

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 27, 2017 5:29 PM  
**To:** CPCtestimony  
**Cc:** richard.emery@associa.us  
**Subject:** Submitted testimony for HB236 on Feb 28, 2017 14:00PM

**HB236**

Submitted on: 2/27/2017  
Testimony for CPC on Feb 28, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard Emery	Associa	Oppose	No

Comments: The board has a duty to maintain the association. If it is unable to do so without homeowner intervention, no Lender will loan on the project as their collateral may be in peril. This is a horrible Bill that prevents a board from doing its job to protect the assets of the asociation. There is no testimony in support. Defer this Bill!

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**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 27, 2017 3:32 PM  
**To:** CPCtestimony  
**Cc:** steveghi@gmail.com  
**Subject:** Submitted testimony for HB236 on Feb 28, 2017 14:00PM

**HB236**

Submitted on: 2/27/2017

Testimony for CPC on Feb 28, 2017 14:00PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Steve Glanstein	Hawaii State Association of Parliamentarians	Oppose	No

Comments: Comments: There has NO SUPPORTIVE written testimony in favor of this bill in the previous hearings. The IAC committee report also mentioned NO SUPPORTIVE testimony. The approval requirement of a majority of the members of a planned community association in PCAs such as Waikoloa Village, Mililani Town Association, Ewa by Gentry just won't happen. The assessment proposal in the bill ignores substantial size differences in Planned Community Associations. We recommend that the legislature let these Planned Community Associations conduct their business in accordance with their governing documents with minimal governmental interference. When necessary, owners who have disagreed with the board's management have worked together to remove board members from office.

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**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 27, 2017 1:09 PM  
**To:** CPCtestimony  
**Cc:** lila.mower@gmail.com  
**Subject:** \*Submitted testimony for HB236 on Feb 28, 2017 14:00PM\*

**HB236**

Submitted on: 2/27/2017

Testimony for CPC on Feb 28, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lila Mower	Hui `Oia`i`o	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 23, 2017 10:38 PM  
**To:** CPCtestimony  
**Cc:** mrckima@gmail.com  
**Subject:** Submitted testimony for HB236 on Feb 28, 2017 14:00PM

**HB236**

Submitted on: 2/23/2017

Testimony for CPC on Feb 28, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marcia Kimura	Individual	Support	No

Comments: I am support of this measure, but would like a provision added to state that association owners must first be notified no less than one year in advance of PROPOSED assessments, after which the necessary approval is obtained.

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## CPCtestimony

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From: Pauline Arellano <paulineare@gmail.com>  
Sent: Friday, February 24, 2017 11:09 AM  
To: CPCtestimony  
Subject: RE: Support of HB 236

Twenty Ninth Legislature

Regular Session 2017

RE: HB 236 hearing 2-28-17 room 329 2:00

Testimony in favor of HB 236

Please help all of us. Please allow me to share with you what can go wrong with special assessments. You made a very good Reserve law but it needs to be strengthened, while doing so you can help other communities. I have lived in Mililani for 40 years, at the same townhouse complex. I was on the Board when the following occurred. We sent out for bids for replacement of our fences, when they came back we knew what we needed to put into our reserves to fully pay for the fence project. We budgeted \$300,000.00 we had the money when the fences were to be replaced. When it came time for the replacement our property manager received 4 bids 1) for \$60,000.00 from a retired carpenter that lived here, 2) and 3) were for \$300,000.00 and 4) \$600,000.00. The property manager persuaded the majority of the Board (investors) to accept the \$600,000.00 bid, who would pay \$300,000.00 more than you need to when the specifications were the same. The property manager said don't worry we can get a loan. I protested and posted messages on the notices board by the mailboxes. They were removed and I got a letter from the Managing Agent that I was not allowed to post notices. I put notices on the door knobs, the BOD removed them. The BOD and managing agent sent notices to the homeowners. Your Board has done its due diligence, its an emergency we need to make a loan for \$600,000.00, if you do not agree to the loan there will be a \$6,000.00 special assessment and your maintenance fees will increase. Who could afford a \$6,000.00 special assessment. They got the votes they needed. I filed a complaint with DCCA they said since they had the votes there was nothing they could do. We acquired enough signatures to remove the Board, we presented it to them at the next meeting. Their attny scheduled the meeting within 2 weeks, but he scheduled it for 9 months later to coincide with the annual meeting. By then the loan was made. They got a loan for 10 years with a balloon payment. They have since renegotiated the loan so it matures in 2021. So far we have spent over \$1,000,000.00 still owe \$270,000.00 and the fence is scheduled to be replaced this year. This is exactly why you made the Reserve law, and how Managing agents sometimes use special assessments to get around it. The should never be allowed to happen. There must be some way to protect homeowners.

Pauline Arellano, Mililani Hawaii

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 27, 2017 11:27 AM  
**To:** CPCtestimony  
**Cc:** lourdes10@me.com  
**Subject:** Submitted testimony for HB236 on Feb 28, 2017 14:00PM

**HB236**

Submitted on: 2/27/2017  
Testimony for CPC on Feb 28, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lourdes Scheibert	Individual	Support	No

Comments: Lourdes Scheibert, condominium owner in support of HB236. This measure will help to mitigate furtherance of mediation and arbitration. Owners pay a monthly maintenance fee and deserve to have clear and transparent communication with the Board and the decision process of spending the maintenance funds. RELATING TO PLANNED COMMUNITY ASSOCIATIONS. Limits the ability of the board of directors of a planned community association to impose excessive regular assessments or special assessments, except in emergency situations, without the approval of a majority of members present at an association meeting or by the written consent of the majority of members without a meeting. (HB236 HD1)

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 27, 2017 12:36 PM  
**To:** CPCtestimony  
**Cc:** dklynn2@comcast.net  
**Subject:** \*Submitted testimony for HB236 on Feb 28, 2017 14:00PM\*

**HB236**

Submitted on: 2/27/2017  
Testimony for CPC on Feb 28, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Diann Karin Lynn	Individual	Support	No

Comments:

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