

SB-179

Submitted on: 2/6/2025 2:17:05 PM

Testimony for CPN on 2/10/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Hawaii LECET	Testifying for Hawaii Laborers & Employers Cooperation and Education Trust	Support	Written Testimony Only

Comments:

Hawaii LECET supports SB179.

February 10, 2025

The Honorable Jarrett Keohokalole, Chair

Senate Committee on Commerce and Consumer Protection
State Capitol, Conference Room 229 & Videoconference

RE: Senate Bill 179, Relating to the Remedies

HEARING: Monday, February 10, 2025, at 9:35 a.m.

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its over 10,000 members. HAR **supports** Senate Bill 179 which clarifies the applicability of the statute of repose for actions arising from construction defects. Clarifies the required contents of a notice of claim of construction defect served on a contractor. Amends the process and time frame for a claimant to accept a contractor's offer to settle or inspect and authorize the contractor to proceed with repairs. Limits the amount a claimant can recover if the claimant rejects a contractor's reasonable proposal for inspection or a reasonable offer to remedy. Clarifies the consequences of rejecting an offer of settlement.

Recent litigation over construction defects poses significant challenges for housing in Hawaii. These lawsuits, which can be frivolous, have stalled housing developments. First-time homebuyers are particularly affected, as these claims hinder their access to government-backed mortgages. Consequently, FHA, VA, Fannie Mae, and Freddie Mac have disqualified condominium projects facing litigation. Without access to low downpayment programs and lacking the 20% downpayment required by portfolio lending, many first-time homebuyers and veterans are unable to purchase homes.

As such, this measure can help to prevent frivolous lawsuits by giving homebuilders and homeowners more chances to resolve construction issues early and fairly.

Mahalo for the opportunity to provide testimony on this measure.

▪ February 6, 2025

The Honorable Jarrett Keohokalole, Chair
The Honorable Carol Fukunaga, Vice Chair
and Members of the Senate Committee on Commerce and Consumer Protection

Re: Testimony - SB 179 Relating to Remedies
Hearing: February 10, 2025 at 9:35 AM, Conference Room 229

Dear Chair Keohokalole, Vice Chair Fukunaga and Committee Members:

Stanford Carr Development (SCD) supports SB 179, which enhances clarity and fairness in resolving construction defects.

Under the current Contractor Repair Act (HRS §672E-3), claimants must provide a 90-day advance notice before filing a legal complaint, detailing the alleged defects. However, claims are often vague and overly broad. We support the proposed amendments requiring greater specificity in defect descriptions before initiating legal action.

Additionally, we endorse the proposed changes to:

- **HRS §672E-4**, which ensures both the claimant and contractor cooperate in timely inspections; and
- **HRS §672E-6**, which facilitates defect repairs through settlement rather than litigation.

While SB 179 may seem to impose additional requirements on consumers, it ultimately protects them from unnecessary litigation driven by legal counsel prioritizing their own financial gain over their clients' best interests.

As a developer with over 30 years of experience who stands behind our workmanship, I, along with my peers, simply request the opportunity to remedy defects in good faith—rather than waste valuable time and resources on costly legal battles.

Thank you for the opportunity to provide comments on this measure.

Respectfully,



Stanford S. Carr



HASEKO DEVELOPMENT, INC.

February 6, 2025

The Honorable Jarrett Keohokalole, Chair
The Honorable Carol Fukunaga, Vice Chair
& Members of the Commerce and Consumer Protection
Hawaii State Senate
Hawaii State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for SB179 Relating to Remedies

Aloha Chair Keohokalole and Members of the Committee,

RE: Support SB179 – Relating to Remedies

My name is Lisa Enanoria, and I am the Senior Manager of Communications for Haseko Development, Inc. in 'Ewa Beach. My company and I strongly support SB179 because it will improve the process for homeowners to address construction defects, while ensuring that homeownership remains attainable.

The original intent of the Contractor Repair Act was to foster collaboration between homeowners and builders, enabling defects to be identified and fixed without resorting to lengthy legal disputes. However, the current law has loopholes that have led to an increase in lawsuits, causing delays in repairs, escalating housing costs, and deterring new home construction. As a result, it has become more difficult for Hawai'i families to afford purchasing homes.

We urge you to support SB179 to help restore the original intent of the Contractor Repair Act.

Sincerely,

Lisa Enanoria
Senior Manager of Communications
Haseko Development, Inc.

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

I am testifying in **strong support of SB179** because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

The Contractor Repair Act was originally designed to encourage cooperation between homeowners and builders, allowing defects to be identified and fixed without unnecessary legal battles. Unfortunately, loopholes in the current law have led to a rise in lawsuits that delay repairs, drive up housing costs, and discourage new home construction. This has made it harder for families—especially first-time homebuyers—to afford a home in Hawai'i.

The impact of these lawsuits goes beyond homebuilders. Families trying to buy homes face higher costs and fewer financing options because lenders are hesitant to approve loans for properties tied up in litigation. Homeowners dealing with defects are forced into drawn-out legal disputes instead of getting timely repairs. Even entire communities have suffered, with some homeowner associations advised to neglect maintenance to strengthen legal claims, leaving shared spaces in disrepair.

SB179 helps address these problems by restoring the original intent of the Contractor Repair Act. It ensures builders have the opportunity to make repairs before a lawsuit is filed, reduces unnecessary legal costs, and makes the process fairer for homeowners. This bill will help keep housing affordable, protect communities, and ensure homeowners get the timely repairs they deserve.

I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

SB-179

Submitted on: 2/6/2025 2:50:37 PM

Testimony for CPN on 2/10/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Guy Taylor	Testifying for Z Contractors Inc.	Support	Written Testimony Only

Comments:

February 4, 2025

To the Honorable: Chair Jarrett Keohokalole

and members of the Commerce and Consumer Protection

Hawaii State Senate

Good day Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

My name is Guy Taylor, and I am a general contractor here in Hawaii. I am testifying in strong support of SB179.

The Contractor Repair Act was intended to foster collaboration between builders and homeowners, ensuring defects are addressed efficiently. Unfortunately, this process has been derailed by attorneys exploiting legal loopholes to file class action lawsuits that are often unnecessary and hurting both the construction industry here in Hawaii and the homeowners that purchase these properties. In most cases the homeowners don't even know they are part of this litigation due to the lawyers sending post type cards notifying them which gets tossed in the trash. These lawsuits delay projects, increase costs, and disrupt the housing market. Builders face heightened risks, which leads to higher construction costs, fewer housing projects, and reduced affordability.

We build quality housing following the building codes to the tee using the highest quality material and hardware specified per the building codes. We are also signatory with the Hawaii Carpenters Union and use skilled tradesmen. If this matter is not addressed the home building industry will continue to struggle under the weight of legal uncertainty and

rising costs and perhaps on certain upcoming projects the developers will choose to take their business to the mainland.

SB179 offers a solution by establishing clearer guidelines that will lead to a more fair and cooperative process for addressing construction defects. This bill will reduce unnecessary litigation, stabilize costs, and allow builders to focus on delivering quality homes for Hawai'i's residents. I respectfully urge your support and please let together stop these mainland lawyers from exploiting the people of Hawaii.

Thank you

Guy Taylor

Z Contractors Inc.

gtaylorhawaii@gmail.com

February 6th, 2025

The Honorable Jarrett Keohokalole, Chair
And members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capital
415 S. Beretania Street
Honolulu HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

I am Peter Eldridge, owner of Raynor Hawaii Overhead Doors and Gates Inc. and we employ 33 people in Hawai'i's building industry. I am testifying that **we need SB179**.

The Contractor Repair Act was intended to foster collaboration between builders and homeowners, ensuring defects were addressed efficiently. Unfortunately, this process has been derailed by attorneys exploiting legal loopholes to file lawsuits that are often unnecessary or trivial. These lawsuits delay projects, increase costs, and disrupt the housing market. Builders face heightened risks, which leads to higher construction costs, fewer housing projects, and reduced affordability.

The real losers are all of us. Hawaii's prospective home owners end up without the housing units available to buy and leave the state or remain poorly housed. The city collects less property taxes since over 200 residences were NOT built last year due to these pending lawsuits. Our labor goes under-utilized and some families end up leaving the state. For those of us in the building industry, these issues have real consequences too. Rising litigation costs make it harder to keep housing projects on schedule and within budget. Builders are less willing to take on projects, impacting jobs and delaying much-needed housing production. Without reform, the home building industry will continue to struggle under the weight of legal uncertainty and rising costs.

SB179 offers a solution by establishing clearer guidelines that will lead to a more fair and cooperative process for addressing construction defects. This bill will reduce unnecessary litigation, stabilize costs, and allow builders to focus on delivering quality homes for Hawai'i's residents. I respectfully urge your support. Mahalo.

Peter Eldridge

Petere@hawaiidoor.com

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

I am testifying in strong support of SB179 because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

The Contractor Repair Act was originally designed to encourage cooperation between homeowners and builders, allowing defects to be identified and fixed without unnecessary legal battles. Unfortunately, loopholes in the current law have led to a rise in lawsuits that delay repairs, drive up housing costs, and discourage new home construction. This has made it harder for families—especially first-time homebuyers—to afford a home in Hawai'i.

The impact of these lawsuits goes beyond homebuilders. Families trying to buy homes face higher costs and fewer financing options because lenders are hesitant to approve loans for properties tied up in litigation. Homeowners dealing with defects are forced into drawn-out legal disputes instead of getting timely repairs. Even entire communities have suffered, with some homeowner associations advised to neglect maintenance to strengthen legal claims, leaving shared spaces in disrepair.

SB179 helps address these problems by restoring the original intent of the Contractor Repair Act. It ensures builders have the opportunity to make repairs before a lawsuit is filed, reduces unnecessary legal costs, and makes the process fairer for homeowners. This bill will help keep housing affordable, protect communities, and ensure homeowners get the timely repairs they deserve.

I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

Chad Teixeira

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

Alex Kwon

President

Paradigm Construction LLC

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

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I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

Joey Gomez

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

I am testifying in **strong support of SB179** because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

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I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

Craig Nishimura

craign@grayhongnojima.com



MUTUAL HOUSING
ASSOCIATION OF HAWAII

"Building our communities with respect, integrity, and aloha..."

Kekaulike Courtyards ♦ Ko'oloa'ula ♦ Lihu'e Court Townhomes ♦ Palolo Homes

February 7, 2025

The Honorable Jarrett Keohokalole, Chair and the Members of the
Senate Committee on Commerce and Consumer Protection
Hawai'i State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Chair Keohokalole and Committee Members:

Subject: Senate Bill 179 – Contractor Repair Act

The Mutual Housing Association of Hawai'i, Inc. ("Mutual Housing") supports Senate Bill 179, which seeks to provide clearer guidelines in the Contractor Repair Act ("CRA") which governs the process for homeowners and builders to address construction defects in local homes. Mutual Housing is a local non-profit that owns, develops and operates low-income housing for Hawai'i families. Our team has over three decades experience providing affordable housing to thousands of local families.

We believe that SB 179 offers a sensible solution by establishing clearer guidelines that will lead to a more collaborative and fair process when construction defects arise. We have experienced first-hand how opportunistic law firms have manipulated well-intentioned regulations for their monetary gain. Frivolous and harmful lawsuits are hampering the development and delivery of much needed affordable housing as legal costs and other resources are lost addressing litigation. Our building industry cannot afford these added costs and the negative impacts it has on the investment for new homes.

SB 179 will help reduce wasteful litigation, stabilize costs, and allow the construction industry to focus on producing quality homes for Hawai'i's families at this critical time. Thank you for the opportunity to provide this testimony.

Sincerely,

David M. Nakamura
Executive Director

February 7, 2025

Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair
Committee on Commerce and Consumer Protection

Aloha Chair Keohokalole, Vice Chair Fukunaga and Committee on Commerce and Consumer Protection,

My name is Darian Chun, and I work in Hawai'i's building industry. I am testifying in strong support of SB179



The Contractor Repair Act was intended to foster collaboration between builders and homeowners, ensuring defects were addressed efficiently. Unfortunately, this process has been derailed by attorneys exploiting legal loopholes to file lawsuits that are often unnecessary or trivial. These lawsuits delay projects, increase costs, and disrupt the housing market. Builders face heightened risks, which leads to higher construction costs, fewer housing projects, and reduced affordability.

For those of us in the building industry, these issues have real consequences. Rising litigation costs make it harder to keep housing projects on schedule and within budget. Builders are less willing to take on projects, impacting jobs and delaying much-needed housing production. Without reform, the home building industry will continue to struggle under the weight of legal uncertainty and rising costs.

SB179 offers a solution by establishing clearer guidelines that will lead to a more fair and cooperative process for addressing construction defects. This bill will reduce unnecessary litigation, stabilize costs, and allow builders to focus on delivering quality homes for Hawai'i's residents. I respectfully urge your support. Mahalo.

Darian Chun

A handwritten signature in black ink, appearing to read 'Darian Chun', written over a light blue horizontal line.

Darianc8111@gmail.com

February 7, 2025

Chair Luke A. Evslin
Vice Chair Tyson K. Miyake
Members of the House Committee on Housing
Thirty-Third Legislature, Regular Session of 2025

Aloha Chair Evslin, Vice Chair Miyake, and Members of the Housing Committee,

My name is Katherine Ishida with A-Plus Seamless Raingutters, Inc. and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

The Contractor Repair Act was intended to foster collaboration between builders and homeowners, ensuring defects were addressed efficiently. Unfortunately, this process has been derailed by attorneys exploiting legal loopholes to file lawsuits that are often unnecessary or trivial. These lawsuits delay projects, increase costs, and disrupt the housing market. Builders face heightened risks, which leads to higher construction costs, fewer housing projects, and reduced affordability.

For those of us in the building industry, these issues have real consequences. Rising litigation costs make it harder to keep housing projects on schedule and within budget. Builders are less willing to take on projects, impacting jobs and delaying much-needed housing production. Without reform, the home building industry will continue to struggle under the weight of legal uncertainty and rising costs.

HB420 offers a solution by establishing clearer guidelines that will lead to a more fair and cooperative process for addressing construction defects. This bill will reduce unnecessary litigation, stabilize costs, and allow builders to focus on delivering quality homes for Hawai'i's residents. I respectfully urge your support. Mahalo.

A-Plus Seamless Raingutters, Inc.
Katherine Ishida

Ishidakm001@gmail.com

Leonard K.P. Leong
President

February 7, 2025

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813



Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

As a concerned citizen I support SB179 since it will help to eliminate in house construction and purchase.

Housing shortage will only get worse if we are continuously fighting lawsuits

Mahalo!


Leonard K.P Leong
President

Testimony of
Pacific Resource Partnership

Hawai'i State Legislature, Senate Committee on Commerce & Consumer Protection
Honorable Chair Jarrett Keohokalole and Honorable Vice Chair Carol Fukunaga
Monday, February 10, 2025

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee:

On behalf of Pacific Resource Partnership (PRP), which represents 6,000 unionized carpenters and 250 general contractors across Hawai'i, we strongly support SB179, which seeks to reform and strengthen the pre-litigation Contractor Repair Act (CRA). This legislation is critical to protecting homeownership opportunities, ensuring fairness in the construction industry, and addressing the severe housing crisis that continues to impact working families in our state.

Stopping Lawsuit Abuse to Keep Housing Attainable

Hawai'i is already one of the most expensive places to live in the United States. Unfortunately, unscrupulous mainland attorneys have exploited legal loopholes, weaponizing class action lawsuits against homebuilders in a cookie-cutter fashion. These lawsuits are often unnecessary and do little to address actual construction defects. Instead, they create a chilling effect on housing development, forcing homebuilders to forgo the construction of hundreds of desperately needed homes, apartments, and condominiums.

The repercussions of this predatory legal strategy extend far beyond builders. The ripple effects touch:

- **Homebuyers**, who find it harder to qualify for federally backed home loans because lenders are wary of financing properties entangled in litigation.
- **Homeowners**, who are blocked from selling their homes while their property is wrapped up in a lawsuit they never consented to in the first place.
- **Communities**, which are deprived of housing supply, keeping prices high and pushing local families out of the market.

Prioritizing Repairs Over Lawsuits

One of the most troubling aspects of these lawsuits is that once a home, apartment, or condominium is included in class action litigation, homeowners lose their ability to communicate directly with the homebuilder to request necessary repairs. Instead of a timely resolution, they are left in limbo for



years while the legal process drags on. And when the case is finally settled, homeowners often receive only a fraction of what was promised, while the attorneys walk away with massive fees.

The intent of the original Contractor Repair Act was to foster a cooperative, good-faith process between builders and homeowners to address legitimate construction defects. However, the current system has been hijacked by a handful of mainland attorneys, turning homeownership into a battleground for profit-driven litigation.

A Balanced Solution for Hawai'i's Housing Future

SB179 restores the original purpose of the Contractor Repair Act and ensures that:

- Homeowners receive timely repairs without unnecessary legal intervention.
- Homebuilders remain accountable for legitimate defects while being protected from abusive lawsuits.
- Future homebuyers can access a more stable housing market without legal barriers.
- Lenders can confidently finance properties without fear of drawn-out litigation.
- Hawai'i's construction workforce remains strong, with builders empowered to continue projects without the looming threat of unnecessary lawsuits.

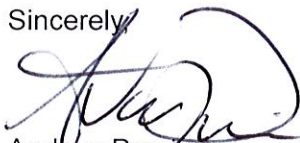
We urge this committee to pass SB179 and take a stand against the legal abuse that is stalling much-needed housing development in Hawai'i.

By ensuring a fair and effective process for resolving construction defects, we can protect homeownership, safeguard Hawai'i's workforce, and promote a more sustainable and affordable housing market for all.

Mahalo for your time and consideration.

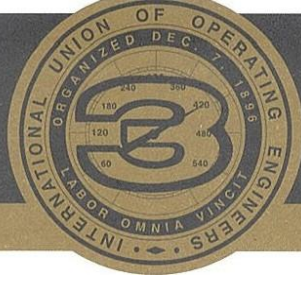
Pacific Resource Partnership stands ready to support this effort and work with lawmakers to bring much-needed reform to Hawai'i's housing industry.

Sincerely,



Andrew Pereira
Director of Public Affairs
Pacific Resource Partnership





February 7, 2025

The Honorable Jarrett Keohokalole, Committee on Commerce and Consumer Protection, Chair
The Honorable Carol Fukunaga, Committee on Commerce and Consumer Protection, Chair
Members of the Senate Committee on Commerce and Consumer Protection

RE: STRONG SUPPORT FOR SB179

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

My name is Ana Tuiasosopo, and I am a Trustee and District Representative for the International Union of Operating Engineers (IUOE) Local 3, representing heavy equipment operators, mechanics, surveyors, and other skilled tradespeople in Hawai'i's construction industry.

I submit this testimony in strong support of SB179 because it is critical to protecting jobs, ensuring a stable housing market, and restoring a fair, common-sense approach to resolving construction disputes.

Construction is one of Hawai'i's largest job-producing industries, and our members rely on steady work to support their families. But excessive lawsuits have made it harder for homebuilders to take on projects, slowed down development, and created uncertainty for workers. When projects stall, our members are the first to feel it—hours get cut, paychecks shrink, and families struggle to make ends meet. We cannot afford to let unnecessary legal battles put good jobs at risk.

Hawai'i's housing crisis is already severe, and the current system is making it worse. Instead of helping homeowners get the repairs they need, some attorneys have turned construction defect claims into a tool for profit, driving up costs and delaying projects that could provide much-needed housing for local families. SB179 takes a smarter approach by ensuring that builders have the opportunity to make repairs first, rather than dragging homeowners into lawsuits that can take years to resolve.

The original intent of the Contractor Repair Act was to create a cooperative process where homeowners and builders could work together to fix problems. But over time, the system has been abused, making it harder for builders to take responsibility without legal interference. SB179 restores that balance by giving homeowners the repairs they need while keeping housing projects on track and protecting the jobs that thousands of working families depend on.

Mahalo for your time and consideration.

Ana Tuiasosopo
District 17 Representative, Trustee
Operating Engineers Local 3

February 7, 2025

The Honorable Jarrett Keohokalole, Chair
And Members of the Commerce and Consumer Protection
Hawaii State Senate

RE: SB179 – RELATING TO THE CONTACTOR REPAIR ACT

Aloha Chair Keohokalole and Members of the Committee,

I am writing to express my strong **SUPPORT** of SB179 – RELATING TO THE CONTRACTOR REPAIR ACT relating to construction defects in housing.

R. M. Towill Corporation (RMTC) is one of the state's largest and most experienced locally owned engineering Companies. RMTC has 120 employees with 40 licensed engineers, 12 LEED Accredited Professionals, three Envision Sustainability Professionals, three licensed surveyors, and nine full-time planning professionals. RMTC has completed over 20,000 projects in Hawaii and throughout the Pacific Basin. This includes the infrastructure planning and design for most of the major residential developments on Oahu within the past 25 years, over 300 miles of roadway in Hawaii and the Pacific, \$500 million in harbor infrastructure, and the upgrade and expansion of the largest wastewater treatment facility in the State.

RMTC has provided its engineering service to various housing developers, and we are aware of all the offsite infrastructure and permitting difficulties that they already need to overcome to provide affordable housing. Recently, there has been defect litigation that have forced developers to put a stop to the further development of housing. This is simply devastating to those homeowners awaiting for a home to live in. Also, the halting of housing development has a direct impact to the engineering and construction community. Our industry has committed manpower and other expenses to continue helping developers to continue building the much needed infrastructure and satisfy the housing shortage. We are concerned that the ripple effect that halting of housing will have on other industries that depends on housing development. In addition, we understand that first time homebuyers who need government backed mortgage are unable to get these loans and are essentially denied the opportunity to own a home.

The amendment to the Contractor Repair Act will be vital for homeowners to deal with construction defects in a fair and transparent manner. Homeowners need to spend less

time worrying about potential construction defects and spend more time taking care of their families.

As a well established local Company, RMTC strongly supports SB179. We believe that the amendment will allow developers to address construction defects expeditions and will eventually deter unfounded litigations and allow Hawaii to keep chipping away at our housing crisis. We humbly ask for your support to these amendments.

Sincerely

 Collins Lam
Collins Lam

Digitally signed by Collins Lam
DN: c=US,
E=collins@rmtowill.com,
CN=Collins Lam
Date: 2025.02.07 11:21:16-1000'

Vice President

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

I am testifying in **strong support of SB179** because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

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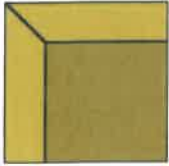
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SB179 helps address these problems by restoring the original intent of the Contractor Repair Act. It ensures builders have the opportunity to make repairs before a lawsuit is filed, reduces unnecessary legal costs, and makes the process fairer for homeowners. This bill will help keep housing affordable, protect communities, and ensure homeowners get the timely repairs they deserve.

I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Gregory C. Brandes



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The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

I am testifying in **strong support of SB179** because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

The Contractor Repair Act was originally designed to encourage cooperation between homeowners and builders, allowing defects to be identified and fixed without unnecessary legal battles. Unfortunately, loopholes in the current law have led to a rise in lawsuits that delay repairs, drive up housing costs, and discourage new home construction. This has made it harder for families—especially first-time homebuyers—to afford a home in Hawai'i.

The impact of these lawsuits goes beyond homebuilders. Families trying to buy homes face higher costs and fewer financing options because lenders are hesitant to approve loans for properties tied up in litigation. Homeowners dealing with defects are forced into drawn-out legal disputes instead of getting timely repairs. Even entire communities have suffered, with some homeowner associations advised to neglect maintenance to strengthen legal claims, leaving shared spaces in disrepair.

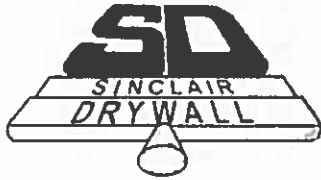
SB179 helps address these problems by restoring the original intent of the Contractor Repair Act. It ensures builders have the opportunity to make repairs before a lawsuit is filed, reduces unnecessary legal costs, and makes the process fairer for homeowners. This bill will help keep housing affordable, protect communities, and ensure homeowners get the timely repairs they deserve.

I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

Sincerely,

Stephen Yuen
President



SINCLAIR DRYWALL, INC.

905 Kalaniana'ole Highway Box 107, Kailua, Hawaii 96734
Phone: (808) 261 - 0043 Fax: (808) 261 - 8410

February 7, 2025

The Honorable Jarrett Keohokalole, Chair
And Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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MAHALO

KARL L. SINCLAIR, PRESIDENT

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
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Mahalo!



Cecilio Soliven
2159 Lauwiliwili St.
Kapolei, HI 96707

February 10, 2025

Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair
Senate Committee on Commerce and Consumer Protection
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Subject: **S.B. 179 RELATING TO REMEDIES**
Hearing: Monday, February 10, 2025, 9:35 am
Conference Room 229, State Capitol

Dear Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

My name is Quentin Machida and I am testifying on behalf of Gentry Homes, Ltd. in strong **SUPPORT** of the subject bill which proposes much-needed changes to our laws relating to repairs of construction defects in housing.

The Contractor Repair Act (CRA) under Chapter 672E was intended to provide a means for builders and homeowners to efficiently and collaboratively address legitimate construction defects that are discovered within a certain time period. As a homebuilder who has existed in Hawaii for over 55 years and who desires to continue building homes in our state, we believe that our reputation and quality of work is of utmost importance. It is in our best interest to not only build the best homes possible, but to also proactively address any legitimate construction defect claims as quickly and effectively as possible.

Unfortunately, our company and several other homebuilders have recently been the target of a rising number of class action lawsuits which have prohibited us from addressing construction defect claims as quickly and efficiently as possible. This harms the homeowner, our companies, and the community as a whole. These types of lawsuits have had a deleterious effect on the overall housing market by delaying housing construction, restricting mortgage lending, increasing insurance costs, impacting jobs, decreasing supply, and increasing the overall cost of housing. Without reform, Hawaii's housing crisis will continue to worsen because of the detrimental impacts of such lawsuits on not only potential homebuyers, but the construction industry at large. As a builder of workforce housing for local families, we find this to be both undesirable and unacceptable.

SB179 offers a solution by establishing clearer guidelines that will lead to a more fair and cooperative process for addressing construction defects. This bill will reduce unnecessary litigation, stabilize costs, and allow builders to focus on delivering quality homes for Hawaii's residents. I respectfully urge your support. Mahalo.

Sincerely,

GENTRY HOMES, LTD.



Quentin Machida
President and CEO

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

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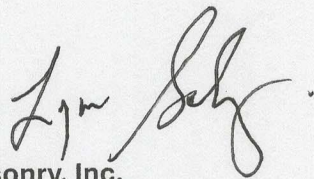
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SB179 helps address these problems by restoring the original intent of the Contractor Repair Act. It ensures builders have the opportunity to make repairs before a lawsuit is filed, reduces unnecessary legal costs, and makes the process fairer for homeowners. This bill will help keep housing affordable, protect communities, and ensure homeowners get the timely repairs they deserve.

I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

Lynne Sokugawa



Vinyl Tech and Masonry, Inc.

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

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Mahalo!

Chris Sokugawa

Vinyl Tech and Masonry, Inc.



**HAWAII STATE SENATE
COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
Conference Room 225 & Videoconference
State Capitol
9:35am**

February 10, 2025

Subject: SB 179, Relating to Remedies

Chair Keohokalole, Vice Chair Fukunaga, and members of the Committee:

My name is Roseann Freitas, CEO of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

BIA-Hawaii is in strong support of SB 179, Relating to Remedies. This bill clarifies the applicability of the statute of repose for actions arising from construction defects, clarifies the required contents of a notice of claim of construction defect served on a contractor, amends the process and time frame for a claimant to accept a contractor's offer to settle or inspect and authorize the contractor to proceed with repairs, limits the amount a claimant can recover if the claimant rejects a contractor's reasonable proposal for inspection or a reasonable offer to remedy, and clarifies the consequences of rejecting an offer of settlement.

Hawaii's homebuilders are committed to delivering high-quality homes that meet or exceed industry standards. However, construction defect claims have increasingly led to costly litigation, delaying necessary repairs and driving up housing costs. SB 179 provides a balanced, pre-litigation resolution process, allowing contractors to address and repair alleged defects before homeowners file lawsuits.

We appreciate the opportunity to provide our comments on this matter.



Chair Jarrett Keohokalole
Vice Chair Carol Fukunaga
Members of the Senate Committee on Commerce and Consumer Protection
Thirty-Third Legislature, Regular Session of 2025

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

My name is Lee Tokuhara, and I lead Government Relations and Community Affairs for D.R. Horton Hawaii. I am submitting this testimony in **strong support of SB179**, which seeks to reform the Contractor Repair Act (CRA) and clarify important aspects of the statute of repose under HRS § 657-8.

As one of Hawaii's largest homebuilders, D.R. Horton, alongside Castle & Cooke, Haseko, Gentry Homes, and Stanford Carr, plays a pivotal role in addressing our state's housing shortage. We are committed to developing multi-family units, condominiums, townhouses, and production housing that maximize Oahu's limited land and offer affordable options for working residents and families.

However, the current legal environment undermines these efforts. The dense nature of these projects makes them prime targets for class-action lawsuits from construction defect attorneys. The statistics are alarming: before 2010, only six construction defect lawsuits were filed in Hawaii. Since 2010, that number has surged to 65. This exponential increase in litigation poses a serious threat to the future of housing development in our state.

Five recent class-action lawsuits resulted in attorneys collecting nearly \$50 million in fees. Some of these cases dragged on for more than eight years, leaving both homeowners and builders in prolonged uncertainty. What's more concerning is that once a class-action lawsuit is filed and certified, we are legally prohibited from directly communicating with the homeowners involved. This leaves homeowners unaware of their inclusion in a lawsuit and uninformed about their rights, such as the option to opt out.

130 Merchant Street, Suite 112 · Honolulu, Hawaii 96813 · 808.521.5661

www.drhorton.com/hawaii

To address these challenges, SB179 introduces key statutory clarifications and reforms that will protect both homeowners and builders, while promoting a more cooperative and efficient resolution process.

Comments and Suggestions on Specific Provisions:

1. Clarifying the Statute of Repose (HRS § 657-8):

The proposed language in HRS § 657-8(a) reiterates what the statute already provides concerning its applicability to all types of actions. The current language specifies that "no action to recover damages... arising out of any deficiency or neglect in the planning, design, construction, supervision and administering of construction, and observation of construction relating to an improvement to real property shall be commenced more than two years after the cause of action has accrued, but in any event, not more than ten years after the date of completion of the improvement." The insertion of the phrase "no action, whether in contract, tort, statute, or otherwise" clarifies that the prohibition applies universally, aligning with the fundamental purpose of a statute of repose.

2. Purpose of the Statute of Repose (HRS § 657-8(e)):

The 10-year limit within HRS § 657-8 serves as a statute of repose, establishing an absolute bar to claims after the defined period. Unlike statutes of limitations, statutes of repose are not subject to judicial extension or equitable tolling. The U.S. Supreme Court clarified this distinction in *CTS Corp. v. Waldburger*, 573 U.S. 1 (2014), emphasizing that statutes of repose provide defendants with certainty and finality, shielding them from perpetual liability.

In enacting this statute, the Legislature balanced the rights of claimants with the need for legal certainty for contractors. Notably, several states have statutes of repose shorter than Hawai'i's 10-year period, underscoring the reasonableness of our current law.

3. Defining Material Violations (HRS § 657-8(f) & § 657-8(g)):

The proposed language in HRS § 657-8(f) and the definition of "material violation" in § 657-8(g) are modeled after Florida Statute 553.84 (2023). To address concerns, we are open to modifying the definition to specify "a building code violation that exists within a completed building, structure, or facility which may result, or has resulted, in physical harm to a person or significant damage to the performance of a building or its systems." This adjustment allows claimants to pursue valid claims while preventing frivolous lawsuits aimed at inflating settlement values.

4. Enhancing the Contractor Repair Act Process (HRS § 672E-3):

The proposed changes in HRS § 672E-3(a) and (b) ensure that claimants and contractors have access to essential information for meaningful participation in the repair process. Claimants with existing reports, photographs, or testing results are required to share them, facilitating timely and effective repairs. Importantly, these amendments do not preclude

class actions but promote transparency and informed decision-making among potential class members.

5. Inspection and Access Provisions (HRS § 672E-4(c)):

Concerns were raised regarding inspection access under HRS § 672E-4(c). The proposed language clarifies existing requirements by specifying that both parties must agree on the time and date for inspections, ensuring reasonable access during normal working hours. This change adds protections for both claimants and contractors without imposing additional burdens.

6. Settlement Incentives (HRS § 672E-6):

The proposed language at HRS § 672E-6 incentivizes early and reasonable settlement offers from contractors while encouraging claimants to consider these offers seriously. It preserves claimants' rights to pursue further recovery if they achieve better outcomes in court or arbitration. Similar provisions exist in other states' Contractor Repair Acts, including Idaho, Alaska, and Texas.

Conclusion:

SB179 fosters a balanced approach that safeguards homeowners' rights while enabling builders to continue contributing to Hawai'i's housing supply. The reforms ensure that legitimate defects are addressed swiftly and fairly, reducing unnecessary litigation that ultimately burdens homeowners, builders, and the broader community.

For the sake of Hawaii's families and the health of our housing market, I respectfully urge you to pass SB179. Thank you for the opportunity to provide testimony. I am available to answer any questions you may have.

Mahalo,

Lee Tokuhara

Vice-President, Government Relations and Community Affairs

D.R. Horton Hawaii



Testimony of Christopher Hikida

TO: State of Hawaii, The Senate
The Thirty-Third Legislative Session 2025
Committee on Commerce and Consumer Protection

Re: **OPPOSITION to S.B. 179**

Dear Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee:

My name is Christopher Hikida, and I am a Partner in the Hawaii office of the law firm of Kasdan Turner Thomson Booth, LLLC. We practice plaintiff-side construction defect litigation and we represent homeowners and associations seeking safe and code-compliant housing by pursuing their legal rights against developers and contractors.

I **OPPOSE S.B. 179** as it would make homes more costly for consumers by putting the costs for contractors’ mistakes on the homeowner; and it would be constitutionally problematic by creating special protections to a class of contractors and builders that are not afforded to other defendants.

I. S.B. 179 DOES NOT Achieve the Goals of Affordability, Instead Making Housing More Costly

S.B. 179 does not achieve the goal of creating more affordable homes in Hawaii. Instead, it would make purchasing a home ultimately more costly for homeowners, as it would shift cost of repairing construction defects to the homeowners—homeowners would be responsible not only for the initial costs of purchasing a home, but for subsequent costs to repair defects created by the developers and contractors. S.B. 179 does this by making it easier for developers and contractors

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*KASDAN TURNER THOMSON BOOTH LLLC PRACTICE IS IN AFFILIATION WITH KASDAN TURNER THOMSON BOOTH LLP

to get away with shoddy workmanship, and preventing homeowners from recovering the funds needed to repair construction defects in their homes.

S.B. 179 would hurt consumers by (1) preventing homeowners from pursuing their legitimate construction defect claims; and (2) creating an unequal bargaining field, significantly disadvantaging the homeowner while giving developers and contractors the upper hand in the resolution process. Specifically, S.B. 179 would hurt consumers by:

- Preventing Homeowners From Bringing any Claims After Two Years of Discovery—creating special protections only for builders and contractors
- Preventing Homeowners From Recovering For Violations of Numerous Building Codes, Including Violations Those Affecting Life and Safety of Residents
- Gutting Class Actions for Homeowners
- Forcing Homeowners to Accept Inadequate Offers
- Turning the Contractor Repair Act Into a One-Directional Process

II. Construction Defects Are Hidden Costs That Make Home Ownership Unaffordable

My firm currently represents over 2,000 unit owners through their associations in various high-rise buildings throughout Honolulu including buildings which are over 88% workforce housing. We also represent thousands of homeowners on Oahu, Maui, Kauai, and Hawaii in certified class action lawsuits regarding corroded foundation systems due to improper construction.

The homeowners we represent face significant and immediate issues due to construction defects, for which they do not have sufficient funds to repair. For example, the following are a small sample of the issues our clients face after purchasing a defective home:

- Defects in fire protection systems affecting life and safety of homeowners

- Defects in plumbing systems leading to constant sewer smells, leaks, backups, and water damage in homes
- Defective materials used for exterior screens and windows, leading to dangerous conditions where panels or windows fall off the side of high-rise buildings onto walkways below

Construction defects lead to significant regular costs for the homeowner and associations, who are required to conduct temporary repairs just to keep their homes habitable. And the permanent solutions often come at a significant expense for the homeowners and associations—requiring millions or tens of millions of dollars. This is money that homeowners and associations do not have—especially given the high cost of housing in Hawaii.

III. S.B. 179 Prevents Homeowners From Recovering For Legitimate Defect Claims

S.B. 179 will prevent homeowners from recovering for legitimate construction defects by (A) unreasonably limiting the timeframe in which homeowners can bring claims; (B) preventing homeowners from bringing legitimate construction defect claims; and (C) demolishing the class action process for homeowners.

A. S.B. 179 unreasonably cuts to the time in which a homeowner can bring a cause of action violating the Equal Protection clause of the Fourteenth Amendment and its state counterpart

S.B. 179 modifies HRS § 657-8, the Statute of Repose, to require that homeowners bring any cause of action, including claims under contract, tort, statute or otherwise, within two years from when the “cause of action accrued”.

This change would make Hawaii’s Statute of Repose the most restrictive in the United States—most all states have a ten-year statute of repose from date of completion without the additional time limitation from when the cause of action accrued. Other states don’t have a statute

of repose that provides additional limitations from when the cause of action accrued because statute of limitations already exist for the various causes of action (i.e. negligence, breach of contract, etc.).

Similarly, Hawaii already has statute of limitations for various causes of action, such as negligence and breach of contract. S.B. 179, by limiting all causes of action for construction defect to 2 years would offend the Equal Protection clause of the Fourteenth Amendment and its State counterpart treating contractors and builders as a special class of persons subject to stronger protections. See *Fujioka v. Kam*, 55 Haw. 7, 514 P.2d 568 (1973) and *Shibuya v. Architects Haw.*, 65 Haw. 26, 647 P.2d 276 (1982), finding that versions of HRS § 657-8 violated the equal protections clause because they benefitted a special class of contractors and builders based on their membership in the construction industry.

For example, a 6-year statute of limitations already exists for Breach of Contract or Breach of Warranty claims under HRS § 657-1. S.B. 179 would shrink that to two (2) years from when the breach was discovered—entitling builders and contractors to a shorter time frame in which they could be liable for similar claims. This would mean that a plaintiff in any other case (including any contractor suing for breach of a construction contract) could bring a breach of contract claim during a 6-year time frame, while homeowners and associations would be unfairly limited to 2 years in construction defect cases.

This significantly shortened time frame is highly problematic, especially where there are multiple factors that often prevent homeowners and associations from expeditiously bringing claims. For example, homeowners often don't realize that problems they face are caused by underlying construction defects until a consultant is involved; homeowners have to go through a long and onerous prelitigation process prior to filing a claim; developers often continue to have

sway over the board of the association, even after the developer control period is over; and developers often put clauses in the association's governing documents such as requiring developer approval prior to filing lawsuits, thwarting the association's efforts to timely bring its claims.

The proposed bill also defines the term "substantial completion" as the earliest of the issuance of a temporary Certificate of Occupancy – which can be a date well before the building is truly completed – or the earliest of the filing of a Notice of Completion. It is well known that oftentimes, to start the lien period for claimants or subcontractors and materials suppliers, these notices are often published long before a building is finished and transferred to homeowners.

B. S.B. 179 unreasonably limits actionable claims and strips homeowners of the right to pursue life-safety Building Code violations

S.B. 179 further constrains homeowners by preventing them from bringing claims for violations of the Building Code that provides for life and safety building requirements. S.B. 179 only allows homeowners to bring claims for "material violations" – and then states that in order to pursue claims for Building Code violations, the violations have to pose or cause significant damage to the performance of the building.

This legislation would leave no remedies to fix critical fire or life safety defects until after there is a tragedy.

Moreover, S.B. 179 also contains language which is 100% contrary to the existing language in all model building codes published by the International Code Council (ICC), which states:

1. The fact that the plans contain code violations does not constitute approval of the code violation.
2. The fact that the building was inspected and even obtained a final sign-off does not constitute approval of the violation.

3. The fact that a Certificate of Occupancy was issued by the Building Office does not constitute approval as to code compliance.

S.B. 179 turns that concept on its head and instead says that if there was plan approval and inspection, there can be no material violation. This would mean that contractors and builders could escape liability through plan approval or an inspection, even if the violation is clearly a defect that affects the homeowners and needs to be repaired.

C. S.B. 179 guts the class action process

S.B. 179 proposes to destroy the well-developed practice of class actions in Hawaii. Courts have specifically followed the framework for class actions under Rule 23 of the Hawaii Rules of Civil Procedure. Hawaii has specifically allowed for class actions to be filed, where one or more individuals act in a representative capacity for themselves and all persons similarly situated. The current practice here in marrying HRS §672E with Rule 23 of the Hawaii Rules of Civil Procedure is to certify the class, then allow contractors to inspect a representative sample of the homes.

Owners of variously identified mass-produced tract homes are a proper and perfect example of where class actions are necessary—since it would be unfeasible to require each homeowner to obtain and pay their own legal fees. However, S.B. 179 attempts to abolish the class action process by requiring each class member to comply with HRS § 672E, which by this proposed statute includes inspection of each dwelling subject to the claim.

This is the antithesis of a class action where one acts on behalf of the class—it would make the construction defect recovery process expensive and significantly time-consuming.

IV. S.B. 179 Gives Contractors and Builders Unequal Bargaining Power

S.B. 179 would significantly disadvantage homeowners and advantage builders and contractors during the resolution process by penalizing homeowners who reject developer and contractor's offers and turning HRS § 672E into a one-way flow of information.

A. S.B. 179 will force homeowners into accepting low-ball offers

The provisions in S.B. 179 promotes settlement by coercing homeowners into accepting any offer made during the Contractor Repair Act process—essentially requiring the homeowner to accept the contractor's initial offer. S.B. 179, at Section 674E-4(c), states: 'the claimant shall accept a contractor's proposal' (emphasis added) to inspect, without regard to how intrusive it may be—allowing a contractor to harass an owner with unreasonable demands.

S.B. 179 then sets forth as a statutory limit that, if the homeowner rejects the contractor's offer, that the claimant's recovery "shall be limited" to the reasonable value of the repair determined on the date of the offer and the amount of the offered monetary payment. Thus, the contractors get to set for the exact nature of the repair and they determine its scope – and the amount of the offered monetary payment becomes a de facto limit of the recovery.

As such, the contractor gets to unilaterally determine and limit the recovery, depriving the owner of having a jury determine the cost of repair.

Moreover, attorney fees are used as a weapon, after navigating the limit on the recovery set forth in the proposed statute, if the homeowner does not do better than the offer, then they have to pay all of the attorney's fees and costs of the Contractor, and the owner is precluded from recovering their own fees on any claim. Even though Hawaii, being an assumpsit state, allows prevailing parties in contract claims to recover fees unless precluded by express terms in the contract. This proposed legislation abrogates that right.

While S.B. 179 seeks to penalize homeowners who do not accept a contractor's offer, it does not provide any similar incentive to contractors to make a reasonable offer during the Contractor Repair Act process.

The amendments under S.B. 179 would therefore allow contractors to use the procedures of the Contract Repair Act to strong-arm homeowners into accepting insufficient repairs or costs for repair, and ultimately deny homeowners sufficient recovery to repair the construction defects in their homes.

B. S.B. 179 will create a cumbersome prelitigation process

S.B. 179 also imposes unreasonable hurdles in the Contractor Repair Act for homeowners to satisfy, requiring the homeowner and associations to provide to the Contractors all of their investigative work product and provide both attorney work product and expert work product prior to litigation. The bill requires that, if available to the claimant, 'actual evidence' of both the nature and cause of the construction defect and necessary repairs be provided, including expert reports, photographs, videotapes, and any testing done. This will provide grounds for contractors to argue that homeowners and associations have failed to meet the requirements of the Contractor Repair Act, thus making it exceedingly difficult to proceed towards a just resolution.

The current version the Contractor Repair Act already requires homeowners to provide significant information on the defects by describing the construction defect claims in detail, providing all test results related to the claims, and providing access to contractors to inspect all testing and conduct its own testing.

In contrast, the Contractor Repair Act does not require the contractor to provide ANY information on the homes despite having constructed them. In reality, contractors have the most practical information related to the construction defects of the building and how those defects can

be reasonably repaired. Contractors have all the construction documents showing how the building was actually constructed, which is critical for information needed for all parties (including the homeowners) to assess the defects and necessary repairs. And yet contractors are not required to provide this or any information during the Contractor Repair Act process. As a result, homeowners and associations cannot obtain the necessary documents during the Contractor Repair Act process to adequately assess the construction defects and determine an appropriate repair and are forced to move forward to litigation—where they are finally able to obtain discovery.

Therefore, S.B. 179 would further prejudice homeowners in what is already a biased process that requires only a one-way flow of information from homeowner to contractor.

V. CONCLUSION

Developers supporting S.B. 179 attempt to frame the construction defect process as a core cause of unaffordable housing in Hawaii, without providing any actual evidence. They do not provide a solution that promotes better initial construction—which would significantly cut down on total costs. Rather, they propose changes in S.B. 179, that makes it more profitable to continue with the status quo—failing to fix the underlying issue of quality control.

However, S.B. 179 would not achieve the goals of this Committee to make housing more affordable. On the contrary, it would only allow developers and contractors to avoid liability for construction defects, and make it harder for homeowners to obtain sufficient recovery to repair the issues. S.B. 179 would ultimately shift the costs of construction defects on homeowners who will not only have to pay for housing, but will also have to subsequently pay to repair the contractors defects. Ultimately, S.B. 179 would make housing less affordable for consumers.

Thank you for your consideration.

Very Truly Yours,



Christopher K. Hikida
Kasdan Turner Thomson Booth LLLC
chikida@kasdancdlaw.com



Hawai'i YIMBY
Honolulu, HI 96814
hawaiiyimby.org
info@hawaiiyimby.org

February 10, 2025

Senate Committee on Commerce and Consumer Protections
Hawai'i State Capitol
Honolulu, HI 96813

RE: SUPPORT for SB 179 - RELATING TO REMEDIES

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

On behalf of Hawai'i YIMBY, we are writing in **support of SB 179** which would clarify the Contractor Repair Act and outline a balanced and clear path to reconciliation when a legitimate construction defect claim is made.

We believe the main solution to our housing crisis is building more housing. As currently stands, imbalance and lack of clarity within the Contractor Repair Act is both slowing down and halting housing production and not yielding adequate remedy for legitimate construction defect claims. If overly-broad, time-consuming litigation is allowed to continue, we will have fewer homes built for Hawai'i residents and will continue to have residents whose homes have legitimate defects that cannot be fixed in a timely manner due to ongoing litigation or insufficient settlement funds. These effects impact current and future generations' access to homeownership, which will have long-lasting effects on our local population and economy. It is important that we identify and correct barriers to housing production, while continuing to require the highest standards of our home builders and appropriate protections for our homeowners.

Hawai'i YIMBY (*Yes In My Backyard*) is a volunteer-led grassroots advocacy organization dedicated to supporting bold and effective solutions for Hawai'i's devastating housing crisis. Our members are deeply concerned about Hawai'i's chronic and worsening housing shortage, which has caused home prices to rise much faster than incomes and pushes thousands of kama'āina out to the mainland or into homelessness every single year.



Hawai'i YIMBY
Honolulu, HI 96814
hawaiiyimby.org
info@hawaiiyimby.org

We ask your support for this bill. Thank you for the opportunity to testify.

Sincerely,

Damien Waikoloa

Chapter Lead, Hawai'i YIMBY

Edgardo Díaz Vega

Chapter Lead, Hawai'i YIMBY





holomua

COLLABORATIVE

OUR MISSION

To support and advance public policies that make Hawai'i affordable for all working families.

OUR VISION

Collaborative, sustainable, and evidence-based public policies that create a diverse and sustainable Hawai'i economy, an abundance of quality job opportunities, and a future where all working families living in Hawai'i can thrive.

BOARD MEMBERS

Jason Fujimoto
Meli James, *Board Chair*
Micah Kāne
Brandon Kurisu
Brad Nicolai
Mike Pietsch
Sunshine Topping

ADVISORY COMMITTEE

Josh Feldman
Brittany Heyd
Alicia Moy
Ed Schultz

Josh Wisch
President & Executive Director

827 Fort Street Mall, 2nd Floor
Honolulu, Hawaii 96813

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HolomuaCollaborative.org

Page 1 of 2

Committee: Senate Committee on Commerce and Consumer Protection
Bill Number: SB 179, Relating to Remedies
Hearing Date and Time: February 10, 2025 at 9:35am (Room 229)
Re: Testimony of Holomua Collaborative in support

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Committee members:

We write in support of SB 179, Relating to Remedies. This bill clarifies the applicability of the statute of repose for actions arising from construction defects. It clarifies the required contents of a notice of claim of construction defect served on a contractor. It amends the process and time frame for a claimant to accept a contractor's offer to settle or inspect and authorize the contractor to proceed with repairs. It limits the amount a claimant can recover if the claimant rejects a contractor's reasonable proposal for inspection or a reasonable offer to remedy. And it clarifies the consequences of rejecting an offer of settlement.

As an organization that is devoted to finding ways to keep all local working families in Hawai'i by making sure they can afford to stay, preventing unnecessary increases to the cost of home building is a critical part of the puzzle. This bill does so in a way that is safe, reasonable, and makes common sense.

Recent legal battles—based on overly broad defect litigation claims—have already hindered the ability of first-time homebuyers to secure government-backed mortgages, exacerbating Hawaii's critical housing shortage. The ambiguity and lack of concrete evidence regarding these overly broad defect claims has created obstacles for newly constructed home projects. As a result, entities like the Federal Housing Administration, the Veterans Administration, Fannie Mae, and Freddie Mac have all had to disqualify some new housing projects *because* they were stuck in ongoing—and needless—litigation.

With limited access to government-backed loan programs that can reduce the large 20% down payment typically required by commercial lending, many local first-time homebuyers and veterans are being excluded from the housing market as a direct result of this type of litigation.

The result is that local families have been stopped from buying homes that could otherwise keep them in Hawai'i. Local families have been prevented from buying homes they *want* to buy.

This is not a hypothetical problem. Just last year—as a direct result of this type of litigation—construction on over 800 homes and condominiums statewide was stopped. While construction has now restarted on the project, it was only after the homebuilder changed how they were building it. This change was not mandated by any state or county building code. It was, in a real sense, unnecessary. It was only done so that the homebuilder could continue building homes for local families *despite* the litigation.

This is just one recent example of how these legal disputes are skyrocketing construction costs, inflating insurance premiums, necessitating additional expenditure on legal underwriting, and prompting structural redesigns.

We all want our laws to protect home safety. But this is not that. This is simply exploiting loopholes in current law that are preventing homes from being built – homes that have been specifically designed to comply with existing building codes.

This bill will continue to allow any homeowner to file a lawsuit. It simply clarifies the processes in which a claimant brings an action under the Contractor Repair Act and the statute of repose. It also creates a stronger and fairer framework for warranty claims to be properly identified and documented, and appropriately investigated and addressed in a timely manner, before legal proceedings being.

Finally, it's important to note that frivolous class action lawsuits increase the cost of insurance that home builders must purchase. This cost is invariably passed on to the consumer. And whether that consumer is the homeowner themselves—or a local resident renting from a homeowner—it increases the cost of housing for local working families. In addition, it forces home builders to modify their building methods, which may not be the best solution either for the ultimate resident of the home, or for the quality of the build.

This is a sensible bill that will help us to continue building safe, affordable homes for local working families in Hawai'i, and we urge you to support it.

Sincerely,



Josh Wisch
President & Executive Director

LIPP SMITH LLP

Harbor Court Commercial Tower
55 Merchant St., Suite 1850
Honolulu, HI 96813

February 9, 2025

Subject: OPPOSITION TO SB179

Dear Chair Jarrett Keohokalole, Vice Chair Carol Fukunaga, and Members of the Committee on Commerce and Consumer Protection:

We hereby submit this testimony to **OPPOSE SB179-RELATING TO REMEDIES.**

We are lawyers who have served, and continue to serve, as Hawai'i State and Federal Court-appointed class action counsel for tens of thousands of Hawai'i homeowners. For the overwhelming majority of our clients, their homes are their biggest investments of their lives, and they reasonably expect them to be safe, to be free of construction defects, as builders routinely promise in warranties, and to last decades.

Unfortunately, though, Hawai'i builders do not always deliver what they promise in construction, honor their warranties, or step up to repair known defects, saddling homeowners with serious life and safety risks that are prohibitively expensive to repair and diminish the values of their homes. In those circumstances, homeowners have nowhere else to turn except the courts.

To offer a very small sense of the serious construction defects in our class actions, we attached hereto as Exhibit 1 a compilation of photographs of defects at issue in just one of several class actions where courts have appointed us to represent homeowners against builders.

It goes without saying that Hawai'i's tropical environment, together with climate change, pose known, ever-increasing risks of dangerous winds, hurricanes, flooding, and fire. It also goes without saying that Hawai'i's environment can damage and destroy building products, including structural components, when builders use deficient materials and cut corners.

More roadblocks to deter and prevent homeowners from pursuing righteous claims for critical life and safety defects is anti-consumer and will endanger Hawai'i homeowners, their families, and their communities. The Lahaina wildfire tragedy is a horrific reminder that Hawai'i homeowners and residents are extremely vulnerable to powerful natural catastrophes.

SB179 undermines the core purposes of the Contractor Repair Act ("CRA") and - by deterring and foreclosing construction claims - risks endangering homeowners and residents of Hawai'i. When enacting the CRA, or SB2358, in the Regular Session of 2004, the Senate Committee on Judiciary and Hawaiian Affairs found that "this measure provides homeowners and others suffering from construction defects in their residences and premises with a speedy and

precise resolution to their problems This measure enables the resolution of claims for construction defects without incurring the high costs of litigation." Sen. Stand. Com. Rep. 2790 (2004).

But SB179 undermines the CRA's core purposes in at least the following ways:

1. SB179 Extends the CRA to All Claims - Including Those for Breach of Contract, Breach of Warranty, and Consumer Protection - to the Detriment of Hawai'i Consumers.

SB179 extends the CRA to claims beyond construction defect claims sounding in tort to include claims "whether in contract, tort, statute, or otherwise." This extension of the CRA would be at the expense of consumers and upend decades of settled law. But claims for breach of contract, breach of warranty, and unfair business practices each rely on their own long-standing requirements in the common law and/or statutory provisions, including specific statutes of limitation.

For instance, a breach of contract claim has a six-year statute of limitations, which does not begin to run until discovery of the breach of contract. HRS § 657-1; *Au v. Au*, 63 Haw. 210, 218-19 (1981). But SB179 would eviscerate this statute of limitations and discovery rule, requiring homeowners to bring claims within two years of discovery of a breach. Similarly, SB179 would shorten the time for consumers to bring breach of warranty claims. Homeowner warranties in Hawai'i are often ten years and begin at conveyance of a home. A homeowner has six years from the discovery of a breach of warranty to bring a claim. HRS § 657-1; *Au*, 63 Haw. at 218-19. But SB179 would require homeowners to bring claims for breach of warranty within two years of discovery, effectively shortening the ten-year warranty term - that homeowners bargained for, contracted for, and paid for - significantly. Finally, SB179 seeks to shorten the statute of limitations for consumer protection claims set forth in HRS 480-2, by requiring homeowners to bring claims within two years of discovery, even though a contractor's unfair business practices may be ongoing and continuous.

Perhaps most concerning for Hawai'i consumers, SB179 seeks to change the CRA with the explicit purpose that "fraudulent concealment is not a defense to the repose period." Currently, HRS 657-20 applies to the CRA. Specifically, if a contractor fraudulently conceals a claim, HRS 657-20 gives a homeowner six years from discovery to bring that claim. No legitimate, consumer-protective purpose could exist for eliminating the six-year extension of a limitations period for fraudulent concealment. And this change would create a perverse incentive for contractors to conceal construction defects just long enough for the statute of repose to run, leaving consumers no recourse for life and safety defects.

2. SB179 Would Undermine Homeowners' Existing Contracts and Warranties.

In large single family and condominium home developments, lengthy and complex home purchase agreements and warranties govern the rights and obligations of contractors and buyers. These contract documents and warranties typically provide for (1) warranty periods; (2) notice

requirements for construction defect claims; (3) builder inspection rights; (4) dispute resolution provisions; and (5) attorney fee and cost provisions.

Enacting SB179 risks undermining purchase agreements and warranties drafted in reliance on the 2004 version of H.R.S. 672E over the last more than two decades. For example, terms in a purchase agreement that allow a buyer to recover attorney fees and costs if they prevail in litigation would be undermined by the SB179 amendments limiting attorney fee awards to homeowners; a 10-year warranty that allows a buyer to pursue warranty claims at any time within 10 years of conveyance would be undermined by the SB179 requiring notice within 2 years of discovering a defect; a 10-year warranty that allows a homeowner to recover the cost of repairs would be artificially capped to the cost of repairs at an earlier time.

SB179 provisions that are contrary to pre-existing purchase agreements and warranties between contractors and homeowners will undermine current contract and warranty rights and obligations, create confusion in contract interpretation and enforcement, and result in lengthy litigation over how to square SB179 with more than two decades contracts made under 672E's existing provisions. Undermining existing contracts and warranties undermines consumer rights.

3. SB179 Requires Litigation Before Giving Notice of a CRA Claim, Contrary to the Purpose of the CRA.

SB179's provision that "[e]ach . . . class member shall comply" with the notice and inspection requirements invites litigation before CRA claims. For any "class member" to exist, a homeowner must first initiate litigation, and a Court must certify a class action pursuant to Hawai'i Rules of Civil Procedure ("HRCP") Rule 23, appoint class counsel, and give notice of the class action to the class members. To require litigation **before** claims procedures under the CRA is contrary to the Act's purpose of enabling "the resolution of claims for construction defects without incurring the high costs of litigation."

4. SB179 Will Undermine the Speedy Resolution of Homeowners' Problems.

SB179 provision that "each . . . class member" comply with inspection requirements is contrary to the CRA's purposes of "speedy and precise resolution to [homeowners'] problems" and sparing parties "high costs of litigation." Construction class actions in Hawai'i often entail dozens, hundreds, and even thousands of homes statewide. Inspections on **each** class member's home would take many years to accomplish at exorbitant expense, inconvenience, and delay. There would be nothing speedy, precise, or inexpensive about such a process. This provision would also undermine Hawai'i's class action procedures pursuant to HRCP Rule 23 in which Courts allow and supervise representative litigation over common claims. In those cases, inspecting class representative homes plus a **sampling** of class member homes is far more efficient, effective, and inexpensive for all and protects consumers from significant delay while their homes contain serious life and safety defects.

5. SB179 Encourages Homeowners to Incur High Costs Before Making a Pre-Litigation and Administrative CRA Claim.

SB179's notice procedures appear to require homeowners to hire expensive consultants to both identify the nature of their defects and to provide the extent of repairs necessary to cure the defects **before** pursuing construction claims. Identifying construction defects and repairs is a complex, scientific, technical, and expensive process that average homeowners cannot do or afford on their own. SB2606's notice provision would require homeowners to incur high costs of litigation **before** they can even make a claim. This is hardly consistent with the CRA's main purposes.

6. SB179 Risks Limiting Homeowner Recoveries to an Amount that May Be Insufficient to Repair Critical Life and Safety Defects.

SB179 provides that "[i]f a homeowner rejects a contractor's reasonable offer of settlement," any later "cost of repair recovery is limited to the reasonable value of the repair determined as of the date of the offer and the amount of the offered monetary payment." This provision means that if construction costs have risen for any reason between a contractor's offer of settlement during the CRA procedures through later litigation - whether due to supply chain problems, tariffs, a labor shortage, a pandemic, or any other issue - a homeowner cannot recover those increased costs necessary to repair their home. This limitation would prevent homeowners from fully repairing any life and safety defect, endangering that homeowner and their families, loved ones, and neighbors. This provision will not effectuate "a speedy and precise resolution to [homeowners'] problems."

7. SB179 Will Encourage Homeowners to Accept Offers That are Insufficient to Repair their Homes to Avoid the Risk of Paying Contractor Costs.

SB179 provides that "[i]f the judgment or award obtained in a subsequent proceeding is not more favorable than the offer, the offeree shall pay the costs incurred by the offeror after the making of the offer." But the CRA is a pre-litigation procedure, before which the parties have not engaged in the usual course of litigation, including discovery. Thus, when a contractor makes a CRA offer of settlement to a homeowner, that homeowner does not have the information that would allow them to fully evaluate an offer of settlement. In cases where we have represented class members statewide, discovery has revealed the nature and extent of a construction defect, insufficient warranty repairs a contractor has completed, fraudulent concealment of defects, and unfair business practices. This process requires significant expense to all parties but SB179 will encourage a homeowner to shortchange this process and resolve an issue before even having access to the courts for fear of being on the hook for a contractor's costs.

8. SB179 Creates a One-Sided, Pro-Contractor, Anti-Consumer Process.


Finally, SB179 creates a one-sided notice and claims process that only benefits contractors, before any homeowner is even allowed to set foot in court. SB179 turns a pre-litigation procedure - designed to facilitate early resolution of construction defect claims - into a punitive procedure in

which only contractors have rights and homeowners bear all of the obligations and risks, including being ultimately stuck with dangerous construction defects. SB179 undermines the status quo in which each side has the opportunity to present claims and defenses toward resolution of a conflict. SB179 does not protect, and in fact hurts, the homeowners of Hawai'i.

Thank you for considering our opposition to SB179.

Sincerely,

LIPPSMITH LLP



Graham B. LippSmith

Exhibit 1

HD Strap:



HD Strap:



MAS Strap:



MAS Strap:



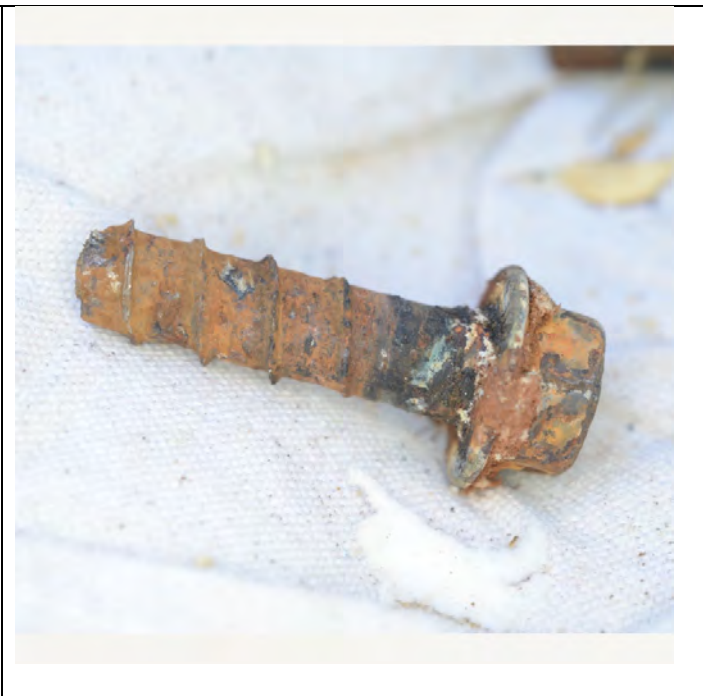
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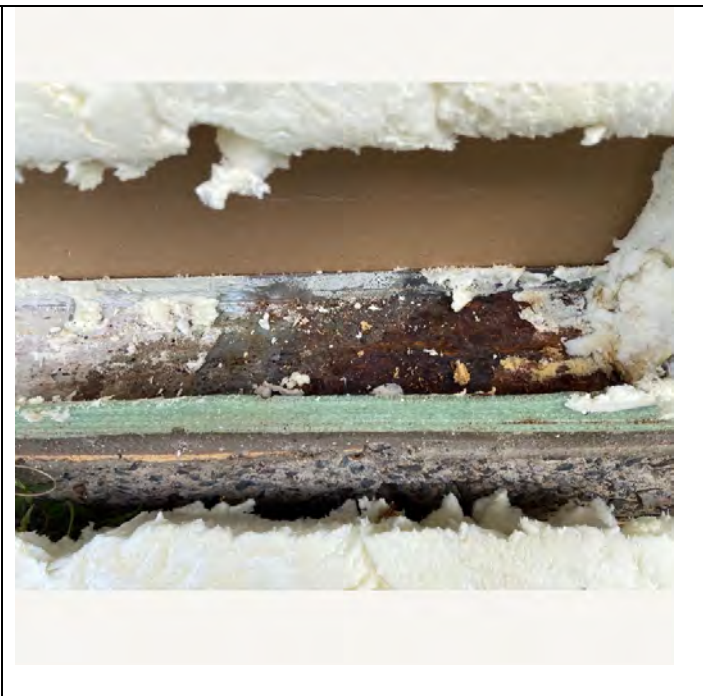
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Simpson Titen Anchor Photographs:



Metal Sill Track Photographs:



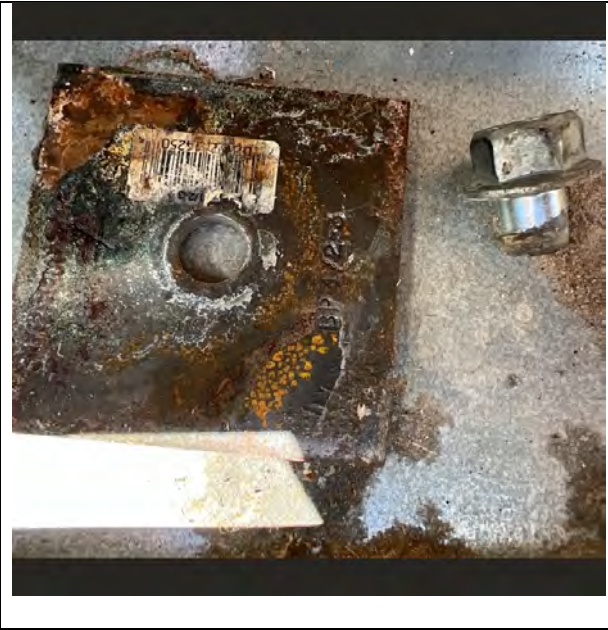
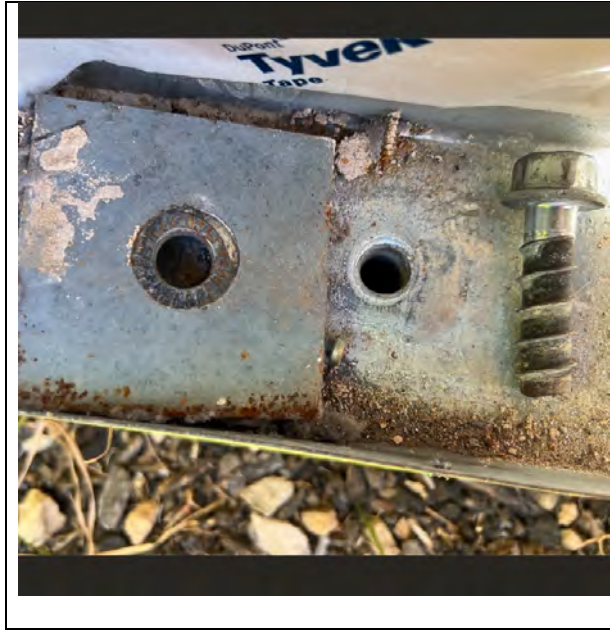
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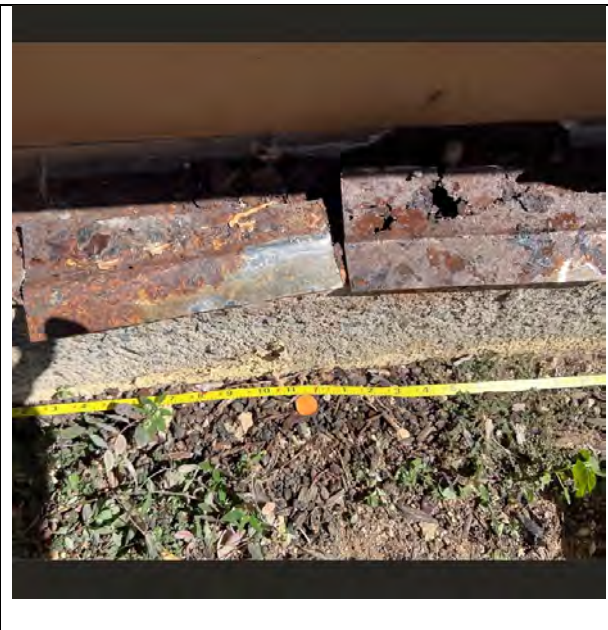
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Simpson Titen Anchor Photographs:



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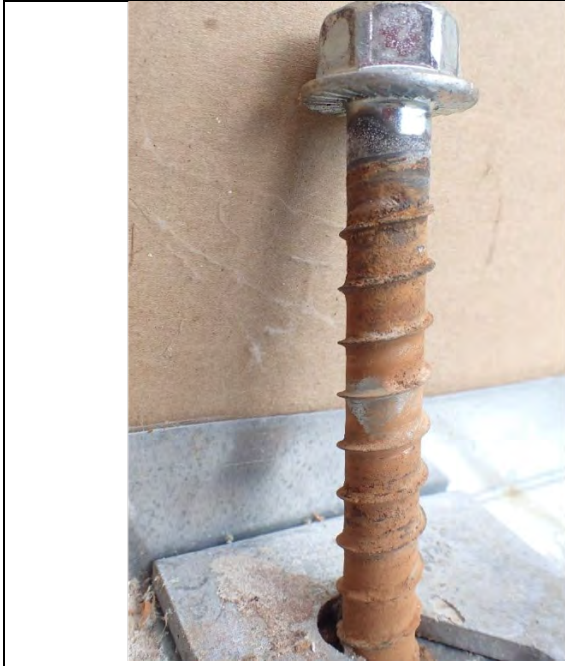
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Simpson Titen Anchor Photographs:



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LIUNA!

LATE

THE SENATE

KA 'AHA KENEKOA

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

PETER A. GANABAN
*Business Manager/
Secretary-Treasurer*

ALFONSO OLIVER
President

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Executive Board

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Executive Board

ESTHER AILA
Auditor

RUSSELL NAPIHAA
Auditor

MARK TRAVALINO
Auditor

YUGAN HOTTENDORF
Sergeant-At-Arms

Monday, February 10, 2025, 9:35am
Conference Room 229

**Re: Testimony in Support of SB179
RELATING TO REMEDIES**

Aloha Chair Keohokalole, Vice-Chair Fukunaga, and Members of the
Committee:

The Laborer's International Union Local 368 represents 5000+ members working in construction, environmental remediation, maintenance, food service, health care, clerical, and other occupations, as well as in state, local, and municipal government jobs and as mail handlers in the U.S. Postal Service across the State.

The Laborer's International Union Local 368 **supports SB179**, which clarifies the applicability of the statute of repose for actions arising from construction defects, clarifies the required contents of a notice of claim of construction defect served on a contractor, amends the process and time frame for a claimant to accept a contractor's offer to settle or inspect and authorize the contractor to proceed with repairs, limits the amount a claimant can recover if the claimant rejects a contractor's reasonable proposal for inspection or a reasonable offer to remedy, and clarifies the consequences of rejecting an offer of settlement.

The intent of the contractors repair act is to develop a process where both builders and homeowners can work together to solve outstanding grievances. Unfortunately this system is no longer performing its original function and is in need of correction to ensure both our local residents and builders are adequately protected and that our housing crisis is not exacerbated. SB179 is positive step towards making the necessary changes needed.

It is for the aforementioned reasons that we respectfully request you pass this measure. Mahalo for your time and consideration.

Respectfully,

Peter A. Ganaban

Business Manager/Secretary Treasurer
Laborers International Union of North America - Local 368
1617 Palama Street
Honolulu, HI 96817

LIUNA Local 368
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Phone: (808) 841-5877
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www.local368.org

Feel the Power



PLUMBERS AND FITTERS LOCAL 675 UNITED ASSOCIATION



The Senate KA 'AHA KENEKOA

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

LATE

Monday, February 10, 2025, 9:35am
Conference Room 229

Re: **Testimony in Support of SB179**
RELATING TO REMEDIES

Aloha Chair Keohokalole, Vice-Chair Fukunaga, and Members of the Committee:

The Plumbers & Fitters Local 675 was founded in 1919 and received its charter from the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States. Our members provide quality and reliable work on projects including, but not limited to, power plants, water treatment plants, oil refineries, hospitals, government and commercial buildings, hotels and luxury resorts, high-rise condominiums, and single-family homes in residential neighborhoods across the State.

The Plumbers & Fitters Local 675 **supports SB179**, which clarifies the applicability of the statute of repose for actions arising from construction defects, clarifies the required contents of a notice of claim of construction defect served on a contractor, amends the process and time frame for a claimant to accept a contractor's offer to settle or inspect and authorize the contractor to proceed with repairs, limits the amount a claimant can recover if the claimant rejects a contractor's reasonable proposal for inspection or a reasonable offer to remedy, and clarifies the consequences of rejecting an offer of settlement.

The intent of the contractors repair act is to develop a process where both builders and homeowners can work together to solve outstanding grievances. Unfortunately this system is no longer performing its original function and is in need of correction to ensure both our local residents and builders are adequately protected and that our housing crisis is not exacerbated. SB179 is positive step towards making the necessary changes needed.

It is for the aforementioned reasons that we respectfully request you pass this measure. Mahalo for your time and consideration.

Respectfully,

Valentino Ceria

Business Manager / Financial Secretary - Treasurer
Plumbers and Fitters Local 675



January 10, 2025

Committee on Commerce and Consumer Protection
Senator Jarrett Keohokalole Chair
Senator Carol Fukunaga, Vice Chair



Monday, January 10, 2025
9:35 a.m. Conference Room #229 and videoconference

Working together for Kapolei

RE: SB179 – Relating to Remedies

Dear Chair Keohokalole, Vice Chair Fukunaga, members of the Committee,

My name is Kiran Polk, and I am the Executive Director & CEO of the Kapolei Chamber of Commerce. The Kapolei Chamber of Commerce is an advocate for businesses in the Kapolei region including Waipahu, Kapolei, 'Ewa Beach, Nānakūli, Wai'anae and Mākaha. The Chamber works on behalf of its members and the business community to improve the regional and State economic climate and help West O'ahu businesses thrive. We are a member-driven, member-supported organization representing the interests of all types of business: small, medium or large, for profit or non-profit businesses or sole proprietorship.

The Kapolei Chamber of Commerce strongly supports SB179 which amends the statute addressing actions arising from construction defects. This will help to ensure that homeownership is attainable and a better, streamlined process for homeowners to resolve construction defects.

The Contractor Repair Act was initially established to foster cooperation between homeowners and builders, allowing for the identification and rectification of defects without resorting to unnecessary litigation. Regrettably, existing loopholes in the law have resulted in an increase in lawsuits that delay repairs, elevate housing costs, and dissuade new home construction. This situation has particularly impacted families, especially first-time homebuyers, by making it more challenging to afford homes in Hawai'i. The repercussions of these lawsuits extend beyond builders. **Families attempting to purchase homes encounter higher costs and limited financing options as lenders are reluctant to approve loans for properties** embroiled in legal disputes. Homeowners facing defects are compelled into protracted legal battles rather than receiving timely repairs.

West O'ahu is the fastest growing region in the State. We are in an affordable housing crisis. The housing market in West O'ahu, including new home inventory, provides the much-needed options for our young families and new home buyers as well as our growing veteran population on the west side. First time home buyers and veterans have faced restricted financing options because of these lawsuits.

Construction of these new developments are being put on hold because of these lawsuits. The cost of the home and insurance goes up because of these lawsuits, making it even more expensive for developers to build homes and consequently more expensive for people to buy homes.

In conclusion, the proposed changes align with the principles of proactive conflict resolution, promoting a collaborative approach to addressing construction defects. The emphasis on early notification is a strategic and pragmatic step that can significantly contribute to the expeditious resolution of issues, benefiting all stakeholders involved.

Thank you for this opportunity to provide testimony.

Respectfully,

Kiran Polk
Executive Director & CEO

SB-179

Submitted on: 2/8/2025 4:54:54 PM

Testimony for CPN on 2/10/2025 9:35:00 AM

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

Comments:

Aloha Chair, Vice Chair and Committee Members,

I am an attorney here in Honolulu who represents consumers as well as businesses. This bill will hurt consumers.

By making the "doctrine of fraudulent concealment" inapplicable, it allows contractors and developers to "fraudulently conceal" construction defects when building homes, in order to get around the statute of repose. (A statute of repose is akin to a statute of limitations).

Not every defect is obvious. Many times it has to do with piping or wiring in the walls or soundproofing or waterproofing between floors, or other hidden elements. These are peoples' homes that are at stake.

Requiring every class member in a class action to comply with every aspect of Chapter 672E operates to defeat the purpose of having class actions in the first place, which is to promote efficiency in the legal process. The contractors and developers will use this requirement to act as a bar to claims by innocent homeowners.

For these reasons, this bill will hurt consumers.

Thank you,

Dallas H. Walker

LAW OFFICES OF PHILIP S. NERNEY, LLLC

A LIMITED LIABILITY LAW COMPANY
335 MERCHANT STREET, #1534, HONOLULU, HAWAII 96806
PHONE: 808 537-1777

February 6, 2025

Honorable Jarret Keohokalole
Honorable Carol Fukunaga
Committee on Commerce and Consumer Protection
415 South Beretania Street
Honolulu, Hawaii 96813

Re: **SB 179 OPPOSE**

Dear Chair Keohokalole, Vice Chair Fukunaga and Committee Members:

SB 179 would shift the burden and consequences of design and construction defects onto consumers. SB 179 would enable companies responsible for those defects to escape responsibility.

An emphasis upon the entry cost of housing has obvious appeal. Once in housing, though, who pays to correct faulty work? Should it be the consumer? Or the companies responsible for the fault?

SB 179 covertly shifts the risk of loss onto the consumer.

If housing should stand for *decades*, how would it be good policy to prevent consumers from being able to prove fraudulent concealment after ten years?¹ SB 179 literally and expressly excuses fraud.

SB 179 effectively exonerates wrongdoers if building permits are issued and code inspections occur. Will government, then, take financial responsibility for the consequences of improvident approval? If not, should consumers be unable to seek appropriate relief?

And what accounts for the asymmetry in disclosure obligations? SB 179 does not oblige designers and builders to disclose to consumers what they know about defects and deficiencies in their work. The playing field created by SB 179 is not level.

Incentives should be balanced. Consumers should be protected from faulty workmanship and housing providers should be held to reasonable standards and processes.

Promoting more robust alternative dispute resolution opportunities would have greater utility than the fundamentally flawed approach reflected in SB 179.

¹ SB 179 provides that: "(e) The doctrine of fraudulent concealment, as used for a defense to statute of limitations, shall not apply to the ten-year limitations period set forth in subsection (a)."

Honorable Jarret Keohokalole
Honorable Carol Fukunaga
February 6, 2025
Page 2 of 2

SB 179 also treads on difficult ground. Changes to Hawaii Revised Statutes §657-8, at least, should be particularly carefully considered. Versions of that section have been twice ruled unconstitutional.

In both Fujioka v. Kam, 55 Haw. 7, 514 P.2d 568 (Haw. 1973)² and Shibuya v. Architects Hawaii Ltd., 65 Haw. 26, 647 P.2d 276 (Haw. 1982)³, versions of HRS §657-8 were held to violate equal protection guarantees, precisely for seeking to benefit the special class to be benefitted here.

SB 179 would not solve a problem. It would simply embroil contending parties in constitutional and statutory disputes. The parties should be encouraged to find common ground before promoting legislation.

Please defer SB 179.

Very truly yours,



Philip S. Nerney

2

It would appear that the object or purpose of the legislation was to grant immunity to registered and licensed persons performing services in the construction industry. One may question whether this grant of immunity is justified as a reasonable exercise of the police power of the state. However, assuming that the legislature under its police power was justified in enacting the statute, can the discrimination or classification be upheld under the equal protection guaranty?

3

The bestowal of immunity here on the basis of construction industry membership or alliance "does not rest upon some reasonable consideration of differences (between the classes under the same circumstances), which have a fair and substantial relation to the object of the legislation." Fujioka v. Kam, 55 Haw. at 12, 514 P.2d at 571. Equal protection being a requisite "both in the privileges conferred and in the liabilities imposed," State v. Johnston, 51 Haw. 195, 202, 456 P.2d 805, 809 (1969), appeal dismissed, 397 U.S. 336, 90 S.Ct. 1152, 25 L.Ed.2d 352 [65 Haw. 44] (1970), HRS § 657-8 is constitutionally infirm.

SB-179

Submitted on: 2/7/2025 1:03:23 PM

Testimony for CPN on 2/10/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Antoinette Dense Boilard	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Keohokalole, Vice Chair Fukunaga & Members of the Committee,

I'm testifying in strong support of SB179 because it will ensure that homeowners remain attainable and provides a better process for homeowners to resolve alleged construction defects.

It is very important to me that we can sustain the ability to offer affordable housing for our children's future. I have only (2) adult children and it saddens me that my baby girl cannot come home after deployment because they're not able to afford purchasing a home here and my hardworking son in his 40's need to leave the island for the exact reason - he cannot afford to purchase a home for his family. This is very depressing and saddens my heart that my children cannot live where they were born and raised because it's not affordable.

Mahalo!

Antoinette D Boilard

SB-179

Submitted on: 2/7/2025 1:47:16 PM

Testimony for CPN on 2/10/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Patricia Van Kuran	Individual	Support	Remotely Via Zoom

Comments:

The Honorable The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection

Hawai‘i State Senate

Hawai‘i State Capitol

415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

My name is Patty Van Kuran, and I serve as Vice President and Private Banking Mortgage Loan Officer at First Hawaiian Bank. With over two decades of experience in residential mortgage lending, I have seen how access to affordable home financing can make or break the dream of homeownership for many families in Hawai‘i. I am concerned about the increase in litigation I have seen over the years and as I am learning why, I am excited to see a bill like this come through our government.

I am testifying in strong support of SB179 because construction defect litigation is creating unintended barriers for homebuyers and homeowners. Properties entangled in class-action lawsuits often become ineligible for government-backed mortgages like FHA and VA loans, which are vital resources for first-time homebuyers and veterans, providing low down payment options and the most competitive interest rates, even without the best credit. Without these financing options, buyers are left to seek out more expensive loans—if they can qualify at all. It is often our most vulnerable population that needs these government backed loans.

Additionally, homeowners caught in these lawsuits face significant hurdles when trying to refinance or sell their homes. Lenders are reluctant to approve loans on properties under litigation, regardless of whether the claims involve actual safety concerns. This not only traps homeowners but also contributes to the rising costs and limited supply of available housing.

While it is crucial to address legitimate construction defects, the current legal environment is fostering lawsuits that delay repairs, increase costs, and ultimately limit access to affordable housing. SB179 will restore the original intent of the Contractor Repair Act by promoting cooperation between builders and homeowners, ensuring timely repairs, and preventing unnecessary legal battles.

I respectfully urge you to pass SB179 to protect our homeowners, ensure access to affordable financing, and support Hawai'i's housing future.

Mahalo,

Patty Van Kuran

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

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The Contractor Repair Act was originally designed to encourage cooperation between homeowners and builders, allowing defects to be identified and fixed without unnecessary legal battles. Unfortunately, loopholes in the current law have led to a rise in lawsuits that delay repairs, drive up housing costs, and discourage new home construction. This has made it harder for families—especially first-time homebuyers—to afford a home in Hawai'i.

The impact of these lawsuits goes beyond homebuilders. Families trying to buy homes face higher costs and fewer financing options because lenders are hesitant to approve loans for properties tied up in litigation. Homeowners dealing with defects are forced into drawn-out legal disputes instead of getting timely repairs. Even entire communities have suffered, with some homeowner associations advised to neglect maintenance to strengthen legal claims, leaving shared spaces in disrepair.

SB179 helps address these problems by restoring the original intent of the Contractor Repair Act. It ensures builders have the opportunity to make repairs before a lawsuit is filed, reduces unnecessary legal costs, and makes the process fairer for homeowners. This bill will help keep housing affordable, protect communities, and ensure homeowners get the timely repairs they deserve.

I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

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I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

Jon Rapisura

Jon Rapisura

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

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I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

Kenn Nishihira



SB-179

Submitted on: 2/6/2025 2:29:34 PM

Testimony for CPN on 2/10/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
LINDA MASCARO	Individual	Support	Written Testimony Only

Comments:

The Honorable Jarrett Keohokalole, Chair

and Members of the Commerce and Consumer Protection

Hawai‘i State Senate

Hawai‘i State Capitol

415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

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I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

Linda Mascaro

Lmascaro@fredlaurandscape.com

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

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I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

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I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

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I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

A handwritten signature in black ink, appearing to read "Jarrett Keohokalole", written in a cursive style.

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

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SB179 helps address these problems by restoring the original intent of the Contractor Repair Act. It ensures builders have the opportunity to make repairs before a lawsuit is filed, reduces unnecessary legal costs, and makes the process fairer for homeowners. This bill will help keep housing affordable, protect communities, and ensure homeowners get the timely repairs they deserve. This will help our children and grand-children to be afforded the local housing properties, so they can be afforded living in our Aina, our home in Hawaii.

I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

John Chen



The Honorable The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

My name is Daniel Costigan and I've been in the residential lending business for over 20 years, helping families secure home financing in Hawai'i. I am writing in strong support of SB179 because the current environment surrounding construction defect litigation is inadvertently limiting access to affordable home loans, making it even harder for families to achieve homeownership.

Lawsuits related to construction defects often lead to lenders withholding approval for government-backed loans, such as FHA and VA loans—critical tools for first-time buyers and veterans. Without access to these loans, many families are left with more expensive financing options, if they can qualify at all. This dynamic only worsens the already challenging affordability issues we face in Hawai'i.

Additionally, homeowners caught up in these lawsuits find it difficult to refinance or sell their homes, as lenders are hesitant to engage with properties under litigation—even when the claims have nothing to do with safety or structural integrity. This situation traps families in homes they might otherwise improve or move on from, creating a ripple effect across our housing market.

SB179 aims to restore balance by ensuring that legitimate defects are addressed while curbing the abusive legal practices that are driving up costs and restricting loan access. This reform is essential for protecting both prospective and current homeowners in Hawai'i.

I respectfully urge you to pass SB179 to ensure homeownership remains within reach for our communities.

Mahalo,

Daniel Costigan

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

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I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

Justyna Fic, Hawaiiana Management Company.

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

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Mahalo!

SB-179

Submitted on: 2/7/2025 6:35:35 AM

Testimony for CPN on 2/10/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Greg Hiyakumoto	Individual	Support	Written Testimony Only

Comments:

February 7, 2025

Chair Jarrett Keohokalole

Vice Chair Fukunaga

Members of the Senate Committee on Commerce and Consumer Protection

Thirty-Third Legislature, Regular Session of 2025

Hawai‘i State Senate

Hawai‘i State Capitol

415 S. Beretania Street
Honolulu, HI 96813

Honorable Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee:

Testimony in Support of SB179 – RELATING TO REMEDIES

I am a civil engineer in the construction industry and have been practicing in Hawaii for over 40 years. Too often I see homeowners being taken advantage by opportunistic attorneys and are left on the short end. Attorneys convince homeowners to participate in class-action lawsuits and end up taking much of the settlement claims, leaving homeowners with insufficient funds to perform the repairs that they originally requested.

I believe SB179 will be a positive measure to help builders perform the necessary repairs for homeowners before attorneys can get involved. That is why I support this measure and ask that the committee pass SB179.

Homeownership should be a happy and exciting moment in people’s lives. Too often the legal process is protracted, and the needed repairs are left unresolved, leaving the homeowner in a stressful and unpleasant situation. When the process is completed, homeowners are left

frustrated by not having enough money to complete the repairs needed. Repair costs sometimes increase due to the lengthy litigation period.

Thank you very much for your time and consideration.

Mahalo,

Greg Hiyakumoto, PE

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

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I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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Mahalo!

Michael Nojima

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

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I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

A handwritten signature in black ink, appearing to read 'R. Luga', with a long horizontal stroke extending to the right.

Richard W. Luga

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

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Mahalo!

Guy Fukushima

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

I am testifying in **strong support of SB179** because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

The Contractor Repair Act was originally designed to encourage cooperation between homeowners and builders, allowing defects to be identified and fixed without unnecessary legal battles. Unfortunately, loopholes in the current law have led to a rise in lawsuits that delay repairs, drive up housing costs, and discourage new home construction. This has made it harder for families—especially first-time homebuyers—to afford a home in Hawai'i.

The impact of these lawsuits goes beyond homebuilders. Families trying to buy homes face higher costs and fewer financing options because lenders are hesitant to approve loans for properties tied up in litigation. Homeowners dealing with defects are forced into drawn-out legal disputes instead of getting timely repairs. Even entire communities have suffered, with some homeowner associations advised to neglect maintenance to strengthen legal claims, leaving shared spaces in disrepair.

SB179 helps address these problems by restoring the original intent of the Contractor Repair Act. It ensures builders have the opportunity to make repairs before a lawsuit is filed, reduces unnecessary legal costs, and makes the process fairer for homeowners. This bill will help keep housing affordable, protect communities, and ensure homeowners get the timely repairs they deserve.

I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

Landon Lum

2025 Feb 7

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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Mahalo!

Sheryl E. Nojima, PhD, PE

SB-179

Submitted on: 2/7/2025 8:29:13 AM

Testimony for CPN on 2/10/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessie Mae Teixeira	Individual	Support	Written Testimony Only

Comments:

The Honorable Jarrett Keohokalole, Chair

and Members of the Commerce and Consumer Protection

Hawai‘i State Senate

Hawai‘i State Capitol

415 S. Beretania Street

Honolulu, HI 96813

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Mahalo!



ASHFORD + WRISTON
A LIMITED LIABILITY LAW PARTNERSHIP LLP

BENJAMIN A. KUDO
Telephone: (808) 539-0400
bkudo@awlaw.com

February 7, 2025

To: The Honorable Jarrett Keohokalole, Chair
The Honorable Carol Fukunaga, Vice Chair
Members of the Committee on Commerce and Consumer Protection

From: Benjamin A. Kudo
Ashford & Wriston
999 Bishop Street, Suite 1400
Honolulu, Hawaii 96813

Re: SB179 – Relating to Remedies – **SUPPORT**
Hearing Date: Monday, February 10, 2025
Hearing Time: 9:35 a.m.
Place: Conference Room 229 and Videoconference

Dear Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee:

My name is Benjamin Kudo, and I work representing Hawaii's development and building industry. I am in strong support of SB 179.

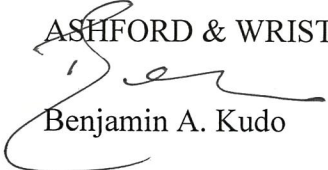
The Contractor Repair Act was intended to make sure that construction defects were addressed properly between home builders and owners. Unfortunately, this process has been undermined by legal loopholes in the law that allow lawsuits to be filed that delay construction and force home builders to face the demands of attorneys who use such loopholes for their financial advantage. These lawsuits delay projects and add to the cost of homes, particularly, affordable homes and gap group homes. Builders face heightened business risks, which results in higher construction costs, fewer housing projects, and reduced affordability.

Without immediate reform, the home building industry will continue to struggle under the weight of legal uncertainty and higher business risks. This will undoubtedly result in higher costs to the home buyers.

SB 179 offers a solution by establishing clearer guidelines that will lead to a more fair and cooperative process for addressing construction defects. This bill will reduce unnecessary litigation, stabilize costs, and allow builders to focus on delivering quality homes for Hawai'i's residents. I respectfully urge your support.

Very truly yours,

ASHFORD & WRISTON


Benjamin A. Kudo

MAILING ADDRESS

Post Office Box 131 / Honolulu, HI 96810

STREET ADDRESS

First Hawaiian Center / 999 Bishop Street, Suite 1400 / Honolulu, HI 96813

T 808 539 0400 / F 808 533 4945 / E atty@awlaw.com / www.ashfordwriston.com

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

I am testifying in **strong support of SB179** because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

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I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Sincerely,

David Yoshida

SB-179

Submitted on: 2/7/2025 9:30:50 AM

Testimony for CPN on 2/10/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Kevin mccallum	Individual	Support	Written Testimony Only

Comments:

As a consumer, and a licensed contractor in the state of Hawaii for 20 years, I urge you to pass SB179. The current right to repair law is outdated and unclear. I think it is important to have a clear set of rules on how construction defects/issues are addressed both from the contractors side and from the consumers side. Until we make these changes there will be exploitation of the current laws to benefit parties that truly do not care what the issues are, but know they can exploit the system for financial gain.

Please address this issue and help make Hawaii a better place.

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

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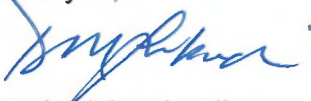
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I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Thank you,



Dennis M. Lombardi

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
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Honolulu, HI 96813

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I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

A handwritten signature in black ink, appearing to read "Carl Linn". The signature is written in a cursive, flowing style.

Carl Sana

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
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Mahalo!

A handwritten signature in black ink, appearing to read 'Justin Rubyono', written in a cursive style.

Justin Rubyono

SB-179

Submitted on: 2/7/2025 10:16:06 AM

Testimony for CPN on 2/10/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Daniel Sandomire	Individual	Support	Written Testimony Only

Comments:

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

My name is Daniel Sandomire. I am an architect and developer in the state of Hawai'i. I am testifying in strong support of SB179 because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

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I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

Daniel Sandomire

The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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The Honorable Jarrett Keohokalole, Chair
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Hawai'i State Senate
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Mahalo!

Brooke Basilio

SB-179

Submitted on: 2/7/2025 10:37:07 AM

Testimony for CPN on 2/10/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Matthew Liew	Individual	Support	Written Testimony Only

Comments:

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Unfortunately, loopholes in the current law have led to a rise in lawsuits that delay repairs, drive up housing costs, and discourage new home construction. This has made it harder for families—especially first-time homebuyers—to afford a home in Hawai‘i.

The impact of construction defect losses has also adversely caused insurance pricing to surge and forced insurers to implement significant mandatory rate increases. Current insurance market conditions are expected to continue for the foreseeable future creating negative pressure on developers' construction budgets as overhead and the cost to build soar.

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Mahalo!

Pei Pei Chan

peipeic@kyinternational.com

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Hawai'i State Senate
Hawai'i State Capitol
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Honolulu, HI 96813

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Mahalo!

Vivyan Lin

vivyan@kyinternational.com

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Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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I am testifying in **strong support of SB179** because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

As a contractor in a sue happy society, I have seen many of my colleagues experience the devastation a lawsuit can bring to contractors, owners and families.

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Thank you,

Patrick M. Gill

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Mahalo!



Henry T Y Kwok, AIA

henry@kyinternational.com

SB-179

Submitted on: 2/7/2025 11:51:23 AM

Testimony for CPN on 2/10/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Derrick Ching	Individual	Support	Written Testimony Only

Comments:

The Honorable Jarrett Keohokalole, Chair

and Members of the Commerce and Consumer Protection

Hawai‘i State Senate

Hawai‘i State Capitol

415 S. Beretania Street

Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

I am testifying in **strong support of SB179** because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

The Contractor Repair Act was originally designed to encourage cooperation between homeowners and builders, allowing defects to be identified and fixed without unnecessary legal battles. Unfortunately, loopholes in the current law have led to a rise in lawsuits that delay repairs, drive up housing costs, and discourage new home construction. This has made it harder for families—especially first-time homebuyers—to afford a home in Hawai‘i.

The impact of these lawsuits goes beyond homebuilders. Families trying to buy homes face higher costs and fewer financing options because lenders are hesitant to approve loans for properties tied up in litigation. Homeowners dealing with defects are forced into drawn-out legal disputes instead of getting timely repairs. Even entire communities have suffered, with some homeowner associations advised to neglect maintenance to strengthen legal claims, leaving shared spaces in disrepair.

SB179 helps address these problems by restoring the original intent of the Contractor Repair Act. It ensures builders have the opportunity to make repairs before a lawsuit is filed, reduces unnecessary legal costs, and makes the process fairer for homeowners. This bill will help keep housing affordable, protect communities, and ensure homeowners get the timely repairs they deserve.

I urge the committee to pass SB179 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

Derrick Ching

derrickc@kyinternational.com

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and Members of the Commerce and Consumer Protection
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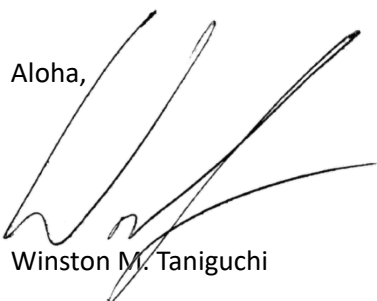
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Mahalo for your time and consideration.

Aloha,

Winston M. Taniguchi

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Rodney H Nohara

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Raphael Tran

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Calynn Saito

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Peter Agcanas

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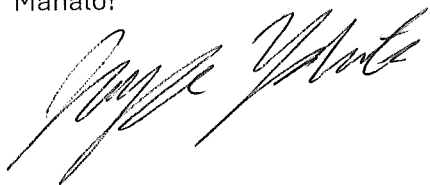
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Jayce Yahata

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Best Regards,

Robert Yoneoka, AIA

KY International Inc.

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As a union contractor operating in Hawaii for 30 years, I have seen the impact these class action law suits have on the industry. I personally live and work here so I have a vested interest in ensuring the viability of our housing industry and the homebuyer's ability to afford a home.

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Kevin Pena

February 7, 2025

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Vice Chair Carol Fukunaga
Members of the Senate Committee on Commerce and Consumer Protection
Thirty-Third Legislature, Regular Session of 2025

RE: SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Commerce and Consumer Protection Committee,

I'm a member of the Hawaii Regional Council of Carpenters, and I'm writing to **strongly support SB179** because it will help keep people working and make sure more local families can afford a home.

I work hard building homes in Hawai'i, but I can't even afford to buy one myself. Too many people I know, co-workers, family, friends—are struggling to find a place to live. The cost of housing keeps going up, and these construction defect lawsuits are making it worse.

Instead of fixing problems, some lawyers are taking advantage of the system by suing first, which drives up costs and stops projects before builders can even make repairs. That means fewer jobs and higher housing prices for all of us.

That's not how it should work. Homeowners should be able to trust that their communities are being taken care of, but sometimes legal games get in the way. I've heard of cases where lawsuits drag on for years, leaving neighborhoods in bad shape because no one wants to take responsibility while they wait for a payout. That's not fair to the people living there—they just want safe, well-kept homes, not a legal battle that makes things worse.

SB179 is about fairness. It makes sure repairs happen before lawsuits and stops attorneys from using these cases to get rich while working families pay the price. This bill will help keep construction going, keep jobs steady, and make housing more affordable for all of us.

Please pass SB179 so we can get back to work and make Hawai'i a place where people like me can actually afford to live.

Mahalo,

Robert S. Ofoia

February 7, 2025

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Allan T. Taketa

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Kealiiomana Keola

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Joseph Lee

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Noah Kaaiai-Boner

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Mahalo,

Russell Cabingas

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Mahalo,

Mario Leal Pinto

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Mahalo,

Roderick Delos Santos

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Mahalo,

Kyle Haina

February 7, 2025

Chair Jarrett Keohokalole
Vice Chair Carol Fukunaga
Members of the Senate Committee on Commerce and Consumer Protection
Thirty-Third Legislature, Regular Session of 2025

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Mahalo,

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Mahalo,

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Gian Carlo Cristobal

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Mahalo,

Zhayden Lampitoc

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Mahalo,

Ricky Jermaine Lameg

February 8, 2025

The Honorable The Honorable Jarrett Keohokalole, Chair
and Members of the Commerce and Consumer Protection
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

My name is Linda Nakamura, and I am a mortgage professional specializing in home financing solutions for families in Hawai'i. I am submitting my testimony in strong support of SB179 because I have seen firsthand how the current litigation process surrounding construction defects negatively affects both prospective and current homeowners.

Many homebuyers rely on government-backed loans like FHA and VA to make homeownership a reality. However, properties involved in construction defect lawsuits often become ineligible for these loans, forcing buyers to seek out more expensive and less accessible financing options. In a state where the cost of living is already high, this barrier can be the difference between buying a home and remaining a renter.

Furthermore, homeowners embroiled in these lawsuits face significant challenges when trying to refinance or sell their properties. Even when defects are minor or unrelated to safety concerns, lenders shy away from properties under litigation, leaving families stuck with limited financial options.

SB179 is a necessary reform that will help maintain the balance between protecting homeowners' rights and preventing unnecessary legal hurdles that make homeownership more difficult and costly. By allowing builders a fair chance to address issues before litigation and reducing frivolous lawsuits, this bill will help keep housing accessible and affordable in Hawai'i.

I strongly urge the committee to pass SB179 to support our homeowners and preserve the dream of homeownership in our state.

Mahalo,

Linda Nakamura



HAWAII REGIONAL COUNCIL OF CARPENTERS

February 10, 2025

TO: The Honorable Jarrett Keohokalole, Chair
The Honorable Carol Fukunaga, Vice Chair
and Members of the Senate Committee on Commerce and Consumer Protection

FROM: Mitchell Tynanes
Hawai'i Regional Council of Carpenters

RE: **Strong Support for SB179 – Relating to Remedies**

Aloha Chair Evslin, Vice Chair Miyake, and Members of the Committee,

On behalf of the Hawai'i Regional Council of Carpenters (HRCC), I submit this testimony in **strong support of SB179**, which seeks to reform the current Contractor Repair Act (CRA) and create a fairer, more cooperative approach to resolving construction defect disputes.

As the largest construction labor organization in the state, representing thousands of working men and women in Hawai'i, we believe this legislation is critical to protecting jobs, stabilizing the construction industry, and improving housing affordability—all of which directly impact our members and the broader Hawai'i community.

The misuse of the current Contractor Repair Act has led to an increase in unnecessary litigation that discourages builders from undertaking new housing projects. This bill helps protect Hawai'i's workers and jobs. These excessive lawsuits delay construction, drive up costs, and if not held in check, will ultimately reduce the number of projects that move forward. This directly impacts Hawai'i's workforce by leading to fewer construction jobs and less economic opportunity for skilled laborers.

Hawai'i's working families depend on a stable and thriving construction industry, but when legal threats make development riskier and more expensive, the result is fewer job opportunities and greater economic uncertainty for local carpenters and tradespeople. SB179 will help restore balance by ensuring that legitimate construction defects are addressed efficiently without inviting unnecessary litigation that stalls projects and costs jobs.

STATE HEADQUARTERS & BUSINESS OFFICES

OAHU: 1311 Houghtailing Street, Honolulu Hawaii 96817-2712 • Ph. (808) 847-5761 Fax (808) 440-9188
HILO OFFICE: 525 Kilauea Avenue, Room 205, Hilo, Hawaii 96720-3050 • Ph. (808) 935-8575 Fax (808) 935-8576
KONA OFFICE: 75-126 Lunapule Road, Kailua-Kona, Hawaii 96740-2106 • Ph. (808) 329-7355 Fax (808) 326-9376
MAUI OFFICE: 330 Hookahi Street, Wailuku, Maui 96793-1449 • Ph. (808) 242-6891 Fax (808) 242-5961
KAUAI OFFICE: Kuhio Medical Ctr Bldg., 3-3295 Kuhio Hwy, Suite 201, Lihue, Kauai 96766-1040 • Ph. (808) 245-8511 Fax (808) 245-8911

This bill promotes fairness and stability in the construction industry. The original intent of the Contractor Repair Act was to create a cooperative process between builders and homeowners, allowing defects to be identified and repaired without immediately resorting to lawsuits. However, aggressive attorneys have exploited legal loopholes, filing class-action lawsuits that significantly increase legal and insurance costs for builders—costs that are ultimately passed on to homeowners.

The result is a more volatile construction market, where developers and contractors face excessive legal risks, making them hesitant to take on projects, especially affordable housing developments. SB179 provides a much-needed course correction by:

- Requiring a good-faith inspection and repair period before litigation can be filed.
- Discouraging the filing of unnecessary lawsuits that disrupt projects.
- Restoring the intended purpose of the CRA by prioritizing repairs over litigation.

Hawai'i is in the midst of a severe housing crisis, with working families struggling to find affordable homeownership opportunities. This bill will help to reduce housing costs and expand access to homeownership. The excessive legal claims against new developments have had far-reaching financial consequences, including:

- Increased construction costs that make it harder to build homes that Hawai'i residents and families can afford passed down to buyers.
- Higher insurance premiums for developers and builders as a result of increased litigation.
- More restrictive lending conditions, making it harder for first-time homebuyers to qualify for loans.

SB179 will help keep unnecessary increases to housing costs by ensuring that construction defect issues are resolved in a fair and cooperative manner, and not through needless, drawn-out lawsuits that serve to benefit a handful of attorneys at the expense of prospective homebuyer and current homeowners.

Passing this measure will protect homeowners by ensuring timely repairs.

The current system often leaves homeowners caught in the middle, with disputes over defects dragging on for years due to prolonged litigation. This means:

- Essential repairs to homes go unaddressed for extended periods.
- Lenders hesitate to finance homes involved in ongoing lawsuits.

In some cases, attorneys representing community associations in construction defect litigation have advised associations to avoid maintaining common areas or performing general upkeep and maintenance. This tactic, intended to strengthen legal claims, has resulted in diminished

quality of life for residents who are left with deteriorating shared spaces and poorly maintained facilities. While this is not always the case, it highlights a troubling practice that can unfairly burden homeowners and harm the overall well-being of communities.

SB179 will restore a fair process that ensures homeowners receive the repairs they need in a timely manner, rather than being drawn into protracted legal battles that benefit attorneys more than homeowners.

For the reasons outlined above—protecting jobs, stabilizing the construction industry, reducing housing costs, and ensuring fair treatment for homeowners—we urge you to pass SB179.

This bill provides the necessary reforms to ensure that our state’s workers, builders, and homeowners are all treated fairly while keeping Hawai‘i’s housing market strong and accessible.

Mahalo for your time and consideration. The Hawai‘i Regional Council of Carpenters stands ready to work with lawmakers and stakeholders to advance policies that promote housing affordability, job stability, and a thriving construction industry. I have also included signed testimony of support from members of the Hawai‘i Regional Council of Carpenters.

Sincerely,

Mitchell Tynanes
Hawai‘i Regional Council of Carpenters

Aloha Chair, Vice Chair, and Members of the Committee,

I am a proud member of the Hawai'i Regional Council of Carpenters, and I **strongly support SB179** because it helps workers, homeowners, and our communities.

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This affects all of us—not just the people building homes, but anyone trying to afford one. When projects get tied up in court, the cost of housing goes way up, and fewer homes get built. That means people like me, my family, and my friends have an even harder time buying a home here in Hawai'i.


On top of that, there have been cases where lawyers told homeowner associations not to maintain their property so they could make bigger claims in a lawsuit. That just hurts the people who live there.

SB179 is simple—it makes sure real problems get fixed first and stops lawsuits from making things worse. This bill will help keep people working, keep home costs down, and make sure homeowners aren't stuck in the middle.

I urge you to pass SB179 and help protect local jobs, housing, and fair treatment for homeowners.

Mahalo.

Signature:



Printed Name:

ANTONIO ABOVIANISA

Email:

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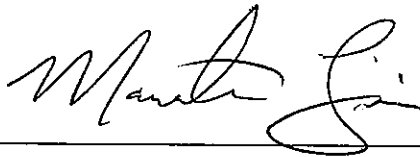
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Printed Name:



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Signature:

Tyson Kaupe

Printed Name:

Tyson Kaupe

Email:

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Mahalo.

Signature:



Printed Name:

Bronson Saltikam

Email:

bsaltikam@gmail.com

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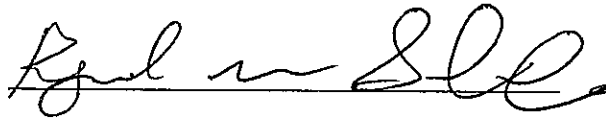
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Signature:



Printed Name:

RAYMOND MAUAI

Email:

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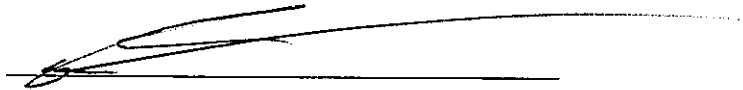
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Signature:



Printed Name:

Augustin Carnillo Jr.

Email:

augiejr19@gmail.com

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Signature:



Printed Name:

GYAN ALCANTARA

Email:

ALCANTARA GYAN @ GMAIL.COM

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Printed Name:

Brendan Redmond

Email:

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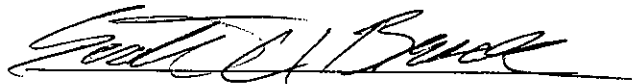
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Signature:



Printed Name:

SCOTT C.L. BREDE

Email:

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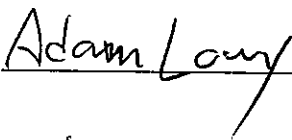
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
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Printed Name:



Email:



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Mahalo.

Signature:

Taniela Kavapalu

Printed Name:

TANIELA KAVAPALU

Email:

HK0717@yahoo.com

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Mahalo.

Signature:



Printed Name:

Charles L. Odom

Email:

CharlesLamarOdom@gmail.com

Aloha Chair, Vice Chair, and Members of the Committee,

I am a proud member of the Hawai'i Regional Council of Carpenters, and I **strongly support SB1650** because it helps workers, homeowners, and our communities.

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I urge you to pass SB1650 and help protect local jobs, housing, and fair treatment for homeowners.

Mahalo.

Signature:

A handwritten signature in black ink, appearing to read "Desmond Papa", written over a horizontal line.

Printed Name:

DESMOND PAPA

Email:

dezpopa@yahoo.com

Aloha Chair, Vice Chair, and Members of the Committee,

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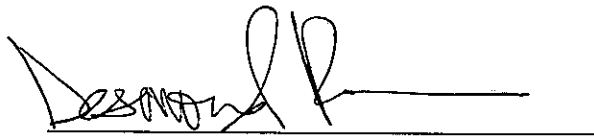
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Signature:



Printed Name:

DESMOND PAPA

Email:

dezpapa@yahoo.com

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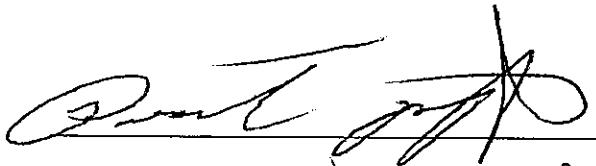
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Mahalo.

Signature:



Printed Name:

Preston Papa

Email:

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Signature:

Ethan K. Yuen

Printed Name:

Ethan K. Yuen

Email:

ethankyuen@gmail.com

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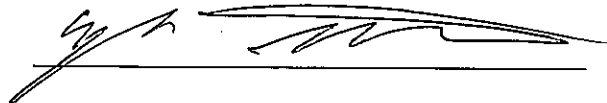
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I urge you to pass SB179 and help protect local jobs, housing, and fair treatment for homeowners.

Mahalo.

Signature:



Printed Name:

Elijah Thierbach

Email:

Elijah.Thierbach@gmail.com

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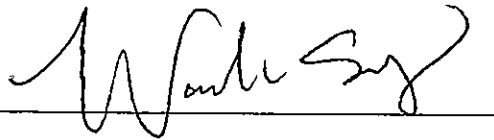
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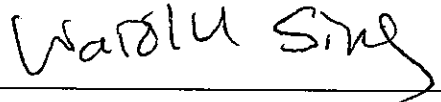
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Signature:

Alex Basio

Printed Name:

ALEX Basio

Email:

abasio01@yahoo.com

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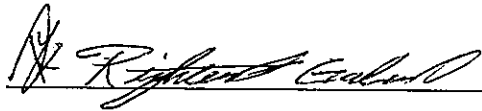
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Printed Name:

Righteous Gabeles

Email:

Righteous2008@gmail.com

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Signature:

Mark Anger

Printed Name:

MARIC SUBAI

Email:

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Printed Name:

MATTHEW PILI

Email:

MATT.PILI@GMAIL.COM

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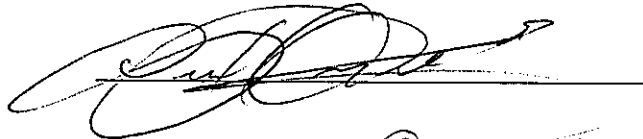
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Signature:



Printed Name:

Lionel Quenato

Email:

Lionel@vncdrywall.com

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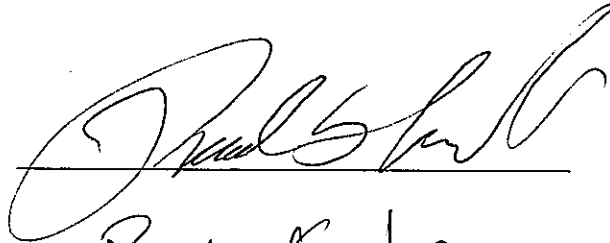
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Signature:

A handwritten signature in black ink, appearing to read "Paul Freitas", written over a horizontal line.

Printed Name:

Paul Freitas

Email:

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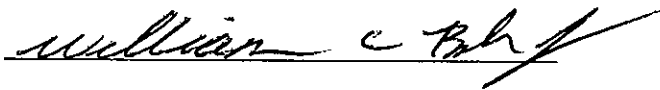
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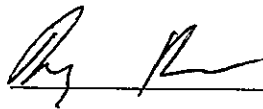
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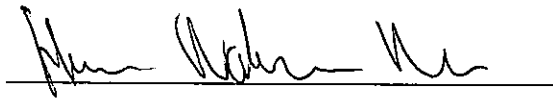
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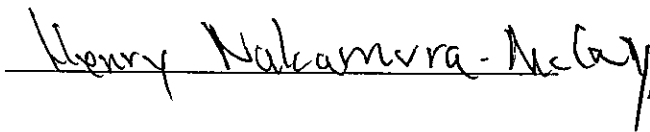
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Printed Name:

Chad Samante

Email:

SamanteChad@icbuid.com

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Email:

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Printed Name:

Sean Newcamp

Email:

Sean.newcamp2@gmail.com

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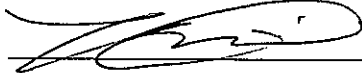
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Printed Name:

Kalani Ahiyasa

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Pat Foster

Printed Name:

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Email:

Foster@yahoo.com

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Herbert Cummings

Email:

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Printed Name:

JAKE RADCLIFF

Email:

JRADCLIFF303@GMAIL.COM

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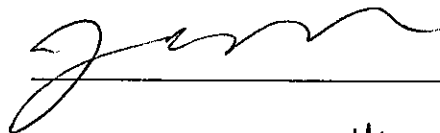
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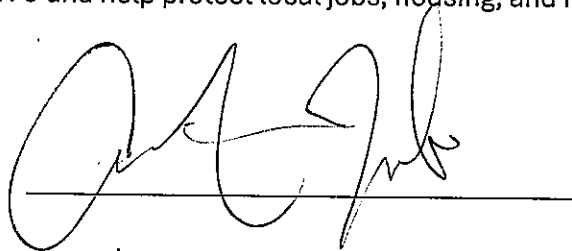
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I urge you to pass SB179 and help protect local jobs, housing, and fair treatment for homeowners.

Mahalo.

Signature:

A handwritten signature in black ink, appearing to read "A.A. Viana", written over a horizontal line.

Printed Name:

A.A. Viana

Email:

Aloha Chair, Vice Chair, and Members of the Committee,

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M. M. JO

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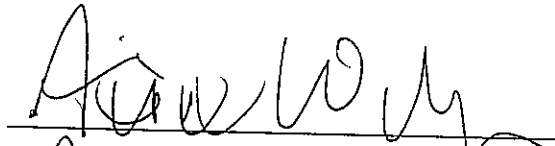
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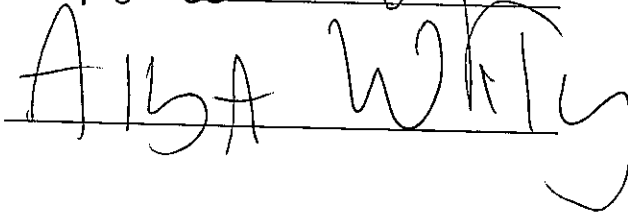
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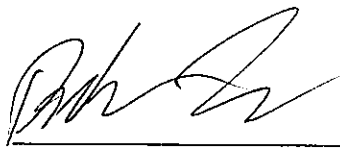
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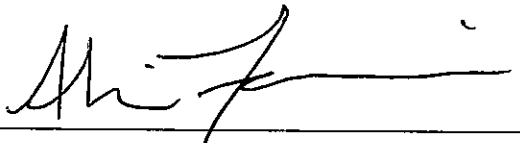
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Email:

AMFAUMOI@YAHOO.COM

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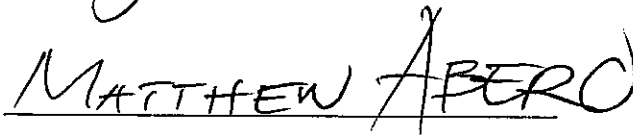
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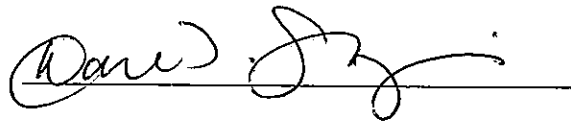
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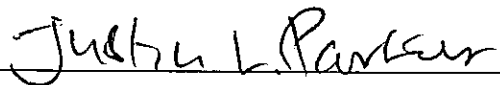
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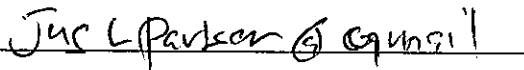
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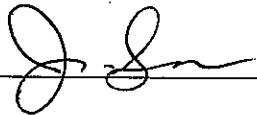
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Signature:



Printed Name:

JUSTIN AWA

Email:

JUST.AWA@ICLOUD.COM

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Email:

tanaamf@gmail.com

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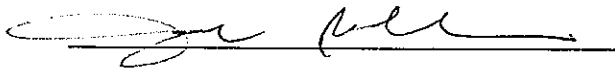
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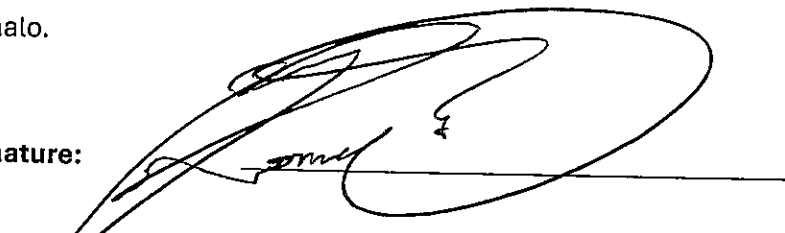
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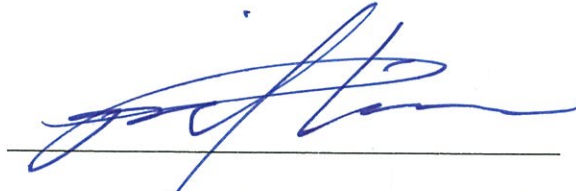
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Riebel Pasiva

Email:

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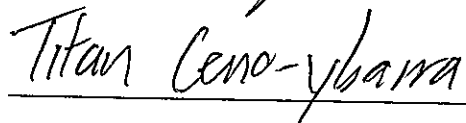
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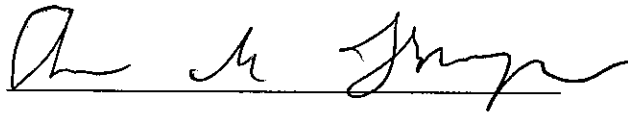
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PAUL LORENZ, Dolo po zha

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Mahalo.

Signature:



Printed Name:

EMERSON BALANGCO

Email:

/

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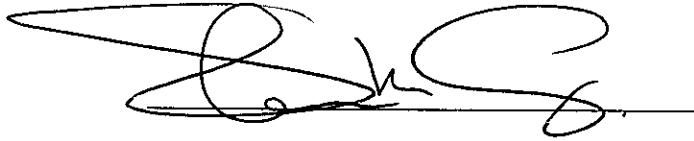
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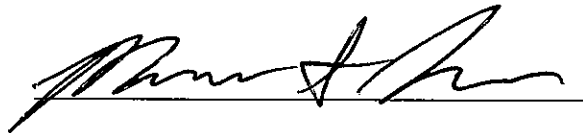
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Signature:



Printed Name:

Marcus Lau

Email:

poke.lau@gmail.com

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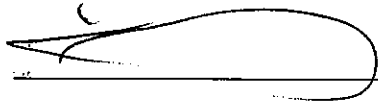
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MIKE WARNER

Email:

mjwrnr@yahoo.com

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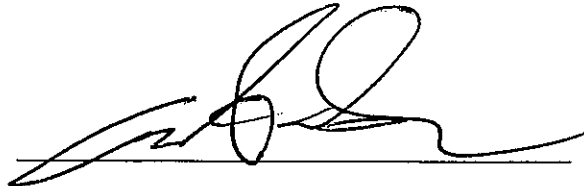
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Printed Name:

Antonio Sabler

Email:

aseblon76@gmail.com

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Printed Name:

Sean Michael Valdez

Email:

SeanMichael.Valdez@icloud.com

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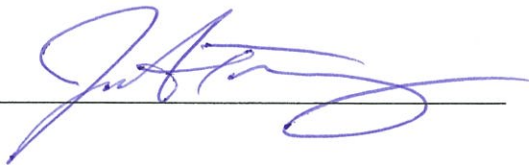
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Jerry Medd

Printed Name:

Jerry Medd

Email:

JerryMedd97@gmail.com

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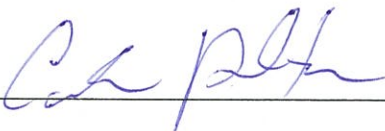
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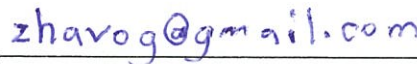
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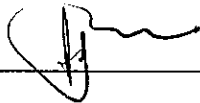
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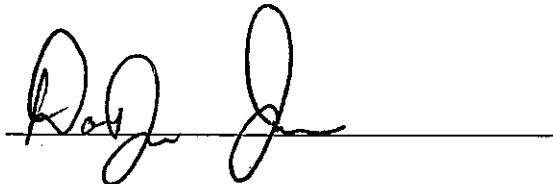
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Dalton Jones

Email:

djones3@kenzelphelps.com

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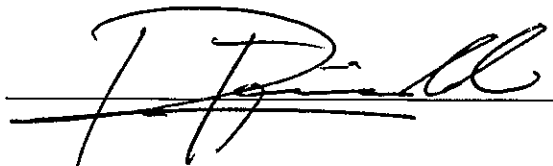
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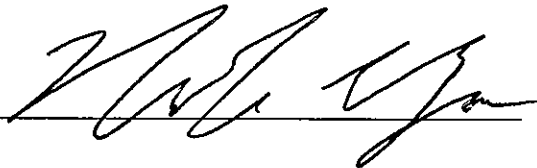
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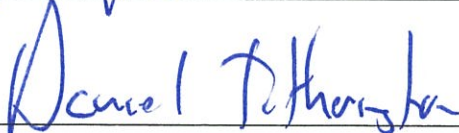
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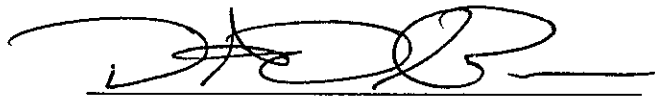
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Destro Dela Pena

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SB179 is simple—it makes sure real problems get fixed first and stops lawsuits from making things worse. This bill will help keep people working, keep home costs down, and make sure homeowners aren't stuck in the middle.

I urge you to pass SB179 and help protect local jobs, housing, and fair treatment for homeowners.

Mahalo.

Signature:

Reed Dunlap

Printed Name:

Reed Dunlap

Email:

reed@dunlap554@gmail.com

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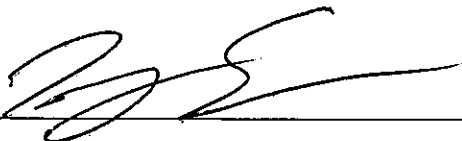
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Printed Name:

Tony Seto

Email:

tonyseto04@gmail.com

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Printed Name:

Peterson R. Hock

Email:

RHock80@gmail.com

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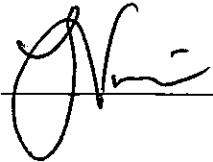
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Nahij Naeole

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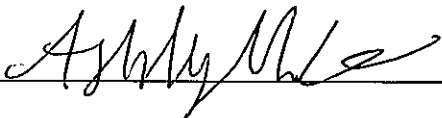
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Signature:

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Printed Name:

Ashley Martinez Lopez

Email:

ashleyjaylene@yahoo.com

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Signature:

RSF

Printed Name:

Rolupa P. Sanchez-Purtado

Email:

Keppal596@gmail.com

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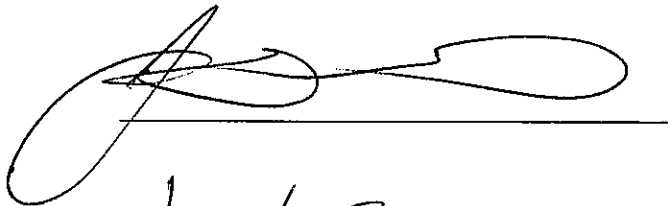
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Signature:

A handwritten signature in black ink, appearing to read "Joseph Soares", written over a horizontal line.

Printed Name:

Joseph Soares

Email:

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Printed Name:

Donn Michael Wisce

Email:

Donn.Wisce@yahoo.com

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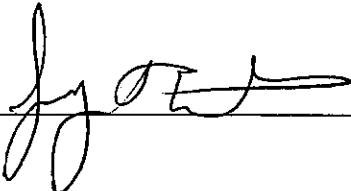
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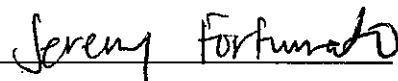
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Printed Name:

Marcus Lee

Email:

Pokilac@gmail.com

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Printed Name:

Herbert Hernandez

Email:

Hernandez@benselphelps.com

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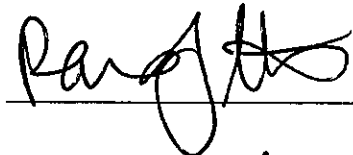
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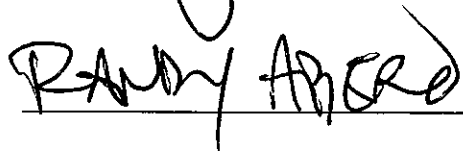
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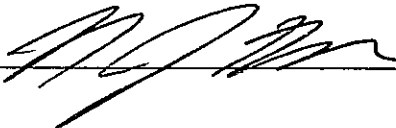
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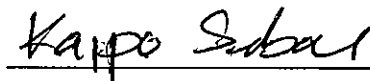
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Printed Name:

Warren Salis

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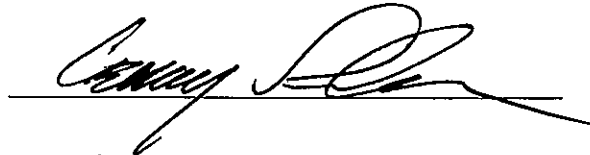
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SB179 is simple—it makes sure real problems get fixed first and stops lawsuits from making things worse. This bill will help keep people working, keep home costs down, and make sure homeowners aren't stuck in the middle.

I urge you to pass SB179 and help protect local jobs, housing, and fair treatment for homeowners.

Mahalo.

Signature:



Printed Name:

Leroy Silva

Email:

Aloha Chair, Vice Chair, and Members of the Committee,

I am a proud member of the Hawai'i Regional Council of Carpenters, and I **strongly support SB179** because it helps workers, homeowners, and our communities.

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Printed Name:

Edwin Tjooen

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Signature:

Kaaina Kakuaka-Meese

Printed Name:

Kaaina Kakuaka-Meese

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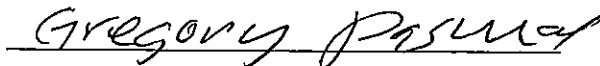
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Mahalo.

Signature:



Printed Name:



Email:

Aloha Chair, Vice Chair, and Members of the Committee,

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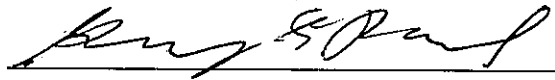
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Mahalo.

Signature:



Printed Name:

Gregory Pascua

Email:

Aloha Chair, Vice Chair, and Members of the Committee,

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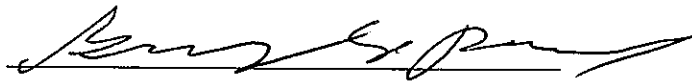
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Mahalo.

Signature:



Printed Name:

Gregory Pasqua

Email:

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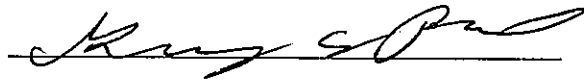
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Mahalo.

Signature:



Printed Name:

Gregory Pasqua

Email:

GKJ.Pasqua@a.yahoo.com

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Mahalo.

Signature:



Printed Name:

Brian Kalco Bertulfo

Email:

~~SKB~~ Slaughterhouse 58@gmail.com

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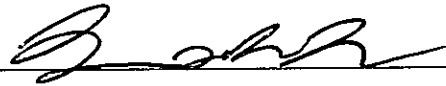
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Mahalo.

Signature:



Printed Name:

Brian Kalco Bertulfo

Email:

slaughtahouse SA@gmail.com

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Mahalo.

Signature:



Printed Name:

Brian M. Bertulfo

Email:

Slaughterhouse 56@gmail.com

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Mahalo.

Signature:



Printed Name:

Brian Kalo Bertulfo

Email:

Slaughterhouse SB@gmail.com

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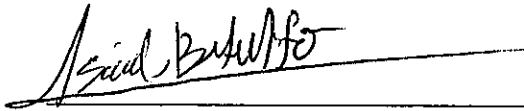
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Mahalo.

Signature:



Printed Name:

Isaiiah Bertulfo

Email:

Isaiiah.Bertulfo@gmail.com

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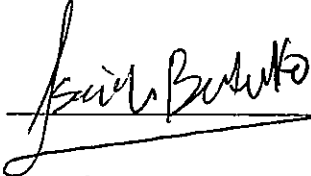
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Mahalo.

Signature:



Printed Name:

Ismaiah Bertulfo ~~Ismaiah Bertulfo~~

Email:

IsmaiahBertulfo@gmail.com

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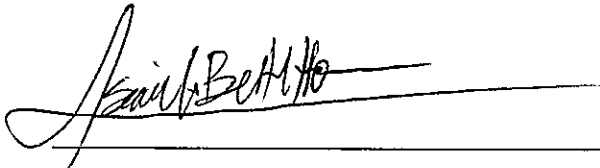
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Mahalo.

Signature:

A handwritten signature in black ink that reads "Isaiah Bertulfo". The signature is written in a cursive style and is positioned above a horizontal line.

Printed Name:

Isaiah Bertulfo

Email:

Isaiah Bertulfo@gmail.com

Aloha Chair, Vice Chair, and Members of the Committee,

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Mahalo.

Signature:

Isaiah Bertulfo

Printed Name:

Isaiah Bertulfo

Email:

Isaiah.Bertulfo@gmail.com

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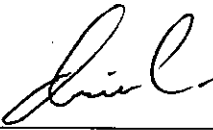
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Mahalo.

Signature:



Printed Name:

Eric Chung

Email:

ericchung26@gmail.com

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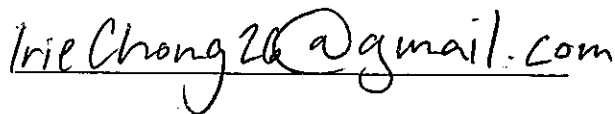
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Mahalo.

Signature:

Eric C.

Printed Name:

Eric Chang

Email:

ericchang26@gmail.com

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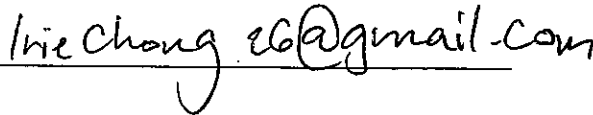
Signature:



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Email:



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Mahalo.

Signature:

Mark C

Printed Name:

Mark Calabatin

Email:

markatc@gmail.com

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Mahalo.

Signature:

Mark Calabrin

Printed Name:

Mark Calabrin

Email:

markcalabrin@gmail.com

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This affects all of us—not just the people building homes, but anyone trying to afford one. When projects get tied up in court, the cost of housing goes way up, and fewer homes get built. That means people like me, my family, and my friends have an even harder time buying a home here in Hawai'i.

On top of that, there have been cases where lawyers told homeowner associations not to maintain their property so they could make bigger claims in a lawsuit. That just hurts the people who live there.

SB1650 is simple—it makes sure real problems get fixed first and stops lawsuits from making things worse. This bill will help keep people working, keep home costs down, and make sure homeowners aren't stuck in the middle.

I urge you to pass SB1650 and help protect local jobs, housing, and fair treatment for homeowners.

Mahalo.

Signature:

Mark C

Printed Name:

Mark Calabatin

Email:

markcalabatin@gmail.com

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Mahalo.

Signature:

Mark C

Printed Name:

Mark Calabrin

Email:

markatc@icloud.com

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Mahalo.

Signature:



Printed Name:

Jordan Mateo

Email:

Jordan.A.Mateo@gmail

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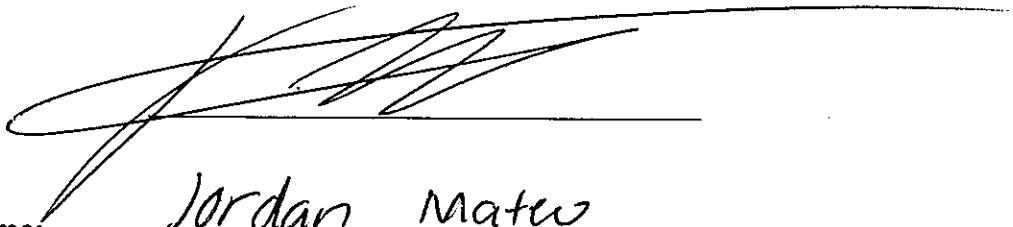
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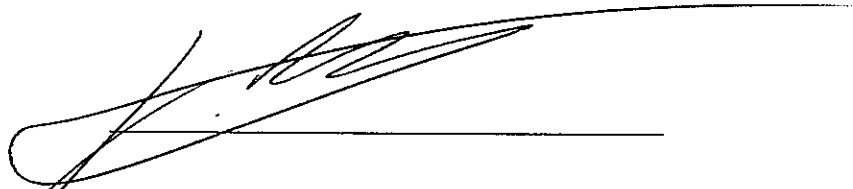
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Jordan Mateo

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Jordan.A.Mateo @Gmail

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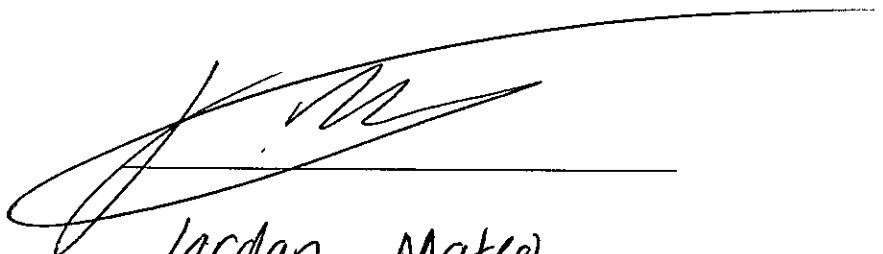
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Mahalo.

Signature:

A handwritten signature in black ink, appearing to read "Jordan Mateo", written over a horizontal line.

Printed Name:

Jordan Mateo

Email:

Jordan.A.Mateo@Gmail

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Signature:



Printed Name:

Frinz Peirvhid Ramit

Email:

Frinz.Ramit08@gmail.com

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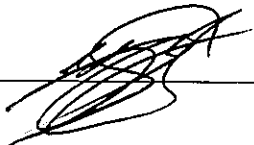
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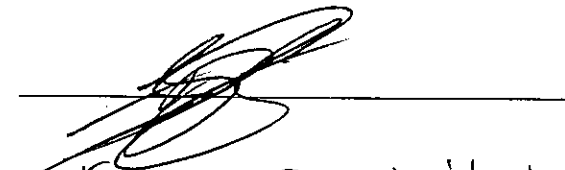
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Signature:



Printed Name:

Fruz Devid Ramif

Email:

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SB179 is about fairness. It makes sure repairs happen before lawsuits and stops attorneys from using these cases to get rich while working families pay the price. This bill will help keep construction going, keep jobs steady, and make housing more affordable for all of us.

Please pass **SB179** so we can get back to work and make Hawai'i a place where people like me can actually afford to live.

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Alfred Dela Cruz

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Robin Planter

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Luis Acosta

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Michael Taliulu

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Cody Galeon Fiero

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I'm a member of the Hawai'i Regional Council of Carpenters, and I'm writing to strongly support SB179 because it will help keep people working and make sure more local families can afford a home.

I work hard building homes in Hawai'i, but I can't even afford to buy one myself. Too many people I know, co-workers, family, friends—are struggling to find a place to live. The cost of housing keeps going up, and these construction defect lawsuits are making it worse.

Instead of fixing problems, some lawyers are taking advantage of the system by suing first, which drives up costs and stops projects before builders can even make repairs. That means fewer jobs and higher housing prices for all of us.

That's not how it should work. Homeowners should be able to trust that their communities are being taken care of, but sometimes legal games get in the way. I've heard of cases where lawsuits drag on for years, leaving neighborhoods in bad shape because no one wants to take responsibility while they wait for a payout. That's not fair to the people living there, they just want safe, well-kept homes, not a legal battle that makes things worse.

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Mahalo,

Brittany Steed

February 7, 2025

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Vice Chair Carol Fukunaga
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Thirty-Third Legislature, Regular Session of 2025

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Damien Banglos

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Desmond Banglos

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Donald-Joshua Urita

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Eleazar Jeffrey Bantillo

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Mahalo,

George Boeman

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Glenn Alcalde

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Hayden Kealoha

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Joemelyn Adviento

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Kaipo Tuulima Cruz

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Mahalo,

Kaleb

February 7, 2025

Chair Jarrett Keohokalole
Vice Chair Carol Fukunaga
Members of the Senate Committee on Commerce and Consumer Protection
Thirty-Third Legislature, Regular Session of 2025

RE: SB179 – Relating to Remedies

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Mahalo,

Kekahi Reiny-Aloy

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Kekona B. Salazar

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Keolani Joven

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Keoni Maka

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Koalii Kohatsu

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Mahalo,

Micah Tucay-Rabago, Jr.

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Robert F. Subee III

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Ronson Rarogal

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Tea-Sio-Leimoni Asipele

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Tema Quirit

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Tevita Valikoula

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Thomas Cabus-Lopes

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SB179 is about fairness. It makes sure repairs happen before lawsuits and stops attorneys from using these cases to get rich while working families pay the price. This bill will help keep construction going, keep jobs steady, and make housing more affordable for all of us.

Please pass SB179 so we can get back to work and make Hawai'i a place where people like me can actually afford to live.

Mahalo,

Warren Salis

February 7, 2025

Chair Jarrett Keohokalole
Vice Chair Carol Fukunaga
Members of the Senate Committee on Commerce and Consumer Protection
Thirty-Third Legislature, Regular Session of 2025

Re: SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Commerce and Consumer Protection Committee,

I'm a member of the Operative Plasterers' and Cement Masons' International Association Local 630, AFL-CIO, and I'm writing to **strongly support SB179** because it will help keep people working and make sure more local families can afford a home.

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Please pass SB179 so we can make Hawai'i a place where people like me can actually afford to live.

Mahalo,

A handwritten signature in black ink, appearing to read "J. P. ...". The signature is written in a cursive style with a long, sweeping tail.

February 7, 2025

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Vice Chair Carol Fukunaga
Members of the Senate Committee on Commerce and Consumer Protection
Thirty-Third Legislature, Regular Session of 2025

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Mahalo,

A handwritten signature in black ink, appearing to be 'Kane', written in a cursive style.

February 7, 2025

Chair Jarrett Keohokalole

Vice Chair Carol Fukunaga

Members of the Senate Committee on Commerce and Consumer Protection

Thirty-Third Legislature, Regular Session of 2025

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Mahalo,

Casey Calistro



February 7, 2025

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Vice Chair Carol Fukunaga
Members of the Senate Committee on Commerce and Consumer Protection
Thirty-Third Legislature, Regular Session of 2025

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Mahalo,

Two handwritten signatures in black ink, one on the left and one on the right, positioned below the text 'Mahalo,'.

February 7, 2025

Chair Jarrett Keohokalole

Vice Chair Carol Fukunaga

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Thirty-Third Legislature, Regular Session of 2025

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February 7, 2025

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Mahalo,

A handwritten signature in black ink, appearing to be the name 'Jarrett' or similar, written in a cursive style.

February 7, 2025

Chair Jarrett Keohokalole
Vice Chair Carol Fukunaga
Members of the Senate Committee on Commerce and Consumer Protection
Thirty-Third Legislature, Regular Session of 2025

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Mahalo,

A handwritten signature in black ink, appearing to be 'Mark', written in a cursive style.

February 7, 2025

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Vice Chair Carol Fukunaga
Members of the Senate Committee on Commerce and Consumer Protection
Thirty-Third Legislature, Regular Session of 2025

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Mahalo,

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February 7, 2025

Chair Jarrett Keohokalole
Vice Chair Carol Fukunaga
Members of the Senate Committee on Commerce and Consumer Protection
Thirty-Third Legislature, Regular Session of 2025

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February 7, 2025

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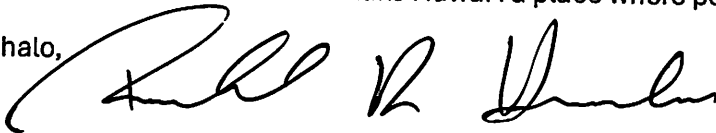
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February 7, 2025

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Thirty-Third Legislature, Regular Session of 2025

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Mahalo,

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February 7, 2025

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Vice Chair Carol Fukunaga
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Thirty-Third Legislature, Regular Session of 2025

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Mahalo,

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February 7, 2025

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Vice Chair Carol Fukunaga
Members of the Senate Committee on Commerce and Consumer Protection
Thirty-Third Legislature, Regular Session of 2025

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Mahalo,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

February 7, 2025

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Vice Chair Carol Fukunaga
Members of the Senate Committee on Commerce and Consumer Protection
Thirty-Third Legislature, Regular Session of 2025

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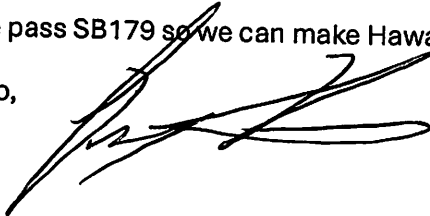
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Mahalo,

A handwritten signature in black ink, appearing to be a stylized name, possibly 'Aloha' or similar, written over the 'Mahalo,' text.

February 7, 2025

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Vice Chair Carol Fukunaga
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Thirty-Third Legislature, Regular Session of 2025

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That's not how it should work. Homeowners should be able to trust that their communities are being taken care of, but sometimes legal games get in the way. I've heard of cases where lawsuits drag on for years, leaving neighborhoods in bad shape because no one wants to take responsibility while they wait for a payout. That's not fair to the people living there—they just want safe, well-kept homes, not a legal battle that makes things worse.

SB179 is about fairness. It makes sure repairs happen before lawsuits and stops attorneys from using these cases to get rich while working families pay the price. This bill will help keep construction going, keep jobs steady, and make housing more affordable for all of us.

Please pass SB179 so we can make Hawai'i a place where people like me can actually afford to live.

Mahalo,

Marie Hamps

February 7, 2025

Chair Jarrett Keohokalole
Vice Chair Carol Fukunaga
Members of the Senate Committee on Commerce and Consumer Protection
Thirty-Third Legislature, Regular Session of 2025

Re: SB179 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Commerce and Consumer Protection Committee,

I'm a member of the Operative Plasterers' and Cement Masons' International Association Local 630, AFL-CIO, and I'm writing to **strongly support SB179** because it will help keep people working and make sure more local families can afford a home.

I work hard building homes in Hawai'i, but I can't even afford to buy one myself. Too many people I know, co-workers, family, friends—are struggling to find a place to live. The cost of housing keeps going up, and these construction defect lawsuits are making it worse.

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Mahalo,





**Testimony to the Senate Committee on Commerce and Consumer Protection
Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair**

**Monday, February 10, 2024, at 9:35AM
Conference Room 229 & Videoconference**

RE: SB179 Relating to Remedies

LATE

LATE

Aloha e Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee:

My name is Sherry Menor, President and CEO of the Chamber of Commerce Hawaii ("The Chamber"). The Chamber supports Senate Bill 179 (SB179), which permits the Department of Labor and Industrial Relations to enter into contracts with eligible employers or registered apprenticeship programs in the private sector to provide on-the-job training to eligible interns.

SB179 aligns with our 2030 Blueprint for Hawaii: An Economic Action Plan, specifically under the policy pillar for Business Services. This bill promotes policies that drive economic growth, enhance workforce opportunities, and improve the quality of life for Hawaii's residents.

Hawaii's housing crisis, worsened by the August 2023 Maui wildfires, is driven by the nation's highest housing costs, which have tripled since the 1990s. A major issue is excessive construction defect litigation, inflating insurance costs and discouraging development. Current laws allow vague claims without giving contractors a chance to inspect or fix defects, leading to costly settlements that don't benefit homeowners and further limit supply. Ambiguities in the Contractor Repair Act and statute of repose have prolonged disputes, creating uncertainty for developers and homeowners.

This bill streamlines defect claim resolutions, reducing unnecessary litigation. It ensures the statute of repose applies to all claims, closes fraudulent concealment loopholes, and requires specific defect details. It also improves contractor inspection and repair processes, discourages baseless claims, and limits excessive damages for rejected settlements. The Chamber supports this measure to boost affordable housing and create a balanced legal framework protecting both builders and homeowners.

The Chamber of Commerce Hawaii is the state's leading business advocacy organization, dedicated to improving Hawaii's economy and securing Hawaii's future for growth and opportunity. Our mission is to foster a vibrant economic climate. As such, we support initiatives and policies that align with the 2030 Blueprint for Hawaii that create opportunities to strengthen overall competitiveness, improve the quantity and skills of available workforce, diversify the economy, and build greater local wealth.

We respectfully ask to pass Senate Bill 179. Thank you for the opportunity to testify.