

HB177 HD2

Measure Title: RELATING TO CONDOMINIUMS.

Report Title: Condominiums; Associations; Board of Directors; Condominium Owners; Violations; Retaliation; Prohibition

Description: Prohibits associations of apartment owners, boards of directors, managing agents, resident managers, condominium owners, and condominium owners from retaliating or discriminating against a condominium owner, board member, managing agent, resident manager, 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. (HB177 HD2)

Companion: [sb369](#)

Package: None

Current Referral: CPH

Introducer(s): SAIKI



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



March 19, 2017

Sen. Rosalyn Baker, Chair
Sen. Clarence Nishihara Vice-Chair
Senate Committee on Commerce, Consumer Protection & Health

Re: Testimony in Support of
HB177, HD2 RELATING TO CONDOMIMUMS
Hearing: Tues., March 21, 2017, 9 a.m., Conf. Rm. #229

Chair Baker, Vice-Chair Nishihara and Members of the Committee:

I am Jane Sugimura, President of the Hawaii Council of Associations of Apartment Owners (HCAAO dba HCCA). This organization represents the interests of condominium and community association members.

HCAAO supports the intent and purpose of HB177, HD2, and respectfully requests that it be passed out unamended.

Thank you for the opportunity to testify on this matter.

Jane Sugimura
President

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 19, 2017 3:41 PM
To: CPH Testimony
Cc: richard.emery@associa.us
Subject: Submitted testimony for HB177 on Mar 21, 2017 09:00AM

HB177

Submitted on: 3/19/2017

Testimony for CPH on Mar 21, 2017 09:00AM in Conference Room 229

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

Comments: Support.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 20, 2017 9:30 AM
To: CPH Testimony
Cc: pirelandkoftinow@alf-hawaii.com
Subject: Submitted testimony for HB177 on Mar 21, 2017 09:00AM

HB177

Submitted on: 3/20/2017

Testimony for CPH on Mar 21, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Paul A. Ireland Koftinow	Individual	Comments Only	Yes

Comments: Generally, the prevention of retaliation or discrimination is not a bad idea. However, this measure does not say what specific conduct is meant by the words “retaliate” and “discriminate.” As such, this measure will not effectively strengthen protections already afforded to parties who complain of or report violations of an association’s governing documents or Chapters 514A and 514B. Instead, this measure is overly broad and as a result it will create confusion and unnecessary hardship for owners and associations who seek to enforce governing documents. In other statutes, the Legislature has identified specific conduct that is retaliatory or discriminatory, and it would be better if parties affected by this measure knew what constitutes “retaliation” or “discrimination.” See, e.g., HRS §§ 378-2 (prohibiting discriminatory practices in the workplace) and 521-74 (prohibiting retaliatory eviction). Also, this measure conflicts with the existing jurisdictional limits regarding district courts, to the extent that it allows parties to bring actions for injunctive relief in district courts without granting district courts the general power to award injunctive relief. Therefore, the jurisdictional limits of district courts should be considered and addressed before this measure is passed. I am available to work with the Committee to draft proposed language to address the above issues.

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Hearing Date: Tuesday, March 29 , 2017

Time: 9:00 AM

Place: Conference Room 229

Committee on Commerce, Consumer Protection & Health

The Senate, the 29th Legislature

Regular Session of 2017

RE: Testimony for Against of HB 177 , H.D. 2

Submitted by John White Sr.

jwhite888@gmail.com

Aloha, Chair Baker, Vice Chair Nishihara and Committee Members ,

This bill was originally intended to be a “ Whistleblower “ law to protect those with means and resources , such as lawyers on retainer and other assets that could be used to retaliate against a homeowner who is attempting to seek justice. It has now morphed into a law that could be used to attack the very consumer it was originally designed to protect.

Mahalo,

John White Sr.

Richard J. Port
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Measure: HB 177, HD2

Date and Time of Hearing: Tuesday, March 21, 2017 9:00 a.m.

Committee: Committee on Commerce, Consumer Protection & Health

Aloha Senator Baker and Members of your Committee

I am testifying in support of HB 177, HD2. which has as its purpose an end to Board's retaliation against Owners and minority members of Boards of Directors.

These efforts at retaliation are usually the result of the filing of complaints against Boards of Directors or their Managing Agents by Owners or minority members of Boards. This retaliation usually involves alleged violations by Boards of our state's condominium laws, the condominium governing documents or simply exercising their rights as condominium Owners.

In these situations, the Boards of Directors have enormous powers, that are executive, legislative and judicial powers which can be used against individuals within their condominiums.

Thank you for this opportunity to testify in support of HB 177, HD 2.

Richard Port