

Honolulu, Hawaii

APR 27 2017

RE: S.B. No. 369
S.D. 1
H.D. 1
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 369, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to prohibit condominium associations, boards of directors, managing agents, resident managers, condominium owners, and persons acting on behalf of associations or condominium owners from retaliating or discriminating against a condominium owner, board member, or association employee who files a complaint; acts in furtherance of a complaint, report, or investigation of an alleged violation of the State's condominium laws or a condominium's governing documents; or exercises or attempts to exercise any right as a condominium owner.

Your Committee on Conference finds that although many condominium owners are comfortable raising condominium-related



complaints or concerns to their association, its board, a managing agent, or a resident manager, this experience is not universal. Furthermore, condominium owners, minority members of a condominium board, or association employees who are not comfortable bringing up complaints or concerns may fail to do so because of a fear of retaliation. Accordingly, this measure strengthens protections by prohibiting condominium associations, boards, managing agents, resident managers, other owners, and persons acting on behalf of an association or condominium owner from retaliating against a condominium owner, board member, or association employee who files a complaint, acts in furtherance of a complaint, report, or investigation of an alleged violation, or exercises or attempts to exercise any right as a condominium owner.

Your Committee on Conference has amended this measure by:

- (1) Removing unnecessary language that would have added a new section in chapter 514A, Hawaii Revised Statutes;
- (2) Deleting the word "discriminate", as the focus of this measure is on prohibiting retaliation;
- (3) Extending the protections against retaliation to managing agents and resident managers;
- (4) Inserting a definition of "retaliate" and deleting the definition for "retaliation";
- (5) Changing its effective date to July 1, 2017; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 369, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 369, S.D. 1, H.D. 1, C.D. 1.




Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE




ROY M. TAKUMI
Co-Chair



ROSALYN H. BAKER
Chair



JOY A. SAN BUENAVENTURA
Co-Chair



GILBERT S.C. KEITH-AGARAN
Co-Chair



Hawaii State Legislature

CLR 46

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 369, SD 1, HD 1	Date/Time: 4-25-17 3:12 pm
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
BAKER, Rosalyn H., Chr.	✓				TAKUMI, Roy M., Co-Chr.	✓			
KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓				SAN BUENAVENTURA, Joy A., Co-Chr.	✓			
ESPERO, Will	✓				WARD, Gene	✓			
TOTAL	3	-	-	-	TOTAL	3	-	-	-

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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