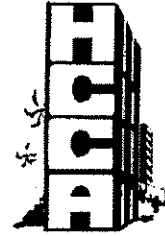




**Hawaii Council of Associations
of Apartment Owners**
DBA: Hawaii Council of Community Associations
1050 Bishop Street, #366, Honolulu, Hawaii 96813



February 2, 2015

Rep. Angus L.K. McKelvey, Chair
Rep. Justin Woodson, Vice-Chair
House Committee on Consumer Protection and Commerce

Re: HB575 RELATING TO CONDOMINIUMS
Hearing: Wed., February 4, 2015, 2:45 p.m., Conf. Rm. #325

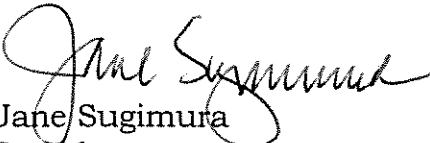
Chair McKelvey, Vice-Chair Woodson and Members of the Committee:

I am Jane Sugimura, President of the Hawaii Council of Associations of Apartment Owners (HCAAO dba HCCA).

HCAAO opposes this bill. We believe that requiring condominium associations to have email addresses of all unit owners that can be obtained by any owner making a request to the association, will lead to abusive and harassing communications between certain owners and between certain owners and board members. Due to the almost anonymous and impersonal nature of emails, some persons do not or refuse to conform to rules of common civility. I am aware that among Board members, email communications can become “toxic” to the point that the Board members have to “adopt” a code of civility, e.g., no “all caps”, no red letters, no 14 point font, no emails over 1 paragraph, etc. I cringe to think what could happen if everyone in a 500-member association had the email addresses of all other owners.

I am aware that certain condo associations have developed a “blast email system” for announcements and notices from the managing agent and the Board and in that case the unit owners voluntarily submit their email addresses if they wish to receive the information and I believe that in those cases, the email addresses are used only for that limited purpose and not made available to other owners or to third-parties, which I believe is appropriate.

Thank you for the opportunity to testify on this matter.


Jane Sugimura
President

woodson2-Rachel

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 01, 2015 11:39 PM
To: CPCtestimony
Cc: nipmyknees@hotmail.com
Subject: *Submitted testimony for HB575 on Feb 4, 2015 14:45PM*

HB575

Submitted on: 2/1/2015

Testimony for CPC on Feb 4, 2015 14:45PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
tommie	Temptommie llc.	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 30, 2015 1:37 PM
To: CPCtestimony
Cc: KaleleKai002@Hawaii.rr.com
Subject: Submitted testimony for HB575 on Feb 4, 2015 14:45PM

HB575

Submitted on: 1/30/2015

Testimony for CPC on Feb 4, 2015 14:45PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Takumi	Individual	Oppose	No

Comments: I feel the release of email addresses is an invasion of privacy, once it's out, it's liable to be used by anyone. The current process of mailing addresses is good enough, it makes the mailer put some thought into sending information. Emails are way too easy to constantly send whatever is to be sent. A person could send hundreds of emails a day.

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January 30, 2015

my name is sidney sealine - retired in hawaii after a distinguished career as a deputy district attorney with the county of los angeles. i own and reside in a condominium in waikiki which has 435 units with virtually all owners non-resident and most living in foreign countries - principally japan. i attend all board meetings while in residence and it is a fact that in all the years i have lived here there have NEVER been more than two other owners present out of 435 and most often i am the ONLY owner present. this is because the vast bulk of owners are non-resident and most live in japan or other foreign countries and are not fluent in english.

not only am i in extremely strong support of HB575 but it is my considered and professional judgment that for the legislature to continue to deny owners the right to obtain the email addresses held by resident managers, managing agents, and condominium association boards (provided they meet the other requirements of the statute) - not only "flies in the face" of strongly enunciated public policy at both federal and state levels FAVORING the free and fair flow of communication and information on issues of public importance (our "sunshine laws"), but also constitutes a clear violation of the constitutional requirements of due process and equal protection.

my evidence is this:

1..the original law which HB575 will amend - simply by adding the word "email"- was passed by our twelfth state legislature in 1983! the original can be found in "session laws of hawaii regular session 1983". 32 years have now passed and during that time a sea change/tectonic shift has occurred in the ability of humans to communicate with each other - a change so MOMENTOUS as to rival the invention of the printing press! i refer, of course, to the advent of the INTERNET. email allows the free flow of vital information worldwide, instantaneously and virtually cost free. email DID NOT EXIST at the time of the passage of the bill that HB575 seeks to amend and in fact the word email itself did not come into usage until more than a decade afterwards. if an owner - such as myself - wishes to communicate vital information to other owners concerning matters that directly effect their investment he is presently forced to send that information to other owners via the post office (sometimes referred to as "snail mail" an appropriate term because of its slowness and costliness). with 435 units and most of the owners in residence in japan and other foreign countries the cost of one single mailing would be HUNDREDS OF DOLLARS. managers, managing agents, and condominium association boards (including AOA, ASTON AND HAWAIIANA) ALREADY possess, or can easily obtain, the email addresses of virtually all owners and so they continue to communicate with the owners via email whenever they wish to feed owners whatever information they wish to furnish them instantly and cost free worldwide and thus AOA, ASTON AND HAWAIIANA hold a virtual MONOPOLY on internet communication - whereas we owners are blocked from obtaining their lists of emails. this results in a NON-LEVEL PLAYING FIELD with the boards and management companies (such as ASTON AND HAWAIIANA) controlling the information and preventing the free and fair flow of information BETWEEN OWNERS.

as a small but telling example of how our AOA, ASTON AND HAWAIIANA verge on abusing this monopolistic power of communication which the current law affords them - our AOA - in a post office (snail) mailing to all 435 owners dated december 1, 2014 asked owners to approve by ballot a massive 5 million dollar loan for improvements. in that letter no mention was made of the fact that if approved by that ballot owners would be required to pay about 86 dollars a month for fifteen YEARS (totaling over fifteen thousand dollars per unit). that charge was buried in our internet page but no mention was made of that page in the mailing and even if an owner knew enough to go to that page but not fluent in english

(only japanese) he STILL would not have known of the charge since the web page information was in english only and not japanese. then, only a few days ago AFTER AOA, ASTON AND HAWAIIANA HAD ALREADY RECEIVED OVER 44% APPROVAL - two MONTHS after the original mailing - did they finally provide a japanese translation of that grave cost!

2..A condominium association is a "mini-government" in which unit owners elect the association's board of directors, which in turn is given broad authority to govern and manage the affairs of the association, limited only by federal and state laws, county ordinances, and condominium governing documents. Depending on the condominium's governing documents, the board of directors may have power over more aspects of the association members' lives than any other level of government. (Condominium Property Regimes: Owner Rights and Responsibilities - prepared by Real Estate Commission Department of Commerce and Consumer Affairs State of Hawaii") thus by way of obvious example: our state legislature favors as its strong public policy ("sunshine laws") such free flow of vital information by allowing citizens to submit testimony via email/internet (which is what you are reading right now). surely the law must be amended to allow that same free flow of vital information between owners of condominiums.

3..our AOA concedes this new INFORMATION REVOLUTION by maintaining a web page wherein they put THEIR information on AOA matters for owners to access. but they CONTROL that page and only put there what they WANT to tell owners. (see example noted above). no such avenue of internet communication presently exists allowing owners to communicate vital information instantly, efficiently and cost-free with each other. that is the abusive situation in which all owners now find ourselves - and it is that abuse (the total control - virtual monopoly - of information by boards and management companies such as ASTON AND HAWAIIANA) that the passage of HB575 will correct.

4..boards and their hired management companies such as HAWAIIANA, rental companies such as ASTON (which controls 70% of the owners in their rental pool) and lawyers - (the AOA downtown lawyer hired by the board has strenuously opposed releasing the email addresses of owners) - struggle to maintain the secrecy of the email lists which they control, keep secret from members and use to THEIR OWN ADVANTAGE while denying owners the right to communicate with other owners via email. this is surely not a "level" playing field!..and they do so....on the spurious ground that somehow they are protecting the owners' right to privacy. this argument should be rejected outright because even under the original law (passed in 1983) owners - have the right to obtain the HOME addresses of other owners to communicate vital information. can it be seriously argued that someone's email address is more "private" than their home address?

5..victor hugo - acknowledged as france's greatest writer said it best:

"On résiste à l'invasion des armées; on ne résiste pas à l'invasion des idées."

which has been loosely translated and paraphrased in our language as: -

"Nothing is as powerful as an idea whose time has come".

i urge that HB575 be sent to the full legislature for passage. its time has not just come - it is LONG OVERDUE!

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 9:56 AM
To: CPCtestimony
Cc: hgerner1@hawaii.rr.com
Subject: Submitted testimony for HB575 on Feb 4, 2015 14:45PM

HB575

Submitted on: 2/2/2015

Testimony for CPC on Feb 4, 2015 14:45PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Hans Gerner	Individual	Comments Only	No

Comments: I am in support to add e-mail to the the address records to be kept by management companies for all owners. The list must be made available to all owners upon request with the same requirements as exist for the mailing addresses.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 10:55 PM
To: CPCtestimony
Cc: steveghi@gmail.com
Subject: Submitted testimony for HB575 on Feb 4, 2015 14:45PM

HB575

Submitted on: 2/2/2015

Testimony for CPC on Feb 4, 2015 14:45PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Steve Glanstein	Individual	Oppose	No

Comments: Unfortunately I will be out of town for this hearing. This bill should be deferred. People may not want their e-mail addresses disclosed to everybody. What about their rights? People who have already given their e-mails to management will now have their private e-mails disclosed to every homeowner requesting it. People will simply stop giving management their e-mail addresses. The proposed change to 514A is useless because it is superseded by 514B, part VI. Finally, violation of 514B-153 is a criminal misdemeanor ...see 514B-69.

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woodson2-Rachel

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 03, 2015 6:19 AM
To: CPCtestimony
Cc: lila.m@hawaiiintel.net
Subject: *Submitted testimony for HB575 on Feb 4, 2015 14:45PM*

HB575

Submitted on: 2/3/2015

Testimony for CPC on Feb 4, 2015 14:45PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lila Mower	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 03, 2015 3:57 PM
To: CPCtestimony
Cc: richard@hawaiifirst.com
Subject: Submitted testimony for HB575 on Feb 4, 2015 14:45PM



HB575

Submitted on: 2/3/2015

Testimony for CPC on Feb 4, 2015 14:45PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Emery	Associa	Oppose	Yes

Comments: Owners have a right to privacy. The email address is their personal property and given to people or companies of the owner's choice. Email is not a public record. Management companies do not collect email addresses in the normal course of business and such requirements will make it more likely owners be reluctant to communicate any further by email. Owners should not be forced to receive unwanted email.

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Dante K. Carpenter
3054 Ala Poha Place, #401
Honolulu, HI 96818

HOUSE OF REPRESENTATIVES – REGULAR SESSION 2015
COMMITTEE ON CONSUMER PROTECTION (CPC)
Feb. 4, 2015

Conference Room 325; 2:45 pm

HB 575 – RELATING TO CONDOMINIUMS

Chair Rep. Angus McKelvy, V. C. Rep. Justin Woodson and Committee Members:

Good Afternoon. My name is Dante Carpenter, President of Country Club Village. Phase 2, Association of Apartment Owners. This condominium complex comprises 2-20 story buildings with 469 units in the Salt Lake area of O’ahu. I have been its president for over 18 years. I speak against HB 575, Relating to Condominiums.

While presumably well-intended, this amendment to Sec. 514A-83.3, is unnecessary, uncontrollable and an unenforceable overreach!

Notwithstanding the “affidavit reference” in Section 1, once the “list” is released to other members of the association, practicably speaking, how will the new provision of Sec. 1.(2) be enforced? And, who will be the enforcer?

If the purpose of this list is per Sec. 1.(1), “only for the purpose of soliciting votes or proxies or providing information to other owners with respect to association matters,” etc., there are other simpler, less costly, means of accomplishing its intent, e. g., going door-to-door, bulk mail-out to “Current Resident” for every residence of the association, use of bulletin boards, under the door deposits, requesting the Community Property Manager (CAM) to include the request for proxies in a mail-out prior to election meetings (this method is currently offered at our association), among other methods! The above does not include personal appearances, or written communication(s), or both at the condominium Board of Directors monthly meetings, which are always open to association members.

Therefore, this bill serves no useful purpose at this time.

We strongly recommend HB 575 be filed.

Mahalo a nui loa.