

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 27, 2017 1:25 PM
To: CPCtestimony
Cc: richard.emery@associa.us
Subject: Submitted testimony for HB177 on Jan 31, 2017 14:00PM

HB177

Submitted on: 1/27/2017

Testimony for CPC on Jan 31, 2017 14:00PM in Conference Room 329

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

Comments: My brief comment is that in my 20-years in association management, I have never experienced such conduct, but have no objectio0n to the Bill's intent.

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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LATE



P.O. Box 976
Honolulu, Hawaii 96808

January 30, 2017

Honorable Angus L.K. McKelvey
Honorable Linda Ichiyama
Committee on Consumer Protection & Commerce
415 South Beretania Street
Honolulu, Hawaii 96813

Re: HB 177-OPPOSED IN CURRENT FORM

Dear Chair McKelvey, Vice-Chair Ichiyama and Committee Members:

I am a member of the Community Associations Institute Legislative Action Committee. CAI is unable to support HB 177 in its current form.

CAI takes the position that the bill, as written, is overbroad and may lead to unintended consequences. One owner, for example, could sue another owner for something like an ambiguous encounter in an elevator. The committee should not discount the possibility that HB 177, if passed, would be abused in such a fashion.

The risk of being sued (or *threatened* with suit) by a litigious neighbor should not be a hazard of condominium living. HB 177 would, in its current form, license unreasonable conduct.

This is particularly so since HB 177 lacks standards and safeguards. People *discriminate* when they do something as simple as decide whom to invite to a party and, as written, one owner's choice to exclude another from a social activity could be framed as retaliation or discrimination. The committee should define what retaliation and discrimination mean in this context.

An individual might *subjectively* perceive retaliation or discrimination, but there should be an objective definition of those terms. Such objective definitions should be focused narrowly on real harms resulting from official action and provide adequate notice regarding what specific conduct is prohibited.

Honorable Angus L.K. McKelvey
Honorable Linda Ichiyama
January 30, 2017
Page 2 of 2

CAI takes the position that if a provision of this sort is to be considered then it should be narrowly tailored, and certainly should not facilitate neighbor against neighbor disputes. Moreover, HB 177, as written, does not treat all persons fairly and equally.

As written, HB 177 is more of a sword than a shield. That is, HB 177 would be likely to serve less as a protection against meaningful violation of real rights than as a tool enabling nuisance claims.

This is particularly so since HB 177 does not provide for relief to the prevailing party. Instead, relief is only prescribed if the *complaining owner* prevails. HB 177 includes nothing to ensure that authorized claims will have merit or be asserted in good faith.

Hawaii Revised Statutes §514B-9 already provides that: "Every contract or duty governed by this chapter imposes an obligation of good faith in its performance or enforcement." Since retaliation or discrimination by or on behalf of an association are both incompatible with good faith, and because breach of the duty of good faith can be actionable, CAI asks the committee to consider whether HB 177 is needed in any form.

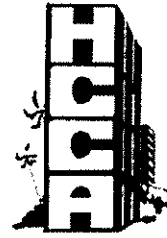
Community Associations Institute, by

Philip Nerney

For its Legislative Action Committee



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



January 28, 2017

Rep. Angus McKelvey, Chair
Rep. Linda Ichiyama, Vice-Chair
House Committee on Consumer Protection & Commerce

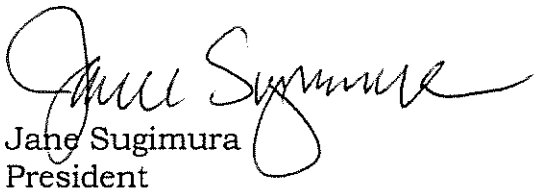
Re: Testimony in Support (with comments) of
HB177 RELATING TO CONDOMIMUMS
Hearing: Tues., January 31, 2017, 2 p.m., Conf. Rm. #329

Chair McKelvey, Vice-Chair Ichiyama 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.

While HCAAO believes that the language in HRS 514B-106(a) that imposes a fiduciary duty on board members as to their relationship with association members already prevents board members from retaliating against unit owners, we have no objections to this bill. However, we suggest that the protection against retaliation as proposed by this bill be extended to other board members and association employees since I am aware of claims by minority board members and association employees of retaliation by the board.

HCCA respectfully requests that you include its suggested revisions to this bill. If you have any questions, please feel free to contact me. Thank you for the opportunity to testify on this matter.


Jane Sugimura
President

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
HEARING ON JANUARY 31, 2017 AT 2 PM
SUPPORT FOR HB177

I support this measure to strengthen and improve protection for the rights of condominium owners, to prevent reprisals, and to help eliminate wrongdoing within homeowner associations by mandating that owners who report such wrongdoing should not fear retaliation nor suffer adverse consequences.

While the condo industry may claim high satisfaction in association living (because that satisfaction is necessary for the continuity of their businesses), a 2015 national survey by the Coalition for Community Housing Policy in the Public Interest revealed that 74% of its respondents said "homeowners' associations need to be significantly reformed" (49%), or "need to be phased out of existence" (25%). Of all respondents, 94% are residents in a homeowners' association. (source: <http://www.chppi.org/survey>)

A more detailed and extensive survey by Anne-Marie Ambert, PhD, stretched over six years (2009- 2015) and with over 5000 respondents revealed that "32% of owners also write about the fact that they end up intimidated, bullied, discriminated against, or threatened by boards/managers when they request services or make justifiable complaints. Many receive accusatory letters telling them to stop their "harassment" and numerous others receive unwarranted letters from the condo's lawyer and often have to pay for these letters...20% of [respondents'] letters are about condo lawyers sending owners unwarranted legal letters for which owners have to pay, abuse of liens, and even abuse of power of sale; lawyers who protect dysfunctional and/or dishonest boards and managers against owners. Also included is failing to do anything when there are fraudulent proxies gathered by managers and/or boards. Also mentioned are ...inventing or twisting rules to suit boards or to go against owners the board or manager doesn't like." (source: <http://www.condoinformation.ca/feedback>)

As the facilitator and nexus of Hui `Oia `i `o, an umbrella coalition made of smaller groups with hundreds of participants from over 135 homeowners' and condo associations in Hawaii, it is my observation that too many condo owners and residents claim (and can document) intimidation, especially the aforementioned "intimidation by attorney," and suffer or fear reprisals for revealing wrongdoing within their associations.

Although in 2015, the federal Fair Housing Act was expanded to protect against "*quid pro quo* harassment" (subjecting a person to an unwelcome request or demand and making submission to the request or demand, implicitly or explicitly, a condition related to the person's housing) and "hostile environment harassment" (subjecting a person to unwelcome conduct that is sufficiently severe or pervasive such that it interferes with or deprives the person the right to use and enjoy housing), the owners and residents of Hawaii's nearly 180,000 condo units need a more specific measure to address reprisals against critics and whistleblowers of condominium associations.

The opportunity to escape retaliatory harassment used to censor, intimidate and silence critics should not be limited to the individual or family moving out of that association, an oft repeated and unsatisfactory suggestion by lobbyists for the condo industry. Thus, this measure proposes to better protect owners who are victims of harassment and prohibited retaliatory practices. Please pass this measure. Mahalo. (submitted by Lila Mower of Hui `Oia `i `o and condo owner)

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 12:12 PM
To: CPCtestimony
Cc: schoenecker@email.phoenix.edu
Subject: Submitted testimony for HB177 on Jan 31, 2017 14:00PM

HB177

Submitted on: 1/30/2017

Testimony for CPC on Jan 31, 2017 14:00PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
JOY SCHOENECKER	Mauna Luan	Support	No

Comments: We believe that the language in HRS 514B-106(a) that imposes a fiduciary duty on board members as to their relationship with association members already prevents board members from retaliating against unit owners, we have no objections to this bill. However, we do suggest that the protection against retaliation as proposed by this bill be extended to other board members and association employees since we are aware of claims by minority board members and association employees of retaliation by the board. Please include this suggested revision to this bill.

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January 29, 2017

Representative Angus L.K. McKelvey, Chair
Representative Linda Ichiyama, Vice Chair
Committee on Consumer Protection & Commerce
415 South Beretania Street
Honolulu, Hawaii 96813

Re: **Support for HB177**

Dear Chair McKelvey and Vice Chair Ichiyama:

I am a partner with the law firm of Porter McGuire Kiakona & Chow, LLP. Our firm represents condominium associations throughout the State of Hawaii, and I am active on the Community Association Institutes' Legislative Action Committee ("LAC") and a member of the Board of Directors for the Condominium Council of Maui ("CCM"). This testimony is not being submitted on behalf of either LAC or CCM.

I submit this testimony in favor of HB177 as someone interested in making certain that owner's rights are protected as much as an association's rights. I believe that the intent of the proposed Bill is good, but a definition of "retaliation" may be helpful to any court trying to determine if there has been a violation of this proposed legislation.

I respectfully submit that retaliation may be defined as including, but not limited to, taking action that is not supported by the association's governing documents and/or applicable state statute, and/or an abuse of power.

Thank you for your consideration.

Very truly yours,



Christian P. Porter

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 29, 2017 10:51 AM
To: CPCtestimony
Cc: aycockburr@aol.com
Subject: Submitted testimony for HB177 on Jan 31, 2017 14:00PM

HB177

Submitted on: 1/29/2017

Testimony for CPC on Jan 31, 2017 14:00PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Virginia Aycock	Individual	Support	No

Comments: I support this measure to strengthen and improve protection for the rights of condominium owners, to prevent reprisals, and to help eliminate wrongdoing within homeowner associations by mandating that owners who report such wrongdoing should not fear retaliation nor suffer adverse consequences. I'm an owner at One Waterfront Towers

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 27, 2017 6:31 PM
To: CPCtestimony
Cc: mrckima@gmail.com
Subject: Submitted testimony for HB177 on Jan 31, 2017 14:00PM

HB177

Submitted on: 1/27/2017

Testimony for CPC on Jan 31, 2017 14:00PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Marcia Kimura	Individual	Support	No

Comments: I support this measure, as there are widespread acts of retaliation against individual owners, some of whom as a result, have faced foreclosures and liens.

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January 29, 2017

Hearing Date: Tuesday, January 31, 2017

Time: 2:00 pm

Place: Conference Room 329

Committee on Consumer Protection & Commerce

House of Representative, the 29th Legislature

Regular Session of 2017

RE: Testimony supporting HB177

Testimony supporting HB35 and SB369. For your information these testimony copies are included in efforts to present related experiences in one picture.

Dear Chair McKelvey, Vice Chair Ichiyama and Committee members:

I support HB177, this measure is needed to protect all owners because retaliation exists. Many unhappy owners will not stand up to be counted. Many suffer quietly. This measure helps to bring balance to Condominium-Self-Governance. Together with HB35 will help in preventing bad Boards using retaliatory tactics who govern in a defensive manner under the guise of protecting the Association. This is my experience and opinion.

Should these bills become law, I am hopeful that the Community Association Institute (CAI) would make this a priority in their educational curriculum to teach board directors as well as other owners the importance of fairness. After all, CAI, an independent vendor is contracted by the Real Estate Commission thru the condominium education trust fund supported by fees collected from all condo owners. In fact, I believe CAI should adopt a mission statement of "no condo owner left behind."

In the testimony for SB35, I refer to 6 disparaging motions recorded in the minutes and now a permanent record. As a director, I was required to submit motions 10 days prior to the board meeting along with 11 copies for the purpose to include a copy in each of the director's meeting packets. Packets are delivered a week before the meeting giving each director time to review the agenda and information. A copy was given to the property manager and resident manager. These 6 disparaging motions were not included in my packet but rather presented at the meeting. This was a blind-sided sucker-punch and left me shaken and at a disadvantage with no chance to prepare to defend myself. The motions were approved and minutes ratified under my protest. This is only one example.

What the other directors don't understand is that I represented a number of owners who asked me to run for a position on the board to address their concerns over one major issue. Their rights were damaged as well.

Lourdes Scheibert

Royal Court Condominium

920 Ward Ave, Honolulu, Hawaii

January 29, 2017

VIA EMAIL

Supersedes January 28, 2017 submission

Hearing Date: Tuesday, January 31, 2017

Time: 2:00 pm

Place: Conference Room 329

Committee on Consumer Protection & Commerce

House of Representative, the 29th Legislature

Regular Session of 2017

RE: Testimony supporting HB35

(Testimony supporting HB177 and SB369 prohibits retaliating or discriminating against a condominium owner. For your information these testimony copies are included in efforts to present related experiences in one picture.)

Dear Chair McKelvey, Vice Chair Ichiyama and Committee members:

I support HB35 which establishes more viable means for condominium owners to address the wrongs and abuses they are subjected to by unethical persons governing them and their properties. My mediation process of Dispute and Resolution failed because my board refused to participate.

I am a condominium owner submitting my opinions based on documents supporting my experiences of abuse by my board. I believed that my circumstances were unique. However, as a participant of HUI 'OIA'I'O, I was surprised to find that my circumstances were common among the participants. Where I am unique, is the chronic abuse caused harmful emotional anguish to my deceased husband, former director Todd Scheibert, myself and effected my entire family. This abuse has to stop.

I served as a board director 2011-2013. At the March 2011 meeting, the minutes recorded 6 disparaging motions made against director Lourdes Scheibert. The motions totaled 806 words. The motions, I believe were the opinions of the other eight (8) 2011 board directors based on my 2010 letters of opinions questioning certain alterations made to the limited common areas. One of the six motions accused me of failing my fiduciary duty. Another accused me of not disclosing my financial conflict of interest. I full-filled my service as a director from 2011-2013 under duress.

During this March 2011 meeting I was told by the President that the Board has the authority to remove an owner or tenant from the property. I believe that these motions were the first step to my removal. Being fearful, I hired attorney Terrance Revere and Associates to intervene on my behalf. Revere started the mediation process June 2015 and by October 2016, I was notified that the Board refused to participate.

The abuse stems from my questions concerning the Declaration, By-laws, Map 64, unpermitted building construction activity and City & County Building Code 3401 Maintenance involving the majority of the 2011 directors including my unit.

In 2009, the Declaration with Amendment 5 & By-laws were applied to my unpermitted lanai window installation installed by the previous owner. I believe the same documents were not fairly applied to the other director's who completed their own alterations to the limited common areas.

The question of the past and continued payment of lanai repairs by the Association is still an issue. I believe, claims should be filed with both the Association's & the owner's H06 insurance and reviewed by both property claims adjuster. Together they decide who is financially responsible for the repairs before any Association money is spent. This determination should not be made by an unqualified and unlicensed property manager or resident manager.

HB 35 would take away some of the absolute power wielded by those intimately involved with condominium association government.

Sincerely yours,

Lourdes Scheibert
Royal Court Condominium
920 Ward Ave, Honolulu, Hawaii

January 29, 2017

Hearing Date: Tuesday, January 31, 2017

Time: 9:00 a.m.

Place: Conference Room 229

Committee on Consumer Protection & Commerce

The Senate, the 29th Legislature

Regular Session of 2017

RE: Testimony supporting SB369

Testimony supporting HB35 and SB177. For your information these testimony copies are included in efforts to present related experiences in one picture.

Dear Chair Baker, Vice Chair Nishihara and Committee members:

I support SB369, this measure is needed to protect all owners because retaliation exists. Many unhappy owners will not stand up to be counted. Many suffer quietly. This measure helps to bring balance to Condominium-Self-Governance. Together with HB35 will help in preventing bad Boards using retaliatory tactics who govern in a defensive manner under the guise of protecting the Association. This is my experience and opinion.

Should these bills become law, I am hopeful that the Community Association Institute (CAI) would make this a priority in their educational curriculum to teach board directors as well as other owners the importance of fairness. After all, CAI, an independent vendor is contracted by the Real Estate Commission thru the condominium education trust fund supported by fees collected from all condo owners. In fact, I believe CAI should adopt a mission statement of "no condo owner left behind."

In the testimony for SB35, I refer to 6 disparaging motions recorded in the minutes and now a permanent record. As a director, I was required to submit motions 10 days prior to the board meeting along with 11 copies for the purpose to include a copy in each of the director's meeting packets. Packets are delivered a week before the meeting giving each director time to review the agenda and information. A copy was given to the property manager and resident manager. These 6 disparaging motions were not included in my packet but rather presented at the meeting. This was a blind-sided sucker-punch and left me shaken and at a disadvantage with no chance to prepare to defend myself. The motions were approved and minutes ratified under my protest. This is only one example.

What the other directors don't understand is that I represented a number of owners who asked me to run for a position on the board to address their concerns over one major issue. Their rights were damaged as well.

Lourdes Scheibert

Royal Court Condominium

920 Ward Ave, Honolulu, Hawaii

CPC JUD FIN
Tuesday, January 31, 2017
2:00 pm, Capitol Bldg., Rm 329

To: Representative Angus K.L. McKelvey, Chair and Representative Linda Ichiyama, Vice Chair

From: Dale A. Head (808) 696-4589 home (808) 228-8508 cell sunnymakaha@yahoo.com

RE: Testimony In Support of HB 177, Relating to Condominiums, prohibition of Retaliation

Aloha:

1. I support this measure to safeguard the rights of homeowners by prohibiting acts of retaliation for the exercise of their rights to question, offer constructive criticism, and to file complaints relating to actions of associations and or their managing agents.
2. Several years ago, due to the predations of our Resident Manager at Makaha Surfside, and he was a former Board President there, he commenced a campaign of retaliation in response to my organizing a homeowners revolt in order to get control of our Board to fire him for multiple acts of misconduct. Once we got control of the Board, in March of 2008, he ran off to find a friendly doctor who gave him a 'sick slip' asserting he had 'traumatic stress' from our actions and therefore could not work. He managed to find himself a 'contingency fee' attorney then sued my association and four individuals. The fellow scored \$40,000 in free money off of us and enjoyed about another three years of freedom before his criminal past caught up with him. Detectives from Salt Lake City came to Oahu and arrested him in Waikele, where once again he was a Resident Manager, and took him back to Utah to where he pled guilty to murdering a man there back in 1997. Our property management company at the time of this imbroglio was useless. They had failed to detect his criminal background and insisted to our owners that we must pay 'normal fees' of a condo collections attorney to discuss any issues with him as the Board had refused to dialogue with us. Quite a perversion of justice that was.
3. In 'self governing associations, owners have NO RIGHTS of due process. The only 'right' we have is to vote in elections for candidates for our Board of Directors, something which occurs just once a year.
4. Please vote in favor of and pass House Bill #177.

Respectfully, **Dale A. Head**

Owner at Makaha Surfside in Waianae, Unit C-428 since October of 1987

Quote - "When you see something that is not right, not fair, not just, you have a moral obligation to do something – to say something – and not be quiet." "You must have courage, you must be bold, and never ever give up". **U.S. Representative John Lewis**.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 29, 2017 5:43 PM
To: CPCtestimony
Cc: sunnymakaha@yahoo.com
Subject: Submitted testimony for HB177 on Jan 31, 2017 14:00PM

HB177

Submitted on: 1/29/2017

Testimony for CPC on Jan 31, 2017 14:00PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Dale	Individual	Support	Yes

Comments: CPC JUD FIN Tuesday, January 31, 2017 2:00 pm, Capitol Bldg., Rm 329
 To: Representative Angus K.L. McKelvey, Chair and Representative Linda Ichiyama, Vice Chair
 From: Dale A. Head (808) 696-4589 home (808) 228-8508 cell sunnymakaha@yahoo.com
 RE: Testimony In Support of HB 177, Relating to Condominiums, prohibition of Retaliation Aloha: 1. I support this measure to safeguard the rights of homeowners by prohibiting acts of retaliation for the exercise of their rights to question, offer constructive criticism, and to file complaints relating to actions of associations and or their managing agents. 2. Several years ago, due to the predations of our Resident Manager at Makaha Surfside, and he was a former Board President there, he commenced a campaign of retaliation in response to my organizing a homeowners revolt in order to get control of our Board to fire him for multiple acts of misconduct. Once we got control of the Board, in March of 2008, he ran off to find a friendly doctor who gave him a 'sick slip' asserting he had 'traumatic stress' from our actions and therefore could not work. He managed to find himself a 'contingency fee' attorney then sued my association and four individuals. The fellow scored \$40,000 in free money off of us and enjoyed about another three years of freedom before his criminal past caught up with him. Detectives from Salt Lake City came to Oahu and arrested him in Waialeale, where once again he was a Resident Manager, and took him back to Utah to where he pled guilty to murdering a man there back in 1997. Our property management company at the time of this imbroglio was useless. They had failed to detect his criminal background and insisted to our owners that we must pay 'normal fees' of a condo collections attorney to discuss any issues with him as the Board had refused to dialogue with us. Quite a perversion of justice that was. 3. In 'self governing associations, owners have NO RIGHTS of due process. The only 'right' we have is to vote in elections for candidates for our Board of Directors, something which occurs just once a year. 4. Please vote in favor of and pass House Bill #177.

Respectfully, Dale A. Head Owner at Makaha Surfside in Waianae, Unit C-428 since October of 1987
 Quote - "When you see something that is not right, not fair, not just, you have a moral obligation to do something – to say something – and not be quiet."
 "You must have courage, you must be bold, and never ever give up". U.S. Representative John Lewis.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 29, 2017 5:24 PM
To: CPCtestimony
Cc: pjburniske@yahoo.com
Subject: Submitted testimony for HB177 on Jan 31, 2017 14:00PM

HB177

Submitted on: 1/29/2017

Testimony for CPC on Jan 31, 2017 14:00PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Penelope Burniske	Individual	Comments Only	No

Comments: COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
SUPPORT FOR HB177 I support this measure to strengthen and improve protection for the rights of condominium owners, to prevent reprisals, and to help eliminate wrongdoing within homeowner associations by mandating that owners who report such wrongdoing should not fear retaliation nor suffer adverse consequences. In a state where housing is difficult to find and obtain, the only opportunity to escape retaliatory harassment used to censor, intimidate and silence critics should not be limited to moving out of that association. Please pass this measure. Penelope J. Burniske owner of condo

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Richard J. Port
1600 Ala Moana Blvd. #3100
Honolulu, Hawaii 96815
Tel 808-941-9624
e-mail: portr001@hawaii.rr.com

Measure: HB 177 Relating to Condominiums

Date and Time of Hearing: 2:00p.m. Tuesday, January 31, 2017

Committee: Committee on Consumer Protection and Commerce

Aloha Rep. McKelvey and Members of the Committee

I am testifying in strong support of HB 177, which would prohibit retaliation against condominium owners. I do note two changes that should be made to HB 177. On page 1, line 8 and on page 3, line 4 the words, "a board member or" should be added in front of the words, " a unit owner".

Also on page 2, lines 8 to 12 and on page 3 lines 19 to 21 which carries over to page 4, lines 1 and 2, action should be able to be brought forward not only to circuit court, but also through evaluative mediation and/or arbitration.

Thank you for this opportunity to testify,

Richard Port
Richard Port

COMMENTS ON
HB 177, RELATING TO CONDOMINIUMS

Committee on Consumer Protection and Commerce
Tuesday, January 31, 2017, 2:00 p.m., Conference Room 329

Rep Angus L. K. McKelvey, Chair
Rep Linda Ichiyama, Vice Chair
and Members

Aloha mai kākou

I am writing to comment on HB177, Relating to Condominiums, that would prohibit associations of apartment owners, boards of directors, managing agents, resident managers, and condominium owners from retaliating or discriminating against a condominium owner 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.

I fully support an avenue for a homeowner to pursue an alleged complaint of retaliation and/or discrimination, but am not sure bringing a civil action in district court is the best avenue for all involved. Certainly, it would be costly on both ends, may aggravate an already busy calendar of the Judiciary, and take years to be settled.

As the legislature is working on an Office of Condominium Complaints and Enforcement in the Dept of the Attorney General to intervene in condominium disputes, that may be the better avenue.

At the heart of many complaints is the lack of open, transparent communications with homeowners; and an election system that is partial to re-electing Board of Directors. I would urge lawmakers to also address these condominium self-governance deficiencies.

Mahalo for the opportunity to comment.

Respectfully

(by on line testimony)
MARILYN L. KHAN
Homeowner, Moana Pacific

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 10:33 AM
To: CPCtestimony
Cc: slabuguen@gmail.com
Subject: Submitted testimony for HB177 on Jan 31, 2017 14:00PM

HB177

Submitted on: 1/30/2017

Testimony for CPC on Jan 31, 2017 14:00PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Sandra Labuguen	Individual	Support	No

Comments: As a condo owner, I support HB177

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 12:05 PM
To: CPCtestimony
Cc: steveghi@gmail.com
Subject: Submitted testimony for HB177 on Jan 31, 2017 14:00PM

HB177

Submitted on: 1/30/2017

Testimony for CPC on Jan 31, 2017 14:00PM in Conference Room 329

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

Comments: There are many cases of harassment of board members and committee members during and outside of board, committee, and annual meetings. The bill should fairly address those issues also.

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ichiyama2 - Brandon

LATE

From: Kay Yasufuku Tam on behalf of Rep. Scott Saiki
Sent: Monday, January 30, 2017 3:20 PM
To: ichiyama2 - Brandon
Subject: FW: HB 177, HB 35

Good afternoon,

Below is testimony for Ms. Nancy Manali-Leonardo for HB35 and HB177, both of which will be heard tomorrow at 2:00 PM by CPC.

Thank you,

Kay

From: Nancy MI [mailto:relaxamommy@yahoo.com]
Sent: Monday, January 30, 2017 3:09 PM
To: Rep. Scott Saiki <repsaiki@capitol.hawaii.gov>; Rep. Scott Nishimoto <repnishimoto@capitol.hawaii.gov>
Subject: HB 177, HB 35

I am a condo owner and a senior. I am in strong support of HB 177 and HB 35. I would like to age in place...in peace-for the remainder of my life without any worries or harassment from my board members, their community managing agents and/or the managing agents attorneys. Owners of condo's should not have their blood pressure elevated unnecessarily due to the frustration of receiving a letter from the managing agent's attorney...out-of-the-blue that accuses them of unsubstantiated fake tales.

In a real case, some seniors have been ordered by the board to undergo psychological examinations for no reason other than that they were seniors! The boards are out of control with no watch-dog system in place to assure oversight of the unfair and abusive treatment of owners...much less senior owners. This unchecked behavior can also fall into the category of a financial, free-for-all way to steal property from seniors.

Mahalo for the introduction of these bills.

Nancy Manali-Leonardo
Honolulu, Hawaii 96815
(808)542-1556

Hearing date: 01-31-17 @ 2:00 PM/HB 35/HB177

LATE

2333 Kapiolani Blvd., #2708
Honolulu, HI 96826
29 January 2017

Hawaii State House of Representatives
29th Legislature Regular Session of 2017
Committee on Consumer Protection & Commerce
State Capitol
415 S Beretania St
Honolulu, HI 96813

RE: Testimony in Support of HBs 35 and 177
Hearing Date: Tuesday, January 31, 2017 / 2:00 pm Place / Conference Room 329

Dear Chair McKelvey and Committee,

As a constituent and Honolulu condominium owner, I am writing in support of HB35, to establish the Office of Condominium Complaints and Enforcement within the Department of the Attorney General, and HB 177, prohibiting retaliation against condominium owners who seek to address, prevent, or stop a violation of chapter 514A of the HRS or governing documents of an association of apartment owners.

I believe these bills will establish a more viable set of alternatives and more robust protections for condominium owners to address issues which may arise when confronting problems with management or governing Boards of their properties.

Sincerely,



DIANN K LYNN
Marco Polo Condominium Owner
Member, Hui`oia`i`o