

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 391  
S.D. 1

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

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 391 entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify the condominium laws relating to unpaid or contested fines, fees, and assessments; grievance procedures; defaults; and nonjudicial foreclosures.

Your Committee received written comments in support of this measure from Associa and two individuals. Your Committee received written comments on this measure from Hui 'Oia'i'o.

Your Committee finds that this measure will bring much-needed clarity and fairness to the condominium laws for both owners and the associations.

Your Committee has amended this measure by:

- (1) Conforming provisions relating to defaults;
- (2) Clarifying that unpaid association fines imposed while the payment plan is in effect do not constitute a default under the payment plan;



- (3) Streamlining and conforming the provisions relating to the written statement of an apartment or unit owner's rights, the owner's duty to pay common expense assessments, and the grievance procedure for an owner who contests all fees except common expenses; and
- (4) Replacing the term "legal fees" with "attorneys' fees and costs".

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 391, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 391, S.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,



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JILL N. TOKUDA, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 391	CPH/SDL, WAM	2/21/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
DELA CRUZ, Donovan M. (VC)				✓
ENGLISH, J. Kalani				✓
GALUTERIA, Brickwood	✓			
HARIMOTO, Breene	✓			
INOUYE, Lorraine R.	✓			
KAHELE, Kaiali'i				✓
RIVIERE, Gil	✓			
SHIMABUKURO, Maile S.L.	✓			
TANIGUCHI, Brian T.				✓
WAKAI, Glenn	✓			
<b>TOTAL</b>	7			4
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; margin-top:10px;"> </div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes