

STAND. COM. REP. NO. 951-22

Honolulu, Hawaii
MAR 04 , 2022

RE: H.B. No. 1757
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1757, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Not allow planned community associations to prohibit an owner or a sub-association from utilizing xeriscaping; and
- (2) Void any provision in an association document that prohibits xeriscaping.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and Conservation Council For Hawaii. Your Committee received testimony in opposition to this measure from Legislative Action Committee of the Community Associations Institute, Hawaii Chapter; Law Offices of Mark K. McKellar, LLC; and twelve individuals. Your Committee received comments on this measure from the Honolulu Board of Water Supply.

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Your Committee finds that outdoor water use makes up approximately one-half of a homeowner's water consumption. Xeriscaping offers an ideal way to minimize water waste while maintaining a beautiful landscape. Your Committee further finds that xeriscaping helps alleviate the pressure on the water supply in the counties and benefits the ecosystem.

Your Committee has amended this measure by:

- (1) Allowing planned community associations to adopt rules regarding the design of any xeriscaping project; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1757, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1757, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



