

THE SENATE
THE TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2017

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair
Senator Clarence K. Nishihara, Vice Chair

NOTICE OF HEARING

DATE: Thursday, February 23, 2017
TIME: 9:30AM
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

A G E N D A

<u>SB 292</u> <u>Status & Testimony</u>	RELATING TO CONDOMINIUMS. Repeals chapter 514A, Hawaii Revised Statutes, relating to condominium property regimes, and ensures that all condominiums in the State are governed under chapter 514B, Hawaii Revised Statutes, relating to condominiums. Effective January 1, 2019.	CPH
<u>SB 378</u> <u>Status & Testimony</u>	RELATING TO CONDOMINIUM PROPERTY REGIMES. Requires the board of directors of residential condominiums of twenty or more residential dwelling units to take and satisfactorily complete an online ethics course offered through the Real Estate Commission.	CPH
<u>SB 104</u> <u>Status & Testimony</u>	RELATING TO CONDOMINIUM GOVERNING INSTRUMENTS. Clarifies the procedures to amend condominium association declarations, bylaws, and other governing instruments.	CPH
<u>SB 392</u> <u>Status & Testimony</u>	RELATING TO CONDOMINIUMS. Clarifies that when a standard proxy form is returned with no boxes checked or more than one box checked, the proxy shall be deemed defective and shall be counted for quorum purposes only.	CPH
<u>SB 393</u> <u>Status & Testimony</u>	RELATING TO CONDOMINIUMS. Clarifies that the removal or replacement of a director elected by a class of unit owners shall be by a majority of only the members of that class. Specifies that for an election in a mixed-use condominium project where directors are elected by different classes of owners, an association may cast a vote or votes allocated to any nonresidential unit owned by the association where those eligible to vote in the election are limited to owners of one or more nonresidential units, including the nonresidential unit owned by the association.	CPH
<u>SB 151</u> <u>Status & Testimony</u>	RELATING TO CONDOMINIUMS. Enables condominium associations to adopt rules and regulations that require unit owners to prohibit smoking inside a condominium unit as part of a lease agreement.	CPH



[SB 297](#)

[Status & Testimony](#)

RELATING TO RESIDENTIAL REAL PROPERTY.
Requires prompt repair of any damages to the common areas or common elements in a planned community association or condominium. Specifies that if a management company or managing agent is responsible for repairs on an association's behalf and fails to complete the repairs within six months, then the management company or managing agent shall be liable for double the amount of damages. Specifies that when a management company or managing agent fails to pay for damages, the association may deduct that amount from any fees the association owes to the management company or managing agent.

CPH

[SB 306](#)

[Status & Testimony](#)

RELATING TO REAL PROPERTY.
Clarifies that projects that contain a combination of time share units, transient vacation rentals, and private residential units located in the same project are required to comply with the document, record, and information disclosure requirements under the State's condominium statutes. Requires hard copies of condominium association documents, records, and information to be provided to requesting owners within twenty-four hours and available for download through an internet site. Specifies that failure to make association documents, records, and information available is an unfair or deceptive act or practice.

CPH

[SB 1263](#)

[Status & Testimony](#)

RELATING TO REAL ESTATE.
Requires principal brokers in a brokerage firm to ensure that: associated real estate licensees and other staff who assist common interest communities are responsive to requests from owners regarding association-related finances, documents, records, and information; and any request from the real estate commission to distribute commission-generated information, materials, or documents to an association, a board of directors, or a unit owner in a common interest community is completed within ten days after receiving the request.

CPH

[SB 370](#)

[Status & Testimony](#)

RELATING TO CONDOMINIUM MANAGEMENT.
Requires condominium boards to post board meeting agendas and make board meeting materials available to association members at least seven days prior to each meeting. Requires association members to be provided an opportunity to submit materials and present testimony about any item on the board meeting agenda. Requires board meeting minutes to include the recorded vote of each board member on all motions without exception. Requires boards to make approved minutes available to association members within seven calendar days. Reduces the number of days after the meeting by which the board must make available unapproved final drafts of the minutes of a meeting.

CPH



[SB 627](#)

**[Status &
Testimony](#)**

RELATING TO CONDOMINIUMS.

CPH

Allows association members who are not on the board to participate in any deliberation or discussion, except for executive sessions. Allows the condominium board members pursuant to board rules to limit the time provided to any member of the condominium association to participate in deliberation. Allows members of a condominium association to attend executive sessions with approval by a majority vote of the condominium board members, subject to certain limitations.

Decision Making to follow, if time permits.

Click [here](#) to submit testimony to the Senate Committee on Commerce, Consumer Protection, and Health.

Testimony may be submitted up to 24 hours prior to the start of the hearing.

FOR AMENDED NOTICES: Measures that have been deleted are stricken through and measures that have been added are underscored. If a measure is both underscored and stricken through, that measure has been deleted from the agenda.

If you require auxiliary aids or services to participate in the public hearing process (i.e. ASL or foreign language interpreter, or wheelchair accessibility), please contact the committee clerk at least 24 hours prior to the hearing so that arrangements can be made.

FOR FURTHER INFORMATION, PLEASE CALL THE COMMITTEE CLERK AT (808)586-6070.

Senator Rosalyn H. Baker
Chair

