HB2401 HD2 SD1 LATE **TESTIMONY**

REAL ESTATE COMMISSION

TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR

TWENTY-SEVENTH LEGISLATURE Regular Session of 2014

Tuesday, March 25, 2014 10:00 a.m.

WRITTEN TESTIMONY ONLY

TESTIMONY ON HOUSE BILL NO. 2401, H.D. 2, S.D. 1, RELATING TO CONDOMINIUMS.

TO THE HONORABLE CLAYTON HEE, CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Scott Sherley and I am the Condominium Review Committee

Chairperson of the Hawaii Real Estate Commission ("Commission"). The Commission

appreciates the opportunity to present written testimony in support of House Bill

No. 2401, H.D. 2, S.D. 1, Relating to Condominiums.

House Bill No. 2401, H.D. 2, S.D. 1, creates a new section in Chapter 514B, Hawaii Revised Statutes, specifically intended to:

- Clarify the records that shall be made available to condominium unit owners upon request;
- Require the disclosure of those requested records no later than thirty days after a written request from a unit owner is received; and
- 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.

Testimony on House Bill No. 2401, H.D. 2, S.D. 1 Tuesday, March 25, 2014 Page 2

Over the years, the Commission has received a significant amount of inquiries from condominium unit owners seeking the timely availability of the records, documents, and information being clarified by House Bill No. 2401, H.D. 2, S.D. 1. The current law, in general, provides for the reasonable availability of the records, documents, and information.

The bill provides a significant added consumer protection measure by clearly identifying what the current law requires to be made available to unit owners and by ensuring their timely disclosure. Further, this measure follows the overriding self-governance tenet by allowing unit owners access and the opportunity to obtain from the board necessary information to govern themselves and to oversee the board's actions.

Thank you for the opportunity to submit written testimony in support of House Bill No. 2401, H.D. 2, S.D. 1.

From: mailinglist@capitol.hawaii.gov

To: <u>JDLTestimony</u>
Cc: <u>lhirohat@gmail.com</u>

Subject: Submitted testimony for HB2401 on Mar 25, 2014 10:00AM

Date: Monday, March 24, 2014 12:50:27 PM

HB2401

Submitted on: 3/24/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Hirohata	Individual	Support	No

Comments: I support the intent of the revised HB 2401. Although all of the original language has been deleted from HB 2401, the current language is a small step towards assisting condo owners with creating more transparency and honesty from the condo board members and managing agents. However, the kinds of complaints from the various condo owners provided in previous testimony indicated that the actions and behavior from the board members and managing agents are not only a violation of their fiduciary responsibility, but possibly illegal since it involved, fraud, scams and misappropriation of funds, etc. There needs be better oversight management from the State when possible illegal activities are involved because Mediation Will Not Prevent the board members or managing agent from continuing to commit these wrongful or elicit activities.

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, 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

Senate Commerce & Consumer Protection Committee

Sen. Hee Chair Tuesday, March 11, 2014

Sen. Shimabukura, Sen. Rusalyn Baker, Chair

Vice Chair Sen. Brian Taniguchi, Vice Chair

Conf. Rm 016

RE: Testimony In Support of HB 2401, Relating to Condominiums; Transparency

I, Rui XiNG Tan own a condominium at HONO Hale Towers

I support HB 2401 because it will give condo owners more protection from questionable and unethical activities conducted by the Condo Board and the Property Management Co. hired by the Condo Board

We have had a lot of problems with getting information in a timely manner from the Condo Board and the Property Management Co., including Board Meeting Minutes (which are supposed to be available to owners) and budget & accounting information. We also cannot get detailed information on how the vendors were selected by the Condo Board or review the signed contracts with the vendors.

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Currently, there is no government office to go to with our complaints. The only recourse we have to resolve our problems is to take it to mediation or go to court. We need a state office to provide oversight management and investigate our complaints so all condo owners across the state can have equal protection from Condo Boards and Property Management Co's, especially those who are not being open and honest with us

We would also would like to see regularly scheduled management audits conducted and presented to the owners as well as regularly scheduled review and revision of the Condo by-laws added to the HRS 514B to provide more tools for condo owners to enforce self-governance.

In closing, I ask that you please pass HB 2401 with the above amendments. Thank you for your time and support on this matter.

(Sign Name)

Print Name)

Rui 19883@ Gimai'Licom (Email or Address)

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To:		Forward To:
C. Hen Senate	Commerce & Consumer Protection Com-	mittee
Sen. Hee, Chair Senate	Tuesday, March 11, 2014	Senate JDL Comm
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Sen. Shimabukuro,		3/25/4 @10Am
Vice Chair	Sen. Rosalyn Baker, Chair Sen. Brian Taniguchi, Vice Chair	confem 016

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1 June Shin owner	condominium at Kukui Plaza

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(Print Name) (Phone-optional)

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Sen.	Hee, Chair	Tuesday, March 11, 2014 9:30 am. Conf Rm 229	Senate JDL Comm
Sen.	Shi mabukuro,	Sen. Rosalyn Baker, Chair	3/25/4 @10Am
	Vice Chair	Sen. Brian Taniguchi, Vice Chair	confirm 016

Sen. Brian Taniguchi, Vice Chair Conf Rm
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Rean 4. Thee 2752 Kaahq St. Honorulu, HI 9682 (Sign Name) (Email of Address)
Tean Y Yee (Phone-optional)

To;			Forward To:
-	Senate (Commerce & Consumer Protection Com	mitter
Sen.	Hee, Chair	Tuesday, March 11, 2014 9:30 am, Conf Rm 229	Senate JDL committee
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Zee 2651 Kuilei St # B-64, Hon. H196826

(Sign Name) jojan kee Quahail an Address)

JOJAN LEE (Phone-optional)

To:		
Sen.	Hee, Chair	Commerce & Consumer Protection C Tuesday, March 11, 2014 9:30 am, Conf Rm 229
Sen.	Shimabukuro, Vice chair	Sen. Rosalyn Baker, Chair Sen. Brian Taniguchi, Vice Chair

on Committee

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To:

Senate Commerce & Consumer Protection Committee

Sen. Hee, Chair

Tuesday, March 11, 2014 9:30 am. Conf Rm 229 Servete JDL Committee 3/25/14@10.4m

Forward To

Sen. Shimabukuro, Vice Chair

Sen. Rosalyn Baker, Chair Sen. Brian Taniguchi, Vice Chair

Confron 016

RE: Testimony In Support of HB 2401, Relating to Condominiums; Transparency

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(Sign Name)

(Print Name)

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To:		_
Sentee-Chair	Senate Commerce & Consumer Protection (Tuesday, March 11, 2014 9:30 am, Conf Rm 229	Senate JDL
Sen Shimabukul	Sen. Rosalyn Baker, Chair Sen. Brian Taniguchi, Vice Chair	Committee 3/25/14@10Am Confirm 016
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Senate Commerce & Consumer Protection Committee Sen. Hee; Chair Tuesday, March 11, 2014 9:30 am. Conf Rm 229 Sen. Shimabukuro,

Forward To: 3/25/14 @ 10 Am Conf Rm. 016

Sen. Rosalyn Baker, Chair Sen. Brian Taniguchi, Vice Chair

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Jacen M. Tagawa

aren M. Xagawa
(Print Name)

2648 Kuiles St #2116 Hon HI 96826

To: Senste Con Senste Con

Forward To:

Senate Commerce & Consumer Protection Committee

Tuesday, March 11, 2014 9:30 am. Conf Rm 229 Senate JDL Committee

Sen. Shimabukuro-

Sen. Rosalyn Baker, Chair Sen. Brian Taniguchi, Vice Chair 3(25)14 @ 10 Am Conf (2m 0)6

RE. Testimony In Support of HB 2401, Relating to Condominiums; Transparency

I. Margaret F. Ojima own a condominium at Hono Hale Towers

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Durgacer J. g.

2648 Kuilei St. C23 Hom. 86826 (Email or Address)

Margaret F. Ojima

10 Forward To: Senate Commerce & Consumer Protection Committee Sen He Tuesday, March 11, 2014 9:30 am, Conf Rm 229 Sen. Shimabuturo, 3/25/14 @ 10Am Sen. Rosalyn Baker, Chair CONF TEM DK Sen. Brian Taniguchi, Vice Chair

RE: Testimony In Support of HB 2401, Relating to Condominiums; Transparency

own a condominium at May Oha Grmologes Ocean View.

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To:			Forward To:
Sen. Hees O	Senate C	Commerce & Consumer Protection Communication Tuesday, March 11, 2014	mittee
Sen. Shima	(50)	9:30 am. Conf Rm 229	Senate JDL Comm. 3/25/14 @ 10 Am
Vic	te chair	Sen. Rosalyn Baker, Chair Sen. Brian Taniguchi, Vice Chair	Liem 016

RE: Testimony In Support of HB 2401, Relating to Condominiums; Transparency

I, Marcus Young	own a condominium a	Makaha	Ocean View	
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Marcus Young	
(Print Name)	(Phone-optional)

n. Hee, Mair		Tuesday, March 11, 2014 9:30 am, Conf Rm 229	Senate JDL Cor
n. Shimabuka Vice ch	. 2	Sen. Rosalyn Baker. Chair en. Brian Taniguchi, Vice Chair	3/25/4 @ 104m L. Em 016
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Sen. Shimabukuro, Vice chair	Sen. Rosalyn Baker, Chair Sen. Brian Taniguchi, Vice Chair	3/25/4@10Am Confro 016
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In closing, I ask that you please p (Sign Name) Tracey Manager Manag	netster 808 @ msn (Email or Addre	com

Sen Hee, Chair Sen. Shimabukuro,

Senate Commerce & Consumer Protection Committee

Tuesday, March 11, 2014 9:30 am. Conf Rm 229

Sen. Rosalyn Baker, Chair Sen. Brian Taniguchi, Vice Chair Forward to: Senate JDL Comm 3/25/14@10Am

RE: Testimony In Support of HB 2401, Relating to Condominiums; Transparency

I, Ernest Pereira own a condominium at Long Hale Towers

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(Sign Name)

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2651 Kuilei ST B-5-2 Haw H1-96876

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rine Matsu (Sign Name)

BONNIE LAMBUMOTO (Pani Name)

To:	Forward To:
Senate Commerce & Consumer Protection	Committee 1000
Sen. Hel, Chair Tuesday, March 11, 2014 9:30 am. Conf Rm 229	Senate JDL a
Den. Hell, Chair 9:30 am. Conf Rm 229	
Son Shimabukuro,	3/25/14 @10.
Son. Shi mabuturo, Vice Chair Sen. Rosalyn Baker, Chair Sen. Brian Taniguchi, Vice Chair	ir Confano
RE: Testimony In Support of HB 2401, Relating to Condominium	s; Transparency
I, BONNIE HATSUMOTO own a condominium at	HONO HALE TOWERS.
I support HB 2401 because it will give condo owners more protection	on from questionable and unethical
activities conducted by the Condo Board and the Property Management	
Board	en co. med to support the condu
and the second s	
We have had a lot of problems with getting information in a timely t	nanner from the Condo Board and
the Property Management Co., including Board Meeting Minutes (v	which are supposed to be available
to owners) and budget & accounting information.	
We also cannot get detailed information on how the vendors were sel	lected by the Condo Board nor can
we review the details of the signed contracts with the vendors.	
We also an allow that information are made in the	
We often are given only verbal information on upcoming project	
bulletin board to let us know when the repair or renovation work wil	l begin. Although we have asked,
we often do not know if the company the Condo Board hired has	any prior complaints filed against
them, have the necessary insurance or bond to cover the projection.	ect, and have the required state
professional licenses or certificates to do the job	
Currently, there is no government office to go to with our complain	its The only recourse we have to
resolve our problems is to take it to mediation or go to court V	Ve need a state office to provide
oversight management and investigate our complaints so all condo	
equal protection from Condo Boards and Property Management Co	
	or soproming mode with me not
being open and honest with us.	

In closing, I ask that you please pass HB 2401. Thank you for your time and support on this matter

b, mosts e live. Com
(Email or Address)

To:	Senate	Commerce & Consumer Protection Con	mittee Forward To:
Sen.	Hee, Chair	Tuesday, March 11, 2014 9:30 am, Conf Rm 229	Senate JOL Comm
Sen.	Shimabukuro, Vice chair	Sen. Rosalyn Baker, Chair Sen. Brian Taniguchi, Vice Chair	3/25/14 @ 10 Am C. Em 016

RE: Testimony In Support of HB 24	01, Relating to Condominiums	; Transparency	y :
1. Soo Hwan N. Kim			- Hono Hale Tones
I support HB 2401 because it will give			-
activities conducted by the Condo Boar	d and the Property Manageme	nt Co. hired to	support the Condo
Board.			0.000

We have had a lot of problems with getting information in a timely manner from the Condo Board and the Property Management Co., including Board Meeting Minutes (which are supposed to be available to owners) and budget & accounting information.

We also cannot get detailed information on how the vendors were selected by the Condo Board nor can we review the details of the signed contracts with the vendors.

We often are given only verbal information on upcoming projects then a notice is posted on the bulletin board to let us know when the repair or renovation work will begin. Although we have asked, we often do not know if the company the Condo Board hired has any prior complaints filed against them; have the necessary insurance or bond to cover the project; and have the required state professional licenses or certificates to do the job.

Currently, there is no government office to go to with our complaints. The only recourse we have to resolve our problems is to take it to mediation or go to court. We need a state office to provide oversight management and investigate our complaints so all condo owners across the state can have equal protection from Condo Boards and Property Management Co's., especially those who are not being open and honest with us.

In closing, I ask that you please pass HB 2401. Thank you for your time and support on this matter.

(Sign Name)

(Sign Name)

(Email or Address)

500 - Hupon N. | Gm 221 9313

(Print Name)

(Phone-optional)

Sen. Hee, Chair Sen. Shirmabulaus, Vice Chair	Commerce & Coosumer Protection Com- Tuesday, March 11, 2014 9:30 am, Conf Rm 229 Sen. Rosalyn Baker, Chair Sen. Brian Taniguchi, Vice Chair	Senate JDL comm. 3/25/14@10Am RM 016
RE: Testimony In Support of	HB 2401, Relating to Condominiums; Tran	sparency
1. Francis Y. Kim	own a condominium at	3, B106-HonoHale
	ill give condo owners more protection from do Board and the Property Management Co.	
IVA PARAMENTAL SACRAMENTAL SACRAMENTAL PROPERTY OF PARAMETERS AND ASSESSMENT ASSESSMENT ASSESSMENT ASSESSMENT ASSESSMENT ASSESSMENT ASSESSMENT ASSESSMENT ASSESSM	with getting information in a timely manner including Board Meeting Minutes (which a sting information.	
We also cannot get detailed info we review the details of the sign	rmation on how the vendors were selected bed contracts with the vendors.	by the Condo Board nor can
bulletin board to let us know wh we often do not know if the co	al information on upcoming projects then the the repair or renovation work will begin impany the Condo Board hired has any pro- prance or bond to cover the project; and tes to do the job.	Although we have asked, for complaints filed against
Currently, there is no governme resolve our problems is to take	ent office to go to with our complaints. The it to mediation or go to court. We need to stigate our complaints so all condo owners.	d a state office to provide
equal protection from Condo B being open and honest with us.	oards and Property Management Co's., es	specially those who are not
	pass HB 2401. Thank you for your time an	d support on this matter.
facist (Sign Name)	-Frank) 84 @ Ho (Email or Addin	+mail. Com
Francis Y. Kim	(Phone-optional)	

9 (16.)

To:		Forward To
Sen. Hee, Chair	Tuesday, March 11, 2014 9:30 am, Conf Rm 229	
Sen Shimabukuro, Vice Chair	Sen. Rosslyn Baker, Chair Sen. Brian Taniguchi, Vice Chair	3125/14 @ 10A Conf Rm 0
RE: Testimony In Support of H	IB 2401, Relating to Condominiums; Tr	ansparency
1, Eugenia Brown	own a condominium at 0	laloa.
activities conducted by the Condo We have had a lot of problet and the Property Management of available to owners) and budget of how the vendors were selected by We often are given only ve bulletin board to let us know whe we often do not know if the con- them; have the necessary insur- professional licenses or certificate Currently, there is no govern to resolve our problems is to tak oversight management and inves- equal protection from Condo Bo- being open and honest with us. We would also would like to to the owners as well as regularl HRS 514B to provide more tools	Board and the Property Management Coms with getting information in a timely Co., including Board Meeting Minute accounting information. We also can the Condo Board or review the signed or real information on upcoming projects on the repair or renovation work will be appart the Condo Board hired has any cance or bond to cover the project; es to do the job. In ment office to go to with our complaint are it to mediation or go to court. We stigate our complaints so all condo owners and Property Management Co's., o see regularly scheduled management and the scheduled review and revision of the for condo owners to enforce self-governesses pass HB 2401 with the above aments.	manner from the Condo Board is (which are supposed to be not get detailed information on contracts with the vendors. Ithen a notice is posted on the gin. Although we have asked, prior complaints filed against and have the required state its. The only recourse we have need a state office to provide ners across the state can have especially those who are not audits conducted and presented a Condo by-laws added to the nance.
(Sign Name)	(Email or Ac	ddress)
Eugerie Brown (Print Name)	(Phone-optional)	