mar 25, 2014 10:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard L Rodriguez	Soleil Management	Oppose	Yes

Comments: Dear Chair Hee and Members of the Committee: We are a company that manages condominium and timeshare projects in the State of Hawaii. While the expressed intent of the measure is laudable and should help the readability of the exiting statute, we are concerned that in a rush to accomplish this stated purpose, some key provisions may be overlooked. The recent amendments to HB2401 contained in SD1 represent an attempt to copy and paste language from possibly as many as existing fifteen (15) different sections of 514B relating to owner access to information maintained by a condominium association. Although no existing sections of HRS 514B are identified in SD1, it would appear that some language from existing sections of 514B has been revised in the process, while other language from existing sections of 514B has been omitted altogether. In addition, the proposed language in subsection (b) of SD1 appears to mandate conversion of potentially all past and present documents of a condominium association into electronic format within thirty (30) days of an owner's request for such documents. Now is not the time in this year's legislative calendar to begin to tackle such a large-scale matter as all-inclusive owner access to information. As such, I urge this committee to defer HB2401 so that further study and input can be made to address these concerns. Thank you for the opportunity to testify.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)