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**TESTIMONY OF ROBIN K. MATSUNAGA, OMBUDSMAN,
ON H.B. NO. 2524, A BILL FOR AN ACT
RELATING TO CONDOMINIUMS**

**HOUSE COMMITTEES ON JUDICIARY & HAWAIIAN AFFAIRS
AND CONSUMER PROTECTION & COMMERCE**

FEBRUARY 15, 2024

Chair Tarnas, Chair Nakashima, and Members:

Thank you for the opportunity to present comments on H.B. No. 2524. My comments are specifically in regard to Section 1 of the bill.

Section 1 amends Chapter 96, Hawaii Revised Statutes, by adding a new section that would require the Ombudsman to issue the findings, within an unspecified number of days, of the Ombudsman's investigation of complaints against the Real Estate Commission (Commission) that pertain to the Commission's duties that are proposed in Section 2 of the bill. Although the intent of the proposed amendment may be to address or emphasize the time-sensitivity and importance of resolving disputes between condominium unit owners and associations subject to Chapter 514B, HRS, establishing a deadline for the Ombudsman to issue findings for the specified type of investigations will have consequences that the bill author(s) may not have been aware of, which I will explain below.

First, it is difficult, if not impossible, to predict how long an investigation will take. Among the myriad of factors that impact the duration of an investigation, the most common are the availability and responsiveness of witnesses and the amount of time it takes to obtain and review documentary and physical evidence. My office conducts all investigations in as timely a manner as possible, but our investigations must be thorough and we will not make determinations and render findings until we are satisfied that all relevant persons have been interviewed and all relevant evidence has been obtained. Therefore, in order to comply with a specific deadline to render findings, it is very possible that investigations will be closed with a finding that no determination can be made, which may not be helpful to the complainant.

In addition, establishing a deadline that applies only to investigations of the identified type of complaints would require the Ombudsman to give the investigations of these complaints priority consideration over all other complaints in order to avoid violating the statutory deadline to issue

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findings. This would effectively require the Ombudsman to treat the specified type of complaint as being of greater importance than all other complaints that are investigated by the Ombudsman, including complaints that have significant health and safety ramifications for a complainant. In addition, it will likely cause the thousands of individuals who have other types of complaints to perceive that the Legislature does not view their complaints against government in Hawaii to be as important or time-sensitive as the complaints condominium unit owners have against their associations.

There are other less than favorable consequences for my office and the people we serve that can result from the amendment to Chapter 96, HRS, that is proposed in Section 1 of the bill. However, what I have described above are the primary and most significant impacts, and I hope you will consider these impacts when making your decision on this bill.

Thank you for your consideration of this testimony and for your support of my office.

Testimony of the Hawai'i Real Estate Commission

**Before the
House Committee on Judiciary & Hawaiian Affairs
And the
House Committee on Consumer Protection & Commerce
Thursday, February 15, 2024
2:02 p.m.
Conference Room 325 and Videoconference**

**On the following measure:
H.B. 2524, RELATING TO CONDOMINIUMS**

Chairs Tarnas, Nakashima and Members of the Committee:

My name is Derrick Yamane, and I am the Chairperson of the Hawai'i Real Estate Commission (Commission). The Commission opposes Section 2 of this bill.

The purposes of this bill are to require the: (1) Commission to receive and investigate complaints by condominium unit owners against associations that are subject to chapter 514B, Hawai'i Revised Statutes (HRS); and (2) Ombudsman to issue findings within an unspecified number of days after a complaint is filed with the Ombudsman against the Commission regarding the Commission's foregoing duties.

The Commission is unsure of the intent of this bill. Section 2 expands the Commission's authority to receive and investigate complaints by condominium unit owners against associations; however, sections 26-9(h), and 26-9(m), HRS, require the Commission to delegate its authority to receive and investigate complaints to the Department of Commerce and Consumer Affairs and its enforcement officer, the Regulated Industries Complaints Office (RICO). RICO currently has a complaint and enforcement process in place for the provisions enumerated in sections 514B-65, 514B-66, and 514B-68, HRS. These provisions include, for example, violations where the unit owners are unable to obtain from the association necessary information to govern themselves and to oversee the actions of the board of directors. As such, the Commission is concerned that this bill would result in a duplication of existing government processes and services.

The proposed language in section 2 is vague, ambiguous, and could unintentionally run counter to the basic tenet of the condominium law of self-

enforcement of the laws and rules by the owners, with limited government involvement. If the intent of this section is to expand government involvement in condominiums, the Commission respectfully suggests consideration be given to the efforts of the Condominium Property Regime Task Force (CPM Task Force) established by Act 189, SLH 2023. The CPM Task Force is tasked with examining issues regarding condominiums and chapter 514B, HRS, and has asked the Legislative Reference Bureau (LRB) to conduct a study on how other jurisdictions handle similar issues through currently introduced measures H.B. 1814, H.D. 1 and S.B. 2726. The scope of the LRB study specifically explores how other states approach governmental regulation and enforcement of condominium operations and governance. Along with LRB's study, the CPM Task Force will submit to the Legislature a final report of its findings, including any recommended legislation, for appropriate consideration.

Thank you for the opportunity to testify on this bill.



P.O. Box 976
Honolulu, Hawaii 96808

February 13, 2024

Honorable David A. Tarnas
Honorable Gregg Takayama
Committee on Judiciary & Hawaiian Affairs
415 South Beretania Street
Honolulu, Hawaii 96813

Honorable Mark M. Nakashima
Honorable Jackson D. Sayama
Committee on Consumer Protection and Commerce
415 South Beretania Street
Honolulu, Hawaii 96813

Re: **HB 2524 COMMENTS**

Dear Chairs, Vice Chairs and Committee Members:

HB 2524 would add a section to Chapter 96 of the Hawaii Revised Statutes ("HRS"), and would revise HRS §467-4 by adding a subsection specifying that the Real Estate Commission shall:

(9) Receive and investigate complaints by condominium unit owners against associations that are subject to chapter 514B"

That would substantially broaden the Commission's jurisdiction. HRS §514B-65, for example, provides that the Commission has investigative powers with respect to certain sections of Chapter 514B:

§514B-65 Investigative powers. If the commission has reason to believe that any person is violating or has violated this part, part V, section 514B-103, 514B-132, 514B-134, 514B-149, sections 514B-152 to 514B-154, section 514B-154.5, or the rules of the commission adopted pursuant thereto, the commission may conduct an investigation of the matter and examine the books, accounts, contracts, records, and files of all relevant parties. For purposes of this examination, the developer and the real estate broker shall keep and maintain records of all sales transactions and of the funds received by the developer and the real estate broker in accordance with chapter 467 and the rules of the commission, and shall make the records accessible to the commission upon reasonable notice and demand.

Honorable David A. Tarnas
Honorable Gregg Takayama
Honorable Mark M. Nakashima
Honorable Jackson D. Sayama
February 13, 2024
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Thus, an alternative might be to delete section 2 of HB 2524 and to amend section 1 thereof to read as follows:

"§96- Real state commission; certain matters. (a) With respect to the investigation of any complaint against the real estate commission regarding the commission's duties under section ~~467-4(9)~~ 514B-65, the ombudsman's findings shall be issued no later than _____ days after the filing of the complaint with the ombudsman.

(b) This section shall not be construed to establish the ombudsman as an authority to which any party may file an appeal in any matter relating to the real estate commission."

That would enable the Chapter 96 ombudsman to investigate the *commission's performance* of its current mandate. HB 2524 should not effectively create a condominium ombudsman.

The question of whether a condominium ombudsman should be created is one subject of HB 1814 HD1. HB 1814 HD1 should be passed by the House and forwarded to the Senate.¹

HB 1814 HD1 would implement the unanimous recommendation of the Condominium Property Regime Task Force², which was to request the Legislative Reference Bureau ("LRB") to study and to report on condominium ombudsman programs in other jurisdictions (among other things). HB 1814 HD1 should be passed, the LRB study should be performed and the Task Force should make its recommendations before anything resembling a condominium ombudsman should be considered.

As written, HB 2524 is open to interpretation, and could have significant unintended consequences. The impact of the Chapter 96 ombudsman's determinations in any particular matter could effectively impair contract rights and/or prejudice a party's right to jury trial, in the absence of careful delineation of the proposed effect of the Chapter 96 ombudsman's determination.

¹ The Senate companion, SB 2726, is also moving forward.

² Per Act 189 (2023), the Task Force was tasked to:

(1) Examine and evaluate issues regarding condominium property regimes governed by chapter 514B, Hawaii Revised Statutes, and conduct an assessment of the alternative dispute resolution systems that have been established by the legislature;

(2) Investigate whether additional duties and fiduciary responsibilities should be placed on members of the boards of directors of condominium property regimes; and

(3) Develop any legislation necessary to effectuate the purposes of this subsection.

Honorable David A. Tarnas
Honorable Gregg Takayama
Honorable Mark M. Nakashima
Honorable Jackson D. Sayama
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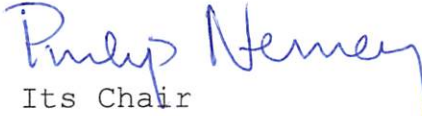
At present, HRS §96-8³ provides, in part, that "The ombudsman may investigate to find an appropriate remedy." No such remedy could impair the contract rights of parties in violation of the Contracts Clause⁴ of the United States Constitution, or deprive parties of the constitutional right to trial by jury.⁵

Per HRS §96-5:

§96-5 Jurisdiction. The ombudsman has jurisdiction to investigate the administrative acts of agencies and the ombudsman may exercise the ombudsman's powers without regard to the finality of any administrative act.

HB 2524 should be clarified to assure that the acts of the Chapter 96 ombudsman do not conflict with the substantial rights of anyone.

CAI Legislative Action Committee, by


Its Chair

³ "§96-8 **Appropriate subjects for investigation.** An appropriate subject for investigation is an administrative act of an agency which might be:

- (1) Contrary to law;
- (2) Unreasonable, unfair, oppressive, or unnecessarily discriminatory, even though in accordance with law;
- (3) Based on a mistake of fact;
- (4) Based on improper or irrelevant grounds;
- (5) Unaccompanied by an adequate statement of reasons;
- (6) Performed in an inefficient manner; or
- (7) Otherwise erroneous.

The ombudsman may investigate to find an appropriate remedy."

⁴ **Article I Section 10. No State shall** enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; **pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts,** or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay. (Emphasis added)

⁵ The Seventh Amendment provides that: "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

HB-2524

Submitted on: 2/13/2024 3:45:31 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard Emery	Hawaii First Realty LLC	Comments	Written Testimony Only

Comments:

I support the general intent of this Bill but believe the broad investigation language in (9) should be limited to alleged violations of HRS 514B and not any complaint whatsoever.

I do not support the creation of a new ombudsman office for condo disputes. As I read this Bill, the ombudsman's review is of the Real Estate Commission's process and not the complaint itself.

It should be noted that condo Boards are not licensed and are volunteers for their association.

HB-2524

Submitted on: 2/13/2024 3:48:35 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Idor Harris	Honolulu Tower AOA	Oppose	Written Testimony Only

Comments:

Honolulu Tower is a 396 unit condominium located at Beretania and Maunakea Streets on the edge of Chinatown. At our monthly board meeting on February 5, 2024, the board unanimously opposed the passage of HB2524 which requires the Real Estate Commission to receive and investigate complaints by condo owners against the association.

The board requests that you defer this bill.

Idor Harris
Resident Manager

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee on Consumer Protection and Commerce:

and

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee on Judiciary and Hawaiian Affairs:

I OPPOSE H.B.2524 for the reasons set forth below.

Under Sections 514B-65 and 514B-66 of the Hawaii Revised Statutes, the Real Estate Commission of the State of Hawaii has the authority to investigate violations of specific sections of the Condominium Property Act, issue complaints, conduct hearings, render findings of facts and if necessary, issue cease and desist orders, in accordance with the detailed procedures set forth in those sections.

H.B.2524 contains vague language that would compel the commission to “[r]eceive and investigate complaints by condominium unit owners against associations that are subject to chapter 514B . . .” The measure fails to specify:

1. The types of complaints that would be subject to investigation by the commission;
2. The procedures for conducting the investigations;
3. The steps that the commission may take if it finds evidence of violations;
4. The power of the commission to conduct hearings;
5. The power of the commission to issue cease and desist orders or grant other relief.

Furthermore, H.B.2524 is unnecessary given the broad investigative powers of the commission under Sections 514B-65 and 514B-66 of the Hawaii Revised Statutes. In that regard, H.B.2524 will create confusion as it significantly overlaps with Sections 514B-65 and 514B-66. If the measure were adopted, the commission could have a duty to conduct investigations under both Section 467-4 and Section 514B-65; however, the procedures will be different under the two sections and actions taken by the commission under Section 467-4 will be subject to challenge

given the vague language in that section. The Legislature should not impose additional duties on the commission absent a demonstrated need to do so.

In its February 13, 2024, letter, the Community Associations Institute proposed that as an alternative to the amendments to Chapter 467, in Section 1 of the measure, section 96-___(a) be modified by striking the reference to “section 467-4(9)” and replacing it with “section 514B-65.” I would support this modification for the same reasons provided by Community Associations Institute in its February 13, 2024, letter.

Respectfully submitted,

Reyna C. Murakami
AOUO President, AOAO Waiialae Place
AOUO President, AOAO Mariner’s Village 1
AOUO Vice- President, The Continental Apartments

HB-2524

Submitted on: 2/14/2024 12:00:39 AM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Trase Wagner	Individual	Support	Written Testimony Only

Comments:

As a licensed real estate agent here in the state of Hawaii for the past 10 years and a condo owner, I support HB2524. My career requires a license because there is financial risk for managing client's real estate and/or representing clients in buying or selling property. We take continuing education courses every two years to prevent financial mistakes from occurring. Condominium boards manage huge sums of money in which members are not necessarily educated in the various tasks of running a board even though they should be. From my experience there needs to be stronger oversight home owner's association management. HOA board members are not obliged to follow the recommendation of community managers. Many HOAs board members misuse funds, enforce rules that directly affect only them, and etc.... yet there is no consequence and board members always protect board members. A neutral third party needs to oversee and enforce home owners complaints.

HB-2524

Submitted on: 2/14/2024 7:12:54 AM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Rachel Glanstein	AOAO Lakeview Sands	Oppose	Written Testimony Only

Comments:

Aloha,

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Mahalo for your time,

Rachel Glanstein

**House of Representatives
Thirty Second Legislature
Committee on Judiciary and Hawaiian Affairs
Committee on Consumer Protection and Commerce
Thursday, February 15, 2024
2:02 p.m.**

To: Representative David Tarnas, Chair, Judiciary and Hawaiian Affairs
Representative Mark Nakashima, Chair, Consumer Protection & Commerce
Re: HB 2524, Relating to Condominiums

Aloha Chairs Tarnas and Nakashima, Vice-Chairs Takayama and Sayama, and Members of the Committees,

I am Lila Mower, president of Kokua Council, one of Hawaii's oldest advocacy groups with over 800 members and affiliates in Hawaii and I serve on the board of the Hawaii Alliance for Retired Americans, with a local membership of over 20,000 retirees.

I also serve as the leader of a coalition of hundreds of property owners, mostly seniors, who own and/or reside in associations throughout Hawaii and I have served as an officer on three condominium associations' boards.

I support HB 2524. And I suggest that the State Ombudsman investigate the following concerns:

The DCCA currently reports, "there are roughly 1,668 condominium association registrations and 29 condominium hotel operator registrations,"¹ which materially contrasts with a seasoned DCCA Condominium Specialist's calculation that, "per our records as of [November 2, 2023], there are 230,729 units in 3,411 condominium registrations with six units or more which would generally be required to register their AOOU."

If these numbers from DCCA are correct, then *more than half of the condominium associations that are mandated to register have not.*

A State of Hawaii Auditor's "Sunrise Analysis: Condominium Association Managers,"² states that "*condominium association manager* is not a title that is commonly used in Hawaii for those who work for managing agents."

A search of license codes³ indicates that there are only two condominium-related license designations, CMA (Condominium Managing Agent) and CHO (Condominium Hotel Operator). But as of this date, there are *no active* entities with either license.

¹ https://cca.hawaii.gov/reb/home_about/re_comm/

² <https://files.hawaii.gov/auditor/Reports/2005/05-10.pdf>

³ <https://mypvl.dcca.hawaii.gov/public-license-search/>, <https://mypvl.dcca.hawaii.gov/public-license-search/#>

HRS 514B requires every managing agent to be a “licensed *real estate broker* in compliance with chapter 467 and the rules of the commission” or “a corporation authorized to do business under article 8 of chapter 413.”

But it should be noted that the licensure of community association managers as real estate brokers or salespersons is opposed by the national condominium trade industry group, Community Associations Institute (CAI), which also “prefers the licensure of individual community association manager practitioners as opposed to licensure of management companies.”⁴

Currently, there are *only 26 persons licensed as a Real Estate Salesperson or Real Estate Broker who place their licenses with the four largest managing agents in Hawaii.*⁵ These four companies manage a significant share of the 3000-plus condominium associations that should be registered with the State.

One of those four companies advertises on their website that they estimate \$29 billion in their portfolio⁶ yet that company has only two persons as licensees.

The meager licensure of those who manage these condominium associations is consistent with DCCA’s definition:

“Managing Agents are representatives from third-party management companies who are contracted by the association to provide a variety of services...Management companies are licensed with at least one *real estate broker* on board.”⁷

Further, the Real Estate Commission (REC) refers to “condominium managing agents” (CMA) throughout its two most recent biennial “Program of Work and Budget,”^{8,9} *rarely referring to real estate brokers in any sections relative to condominiums or condominium management.*

The Program also urged the REC Laws and Rules Review Committee to “provide educational seminars to boards of directors, unit owners, and CMAs on the purpose of alternative dispute resolution, mediation, and arbitration, as well as providing training to consultants,” but *omits mentioning real estate brokers.*

The Program also urged the REC Condominium Review Committee to:

“develop and collect information and statistical data for education and annual report purposes, especially evaluative mediation under and voluntary binding arbitration under Act 57 (SLH 2020); provide periodic reports to CRC on material information on each case submitted for subsidy programs, to be utilized, in education programs, including Condo Bulletin and REC website.”

⁴ <https://www.caionline.org/Advocacy/PublicPolicies/Pages/Community-Association-Manager-Licensing-Policy.aspx>

⁵ <https://mypvl.dcca.hawaii.gov/public-license-search/>

⁶ <https://hmcmtg.com/about/>

⁷ <https://cca.hawaii.gov/reb/files/2022/12/CB2212.pdf>

⁸ <https://cca.hawaii.gov/reb/files/2020/01/pow20-21.pdf>

⁹ <https://cca.hawaii.gov/reb/files/2023/03/pow22-23.pdf>

However, despite those plans, it was evident that the *data has not been collected nor analyzed* during the 2020-2021 and 2022-2023 biennia.

This data, if it had been collected, could have allowed both a quantitative and qualitative analysis of the department's interactions with consumers and could have enabled more informed assessments and recommendations.

It was a simple tally of the "mediation case summaries" (copy attached) reported in DCCA's Hawaii Condominium Bulletin¹⁰ over a period of thirty years that determined that over those years,

- the great majority of reported CETF-subsidized mediation cases were initiated by owners against their associations, and
- a great majority of mediation cases were unresolved, having been "mediated; no agreement" or when one or both parties did not participate or withdrew.

If RICO is the only enforcement agency available to owners of HRS 514B and HRS 467 infractions, and licensure is required only of the managing agent and its principal broker, then condo owners have much to be concerned about.

The CMA, Condominium Managing Agent, license should be reinstated and all individual practitioners who serve in a management capacity for condominium associations should be required to qualify for and obtain that license.

Although most are volunteers, those who serve as board directors of condominium associations should be encouraged, if not mandated, to acquire the basic skills and knowledge needed to responsibly lead their associations.

Condo owners need and deserve more protection of our most important asset, our homes. And that protection must come in the form of enforceable laws.

Mahalo for the opportunity to testify in support.

¹⁰ https://cca.hawaii.gov/reb/condo_ed/condo_bull2/cb_91_95/,
https://cca.hawaii.gov/reb/condo_ed/condo_bull2/cb_96_00/,
https://cca.hawaii.gov/reb/condo_ed/condo_bull2/cb_01_05/,
<https://cca.hawaii.gov/reb/hawaii-condominium-bulletin-2006-2010/>,
<https://cca.hawaii.gov/reb/hawaii-condominium-bulletin-2011-2015/>,
<https://cca.hawaii.gov/reb/hawaii-condominium-bulletin-2016-2020/>,
<https://cca.hawaii.gov/reb/hawaii-condominium-bulletin-2021-2025/>

Mediation Cases Reported in the Hawaii Condominium Bulletin since 1991

* association declined, refused, nonresponsive, or withdrew

** owner declined, refused, nonresponsive, or withdrew

*** 'other' includes cases which outcomes were unclear (e.g., 'mediated,' "closed," "unable to schedule," resolution before or after mediation, etc.)

° based on interpretation of comments

purple font indicates direct co-relation with bulletin reports

blue font indicates direct and indirect co-relation with bulletin reports

grey fonts indicates interpretation of bulletin reports and are provided only for tracking purposes

blue background indicates unclear data and resolution, e.g. "mediation closed" and "mediated" do not describe with or without agreement

grey background indicates that there was no report of mediation cases in that bulletin

"0.5" was used in tallying whenever there was shared responsibility or a split decision

Mediation Cases Reported in Hawaii Condominium Bulletin Since 1991																	
HI Condo Bulletin ISSUE MONTH	AOAO/BOD V OWNER	OWNER V AOAO/BOD	OWNER V OWNER	OWNER V CAM	TOTAL CASES	HI Condo Bulletin ISSUE MONTH	mediated to agreeem	mediated; no agreeem	assn did not mediate*	owner didnt mediate**	elevated to arbitratn	other ***	HI Condo Bulletin ISSUE MONTH	mentions allegation(s)° of violations of			water leak, intrusion,etc
														514B	retaliation	gov docs	
December-23	5	13			18	December-23	8	6		1	1	2	December-23			18	4
September-23	0	8			8	September-23	3	4			1		September-23			8	
June-23	4	10			14	June-23	4	5	0	2		3	June-23	1		13	1
March-23	3	15			18	March-23	1.5	14.5		2		0	March-23			18	1
December-22	3	8			11	December-22	1	7	0	2		1	December-22	1	0.5	9.5	
September-22	2	4			6	September-22	3	1	0	0		2	September-22	2		4	1
June-22	5	14			19	June-22	4.5	10.5				4	June-22	1	1	17	
March-22	2	15			17	March-22	8	4			1	4	March-22	1		16	5
December-21	1	8			9	December-21	3	4				2	December-21		0.5	8.5	2
September-21	3	13			16	September-21	8	5				3	September-21			16	3
June-21	5	12			17	June-21	8	5	2			2	June-21	1		16	1
March-21	1	9			10	March-21	4	3		2		1	March-21	1		9	
December-20	5	15			20	December-20	7	12		1			December-20		1	19	1
September-20	2	4			6	September-20	2	3				1	September-20			6	
June-20	1	2			3	June-20	3	0		.			June-20			3	
March-20	3	13			16	March-20	5	9		1		1	March-20			16	1
December-19	2	13		1	16	December-19	5	6		2		3	December-19	1		15	
September-19	3	8			11	September-19	6	4				1	September-19	1		10	2
June-19	0	10			10	June-19	5	3		1		1	June-19	1		9	1
March-19	2	13			15	March-19	7	4	1	1		2	March-19	1		14	2
December-18	1	2			3	December-18	0	3					December-18			3	1
September-18	3	7			10	September-18	4	2	1	1		2	September-18	1		9	1
June-18	1	4.5	0.5		6	June-18	2	3	1				June-18			6	1
March-18	5	5	1		11	March-18	3	3		2		3	March-18		1	10	
December-17	3	13			16	December-17	5	6	3	2			December-17			16	5
September-17	1	10			11	September-17	3	5	2	1			September-17	1		10	1
June-17	0	6			6	June-17	3	3					June-17	1		5	2
March-17	2	4			6	March-17	4	2					March-17			6	
December-16	2	6			8	December-16	2	4	2				December-16			8	3
September-16	2	8			10	September-16	2	5	1	2			September-16	2		8	1
June-16	1	3	1		5	June-16	3	0	0	1		1	June-16			5	1
March-16	2	10			12	March-16	3	2	1	4		2	March-16	1		11	
December-15	2	7			9	December-15	3	2	3	1			December-15	1		8	
September-15	0	2	1		3	September-15	1	1	1				September-15			3	1
June-15	1	7	1		9	June-15	0	2	3	2		2	June-15			9	
March-15	1	13			14	March-15	7	4	2	1			March-15			14	
December-14	1	5			6	December-14	2	1	0	0		3	December-14	1.5		4.5	
September-14	1	8			9	September-14	2	2	3	1		1	September-14			9	1
June-14	0	8			8	June-14	2	2	1	3			June-14			8	1
March-14	0	3			3	March-14	2			1			March-14			3	
December-13	1	6			7	December-13	3	3	1				December-13			7	
September-13	0	8			8	September-13	1	2	2	3			September-13			8	2
June-13	1	6			7	June-13	0	4	2	1			June-13	3		4	1

March-13	1	5			6	March-13	2	3	0	0		1	March-13			6	1
December-12	2	9			11	December-12	2	6				3	December-12	1		10	
September-12	0	2	2		4	September-12	0	0	1			3	September-12			4	
June-12	0	4.5		0.5	5	June-12	1	0	1		2	1	June-12			5	1
March-12	1	3			4	March-12	1	1			2		March-12			4	1
December-11	1	6.5		0.5	8	December-11	0	1	3	2		2	December-11			8	
September-11	1	4			5	September-11	2	2	1				September-11			5	
May-11	2	8			10	May-11	2	2	3	1		2	May-11			10	1
February-11	2	4			6	February-11	1	2	3				February-11	1		5	
November-10	3	11			14	November-10	5	4	1	1		3	November-10	2		12	1
August-10	2	14.5	1	2.5	20	August-10	1	2		1		16	August-10	5		14	1
March-10	2	5	1	2	10	March-10	2	2				6	March-10			10	
November-09	1	4	1		6	November-09	3	0	1			2	November-09	2		4	1
June, July -09	0	19			19	June, July -09	8	1				10	June, July -09	2		17	1
February-09						February-09							February-09				
October-08	4	9	1		14	October-08	1	1	4			8	October-08	1		13	1
total cases	105	467	10.5	6.5	589	total cases	184	198	50	50	3	104	total cases	37.5	4	546.5	56
total by %	17.83%	79.29%	1.78%	1.10%	100.00%	total by %	31.24%	33.62%	8.49%	8.49%	0.51%	17.66%	total by %	6.37%	0.68%	92.78%	9.51%
June-08	1	10	1		12	June-08	3	1	2	2		4	June-08			12	
February-08		10.5	1	0.5	12	February-08	3	1	5			3	February-08			12	
Oct., Nov. - 07	2	9	2		13	Oct., Nov. - 07	2	5				6	Oct., Nov. - 07	1		12	1
July-07	4	6	1		11	July-07		1	3	2		5	July-07	1		10	
Jan., Febr. - 07	1	14			16	Jan., Febr. - 07	2	5	5	2		2	Jan., Febr. - 07	2		14	
September-06						September-06							September-06				
January-06						January-06							January-06				
September-05	4	11			15	September-05	2	5	2	3		3	September-05			15	
June-05						June-05							June-05				
March-05	2	9			12	March-05		2	6	1		3	March-05				1
October-04						October-04							October-04				
June-04	1	10			11	June-04		4	1	3		3	June-04	2		9	1
February-04						February-04							February-04				
October-03	0	7			7	October-03						7	October-03			7	
June-03						June-03							June-03				
February-03	1	6		1	8	February-03				1		7	February-03			8	
October-02	1	22	0.5	5.5	29	October-02		3	2	3		21	October-02			29	
July-02						July-02							July-02				
March-02	0	2			10	March-02	4					5	March-02			4	
December-01	0	1			11	December-01	1					10	December-01			1	
September-01	0	2			15	September-01	1					13	September-01			2	1
June-01	3	1	4		8	June-01	5	1				2	June-01			8	
February-01	0	2			2	February-01		1				1	February-01			2	
October-00	0	1.5		0.5	2	October-00						2	October-00			2	1
June-00	0	6	1		3	June-00	1	1	3	1		4	June-00			4	
February-00						February-00							February-00				
November-99	0	4			4	November-99			2	1		1	November-99				
September-99						September-99							September-99				
Spring 1999						Spring 1999							Spring 1999				
Fall 1998						Fall 1998							Fall 1998				
Summer 1998						Summer 1998							Summer 1998				
Spring 1998					27	Spring 1998	10					17	Spring 1998				
Winter 1998					34	Winter 1998	14					20	Winter 1998				
Fall 1997						Fall 1997							Fall 1997				
Spring 1997						Spring 1997							Spring 1997				
Winter 1997						Winter 1997							Winter 1997				
Summer 1996						Summer 1996							Summer 1996				
Spring 1996						Spring 1996							Spring 1996				
Winter 1996						Winter 1996							Winter 1996				

Fall 1995						Fall 1995							Fall 1995				
Summer 1995						Summer 1995							Summer 1995				
Spring 1995						Spring 1995							Spring 1995				
Spring 1994						Spring 1994							Spring 1994				
Winter 1994						Winter 1994							Winter 1994				
Fall 1993						Fall 1993							Fall 1993				
Summer 1993					39	Summer 1993	7	7				25	Summer 1993				
Spring 1993						Spring 1993							Spring 1993				
Winter 1993						Winter 1993							Winter 1993				
Fall/Winter 1992						Fall/Winter 1992							Fall/Winter 1992				
Summer 1992						Summer 1992							Summer 1992				
Spring 1992						Spring 1992							Spring 1992				
Fall 1991						Fall 1991							Fall 1991				
est.subtotal cases	20	134	10.5	10.5	308	est.subtotal cases	55	37	31	19	0	164	est.subtotal cases	6	0	151	5
est. total cases	125	601	21	17	897	est. total cases	239	235	81	69	3	268	est. total cases	43.5	4	697.5	61
est. total by %	13.94%	67.00%	2.34%	1.90%	100.00%	est. total by %	26.64%	26.20%	9.03%	7.69%	0.33%	29.88%	est. total by %	4.85%	0.45%	77.76%	6.80%

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Natural Foods
Hilo

Kim Coco Iwamoto
Enlightened Energy
Honolulu

Chamber of
Sustainable
Commerce
P.O. Box 22394
Honolulu, HI
96823



Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair
Comm. on Judiciary & Hawaiian Affairs

Rep. Mark M. Nakashima, Chair
Rep. Jackson D. Sayama, Vice-Chair
Comm. on Consumer Protection & Commerce

Thursday, February 15, 2024
2:02 PM, Room 325 or Via Videoconference

RE: **HB2524** Relating to Condominiums - **Support with Amendments**

Dear Chairs Tarnas & Nakashima, Vice Chairs Takayama & Sayama & Members of both Committees,

The Chamber of Sustainable Commerce represents over 100 small businesses across the State that strive for a triple bottom line: people, planet and prosperity; we know Hawaii can strengthen its economy without hurting workers, consumers, communities or the environment.

While we support HB2524, which requires the Real Estate Commission (Commission) to receive and investigate complaints by condominium unit owners against associations that are subject to chapter 514B, Hawaii Revised Statutes, and requires the Ombudsman to issue findings within an unspecified number of days after a complaint is filed with the Ombudsman, we request your committees use the text of HB2680 and create an Ombudsman specifically to address condominium associations.

The bottom line is that condominium owners need a less costly way to resolve disputes with their condo associations, especially when these disputes can be resolved by a simple clarification of board/associations fiduciary duties to condominium unit owners. An impartial Ombudsman, who can receive and investigate complaints by condominium unit owners against their associations that are subject to HRS 514B, would provide a less expensive and more timely resolution to most conflicts.

HB-2524

Submitted on: 2/14/2024 11:02:10 AM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurie Sokach	Individual	Oppose	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee on Consumer Protection and Commerce:

and

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee on Judiciary and Hawaiian Affairs:

I OPPOSE H.B.2524 for the reasons set forth below.

Under Sections 514B-65 and 514B-66 of the Hawaii Revised Statutes, the Real Estate Commission of the State of Hawaii has the authority to investigate violations of specific sections of the Condominium Property Act, issue complaints, conduct hearings, render findings of facts and if necessary, issue cease and desist orders, in accordance with the detailed procedures set forth in those sections.

H.B.2524 contains vague language that would compel the commission to “[r]eceive and investigate complaints by condominium unit owners against associations that are subject to chapter 514B . . .” The measure fails to specify:

1. The types of complaints that would be subject to investigation by the commission;
2. The procedures for conducting the investigations;
3. The steps that the commission may take if it finds evidence of violations;
4. The power of the commission to conduct hearings;
5. The power of the commission to issue cease and desist orders or grant other relief.

Furthermore, H.B.2524 is unnecessary given the broad investigative powers of the commission under Sections 514B-65 and 514B-66 of the Hawaii Revised Statutes. In that regard, H.B.2524 will create confusion as it significantly overlaps with Sections 514B-65 and 514B-66. If the measure were adopted, the commission could have a duty to conduct investigations under both Section 467-4 and Section 514B-65; however, the procedures will be different under the two sections and actions taken by the commission under Section 467-4 will be subject to challenge given the vague language in that section. The Legislature should not impose additional duties on the commission absent a demonstrated need to do so.

In its February 13, 2024, letter, the Community Associations Institute proposed that as an alternative to the amendments to Chapter 467, in Section 1 of the measure, section 96-___(a) be modified by striking the reference to “section 467-4(9)” and replacing it with “section 514B-65.” I would support this modification for the same reasons provided by Community Associations Institute in its February 13, 2024, letter.

Respectfully submitted,

Laurie Sokach AMS, PCAM

Senior Community Portfolio Manager



DISTRICT 25 COUNCIL

Ala Moana
Kakaako
Downtown

District
Council
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Chair

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Comm. on Judiciary & Hawaiian Affairs

Rep. Mark M. Nakashima, Chair
Rep. Jackson D. Sayama, Vice-Chair
Comm. on Consumer Protection & Commerce

Thursday, February 15, 2024
2:02 PM, Room 325 or Via Videoconference

RE: **HB2524** Relating to Condominiums - **Support with Amendments**

Dear Chairs Tarnas & Nakashima, Vice Chairs Takayama & Sayama & Members of both Committees,

On November 21, 2023, District 25 Council of the Democratic Party of Hawaii, held an open meeting via zoom that was publicized to all registered democrats residing in District 25. Upon unanimous vote of all those in attendance, we determined that Consumer Protections for Condo Owners would be one of our district council's Top 5 Legislative Priorities for the 2024 Legislative Session.

We specifically determined to support those measures included in the Ala Moana - Kakaako Neighborhood Board Resolution Supporting Consumer Protection Bills for Condo Owners. (Please see attached copy below; note that it was adopted unanimously.) The resolutions specifically asks the legislature to pass bills that will "Create a State Ombudsman Office to efficiently resolve complaints from homeowners and associations when laws and rules are not followed."

Almost half of all registered voters in District 25 are condo owners and they are paying very close attention to bills that could affect, what may be, their most valuable asset. Residents in our district received campaign mailers that educated them about the legislative process; so they know that legislative leaders can publicly support a bill, and simultaneously use their power to kill that same bill behind the scenes. So condo owners in District 25 are looking to see if their elected officials are sincere in using their influence as legislative leaders to enact laws that protect condo owners.



ALA MOANA-KAKA'AKO NEIGHBORHOOD BOARD NO. 11

c/o NEIGHBORHOOD COMMISSION 925 DILLINGHAM BOULEVARD, SUITE 160 - HONOLULU, HAWAII,
96817 PHONE (808) 768-3710 FAX (808) 768-3711 INTERNET <http://www.honolulu.gov/nco>

RESOLUTION SUPPORTING CONSUMER PROTECTION BILLS FOR CONDO OWNERS

WHEREAS, the establishment of a condominium ombudsman has been proposed to aid in the resolution of condominium related disputes; and

WHEREAS, the Real Estate Branch of the Department of Commerce and Consumer Affairs (DCCA) is not providing the necessary assistance to help resolve disputes and concerns regarding violations of Hawaii Revised Statutes 514B, and the Regulated Industries Complaints Office (RICO) has very limited jurisdiction to assist and often closes cases with no findings, even with evidence of violations presented; and

WHEREAS, the Real Estate Branch of the DCCA has been required since 2013 to use the condominium education trust fund (CETF) to support mediation of condominium related disputes pursuant to Hawaii Revised Statute 514B-71, section (a)(4); and

WHEREAS, in 2018, the Real Estate Commission expanded the use of the condominium education trust fund to support voluntary binding arbitration; and

WHEREAS, mediation and arbitration has proven to be costly to homeowners and associations, but profitable for the attorneys and association management companies hired by the associations; and

WHEREAS, to eliminate the shortcomings and increase the effectiveness and accessibility of alternative dispute resolution at little to no additional cost to condominium owners and associations; and

WHEREAS, proxy voting unfairly benefits the incumbent association directors and managers who maintain restricted access to phone numbers and email addresses for each homeowner; and

WHEREAS, proxy voting has been confusing and ambiguous to owners who prefer to vote on their own, but are unable to attend their association elections; and

WHEREAS, each property management company is required to have one licensed real estate broker on staff, yet there is no licensure requirement for association community managers who are responsible for billions of dollars of real estate, and compliance with laws, rules, and professional standards; and

WHEREAS, the 2021 collapse of the Florida condominium, Champlain Towers South, exemplified the significant need for community association managers and board directors to know and fulfill their fiduciary duties to condo owners through the understanding of HRS 514B and their associations' governing documents; and

WHEREAS, documents reporting investigation and consultation studies of an association's buildings and infrastructure should be availed to all owners for their health and safety; and

WHEREAS, other association documents pertinent to and necessary for good governance should be availed to all owners in keeping with the theory that associations should be self-governed and self-regulated as intended by HRS 514B; so

NOW THEREFORE BE IT RESOLVED, that the Ala Moana-Kaka'ako Neighborhood Board No. 11 supports the passage of legislative bills that include the following solutions:

- Create a State Ombudsman Office to efficiently resolve complaints from homeowners and associations when laws and rules are not followed;
- Eliminate voting by proxy and allow only in-person or mail-in ballot voting;
- Increase transparency and homeowner access to association documents by increasing frequency of filing, quickening wait time, and broadening which documents are to be filed automatically, and by reducing the burdensome cost of electronic documents and extending owners free access to their association documents;

- Mandate licensure of association community managers to verify competency and ensure accountability and compliance with rules, laws, and professional standards; and
- Mandate educational requirements for association directors and community managers, to ensure they are prepared to properly fulfill their fiduciary, managerial, financial, and legal responsibilities to the association and the homeowners they serve.

BE IT FURTHER RESOLVED, that copies of this signed resolution be sent to all Hawaii Legislators.

This Resolution was adopted by the Ala Moana/Kaka'ako Neighborhood Board No. 11 by Unanimous Consent on Tuesday, February 28, 2023. (9-0-0) (AYE: Chee, Farinas, Lee, Zehner, Rice, Mariano, Chung, Nam, Faringer. NAY: None. ABSTAIN: None.)

Signed by Kathleen Lee, NB11 Chair

Date: 2/28/23

X  _____

HB-2524

Submitted on: 2/14/2024 8:59:38 AM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Dale Head	Individual	Support	Remotely Via Zoom

Comments:

Aloha CPC Chair Mark M. Nakashima & Vice Chair Jackson L. Sayama:

Regarding HB2524 - Requires the Real Estate Commission (Commission) to receive and investigate complaints by condominium unit owners against associations that are subject to chapter 514B, Hawai'i Revised Statutes. Requires the Ombudsman to issue findings within an unspecified number of days after a complaint is filed with the Ombudsman against the Commission regarding the Commission's foregoing duties.

I strongly SUPPORT this Bill as the state should have an entity within the Executive Branch with responsibility to enforce HRS514b, otherwise the statute is nothing more than a 'Bully Authorization Act. This as it grants unfettered power to HOA Boards of Directors and does not prohibit Managing Agents from hijacking elections in order to create a 'Puppet Board' run by the Property Manager, in my opinion.

Sincerely, Dale Arthur Head sunnymakaha@yahoo.com Wednesday 13 Feb 2024

Testimony in Support of HB2524

Submitted for: Judiciary & Hawaiian Affairs (JHA) and Consumer Protection & Commerce (CPC) joint Committee Hearings, scheduled for Wednesday, February 15, 2024 at 2:02 PM

Aloha Chairs Tarnas & Nakashima, Vice Chairs Takayama & Sayama, and Members of the Committees

My name is Gregory Misakian, and I currently serve as 2nd Vice President of the Kokua Council, Sub-District 2 Vice Chair of the Waikiki Neighborhood Board, and a Director on my condominium association's Board.

The Kokua Council, one of the oldest elder advocacy organizations in Hawaii, proposed four measures last year for better consumer protections for condominium owners, which were introduced as six bills (two which I co-authored, HB178 and HB1501). This year, Lila Mower (President of Kokua Council) and I drafted and proposed numerous additional measures, which were introduced as SB3204, SB3205, and SB3206 (and companion bills HB2701, HB2680, and HB2681).

The Waikiki Neighborhood Board, along with Ala Moana-Kakaako, McCully-Moiliili, and Makiki-Tantalus Neighborhood Boards, that have significant numbers of condominium associations in their communities, have adopted resolutions to support better consumer protection measures for condominium owners.

The Keoni Ana AOA, my condominium association where I am a frequent target for calling out misconduct by Board members and others, has the support of many owners who want to see better consumer protection measures.

The Public is concerned, engaged, and has been providing statements and testimonies to support the need for better laws and proper accountability and enforcement for bad acts by association Board members, management companies and their agents, attorneys, and others overseeing condominium associations and HOAs. I am a witness to this at many meetings I attend, and many discussions I have had one-on-one with concerned homeowners.

What is Needed

There is a lot of public support to show the need for better laws, but the support that is needed to get anything accomplished begins with you. And each of you literally hold the future of over 1/3 of the population of Hawaii in your hands. You can choose to help the residents of Hawaii, or do nothing and let the insanity continue. And when I use the word “insanity,” it is not to embellish or grandstand, you simply need to read and watch the news, read and listen to the testimonies each year, and hopefully have taken the time to read and watch testimonies from the Condominium Property Regime Task Force, where I have participated and provided testimonies (some of which I am including in my testimony here).

What is Not Needed

Our legislators need to be aware of the misinformation campaign, collusion, and conflict of interest, by many in opposition of better consumer protections for condominium owners.

Here are just some who oppose often and with disregard to the concerns and the facts, and some with conflict of interests that should disqualify testimony.

Richard Emery - Current Real Estate Commissioner & V.P. of Government Affairs for Associa Hawaii.

Richard Ekimoto - Attorney & CAI lobbyist, who sues condominium owners.

Philip Nerney - Condominium Property Regime Task Force Chair and Attorney who sues condominium owners often.

Mark McKellar - Attorney who sues condominium owners often in foreclosure cases.

Steve Glanstein - Parliamentarian (should be “unbiased” per his Code of Professional Responsibility).

Rachel Glanstein - Parliamentarian (should be “unbiased” per her Code of Professional Responsibility).

Anne Anderson - Attorney

Paul A. Ireland Koftinow - Attorney representing condominium associations.

Laurie Sokach - Management Company Representative

Numerous Association Board Presidents and Directors who want to retain their power and will do anything to do so, even providing our legislators with false information and a false narrative.

Many in this group are using **boilerplate cut and paste testimony** with misinformation, very strong language, derogatory comments towards the opposing side in favor of better laws, and without any regard for “individual” opinions. This form of testimony in my opinion is outrageous and should not be allowed, should be clear and obvious to our legislators, and at a minimum should not be considered in decision making.

News Headlines

Here are just a few Civil Beat headlines from 2023 and 2024, to further highlight how bad things are:

Slam The Brake On Runaway Legal Fees Charged By Condo Boards, January 26, 2024

Turkish Coffee Or Universal Khaki? Another Honolulu Condo Dispute Goes to Court, January 24, 2024

It Started With A Messy Front Porch. Now This Elderly Woman’s Condo Association May Take Her Home, January 16, 2024

This Waianae Condo Development Has Lost Hundreds Of Thousands Of Dollars To Embezzlement, October 10, 2023

Prominent Honolulu Condo Directors Pay \$600,000 To Settle Retaliation Claim, July 13, 2023

Hawaii Property Management Giant Under Scrutiny - Records Indicate that Associa Hawaii has been operating with an inactive license. April 6, 2023

These headlines are not outliers of the issues happening every day, but are just the ones getting reported. Sadly, there are many more that you never hear about or read about, as homeowners, including many kupuna, are often afraid to fight back and speak out. They unfortunately have nowhere to turn, as you have not provided them with the proper State Office to assist them and ensure there are resolutions without repercussions from unethical Boards, Management Companies, and their representative attorneys (i.e., retaliation, harassment, unwarranted fines and assessments, improper legal actions, and foreclosures).

Associa Hawaii is the Management company at my condominium association. They were operating illegally from January 1, 2023, through April 10, 2023. The owners at my association also voted them out at our Annual Meeting held in March of 2022, yet nothing was ever done to replace them, and they are still here. They also bear the responsibility to follow-up with the owners' lawful vote, and should have worked with the Board to find a replacement Management company. Clearly, they disregard not only State laws, but association governing documents and owners' rights. I have many other examples of bad acts by Associa Hawaii, and there is more that will be made public.

Violations of the Laws Our Legislature Enacts

My testimony and others are compelling, and at my association the misconduct and abuse of power is extreme and pervasive, and retaliation is regularly the result of my and others raising concerns. And, as I have previously testified at last year's Condominium Property Regime Task Force meetings, my condominium association is currently being led by a public official, who is a Corporation Counsel attorney for the City and County of Honolulu. Someone who should be upholding the laws of the State of Hawaii, is regularly violating them, most recently locking out my ability to unmute myself and speak at recent Keoni Ana AOA Board meetings via Zoom, a violation of Hawaii Revised Statute 514B-125, section (d).

SB2726 & HB1814 – Re. the Condominium Property Regime Task Force (Act 189)
(Good intentions, but too little, too late, and other reports are available.)

While I support SB2726 and HB1814 and their intentions, the urgency, severity, and frequency of issues impacting condominium owners throughout Hawaii warrants a more urgent and substantive response from our legislators, **and actions that will take effect in 2024.**

There is no more time to sit around waiting for reports that will only tell us what we already know (and previous reports have told us). The issues and concerns have gotten worse, more prevalent, and with impunity.

I advise all to read “An Issues Paper for the Hawaii Real Estate Commission,” authored by Gregory K. Tanaka, Dated January 1991. The title/subject is, “Condominium Dispute Resolution: Philosophical Considerations and Structural Alternatives.” I have forwarded a copy to the Chair, Vice Chair, and members of the Committee, prior to the submission of my testimony. Even back in 1991 it was clear that an Ombudsman was someone that could address the issues and concerns and be cost effective for everyone (reducing court cases and litigation). There are many other reports, and I am happy to forward more to you.

It was clear Hawaii needed an Ombudsman in 1991, and it’s clear Hawaii needs one now. Hawaii also needs better laws for condominium owners and the time to act is now, the time for reports was years ago. I urge you all to please listen to the Gregorys ... Gregory Tanaka, and Gregory Misakian.

The residents of Hawaii simply want a place to go to get “enforcement,” of the very laws our legislators introduce, debate, and enact (within Hawaii Revised Statutes 514B and other statutes). The residents of Hawaii also want to be treated fairly, and not extorted for money by predatory Board members, predatory attorneys, and others.

Excerpts From Testimony I Submitted to the Condominium Property Regime Task Force (Act 189, 2023), for the Nov. 30th and Dec. 14th, 2023 Task Force meetings.

Testimony In Support of:

- 1) **Condominium Owner's Rights.**
- 2) **The need for a State Ombudsman's Office** to address owner complaints of misconduct and malfeasance by condominium Association Board members, Management Companies and their agents, Site Managers, Resident Managers, General Managers, Attorneys, and others. And to address complaints owners have regarding the Department of Commerce and Consumer Affairs, the Regulated Complaints Industry Office, and others who engage in any improper acts or actions, fail to take complaints, or fail to address concerns or administer proper investigations with fair and equitable resolutions. And to require proper enforcement actions and accountability for misconduct by Board members, Management Companies and their Agents, and others.
- 3) **The need for HRS 514B reforms**, including in the areas of voting rights, Board member qualifications, education and training, Community Manager licensing and/or certification, and numerous other areas identified via the Task Force and past legislative testimony for condominium related bills (and future testimony).
- 4) **The need for a two-sided communication flow of "accurate" information to condominium owners**, and not a one-sided viewpoint tainted with conflict of interest (i.e., with all of the messaging coming from the condominium trade industry and attorneys who represent Management Companies and Association Boards).

As I previously stated in my October 27th testimony:

I am dealing with serious misconduct at my condominium association, and the number of issues and concerns and the abuse of power is literally overwhelming.

I summarized some of the issues and concerns in my previous testimony, but there are many more, and recently the abuse of power and misconduct from our Board President has gotten much worse. Below are just some of the things that happened at the most recent Keoni Ana AOA Board meeting on November 20, 2023.

- 1) The meeting notice/agenda was never sent to owners via TownSQ/Email, so many owners who do not live in the building were not aware of the Board meeting. Our Board President posted a TownSQ notice at 5:20 PM, just 25 minutes prior to the meeting, and with the wrong start time (6:00 PM noticed, vs, 5:45 PM when the Owner's Forum began). Our Board President has chosen to not properly notice Board meetings, and is disenfranchising the owners from participating in the meetings and in the Owner's Forum.
- 2) The Board President, Daniel Jacob (an attorney and public employee who works for the City and County of Honolulu, Corporation Counsel), took control of the Zoom meeting by locking the option to "unmute." When the first item on the agenda came up, I could not unmute myself to speak and raise an objection to adopt the agenda (as I wanted to motion to add items to the agenda). I also raised my hand and was not recognized. This is a serious abuse of power and is unlawful, and is also retaliation in violation of HRS 514B-191. When I was finally able to speak to give my Treasurers report and raised concerns about what was done, and ask Mr. Jacob to stop muting me, he ignored my concerns, was argumentative, and said he can do whatever he wants. He continued to mute me numerous times when I was speaking or trying to speak during the meeting. He also did this in Executive Session. To highlight just one example and reason why a State Ombudsman is needed, this is it. This is a violation of HRS 514B-125 (seen further below, with the section highlighted). And to address this one issue alone, do I have to file for a mediation, and then litigate this in court? And how long does the Task Force think this issue might take to resolve? And at what cost financially?
- 3) The meeting agenda was not followed (the Board President skipped agenda items without stating he was doing so, and numerous agenda items were not discussed).
- 4) The Board Packet for the meeting was missing a great deal of information needed for decision making and voting. It was missing previous meeting minutes (regular board meeting and the executive session). Also missing were

bids and proposals needed for decision making. In one example no bids/proposals were included for a structural engineering firm and only one proposal was verbally mentioned for a vote. I requested that the vote not be taken, as the Board had no written proposal to review, in addition to not having multiple bids/proposals (and it was verbally stated there was a second one). Our Board President still motioned for a vote and the Board majority approved the engineering firm. I am aware of other misconduct related to this and concerns of kickbacks and other improper actions.

- 5) I motioned for a Budget Committee to be formed (something I had been trying to get the Board to act on since the late summer with no success). I received no 2nd from any other Board member. The Board was already non-compliant to our governing documents regarding the budget, and Associa Hawaii had misinformed the owners regarding the Board meeting to discuss the budget (via a USPS mailing they sent). Later in the meeting our Board President motioned to form a Budget Committee (the very thing I motioned for with no 2nd). He included names of Board members and said owners could also be part of the Committee. I, the Treasurer of the Association, was excluded from the Committee. The level of retaliation I have received, both as an owner and now as a Board member, is something that no homeowner should ever have to experience.

§514B-125 Board meetings.

(d) All board meetings shall be conducted in accordance with the most recent edition of Robert's Rules of Order Newly Revised. **Unless otherwise provided in the declaration or bylaws, a board may permit any meeting to be conducted by any means of communication through which all directors participating may simultaneously hear each other during the meeting.** A director participating in a meeting by this means is deemed to be present in person at the meeting. If permitted by the board, any unit owner may participate in a meeting conducted by a means of communication through which all participants may simultaneously hear

Excerpts From ThinkTech Hawaii, Condo Insider, where condominium owners are not invited to express their concerns and opinions.

There is numerous misinformation and one-sided discussions seen at the many ThinkTech Hawaii Condo Insider videos hosted by those from the condominium trade industry. Some of the most glaring and concerning statements were at the Condo Insider episode dated August 21, 2023, titled “New Act 189 Re Condos and HOAs,” which was hosted by Ms. Jane Sugimura, who is an attorney seen at the Hawaii State Bar Association website as Yuriko J. Sugimura.

At timestamp 19:28, Ms. Sugimura misstates Colonel Mark Brown’s case as settling before going to trial, which was not true, as this case settled during trial.

At timestamp 21:39, Ms. Sugimura quotes how many mediations there were in a period that was reported by the Real Estate Commission, and states 50% were mediated to some resolution (even though they are confidential, and you can never know if they were truly resolved or successful). What she reported also does not agree with data I have seen.

At timestamp 22:20, Ms. Sugimura makes a glaring and concerning statement, that the cases that didn’t settle at mediation didn’t go forward to litigation because the owners didn’t have good cases. As she could never know the details about the mediations or the cases, she could never make this statement. From the many discussions I have had with owners who have concerns and attempted to mediate or did mediate, many could not afford to go forward with litigation, or were concerned with the risks, including the lengthy process, and possibly having to pay the other sides attorney costs if they don’t win their cases.

At timestamp 23:03, Ms. Sugimura says:

“But the good thing that came out of that is, the ones that didn’t complete the mediation didn’t go any further, so it ended, and I think that’s what everybody wants.”

My first thought was, “did she just say that on the record.” I think the gravity of this statement is clear.

She further elaborates, providing more of her “opinion” with no facts and the opposite of what is generally known (with evidence to support).

She also goes on to directly contradict herself regarding mediations ending without lawsuits and saying there aren't many lawsuits, then goes on to say how the judges are scolding her, and there are so many condominium lawsuits.

Continuing from timestamp 25:20, at timestamp 25:33, Ms. Sugimura says the most glaring and concerning statements, *“The judges, let me tell you, the judges get, don't like the cases, they, they hate both sides, don't think you're going to get a sympathetic judge. The minute the judge finds out it's a condo dispute, I mean, I don't know what happens, the horns go up. All of a sudden, they want to rush you off to mediation or arbitration, but anyway, they want you off their docket, they don't want you in their court room, because they think the disputes are stupid and petty. And they don't understand why you have to take up public time and money, to, to have some third party resolve your dispute, you know, for you.”*

If what Ms. Sugimura states is true, that “the Judges want you off their docket” and “the Judges think the disputes are stupid and petty,” then we have a Judiciary problem, if it's not true, we have an attorney problem. Either way we have a problem, and Ms. Sugimura's public statements and misinformation, which are made often, whether in ThinkTech Hawaii Condo Insider videos for the condo trade industry, or in public testimony at the legislature, are of serious concern.

Self-Governed (A term loosely and incorrectly applied.)
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Saying something over and over that is not true will not simply make it true, but this has been the case and continues to be the case with many, including our legislators (who continue to use the term self-governed to define condominium associations). When State legislators enact laws that apply to condominium associations, the “Self” just became the “State” (i.e., State-Governed). But in reality, it's a bit of both and is more of a Hybrid-Governed society ... until it's not and devolves into a Board/Abuse of Power-Governed society, which seems to be the case more and more across Hawaii, and at my condominium association, the Keoni Ana AOA.

While I do Support HB2524 and what I believe its intent is, I also have concerns. Empowering members of the Real Estate Commission who have clear conflicts of interest, to investigate condominium owners' concerns, is potentially setting up owners for bad decisions, no findings, and the status quo.

The real solution, and the only correct solution, is to have an Ombudsman's Office specifically for Condominium Associations and HOA's, and there are numerous Bills introduced last year and this year to do just that (HB178, HB1501, HB1745, SB3205, SB3206, HB2680, and HB2681).

Mahalo,

Gregory Misakian

HB-2524

Submitted on: 2/14/2024 1:50:32 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Bebe Bainum	Individual	Support	Remotely Via Zoom

Comments:

Aloha,

I am a condo owner in Honolulu and am in support of this HB2524, and any other related Bills, that seek to improve the ability of owners to have thier concerns and voices heard when experiencing challeges with their Boards.

Mahalo,

Bebe Bainum

HB-2524

Submitted on: 2/13/2024 2:41:20 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

As a condo owner we need more protection from our boards. Please support this bill. Mahalo.

HB-2524

Submitted on: 2/13/2024 3:24:50 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Sandie Wong	Individual	Oppose	Written Testimony Only

Comments:

i am oppose to HB2524 because it is not necessary. Condo disputes are resolved by mediation. Its a process that works. Thank you.

HB-2524

Submitted on: 2/13/2024 3:51:05 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Oppose	Written Testimony Only

Comments:

This seems to be the year of the legislature on the attack against condo board members. As a condo owner and board member I am outraged. There is no substance in this bill. After they investigate, what happens? Do they fine, do they remove, do they file their notes. We already have systems in place. There is no need to tinker with them. What is needed is a study of what other states do, to learn from them and then maybe do an overhaul.

Please defer this bill.

HB-2524

Submitted on: 2/13/2024 4:37:37 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Dawn Smith	Individual	Support	Written Testimony Only

Comments:

I am strongly in favor of creating an ombudsman position to assist condo owners with complaints that have fallen on deaf ears but may involve serious safety issues or failure to follow the legislation in place (example - provide records.)

HB-2524

Submitted on: 2/13/2024 4:40:34 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeff Sadino	Individual	Support	Written Testimony Only

Comments:

I support this Bill.

HB-2524

Submitted on: 2/13/2024 5:54:17 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Anne Anderson	Individual	Oppose	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee on Consumer Protection and Commerce:

and

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee on Judiciary and Hawaiian Affairs:

I OPPOSE H.B.2524 for the reasons set forth below.

Under Sections 514B-65 and 514B-66 of the Hawaii Revised Statutes, the Real Estate Commission of the State of Hawaii has the authority to investigate violations of specific sections of the Condominium Property Act, issue complaints, conduct hearings, render findings of facts and if necessary, issue cease and desist orders, in accordance with the detailed procedures set forth in those sections.

H.B.2524 contains vague language that would compel the commission to “[r]eceive and investigate complaints by condominium unit owners against associations that are subject to chapter 514B . . .” The measure fails to specify:

1. The types of complaints that would be subject to investigation by the commission;
2. The procedures for conducting the investigations;
3. The steps that the commission may take if it finds evidence of violations;
4. The power of the commission to conduct hearings;
5. The power of the commission to issue cease and desist orders or grant other relief.

Furthermore, H.B.2524 is unnecessary given the broad investigative powers of the commission under Sections 514B-65 and 514B-66 of the Hawaii Revised Statutes. In that regard, H.B.2524 will create confusion as it significantly overlaps with Sections 514B-65 and 514B-66. If the measure were adopted, the commission could have a duty to conduct investigations under both Section 467-4 and Section 514B-65; however, the procedures will be different under the two sections and actions taken by the commission under Section 467-4 will be subject to challenge given the vague language in that section. The Legislature should not impose additional duties on the commission absent a demonstrated need to do so.

In its February 13, 2024, letter, the Community Associations Institute proposed that as an alternative to the amendments to Chapter 467, in Section 1 of the measure, section 96-___(a) be modified by striking the reference to “section 467-4(9)” and replacing it with “section 514B-65.” I would support this modification for the same reasons provided by Community Associations Institute in its February 13, 2024, letter.

Respectfully submitted,

Anne Anderson

HB-2524

Submitted on: 2/13/2024 6:01:55 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Joe M Taylor	Individual	Oppose	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee on Consumer Protection and Commerce:

and

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Respectfully submitted,

Joe Taylor

HB-2524

Submitted on: 2/13/2024 6:19:41 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
John Toalson	Individual	Oppose	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee on Consumer Protection and Commerce:

and

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee on Judiciary and Hawaiian Affairs:

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Respectfully submitted,

John Toalson

HB-2524

Submitted on: 2/13/2024 6:22:29 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
mary freeman	Individual	Oppose	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee on Consumer Protection and Commerce:

and

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee on Judiciary and Hawaiian Affairs:

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Respectfully submitted,

Mary Freeman

Ewa Beach

HB-2524

Submitted on: 2/13/2024 6:54:15 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Sharon Heritage	Individual	Comments	Written Testimony Only

Comments:

HB2524 should NOT create a condominium ombudsman. This is already an issue in HB1814 HB1. The Committee should listen to its Task Force and move forward with the Legislative Reference Bureau's study and report on ombudman programs in other jurisdictions. The Committee is giving too much power to the Real Estate Commission.

HB-2524

Submitted on: 2/13/2024 7:08:16 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Primrose	Individual	Oppose	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee on Consumer Protection and Commerce:

and

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee on Judiciary and Hawaiian Affairs:

I OPPOSE H.B.2524 for the reasons set forth below.

Under Sections 514B-65 and 514B-66 of the Hawaii Revised Statutes, the Real Estate Commission of the State of Hawaii has the authority to investigate violations of specific sections of the Condominium Property Act, issue complaints, conduct hearings, render findings of facts and if necessary, issue cease and desist orders, in accordance with the detailed procedures set forth in those sections.

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given the vague language in that section. The Legislature should not impose additional duties on the commission absent a demonstrated need to do so.

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Respectfully submitted,

Primrose K. Leong-Nakamoto (S)

TO: Hawaii State Legislators

FROM: Sheldon S Y Lee

Re: My testimony in support of SB2524

Members of the board and the property manager at a condominium building paid a contractor \$2.6 million.

The contractor gave back some of the money to the board and property manager, in exchange for being given the job.

The expenditure was never authorized by the unit owners, as required by the bylaws.

The board had already spent about \$800,000 on “repairs and renovations.”

A bank was more than willing to extend a loan of \$3.3 million.

The board went ahead and spent the other \$700,000, without a vote by the owners.

As a result, the owners’ monthly fees tripled, indefinitely.

The interest rate on the loan would increase after 15 years.

The association—and its attorneys--foreclosed on owners who could not pay the higher fees.

Two of the owners were a retired couple who had to move to the mainland.

A third of the owners sold their units, mostly at reduced prices.

The building became gentrified.

The trouble began when an engineer moved into the penthouse and became the treasurer.

Recently, the existing property manager had retired.

Existing board members did not like the engineer and resigned. The president was replaced through proxy voting.

The large contract was put out to bid, but awarded to the contractor that the treasurer preferred.

The treasurer had worked with that contractor before.

The treasurer was constantly in contact with the contractor, architects and another engineer, on his own.

The expenditure of \$2.6 million was more than three times the amount on the permit.

The board president had complained about having to pay his son's tuition.

Suddenly, he retired and bought a large, expensive car.

The treasurer had owned a luxury vehicle that often did not run.

The treasurer bought a new luxury vehicle.

Obtaining the records of an association or "looking at the books" is not a cure-all.

Anyone with any sense would not show kickbacks on the books of a condo association.

Owners do not have the authority to see the private financial records of board members, property managers or contractors.

Kickbacks, large and small (a hundred dollars here and there, Zippy's gift cards, etc.) may be a way of life in Hawaii, but should not be.

I have personally known contractors who gave kickbacks, because "otherwise, [they] wouldn't get the work. Somebody else would get it."

By the way, the property manager admitted to me that some of the damage at the building was due to negligence on the part of his company.

There is a lot more that I could say.

Simply "educating" board members and property managers will not prevent them from stealing, if that is what they intend to do and if they can get away with it.

Condo owners should be educated about the steps they can take if they suspect corruption at their building.

What is happening at condominiums in Hawaii is dirty and our public representatives should do something about it.

There is an anti-corruption statute in Hawaii, HRS §708-880 Commercial bribery.

John McCarthy of the Honolulu Police Department has written an article about that statute and condo associations in the CAI (Community Associations Institute) newsletter.

I would support an agency with the power to review expenditures at condo associations and to refer suspicious activities to HPD.

There are many honest and intelligent citizens who have had issues at their condominiums. I hope that our legislators will start to listen to them.

Thank you.

HB-2524

Submitted on: 2/14/2024 6:03:48 AM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Lance S. Fujisaki	Individual	Oppose	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee on Consumer Protection and Commerce:

and

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee on Judiciary and Hawaiian Affairs:

I **OPPOSE** H.B.2524 for the reasons set forth below.

Under Sections 514B-65 and 514B-66 of the Hawaii Revised Statutes, the Real Estate Commission of the State of Hawaii has the authority to investigate violations of specific sections of the Condominium Property Act, issue complaints, conduct hearings, render findings of facts and if necessary, issue cease and desist orders, in accordance with the detailed procedures set forth in those sections.

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In its February 13, 2024, letter, the Community Associations Institute proposed that as an alternative to the amendments to Chapter 467, in Section 1 of the measure, section 96-___(a) be

modified by striking the reference to "section 467-4(9)" and replacing it with "section 514B-65."
I would support this modification for the same reasons provided by Community Associations
Institute in its February 13, 2024, letter.

Respectfully submitted,

Lance Fujisaki

HB-2524

Submitted on: 2/14/2024 6:57:49 AM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Julie Wassel	Individual	Oppose	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee on Consumer Protection and Commerce:

and

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4. The power of the commission to conduct hearings;
5. The power of the commission to issue cease and desist orders or grant other relief.

Furthermore, H.B.2524 is unnecessary given the broad investigative powers of the commission under Sections 514B-65 and 514B-66 of the Hawaii Revised Statutes. In that regard, H.B.2524 will create confusion as it significantly overlaps with Sections 514B-65 and 514B-66. If the measure were adopted, the commission could have a duty to conduct investigations under both Section 467-4 and Section 514B-65; however, the procedures will be different under the two sections and actions taken by the commission under Section 467-4 will be subject to challenge given the vague language in that section. The Legislature should not impose additional duties on the commission absent a demonstrated need to do so.

In its February 13, 2024, letter, the Community Associations Institute proposed that as an alternative to the amendments to Chapter 467, in Section 1 of the measure, section 96-___(a) be modified by striking the reference to “section 467-4(9)” and replacing it with “section 514B-65.” I would support this modification for the same reasons provided by Community Associations Institute in its February 13, 2024, letter.

Respectfully Submitted,

Julie Wassel

HB-2524

Submitted on: 2/14/2024 7:58:58 AM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Lourdes Scheibert	Individual	Support	Written Testimony Only

Comments:

I support this measure!

HB-2524

Submitted on: 2/14/2024 8:05:17 AM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul A. Ireland Koftinow	Individual	Oppose	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee on Consumer Protection and Commerce:

and

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee on Judiciary and Hawaiian Affairs:

I OPPOSE H.B.2524 for the reasons set forth below.

Under Sections 514B-65 and 514B-66 of the Hawaii Revised Statutes, the Real Estate Commission of the State of Hawaii has the authority to investigate violations of specific sections of the Condominium Property Act, issue complaints, conduct hearings, render findings of facts and if necessary, issue cease and desist orders, in accordance with the detailed procedures set forth in those sections.

H.B.2524 contains vague language that would compel the commission to “[r]eceive and investigate complaints by condominium unit owners against associations that are subject to chapter 514B . . .” The measure fails to specify:

1. The types of complaints that would be subject to investigation by the commission;
2. The procedures for conducting the investigations;
3. The steps that the commission may take if it finds evidence of violations;
4. The power of the commission to conduct hearings;
5. The power of the commission to issue cease and desist orders or grant other relief.

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Respectfully submitted,

Paul A. Ireland Koftinow

HB-2524

Submitted on: 2/14/2024 9:13:12 AM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark McKellar	Law Offices of Mark K. McKellar, LLC	Oppose	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee on Consumer Protection and Commerce:

and

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Respectfully submitted,

Mark McKellar

HB-2524

Submitted on: 2/14/2024 10:41:39 AM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Marcia Kimura	Individual	Support	Written Testimony Only

Comments:

I support this measure if the provision that the commission will investigate and make decisions on ALL legitimate complaints condominium owners submit to the commission. regarding condominium association boards, is what it purports to state.

Frankly, I find it hard to believe the sincerity of this clause, as there has been heretofore so much staunch resistance by the commission and industry lobby groups, to the commission's assumption of this responsibility. But only if this is not amended out of the measure, and can be taken at face value, do I support HB2524.

HB-2524

Submitted on: 2/14/2024 10:55:32 AM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Christy Hinds	Individual	Oppose	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee on Consumer Protection and Commerce:

and

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Respectfully submitted,

Christy Hinds

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee on Consumer Protection and Commerce:

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Respectfully

Pamela J. Schell

HB-2524

Submitted on: 2/14/2024 1:35:11 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Carol Walker	Individual	Oppose	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee on Consumer Protection and Commerce:

and

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee on Judiciary and Hawaiian Affairs:

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Respectfully submitted,

Carol Walker

HB-2524

Submitted on: 2/14/2024 1:40:54 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy Manali-Leonardo	Individual	Support	Written Testimony Only

Comments:

Good Afternoon Committee Chair,

I am in strong support of this bill.

Thank you,

Nancy Manali-Leonardo

c. 808-542-1556

HB-2524

Submitted on: 2/14/2024 5:11:36 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Joy Schoenecker	Individual	Oppose	Written Testimony Only

Comments:

Too much power given to an already powerful organization !

HB-2524

Submitted on: 2/14/2024 9:30:03 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Kate Paine	Individual	Support	Written Testimony Only

Comments:

It's a step in saving condo / associations viability.