

# HB 474 HD1

Measure Title: RELATING TO TRANSIENT ACCOMMODATIONS.

Report Title: Transient Accommodations; Owners and Operators; Reporting Requirements

Description: Clarifies that an association's duty to report to the department of taxation is limited to the relevant information an association actually receives from a transient accommodation operator. Limits the fines imposed on an association while also holding an owner or operator of a transient accommodation accountable for failure to report. (HB474 HD1)

Companion:

Package: None

Current Referral: CPN/TSM, WAM

Introducer(s): EVANS, HANOHANO

NEIL ABERCROMBIE  
GOVERNOR

SHAN TSUTSUI  
LT. GOVERNOR



FREDERICK D. PABLO  
DIRECTOR OF TAXATION

JOSHUA WISCH  
DEPUTY DIRECTOR

STATE OF HAWAII  
**DEPARTMENT OF TAXATION**

P.O. BOX 259  
HONOLULU, HAWAII 96809  
PHONE NO: (808) 587-1530  
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To: The Honorable Rosalyn H. Baker, Chair  
And Members of the Senate Committee on Commerce and Consumer Protection

The Honorable Gilbert Kahele, Chair  
and Members of the Senate Committee on Tourism

Date: Tuesday, March 18, 2014  
Time: 10:15 a.m.  
Place: Conference Room 229, State Capitol

From: Frederick D. Pablo, Director  
Department of Taxation

Re: H.B. No. 474, H.D. 1, Relating to Transient Accommodations

The Department of Taxation (Department) supports H.B. 474, H.D. 1, and provides the following comments for the Committee's consideration.

H.B. 474, H.D. 1, makes several clarifying amendments to the reporting requirements of Act 326, Session Laws of Hawaii 2012, and also softens the penalties imposed upon associations who fail to report the required information. The Department made several suggested amendments to H.B. 474 when it was heard in the House of Representatives. The House Committee on Consumer Protection & Commerce adopted the Department's suggestions and they are reflected in this H.D. 1 version of the bill.

Act 326 requires certain condominium and homeowners associations to report relevant information related to homes, condominiums or other units, being operated as transient accommodations. The Department recently launched a website to assist with the collection of the information from condominium and homeowners associations.

The Department strongly supports the amendments clarifying what information shall be reported and how it must be reported. The Department also supports the amendments changing the penalties for non-compliance from criminal penalties to a civil fine, because criminal penalties for non-compliance with Act 326 are unduly harsh.

Thank you for the opportunity to provide comments.



P.O. Box 976  
Honolulu, Hawaii 96808

March 15, 2014

Honorable Rosalyn H. Baker, Chair  
Honorable Brian T. Tanaguchi, Vice-Chair  
Committee on Commerce and Consumer Protection  
and  
Honorable Gilbert Kahele, Chair  
Honorable Gilbert S.C. Keith-Agaran, Vice-Chair  
Committee on Tourism  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: **HB 474/SUPPORT**

Dear Chairs Baker and Kahele, Vice Chairs and Committee Members:

I am the Chair of the Community Associations Institute's Legislative Action Committee ("CAI"). CAI has the following comments in support of HB 474 HD 1.

First, **HB 474 HD 1** will serve to **clarify** the reporting requirements for associations in connection with operators of transient rentals in their communities. Currently the members of such associations that serve on their boards are confused about the reporting requirements, and thus, we support the clarification offered by **HB 474 HD 1**, *i.e., only the information provided by operators to associations will then be reported to the appropriate tax authority, and there is no duty for such volunteer board members to conduct an independent inquiry for such information.*

Second, Act 326 currently provides for excessive penalties for such volunteer board's failure to report the activity that the Act targets, yet such boards and associations receive no benefit from that activity. The penalties should remain to sanction the operators that fail to comply with the Act 326 reporting requirements. However, the **reduction of the penalty for associations** is appropriate as reflected in **HB 474 HD 1**.

CAI represents the association industry, and endorses this approach. We respectfully request the Committees to pass **HB 474 HD 1**. Thank you.

Honorable Rosalyn H. Baker, Chair  
Honorable Brian T. Tanaguchi, Vice-Chair  
and  
Honorable Gilbert Kahele, Chair  
Honorable Gilbert S.C. Keith-Agaran, Vice-Chair  
March 15, 2014  
Page 2 of 2

Very truly yours,

A handwritten signature in black ink, appearing to read 'C. Porter', with a long horizontal flourish extending to the right.

Christian P. Porter



Rental By Owner  
Awareness Association

The Senate  
Twenty-Seventh Legislature, 2014  
State of Hawaii

To: Senator Rosalyn Baker, CPN Chair  
Senator Derek Kawakami, CPN Vice Chair  
Senator Gillbert Kahele, TSM Chair  
Senator Brian Taniguchi, TSM Vice Chair

Date: Tuesday, March 18, 2014

Time: 10:15 AM

Place: Conference Room 229  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

From: Rental By Owner Awareness Association

**RE: HOUSE BILL 474 HD1, RELATING TO TRANSIENT ACCOMODATIONS**

Chairs Baker & Kahele, Vice Chairs Kawakami, Taniguchi, and members of the Committee,

On behalf of the Rental By Owner Awareness Association, I am submitting comments expressing our **support of House Bill 474 HD1 with a minor change.**

The House took great deal of time addressing the need for amending the penalties and defining relevant information. However, we ask that the penalties for wilful noncompliance with the requirement to provide local contact information to tenants and in the dwelling be **modified to match** penalties imposed on owners for not providing the information to associations required to collect that information. We believe it was an oversight that is easy to correct.

Thank you for the opportunity to testify on this measure.

Sincerely,

Neal Halstead  
Vice President



March 18, 2014

The Honorable Rosalyn H. Baker, Chair  
Senate Committee on Commerce & Consumer Protection  
State Capitol, Room 230  
Honolulu, Hawaii 96813

RE: H.B. 474, HD1 RELATING TO TRANSIENT ACCOMMODATIONS.

Aloha Chair Baker, Vice Chair Taniguchi, and Members of the Committee:

I am Dan Monck, here to testify on behalf of the Hawai'i Association of Vacation Rental Managers ("HAVRM").

This letter is written in **SUPPORT of HB 474 with changes.**

The Hawaii Association of Vacation Rental Managers, representing tourism professionals providing transient accommodations on Hawaii's four major islands, supports the objective of HB 474 to correct the many defects inherent within ACT 326, Session Laws Hawaii 2012.

There is presently over \$40,000,000 annually of Hawaii tax collection placed at risk due to the off-island owner rental activity ACT 326 attempts to recover taxes upon. For this reason, it is important to correct ACT 326's defects, so collection of these Hawaii tax revenues may be maximized by the State, while minimizing the cost and time impact of pursuing these tax revenues to the greatest degree possible.

HAVRM would like to suggest an approach for the committee's consideration which adroitly addresses the tax collection objectives of ACT 326, while removing the administrative complexities, and added cost, ACT 326 imposed upon the Department of Taxation, Condominium, and Home Owner Associations. We propose the use of an existing attribute of Hawaii's TAT code 237D-8.5, the "Third Party Rent Collector", as described below:

Out of state owners of transient accommodations located within Hawaii be required to have a Hawaii domiciled third party rent collector. This Hawaii domiciled third party rent collector be required to deposit all rental revenues collected in a Hawaii banking institution in a FDIC insured account. As required by HRS 237D-8.5, this third party rent collector would provide the Department of Taxation a copy of federal Internal Revenue Service form 1099, the property

owner's social security or federal identification number, and if available the Hawaii GET and TAT license numbers.

The out of state owner of a Hawaii transient accommodation be required to identify to the Department of Taxation, the identity of their Hawaii domiciled third party rent collector annually, or within 30 days of any change.

The third party rent collector should have bonding and/or insurance as required by the Hawaii Department of Taxation.

The "Local Contact" and its requirement within ACT 326 is replaced by the requirement for a Hawaii domiciled third party rent collector, with these new requirements as described above.

**Advantages of this proposed change**

Consumer Protection is greatly increased with rental monies of Hawaii visitors being deposited in a protected "Trust" account rather than an unknown out of state personal checking account of the transient accommodation's owner.

This approach is based existing tax law, 237D-8.5, and this change will very simply and effectively generate significant additional tax collection, with no increase in Hawaii tax rates.

This approach complements, and is consistent with, Hawaii's third party rent collector practice of the past and present.

The third party rent collector replacement would also remove Hawaii's AOAOs and HOAs from involvement in ACT 326. The mandatory involvement of these associations in assisting the Department of Taxation in tax collection has been a point of major concern, distress and confusion for these associations. This is an activity AOAOs and HOAs are not well suited for as they pursue their natural operations. Replacing the "Local Contact" of ACT 326 with a third party rent collector places the identification of the rental revenues of this activity seamlessly between the Department of Taxation and the property owner's third party rent collector; a much cleaner and effective administrative process.

While the approach of requiring a third party rent collector versus a "Local Contact" dramatically improves rental revenue tax collection by the State, it also greatly simplifies the Department of Taxation's collection verification activities, saving both time and expense for the Department.

Replacing ACT 326's "Local Contact" with a third party rent collector is a logical extension of HRS 237D-8.5. This replacement of the "Local Contact" also removes the ambiguity, confusion, and inconsistency of this aspect of ACT 326 with other Hawaii Statute.

Sincerely yours,



Dan Monck  
President  
Hawaii Association of Vacation Rental Managers

**HB474**

Submitted on: 3/14/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Neal Halstead	Rentals by Owner Awareness Association	Comments Only	No

Comments: Aloha. I SUPPORT HB474 HD1 with AMENDMENTS. Please remove the reference to 231-35 in paragraph e). Criminal charges, if not criminal penalties seems excessive. Please make this paragraph consistent with the rest of the bill and set penalties as civil. Mahalo Neal Halstead Vacation Rental Owner

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**HB474**

Submitted on: 3/14/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Bruce Howe	Hawaiiiana Management Co Ltd	Support	Yes

Comments: Hawaiiiana Management Co., Ltd. is the largest manager of residential condominiums and community associations in the State. As such we see the burdens imposed on our clients by Act 326 as passed in 2012. We strongly support the clarifications provided by HB474 and urge passage as currently drafted. Thank you for your consideration. Bruce Howe, VP for Govt. Affairs

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**HB474**

Submitted on: 3/16/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments: This clears up gray areas in the current statute by making needed corrective changes. please pass this bill. i sit on a condominium board. unfortunately, this information reached me too late to take it to a board meeting as we don't meet again until april 7. lynne matusow 60 n. beretania, #1804 honolulu 96817 531-4260

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**HB474**

Submitted on: 3/16/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nanette Teodoro	Individual	Support	No

Comments: Dear Honorable Members, I support HB474, and I would like to request an amendment that makes that penalties of non-compliance civil rather than criminal in all three instances in the bill. Respectfully yours, Nanette Teodoro

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**HB474**

Submitted on: 3/16/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chatten Hayes	Individual	Comments Only	No

Comments: I support the bill and appreciate RBOAA's work on behalf of responsible, dependable vacation rental owners in the islands.

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**HB474**

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Al Williams	Individual	Support	No

Comments: I support the bill in an amended state. I would ask that you please make an amendment that makes the penalties of non-compliance civil rather than criminal in all three instances in the bill. As it is currently written, not providing the Local Contact information to your tenants and in the dwelling metes a far more severe punishment (misdemeanor and a \$25,000 fine) compared with a \$2,500 civil fine for not providing the information to an association with jurisdiction or for the association not providing the information to the Department of Taxation. Mahalo for your time and consideration.

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**HB474**

Submitted on: 3/17/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Meera Kohler	Individual	Support	No

Comments: Honorable Committee Members, HB474 proposes changes to Act 326 to clarify what information on local contacts must be provided by operators of vacation rentals to Associations with jurisdiction and penalties if that information is not provided. When Act 326 was passed in 2012, severe penalties were included for operators who did not provide the information to Associations and/or to their guests and/or posted it in their dwelling. More severe penalties were assessed to Associations that did not provide that information to the department. HB474 would lessen the penalties on both the operator and the Association by imposing a civil fine in all cases except for when the operator wilfully does not comply with the requirement to include local contact information in rental agreements or does not post it in the dwelling. I respectfully request that any wilful breach of any section of Act 326 carry a similar penalty - a fine of up to \$2,500. That is a severe monetary penalty and is a more than adequate deterrent to encourage compliance with the law. Mahalo, Meera Kohler Owner/Operator in Ma'alaea, Maui

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**HB474**

Submitted on: 3/17/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Deborah Geeseman	Individual	Support	No

Comments: To State of Hawaii regarding Vacation Rental Legislation I support HB747. This allows local homeowners to rent their property and allows non-resident homeowners to also rent their property, while providing jobs for local managers and other custodial personnel. This allows free enterprise and independent business for all. Whether the owner lives on a different island or in another state, does not matter; there are plenty of people who live ON the island in which they rent out a residence and who do so illegally, not being registered nor paying taxes. This bill allows all owners, on-island and off, the right to comply with the law and continue to do business and provide local jobs. It hands out fines to those who willfully abuse it. Mahalo. Deborah B Geeseman Kapoho Kaiyo Ocean Retreat Puna Area, Big Island

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**HB474**

Submitted on: 3/17/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carl Hu	Individual	Oppose	No

Comments: Dear Representatives, I am writing in regards to HB 474. As an owner of a transient accommodation at Honua Kai on Maui, while I agree with the proposed change to limit penalties for operators and/or associations for failure to report on-island contact information to a \$2500 maximum civil penalty, it is entirely inconsistent and unfair for HB474 to make the penalty for an owner who fails to report the same information a criminal offense punishable with up to a \$25,000 fine. The bill makes no distinction as to whether an owner intentionally or unintentionally fails to report this information. It would be entirely unfair and inappropriate to charge an owner with a criminal misdemeanor if they simply forgot to provide this information or if it was the result of an unintentional error. There is also no reason why the penalty for the same offense by an organization should be so different than that by an individual. In this case, in HB 474 penalties for non-reporting should be the same (\$2500 max civil fine) for organizations and individuals. Mahalo, Carl Hu Owner, Honua Kai Resort and Spa

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**HB474**

Submitted on: 3/17/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joe Dorsey	Individual	Support	No

Comments: I am in support of this bill, however I suggest that the penalties be modified from criminal to civil and perhaps allow for honest mistakes. A simple oversight, or perhaps a renter removing previously properly posted contact information from the condo unbeknownst to the owner, should not be grounds for a CRIMINAL penalty; criminal penalties should be imposed only for tax evasion. Thank you for considering my comments.

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**HB474**

Submitted on: 3/14/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Elen Stoops	Individual	Support	No

Comments: Dear Legislators, Thank you for the opportunity to testify and submit comments. I am in support of this bill. I believe it should be amended, however, to reduce the level of criminality/penalty for non-compliance. For each of the instances in the bill, it should be civil rather than criminal penalty. As it is currently written, not providing the Local Contact information to your tenants and in the dwelling metes a far more severe punishment (misdemeanor and a \$25,000 fine) compared with a \$2,500 civil fine for not providing the information to an association with jurisdiction or for the association not providing the information to the Department of Taxation. Thank you for your consideration.

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**HB474**

Submitted on: 3/14/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Butter	Individual	Support	No

Comments: I am the owner of a condo in Maui which is rented to vacationers. I fully comply with the all the requirements (local contact, listed in contract, communicated to HOA etc etc). I fully support the requirements because they protect the visitors, as well as owners of vacation rentals like me because they ensure that visitors have a great experience and return to Hawaii and tell others go visit Hawaii. It may be overkill to require the HOA/similar organizations to communicate the local contacts name regularly. Maybe it causes more cost to the organization, I don't know. It may be enough if the law requires the HOA/organization to have the information and furnish it on demand. However, I do not know enough whether this is or is not a burden on the HOA so I do not really have an opinion. My main concern about regulation of vacation rentals is that the local contact does not have to be a specific profession - a property management firm, or realtor firm, for example. It has been clearly shown that these firms do not do a better job - and usually a worse one - than the owner of the rental property themselves in serving the visitors. They also charge exorbitant fees, which then drives up the price of the rentals, which in the long term reduces the numbers of visitors to Hawaii, or cut the owner's profit (which is not high to begin with) so much that owners cannot afford or justify the costs of owning the property. In that case, properties will flood the market and crash the housing value.

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Roderick Yu	Individual	Support	No

Comments:

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**HB474**

Submitted on: 3/15/2014

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Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth Hoehn	Individual	Comments Only	No

Comments: I am in support of this bill, however I suggest that penalties be modified from criminal to civil. A simple oversight, or perhaps a previous renter removing contact information from the condo should not be grounds for a CRIMINAL penalty; criminal penalties should be imposed only for the tax evasion. Thank you

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Norbert Wolszon	Individual	Support	No

Comments: I support the bill but would ask that you please make an amendment that makes the penalties of non-compliance civil rather than criminal in all three instances in the bill. As it is currently written, not providing the Local Contact information to your tenants and in the dwelling metes a far more severe punishment (misdemeanor and a \$25,000 fine) compared with a \$2,500 civil fine for not providing the information to an association with jurisdiction or for the association not providing the information to the Department of Taxation. Mahalo for your time and consideration

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Merlic	Individual	Support	No

Comments: I request that amendment be made making penalties of non-compliance civil rather than criminal in all three instances in the bill. This is only a civil matter, and there are available conditions for compliance.

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Submitted By	Organization	Testifier Position	Present at Hearing
David Goldson	Individual	Comments Only	No

Comments: I support HB474 except for the severely,harsh penalties. I strongly urge the legislature change the penalties of non-compliance civil rather than criminal in all three instances in the bill.

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Submitted By	Organization	Testifier Position	Present at Hearing
Roger Wilhelm	Individual	Comments Only	No

Comments: Please change penalties to civil on this bill. I support the remainder of the bill

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brandon Mullenberg	Individual	Comments Only	No

Comments: I support the bill however the penalties for non-compliance I feel should be civil and not criminal.

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gerry & Barbara Clark	Individual	Support	No

Comments: I support HB474 with an amendment that makes the penalties of non-compliance civil rather than criminal in all three instances in the bill.

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
William Bain	Individual	Support	No

I am requesting that you please add an amendment that makes the penalties of non-compliance civil rather than criminal in all three instances in the bill.

As it is currently written, not providing the Local Contact information to tenants and in the dwelling metes a far more severe punishment (misdemeanor and a \$25,000 fine) compared with a \$2,500 civil fine for not providing the information to an association with jurisdiction or for the association not providing the information to the Department of Taxation. This severity is unwarranted and unfair.

Thank you,  
William Bain  
Kihei, Maui

**HB474**

Submitted on: 3/15/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gary Stephens	Individual	Support	No

Comments: My wife, Barbara, and I purchased our condominium property in Kapaa in February of 2002. We have been renting the property as a vacation rental and using it occasionally for our family since that time. We have been diligently and honestly filing General Excise Tax Return G-45 and Transient Accommodations Tax Returns TA-1, and Hawaii Income Tax returns. We have been paying all GE, Transient, income, and property taxes. We support HB 474 with the proposed amendment to make the penalties of non-compliance civil rather than criminal in all three instances in the bill.

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**HB474**

Submitted on: 3/15/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Goody PhD	Individual	Support	No

Comments: I support the bill with the request for a single amendment. We ask that the penalties for wilful noncompliance with the requirement to provide local contact information to tenants and in the dwelling be modified to match penalties imposed on owners for not providing the information to associations required to collect that information. We believe it was an oversight that is easy to correct. As it is currently written, not providing the Local Contact information to your tenants and in the dwelling metes a far more severe punishment (misdemeanor and a \$25,000 fine) compared with a \$2,500 civil fine for not providing the information to an association with jurisdiction or for the association not providing the information to the Department of Taxation. Making a realtor a mandatory "boss" of my rental would force me to not rent the unit and take away it's value. Why?

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**HB474**

Submitted on: 3/15/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Keithahn	Individual	Support	No

Comments: As a transient accommodation operator on Maui, I support this bill with one modification. The penalties defined in section (e) should be consistent with the penalties defined in sections (b) and (c).

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**HB474**

Submitted on: 3/15/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Ellen Ernisse	Individual	Support	No

Comments: Aloha, We support HB474 with a request for a single amendment. We ask that the penalties for willful noncompliance with the requirement to provide local contact information to tenants and in the dwelling, be modified to match the penalties imposed on owners for not providing information to associations required to collect that information. Non-compliance with the Bill should be civil and not criminal penalties in all three instances in the bill. As currently written, not providing the local contact information is much more severe punishment (\$25,000 fine and considered a misdemeanor), compared to a \$2,500 civil fine for not providing information to the association and the association reporting relevant information to the Department of Taxation. As owners of two units advertised and rented on the internet, trying to manage our own condos to make an income as seniors, we pay our property taxes and our GET/TAT, and to have the threat of a \$25,000 fine and a misdemeanor filed against us. We have difficulty understanding WHY we must continually testify to keep our rights to self-manage our own properties. Mahalo for considering our testimony. Ellen and David Ernisse 350 Luawai Street Lahaina, Maui, HI 96761

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To: The Committee on Commerce & Consumer Affairs

Senator Rosalyn H Baker Chair

Senator Brian T Taniguchi Vice Chair

In support of HB474HD1

My name is Bonnie Aitken and I own and self-manage my condo on Kauai Hawaii. I am in support of HB474HD1 but respectfully request you add an amendment that makes the penalties for non-compliance civil rather than criminal and suggest that the fine of no more than \$2500 be applied only once per year.

Thank you for the chance to testify in favor of this bill.

Sincerely,

Bonnie Aitken

**HB474**

Submitted on: 3/15/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
A Kathleen Lee	Individual	Support	No

Comments: To burden good and sentient individuals who would serve their community associations, with the threat of such criminal penalties for not intruding into the financial affairs of owners in the associations they serve, is not only opening those individuals to harm, in whatever manner the owner of the transient rental elects in their ire, but discourages these individuals from serving on a volunteer basis, their associations for fear of these unfair consequences of their unpaid service. (sorry for the long sentence)

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**HB474**

Submitted on: 3/16/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Cara Birkholz	Individual	Support	No

Comments: I support this bill. As a Maui resident, condo owner and also as a board member of AOAOs at both Maui Kamaole and Kihei Surfside in Kihei (Maui), I respectfully ask that any penalties for non-compliance be civil rather than criminal. For myself, I have just this past week sent all the legally requested information to all our AOAOs as required by law. thank you.

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**HB474**

Submitted on: 3/16/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Della Halvorson	Individual	Support	No

Comments: I respectfully request an amendment that makes the penalties of non-compliance civil rather than criminal. With such a severe punishment (misdemeanor and a \$25,000 fine) the state would be tied up in court as people would fight such a harsh penalty. A civil fine would be far easier to collect.

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**HB474**

Submitted on: 3/16/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Julie Zweber	Individual	Support	No

Comments: . We ask that the penalties for wilful noncompliance with the requirement to provide local contact information to tenants and in the dwelling be modified to match penalties imposed on owners for not providing the information to associations required to collect that information. We believe it was an oversight that is easy to correct.

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**HB474**

Submitted on: 3/16/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Steven Cerveris	Individual	Comments Only	No

Comments: I have no objection to the Bill with an amendment thereto, however, the imposition of criminal (as opposed to civil) penalties for non-compliance, in my opinion, is Draconian and unnecessary. As presently constituted I do not support this Bill. Most non-resident owners, including myself, carefully comply with all Hawaii laws, including the payment of TAT and GET taxes regarding property rentals. To be sanctioned criminally (or to have our Management Company so sanctioned) is overly punitive and unnecessary. Respectfully submitted, Steven Cerveris

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**HB474**

Submitted on: 3/16/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Alan G Taylor	Individual	Comments Only	No

Comments: I support this bill with the amendment that rboaa will ask for . I own a condo in Pono Kai resort. Alan Taylor

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**HB474**

Submitted on: 3/14/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
sharon Diercks	Individual	Comments Only	No

Comments: Support the bill but add requesting an amendment that makes the penalties of non-compliance civil rather than criminal in all three instance of the bill.

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**HB474**

Submitted on: 3/14/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Albert W Merrill, PhD	Individual	Comments Only	No

Comments: Thank you for your hard work on this this and many other measures. With all the work you it is possible that you overlooked making any penalties for an owner not providing contact information to a tenant a civil offense like it is in the relationship between an owner and a managing association. Clearly this a civil not criminal matter. Mahalo

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**HB474**

Submitted on: 3/14/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sandra J Smith	Individual	Support	No

Comments: I am in support of HB474 but I am requesting an amendment that makes the penalties of non-compliance civil rather than criminal in all three instances in the bill. As it is currently written, not providing the Local Contact information to your tenants and in the dwelling is a far more severe punishment (misdemeanor and a \$25,000 fine) compared with a \$2,500 civil fine for not providing the information to an association with jurisdiction or for the association not providing the information to the Department of Taxation. Thank you for your consideration.

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**HB474**

Submitted on: 3/14/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Paul Columbus	Individual	Comments Only	No

Comments: Hello, Please do not require us to hire a manager for our solitary rental condo. Thank you, Paul

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**HB474**

Submitted on: 3/14/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Stofer	Individual	Support	No

Comments: I support the bill but would ask to include a couple sentences requesting an amendment that makes the penalties of non-compliance civil rather than criminal in all three instances in the bill. As it is currently written, not providing the Local Contact information to your tenants and in the dwelling meets a far more severe punishment (misdemeanor and a \$25,000 fine) compared with a \$2,500 civil fine for not providing the information to an association with jurisdiction or for the association not providing the information to the Department of Taxation.

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**HB474**

Submitted on: 3/14/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gary Skardina	Individual	Support	No

Comments: I'd like to request an amendment that makes the penalties of non-compliance civil rather than criminal in all three instances in the bill

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## HB474

I support the bill. I request an amendment that makes the penalties of non-compliance civil rather than criminal in all three instances in the bill.

A handwritten signature in black ink, appearing to read "John Vayten". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

**HB474**

Submitted on: 3/14/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Carl E Gatlin, Jr	Individual	Comments Only	No

Comments: I support this bill. I also request an amendment be added that makes the penalties of non-compliance be a civil matter rather than a criminal matter, in all three instances in the bill. As the bill is currently written, not providing the Local Contact information to tenants and in the dwelling metes a far more severe punishment (misdemeanor and a \$25,000 fine) compared with a \$2,500 civil fine for not providing the information to an association with jurisdiction or for the association not providing the information to the Department of Taxation.

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**HB474**

Submitted on: 3/14/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dianne Smith	Individual	Support	No

Comments: My husband and I support the bill, but we request that it include an amendment making the penalties of non-compliance civil rather than criminal in all three instances in the bill. As it is currently written, owners not providing the Local Contact information to tenants and posted in the dwelling will suffer a far more severe punishment (charge of a misdemeanor and a \$25,000 fine) as compared to a \$2,500 civil fine. This is a very important consideration that needs to be addressed.

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**HB474**

Submitted on: 3/14/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Bradley Tomlinson	Individual	Support	No

Comments: I support the bill but wish to request an amendment that makes the penalties of non-compliance civil rather than criminal in all three instances in the bill.

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**HB474**

Submitted on: 3/14/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andrea Wolford	Individual	Support	No

Comments: I support this bill and request an amendment that makes the penalties of non-compliance CIVIL rather than criminal in all instances of the bill!

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Dear Members of the Committee:

Thank you very much for your efforts to add clarification to an important policy area. The development of Bill HB474 HD1 represents, I think, the very best of what can emerge when there is constructive dialogue, common purpose, and active listening.

I support this bill, but would ask that you consider amending it in one area. I believe a minor oversight has occurred, in that the same matter has been addressed accurately elsewhere in the bill. Accordingly, I would ask that penalties for wilful noncompliance with the requirement to provide local contact information to tenants and in the dwelling, i.e., the penalties described in Section 2(e) be amended to match the proposed penalties to be imposed on owners for not providing the information to associations required to collect that information, as said revised penalties are proposed through new and underscored language in Section 2(c).

Again, Bill HB474 HD1 is an example of constructive efforts by many, and with this minor amendment aimed at standardization of the penalty provisions in the bill, it has my full support, and you have my appreciation for worthwhile action to see such positive developments.

Sincerely,

Adam Leamy

**HB474**

Submitted on: 3/14/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
George Hu	Individual	Comments Only	No

Comments: I support the bill but request an amendment that makes the penalties of non-compliance civil rather than criminal in all three instances in the bill. As it is currently written, not providing the Local Contact information to tenants metes a far more severe punishment (misdemeanor and a \$25,000 fine) compared with a \$2,500 civil fine for not providing the information to an association with jurisdiction or for the association not providing the information to the Department of Taxation.

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**HB474**

Submitted on: 3/14/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Yvonne Gilbert	Individual	Oppose	No

Comments: Please amend to make penalties of non compliance civil rather than criminal in all three instances of the bill. Thank you for your consideration

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To Whom It May Concern:  
RE: Bill HB 474

I support this bill but request an amendment that makes the penalties of non-compliance civil rather than criminal in all 3 instances in the bill. As it is currently written, not providing the local contact information to your tenants and in the dwelling metes a far more severe punishment(misdemeanor \$25,000 fine) compared with a \$2,500 civil fine for not providing the information to an association with jurisdiction or for the association not providing the information to an association with jurisdiction or for the association not providing the information to the Department of taxation.

If you have any questions, please feel free to contact me.

Respectfully,  
Shirley Cooney

**HB474**

Submitted on: 3/14/2014

Testimony for CPN/TSM on Mar 18, 2014 10:15AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David L. Bosworth	Individual	Comments Only	No

Comments: I support the bill, but with a change that makes the penalties of non-compliance civil rather than criminal in all three instances. Thank you, David Bosworth

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