

Testimony of
Pacific Resource Partnership

Hawai'i State Legislature, House Committee on Housing
Chair Luke Evslin and Vice Chair Tyson Miyake
Friday, January 31, 2025

Subject: Strong Support for HB420 – Relating to Remedies

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

On behalf of Pacific Resource Partnership (PRP), which represents thousands of unionized carpenters and hundreds of general contractors across Hawai'i, we strongly support HB420, 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.



(Continued From Page 1)

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

HB420 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 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.

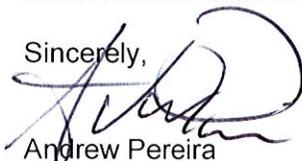
We urge this committee to pass HB420 and take a stand against the legal abuse that is stalling much-needed housing development in Hawai'i.

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





January 31, 2025

TO: HONORABLE LUKE A. EVSLIN, CHAIR, HONORABLE TYSON K. MIYAKE, VICE CHAIR, COMMITTEE ON HOUSING.

SUBJECT: **SUPPORT OF H.B. 420, RELATING TO REMEDIES.** 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.

HEARING

DATE: Friday, January 31, 2025
TIME: 9:15 a.m.
PLACE: Capitol Room 430

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

The General Contractors Association of Hawaii (GCA) is an organization comprised of approximately five hundred (500) general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is the largest construction association in the State of Hawaii. Our mission is to elevate Hawaii's construction industry and strengthen the foundation of our community.

GCA **SUPPORTS** H.B. 420, 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.

It's no secret that the cost of housing, including construction financing and insurance costs have led to a critical shortage of housing in Hawaii. Yet new developments being built with first time homebuyers in mind are being put on hold because frivolous lawsuits can restrict financing options for homebuyers. This scenario sees promising housing developments aimed at first-time homebuyers facing unnecessary delays and financial hurdles due to lawsuits.

As a result of these frivolous lawsuits many first-time homebuyers are unable to obtain financing through FHA, Fannie Mae, VA or other federally guaranteed loans and are unable to purchase. In fact, 3 in 4 homebuyers could not afford the initial downpayment for a unit without government-backed financing options, and owner-occupant buyers in some projects have plummeted to only



GENERAL
CONTRACTORS
ASSOCIATION
OF HAWAII

38% of homebuyers because of their inability to afford the higher downpayments required for traditional loans. These legal challenges not only escalate home and insurance costs but also amplify the overall expense for developers, subsequently impacting housing affordability. What's more is that many builders are choosing not to go forward with construction due to concerns of frivolous litigation, including at least one affordable housing project.

This measure will help to prevent frivolous lawsuits by increasing the opportunity for homebuilders and homeowners to address any potential construction defects without costly litigation. Specifically, these bills would:

1. Provide better notice or detail of alleged defect;
2. Require evidence of any alleged defect;
3. Amending the process and timeframe for inspection; and
4. Limiting recovery to the cost of mitigating the defect and attorney's fees when a proposal to Inspect or an offer to repair is unreasonably rejected.

The emphasis on providing detailed notices and evidence of potential defects is pivotal, ensuring both parties have a comprehensive understanding of the issues. This approach encourages collaborative problem-solving, reducing the likelihood of misunderstandings and baseless claims. Requiring claimants to furnish specific evidence enhances the validity of construction claims, fostering fair assessments and informed decision-making, ultimately leading to expedited resolutions and accurate damage assessments.

These proposed changes offer homeowners an opportunity to address conflicts and rectify potential defects in a timely manner, bypassing the protracted litigation process. Emphasizing early notification is a strategic move that promises to contribute significantly to the swift resolution of construction issues, benefiting all stakeholders involved. For these reasons, I strongly urge this committee to pass HB 420 to help alleviate some of the increasing costs of housing for local families.

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

January 29, 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 Raphael Tran, 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.

Raphael Tran

raphael@kyinternational.com



ALI'I GLASS & METAL, INC.

2159 LAUWILIWILI STREET KAPOLEI, HAWAII 96707
(808) 671-4571 FAX (808) 671-5173
Contractor's License #C-9182

January 29, 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 Damon Ishida and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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A handwritten signature in black ink, appearing to read "Damon Ishida", is written over a thin, curved line that extends from the signature towards the right side of the page.

Damon Ishida

President

damon@aliiglass.com

HB-420

Submitted on: 1/29/2025 2:29:40 PM

Testimony for HSG on 1/31/2025 9:15:00 AM

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

Comments:

Hawaii LECET supports HB420.



HAWAII REGIONAL COUNCIL OF CARPENTERS

January 31, 2025

TO: The Honorable Luke Evslin, Chair
The Honorable Tyson Miyake, Vice Chair
and Members of the Committee on Housing
Hawai'i State House of Representatives
Hawai'i State Capitol
415 S. Beretania Street, Conference Room 430
Honolulu, HI 96813

FROM: Mitchell Tynanes
Hawaii Regional Council of Carpenters

RE: Strong Support for HB420 – 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 HB420**, 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.

Protecting Hawai'i's Workers and Jobs

The misuse of the current Contractor Repair Act has led to an increase in unnecessary litigation that discourages builders from undertaking new housing projects. 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.

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

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. HB420 will help restore balance by ensuring that legitimate construction defects are addressed efficiently without inviting unnecessary litigation that stalls projects and costs jobs.

Ensuring 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. HB420 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.

Reducing Housing Costs and Expanding Access to Homeownership

Hawai'i is in the midst of a severe housing crisis, with working families struggling to find affordable homeownership opportunities. 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.

HB420 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.

Protecting 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.

HB420 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.

Conclusion

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 HB420. 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 of 60+ 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 HB420** because it helps workers, homeowners, and our communities.

Right now, housing projects face a real threat of being slowed down or stopped because of construction defect lawsuits that don't fix real problems but just make lawyers rich. When builders get hit with lawsuits before they even have a chance to make repairs, it drives up costs, stops projects, and kills jobs for local workers like me.

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.

HB420 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 HB420 and help protect local jobs, housing, and fair treatment for homeowners.

Mahalo.

Signature:



Printed Name:

ANTONIO ABELLAWOSA

Email:

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Signature:



Printed Name:

Montana Liana

Email:

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Signature:

Tyson Kamepe

Printed Name:

Tyson Kamepe

Email:

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Signature:



Printed Name:

Bronson Saltiban

Email:

BSaltiban@gmail.com

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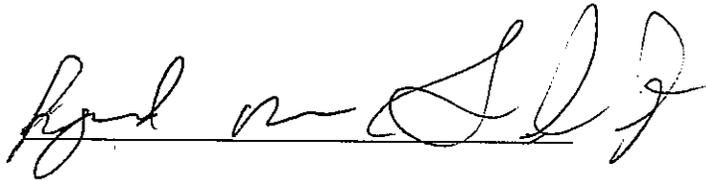
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Signature:



Printed Name:

RAYMOND MAUAI

Email:

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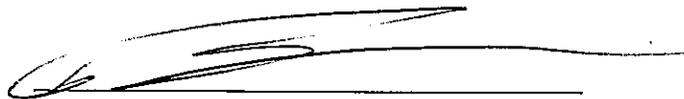
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Signature:



Printed Name:

Augustin Cervillo Jr

Email:

augizjr18@gmail.com

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Signature:



Printed Name:

GYAN ALCANTARA

Email:

ALCANTARA GYAN@GMAIL.COM

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Printed Name:

Brendan Redona

Email:

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Printed Name:

SCOTT C. L. BREDE

Email:

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Mahalo.

Signature:



Printed Name:

Adam Lowy

Email:

adamlowy92@hotmail.com

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Signature:



Printed Name:

TANIELA KAVAPALU

Email:

tk6717@yahoo.com

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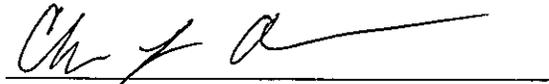
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I urge you to pass HB420 and help protect local jobs, housing, and fair treatment for homeowners.

Mahalo.

Signature:



Printed Name:

Charles L. Odom

Email:

charleslamarodom@gmail.com

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Printed Name:

DESMOND POPA

Email:

dezpopa@yahoo.com

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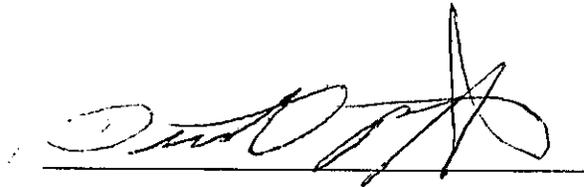
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Signature:



Printed Name:

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Signature:

Ethan K. Yuen

Printed Name:

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Email:

ethankyuen@gmail.com

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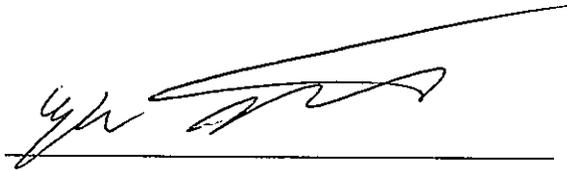
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Signature:



Printed Name:

Elijah Thierbach

Email:

Elijah.Thierbach@gmail.com

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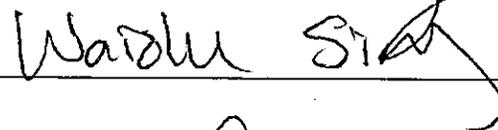
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Signature:

Alex Bagio

Printed Name:

ALEX BAGIO

Email:

abagio01@yahoo.com

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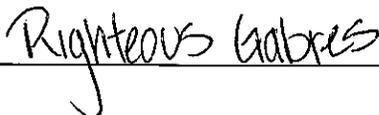
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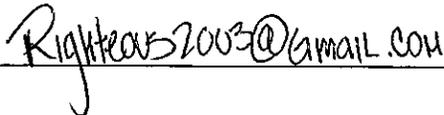
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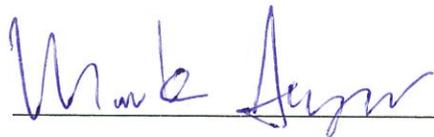
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Signature:

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Printed Name:

MARK SUKA _____

Email:

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Signature:



Printed Name:

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Email:

MATPIHI808@GMAIL.COM

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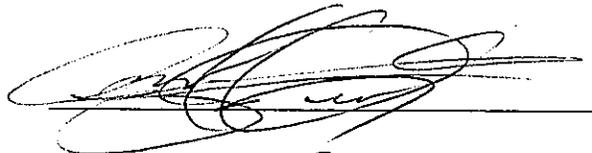
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Email:

Leonard@VMDrywall.com

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Email:

Freitas Paul 4@hmail.com

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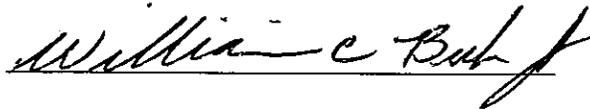
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Printed Name:

Henry Nakamura-McGoy

Email:

sohenryboi@gmail.com

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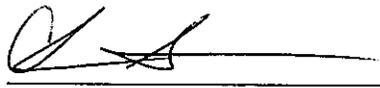
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Printed Name:

Chad Samante

Email:

Samantechad@icloud.com

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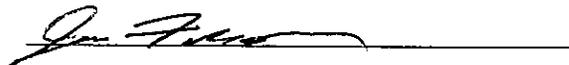
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James Flannery

Email:

Flannery2966@gmail.com

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Printed Name:

Sean Newcamp

Email:

seannewcamp2@gmail.com

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Printed Name:

Kalani Nihipali

Email:

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Signature:

Preston Foster

Printed Name:

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Email:

Pfoster@yahoo.com

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I urge you to pass HB420 and help protect local jobs, housing, and fair treatment for homeowners.

Mahalo.

Signature:



Printed Name:

Treston Rabellizsa

Email:

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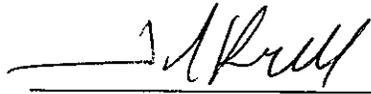
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Signature:



Printed Name:

JAKE RADCLIFF

Email:

JRADCLIFF303@GMAIL.COM

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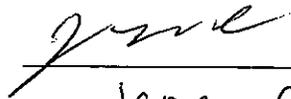
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Signature:



Printed Name:

James Cratti
~~Jamesangatti@~~

Email:

Jamesangatti@gmail.com

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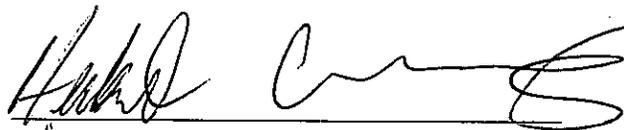
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Herbert Cummings

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Signature:



Printed Name:

Ari Vitoria

Email:

vitoria.ari@gmail.com

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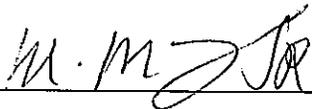
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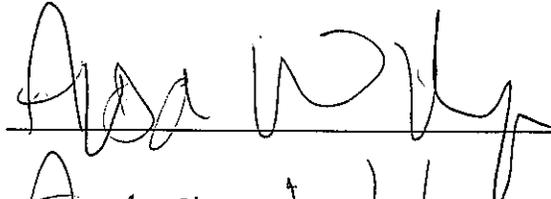
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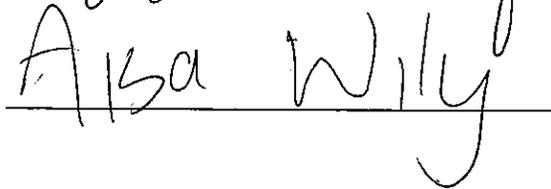
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Mahalo.

Signature:

A handwritten signature in cursive script that reads "Aisa Willy". The signature is written over a horizontal line.

Printed Name:

The name "Aisa Willy" is printed in a simple, sans-serif font over a horizontal line.

Email:

A horizontal line representing an empty field for an email address.

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Printed Name:

Riketa Tili

Email:

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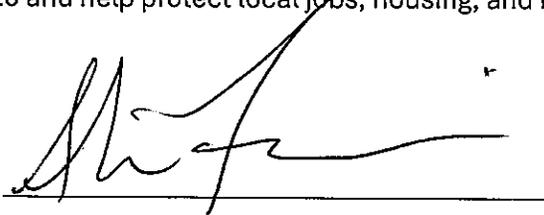
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Signature:



Printed Name:

ALVIN FAUMUI

Email:

AMFAUMUI186@YAHOO.COM

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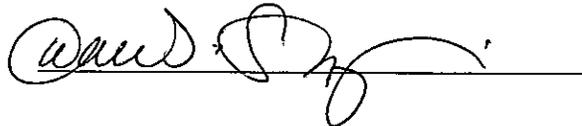
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Printed Name:

DANE MIZUSAWA

Email:

DANE MIZUSAWA@GMAIL.COM

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Printed Name:

Justin L. Parker

Email:

JustinL.Parker@gmail

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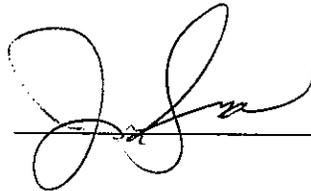
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Printed Name:

JUSTIN AVA

Email:

JUST.AVA@ICLOUD.COM

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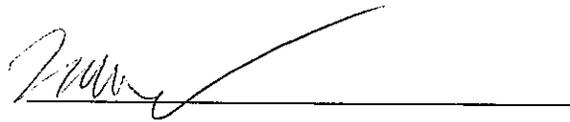
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Tanoa McKenzie-Faumuina

Email:

tanoamf@gmail.com

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Tyler Kukahiko

Email:

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Printed Name:

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Email:

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Roberto Miguel

Printed Name:

Roberto Miguel

Email:

RM1robertomiguel@gmail.com

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Signature:

Printed Name:

Email:



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Titus Solmerin

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Signature:



Printed Name:

Richard Pascoe

Email:

Richard.Pascoe@M2KConstruction.com

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Signature:



Printed Name:

LAWRENCE RESURRECCION

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 HB420** because it helps workers, homeowners, and our communities.

Right now, housing projects face a real threat of being slowed down or stopped because of construction defect lawsuits that don't fix real problems but just make lawyers rich. When builders get hit with lawsuits before they even have a chance to make repairs, it drives up costs, stops projects, and kills jobs for local workers like me.

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.

HB420 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 HB420 and help protect local jobs, housing, and fair treatment for homeowners.

Mahalo.

Signature:



Printed Name:

Rayden Kanoe

Email:

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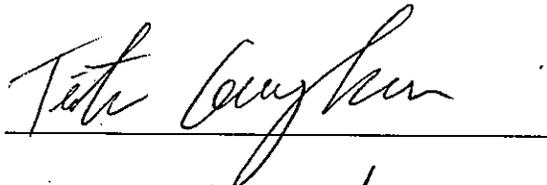
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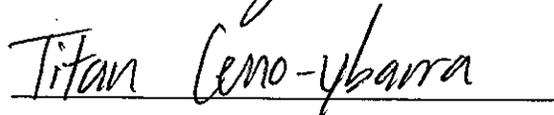
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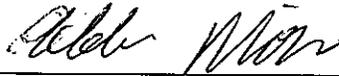
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Signature:



Printed Name:

Mason Kiyomoto Isawa

Email:

masonaki@gmail.com

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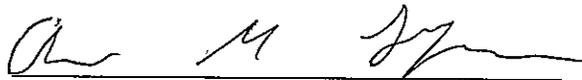
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Signature:



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ANSON THOMPSON

Email:

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RAUL LORENZ, Da Lopez HD

Email:

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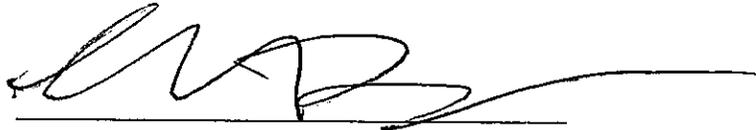
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Signature:

EMERSON BALDWIN

Printed Name:



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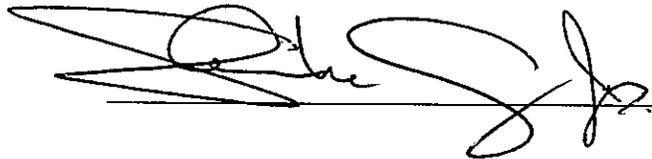
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Signature:



Printed Name:

Solomon M. Chow Jr.

Email:

SMJ

January 31, 2025

The Honorable Luke A. Evslin, Chair

House Committee on Housing
State Capitol, Conference Room 420 & Videoconference

RE: House Bill 420, Relating to Remedies

HEARING: Friday, January 31, 2024, at 9:15 a.m.

Aloha Chair Evslin, Vice Chair Miyake, and Members of 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** House Bill 420, 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 have posed 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 down payment programs and lacking the 20% down payment 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.

January 31, 2025

TO: Chair Evslin and members of the House Committee on Housing
RE: HB 420 Relating to Remedies

Dear Chair Evslin and Committee Members,

Housing Hawai'i's Future is a nonprofit dedicated to creating opportunities for Hawai'i's next generation by ending the workforce housing shortage.

We support HB 420.

Our organization appreciates the hard work that went into drafting this legislation over the past year. Housing Hawai'i's Future supported HB 2213 of the 2024 Legislative Session. To that end, much of the language our organization offered in support of HB 2213 of 2024 applies to this bill.

Over the last year, the situation hasn't changed. In fact, it is growing worse.

We live in a litigious state. And lawyers are not always a force for good. Occasionally, the net result of litigation is negative for society. In this case, a small group of well-heeled plaintiffs attorneys threaten the for-sale attached multi-family product type.

The attorneys threaten an entire housing product type. And unfortunately for us, that product type is the entry point into home ownership for many families. Because of litigation, first-time homebuyers using FHA and VA loans won't be able to buy units.

The litigation is not being brought to benefit the consumer. If it were, consumers would be satisfied with repair or remedy for any defects. Rather, the litigation is brought because a small cabal of attorneys sense that regulation in Hawai'i is weak and they can exploit the system for personal gain.

As insurance costs increase, fewer homes are built and our housing crisis gets worse.

By protecting contractors from unscrupulous litigation, HB420 also protects affordable workforce housing for our residents. **Let's advance HB 420.**

Thank you,



Lee Wang
Executive Director
Housing Hawai'i's Future
lee@hawaiisfuture.org



Perry Arrasmith
Director of Policy
Housing Hawai'i's Future
perry@hawaiisfuture.org

January 30, 2025

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

RE: HB 420 – RELATING TO THE CONTACTOR REPAIR ACT
Hearing Date: Tuesday, January 31, 2025 at 9:15 AM
State Capitol

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

I am writing to express my strong **SUPPORT** of HB 420 – RELATING TO THE CONTRACTOR REPAIR ACT proposing changes to Section 672E-3 and -4 of the Hawaii Revised Statutes 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 the proposed changes to Section 672E-3 and -4 of the Hawaii Revised Statutes. 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

Vice President



MUTUAL HOUSING
ASSOCIATION OF HAWAII

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

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

January 30, 2025

The Honorable Luke A. Evslin, Chair
and the Members of the House Committee on Housing
Hawai'i State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Chair Evslin and Committee Members:

Subject: House Bill 420 – Contractor Repair Act

The Mutual Housing Association of Hawai'i, Inc. ("Mutual Housing") supports House Bill 420, 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 HB420 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.

HB 420 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



Paradigm
CONSTRUCTION LLC

January 29, 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 Alex Kwon, an owner of Top 25 General Contractors in Hawaii, and I work in Hawai'i's building industry for past 30 years. 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.

Sincerely,



Alex M. Kwon
President

alexk@paradigmhi.com



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

January 31, 2025

House Committee on Housing
Hawai'i State Capitol
Honolulu, HI 96813

RE: SUPPORT for HB 420 - RELATING TO REMEDIES

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

On behalf of Hawai'i YIMBY, we are writing in **support of HB 420** 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

+1 (808) 542-4089
info@holomua collaborative.org

HolomuaCollaborative.org

Page 1 of 2

Committee: House Committee on Housing
Bill Number: HB 420, Relating to Remedies
Hearing Date and Time: January 31, 2025 at 9:15am (Room 430)
Re: Testimony of Holomua Collaborative in support

Aloha Chair Evslin, Vice Chair Miyake, and Committee members:

We write in support of HB 420, 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



January 30, 2025

The Honorable Luke A. Evslin, Chair
The Honorable Tyson K. Miyake, Vice Chair
House Committee on Housing
State House of Representatives
State Capitol
Honolulu, HI 96813

Subject: **H.B. 420 RELATING TO REMEDIES**
Hearing: Friday, January 31, 2025; 9:15 am
Conference Room 430, State Capitol

Dear Chair Evslin, Vice Chair Miyake, 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. Thank you, Chair Evslin, for introducing this important measure.

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 island state, we believe that our reputation 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 a number of 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 as a whole. As a developer of workforce housing for local families, we find this to be both undesirable and unacceptable.

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 Hawaii's residents. I respectfully urge your support. Mahalo.

Sincerely,

GENTRY HOMES, LTD.

A handwritten signature in blue ink that reads "Quentin Machida".

Quentin Machida
President and CEO

D·R·HORTON
America's Builder
H A W A I I

January 30, 2025

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

RE: **HB 420 – RELATING TO REMEDIES**

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

Mahalo for the opportunity to submit testimony on behalf of D.R. Horton Hawaii in **STRONG SUPPORT** of HB 420 – RELATING TO REMEDIES.

D.R. Horton Hawaii is proud to be one of Hawaii's largest homebuilders, serving local families for more than 50 years. We specialize in providing affordable housing and first-time homebuyer opportunities across Oahu and the state. Through quality home and condominium designs, including at our Ho'opili master-planned community in Ewa Beach/East Kapolei, we remain committed to addressing critical housing needs for Hawaii's families.

Hawaii faces a severe housing shortage, and unfortunately, new developments—especially those aimed at first-time homebuyers—are being delayed or abandoned due to unjustified and unrestricted lawsuits. These lawsuits significantly and unnecessarily increase home prices by driving up construction costs and insurance premiums. Most egregiously, these lawsuits have restricted the absolutely critical low down payment government-backed mortgage financing options first-time homebuyers need. First-time homebuyers at condo projects cannot secure FHA (Federal Housing Administration), VA (Department of Veteran Affairs), USDA (U.S. Department of Agriculture), Fannie Mae or Freddie Mac warrantable mortgage loans when litigation is pending. Data shows that 81% of homebuyers need these low down payment government-backed mortgage options to enter into homeownership. Additionally, concerns over litigation have caused homebuilders to pause or cancel projects, including affordable housing initiatives.

HB 420 provides a practical solution to address these challenges. Specifically, the bill would amend the Contractor Repair Act to:

1. Provide better notice or detail of an alleged defect;
2. Provide an opportunity for a claimant to present evidence of any alleged defect, if the claimant has such evidence;
3. Amend the process and timeframe for a claimant to accept an offer to settle or inspect;

4. Require each claimant or member of a class action to comply with the requirements of the Contractor Repair Act; and
5. Limit recovery to the cost of mitigating the defect and attorney's fees when a reasonable proposal to inspect or a reasonable offer to repair is rejected.

The bill also clarifies the statute of repose to make it clear that it applies to contract, tort, and statutory claims, that fraudulent concealment is not a defense with respect to the repose period and requires a violation of a building code to be material to be actionable. These changes will encourage a fair and transparent resolution process while reducing the frequency of frivolous claims. By requiring greater detail and evidence in defect notices, the amendments promote faster resolutions and informed decision-making. Requiring compliance with the Contractor Repair Act ensures clarity and fosters a collaborative approach to resolving disputes.

HB 420 strikes an essential balance between protecting the legal rights of homeowners and ensuring a fair, efficient process for resolving construction defect claims. By emphasizing early notification and proactive solutions, this bill will help address Hawaii's housing crisis while supporting the development of affordable homes for local families.

Mahalo for considering this testimony. We respectfully urge the committee to pass HB 420 to help provide much-needed housing opportunities for Hawaii's working families.

Thank you,



Lee Tokuhara
Vice President of Government and Community Relations
D.R. Horton Hawaii



1003 Bishop Street, Suite 1180 Honolulu, Hawaii 96813 808.369.8393 808.369.8392 Fax

Testimony of Kenneth Kasdan
State of Hawaii, House of Representatives
Thirty-Third Legislative Session 2025

To: The Committee on Housing
Re: Proposed Bill H.B. No. 420

Chairmans Evslin, Miyake, and Members of the Committee:

My name is Kenneth Kasdan, and I am the Senior Partner of the law firm of Kasdan Turner Thomson Booth, LLLC. Our firm is a Hawaii registered Limited Liability Law Corporation and we have a full-time, fully staffed office here on Oahu. I have been a member of the Hawaii Bar since 2017 and have been practicing law for over 49 years, primarily representing individual homeowners, Associations, and large groups of homeowners in connection with pursuing their legal rights as against Developers, Contractors, and Product Manufacturers, seeking safe and Code-compliant housing. My firm has represented well over 100,000 homeowners over the years.

My firm currently represents over 2,000 unit owners in various high-rise buildings throughout Oahu including buildings which are over 88% workforce housing, as well as luxury and mixed occupancy buildings. We also presently represented over 4,500 property owners in both single-family detached and townhome developments throughout the state of Hawaii with the homes predominantly located on Oahu, Maui, and Kauai in a certified class action lawsuit regarding corroded foundation systems, and over 1,250 homeowners in a certified class in the Ewa Beach area concerning corroded foundation hardware.

In addition, we have and do represent commercial and other property owners. We have also represented over 5,000 homeowners in a variety of actions in the Ewa Beach area concerning corroded foundation hardware, where, post-lawsuit, essentially each and every home has had the entirety of their foundation hardware replaced as a result of hard-fought litigation. We have substantial, real-world, hands-on experience in advocating for homeowner rights.

The Construction Defect process and the procedures in HRS §672(e) were a part of the groundwork of these settlements, resulting in over 5,000 families now living in safer homes, and all persons in the affected neighborhood no longer at risk that their foundations and building components turn into deadly missiles.

Table with 5 columns: HAWAII*, ARIZONA, CALIFORNIA (SOUTHERN), CALIFORNIA (NORTHERN), NEW MEXICO. Each column lists office address and phone/fax numbers.

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

Contractors weaponize the current Contractor Repair Act to frustrate recovery

Hawaii law, in the present version of HRS §672(e), while far from a perfect statute, provides a framework for owners to present claims, and if not settled, proceed to arbitration or court trials. In this statute, the builders and contractors already have a right to repair construction defects or pay for repairs. However, they typically use the statute to delay claims; not resolve them. The statute is entitled Contractor's Repair Act, and as drafted, already creates a labyrinth that homeowners must traverse to enforce their rights.

Contractors take advantage of two aspects of the current Contractor Repair Act to make it difficult for homeowners to recover for construction defects.

The Present Version of HRS 672E is not perfect, but this Bill makes it worse

First, the Contractor Repair Act does not provide a specific timeframe for the completion of the process. Instead, the prelitigation procedure is deemed completed only after the parties mediate the claims. This proposed bill does nothing to remedy this glaring defect. Contractors take advantage of this process by refusing to schedule mediation and delaying it once started, thus prolonging the Contractor Repair Act process. The Contractor Repair Act process can take more than two years before the matter can proceed to litigation, while the contractors drag their feet.

Second, while the Contractor Repair Act does not require the contractor to provide ANY construction information on the residential project, it already requires homeowners to describe the construction defect claims in detail, provide all test results related to the claims, and provide access to contractors to inspect all testing and conduct its own testing. Again, this bill does nothing to require Developers or Contractors to provide documents but instead makes the process even more cumbersome and complex for homeowners.

In practice, contractors argue that homeowners and associations fail to provide adequate detail and information, regardless of what information is provided, and refuse to proceed with litigation and attempt to dismiss an active lawsuit on these grounds.

On the contrary, contractors refuse to produce any documents or information regarding the construction of the residential projects and are not required to produce construction information under the current version of the Contractor Repair Act. This makes it significantly more costly and difficult for homeowners and associations to investigate the defects in their homes.

In contrast, homeowners provide significant detail in order to ensure that they are complying with the statute. In fact, one respected jurist in a case we are involved in found that the association provided "a substantial amount of information" during the Contractor Repair Act process, and that it was not a "particularly close call" as to whether the Association provided enough information.

The Bill, in its preamble and Statement of Legislative Purpose, asserts that the cost of insurance for anticipated litigation disincentivizes the construction of houses. No data has been set forth to support this assertion, other than hearsay statements. No showing has been made that the cost of a Contractor or Developer obtaining insurance stops them from building or has increased costs.

To the extent that insurance is an underlying expense, its cost is due to the fact that they build homes rife with defects, and they rely on their insurance carrier to cover the expenses of fixing their mistakes.

The Bill contains a wholly unsupported assertion that lawsuits can today be filed with no identified defect. That assertion is simply wrong and entirely without support.

Specific Arguments Against H.B. No. 420

H.B. No. 420 will coerce homeowners into accepting a low-ball offer

The bill before you, H.B. No. 420, creates numerous unfair procedural roadblocks for homeowners to navigate to protect their rights to live in a safe home, a home free from defects—defects which often constitute fire and life/safety hazards.

This bill acts to coerce homeowners into accepting any offer made during the Contractor Repair Act process by requiring the homeowner to accept the contractor's initial offer. The proposed bill, at Section 674E-4(c) (page 10), 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.

The proposed Statute 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 (page 13). 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.

H.B. No. 420 will create a cumbersome prelitigation process

This Bill 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 further 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.

H.B. No. 420 harms owners

This is the Housing Committee of the Hawaii Legislature. The proposed bill does nothing to enhance homeowner protection. The proposed bill does nothing to give property owners more rights; all it does is strip rights, forcing homeowners to accept even an inadequate offer to repair or face having to pay the contractor's attorney fees; and making it increasingly difficult to acquire the funds to fix construction defects.

There is nothing reciprocal or mutual in the bill—it is all one sided.

The contractors, other than contending that their insurance costs are too high, have presented no facts, and no evidence that the process is not working or is somehow unfair to them. They have a simple remedy – why not just build the homes and buildings more carefully? Why not comply with the building code?

The Bill guts the Class Action process

The Bill proposes to destroy the well-developed practice of Class Actions in this and all other states. The Legislature has specifically followed the framework of Class Actions under Federal Rule 23. 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.

Owners of mass-produced tract homes are a proper and perfect example of a Class Action. This statute attempts to abolish the Class Action process, at the proposed Section 674E-3(c) (page 8), by requiring each class member to comply with the Statute, 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.

Any imposition of a procedural step should be evaluated by the Judiciary Committee, not the Housing Committee. As such, this portion should be immediately stricken from this proposed bill.

The Bill cuts the Statute of Limitations for contract/warranty claims from 6 years to 2 years

First, it is clearly provided for in Hawaii Law that the Statute of Limitations to assert a claim for Breach of a Written Warranty currently runs six (6) years from the breach since the warranty is a contract. This Bill would shrink that to two (2) years from when the breach was discovered or as the Bill proposes, should have been discovered. The Bill modifies the Statute of Repose (HRS 657-8), at Page 3 adds “whether in contract, tort, statute, or otherwise,” expanding the scope of the limitations language. Thus, a 6-year limitation period shrinks down to 2 years from discovery – or when the claim “should” have been discovered.

The proposed bill then 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 can be

and are published long before a building is finished. There is no justification to limit contracts or other remedies to 2 years through such a restriction in the new statute.

The Bill unreasonably limits and redefines actionable claims and strips homeowners of the right to pursue life safety Building Code violations

The proposed Bill incorporates an entirely new constraint into what claims can be pursued, now requiring that only a “material violation” of a Building Code can be pursued – and then states that only claims that physically have to pose or cause significant damage to the performance of the building can be pursued.

Moreover, the statute then 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 of the violation.

This legislation, if passed in its present form, would leave no remedies to fix critical fire or life safety defects until after there is a tragedy.

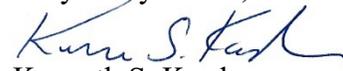
The proposed Statute at Section 657-8 (g)(3) (pages 6-7) turns that concept on its head and instead says that if there was plan approval and inspection, there can be no material violation. Such is nonsense.

This would put Hawaii Building Codes outside previously established precedents and put it outside the principles of the model codes adopted by all states. The proponents of this Bill have shown no other state in the nation that has rejected the three-part code principle. It is simply not done and is disingenuous.

The contractors talk story, but they cannot show why they need more procedural hurdles designed to strip homeowners of their rights.

Thank you for your consideration.

Very Truly Yours,



Kenneth S. Kasdan

Kasdan Turner Thomson Booth LLLC

kskasdan@kasdandclawhawaii.com

January 30, 2025

Committee on Housing
Rep. Luke A. Evslin, Chair
Rep. Tyson K. Miyake, Vice Chair

Friday, January 31, 2025
2:00 p.m. Conference Room #329 and via
Videoconference



Working together for Kapolei

RE: HB420 – Relating to Remedies

Dear Chair Evslin, Vice Chair Miyake, 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 HB420 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.

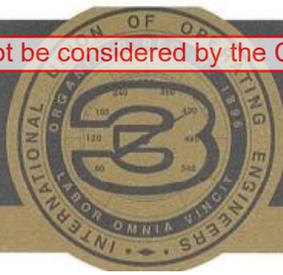
Construction of these new developments are being put on hold because of these lawsuits. The cost of the home and insurance goes up because of these lawsuits, making it even more expensive for developers to build homes and consequently more expensive for people to buy homes.

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



The Honorable Luke Evslin, Chair
The Honorable Tyson Miyaki, Vice-Chair
The Honorable members of the Committee on Housing
Hawai'i State House of Representatives

RE: Strong Support for HB420

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

My name is Ana Tuiasosopo and I am a Trustee and District Representative for Operating Engineers Local 3 (OE3), representing heavy equipment operators, mechanics, surveyors, and other skilled tradespeople in Hawai'i's construction industry.

I submit this testimony in **strong support of HB420** 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. HB420 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. HB420 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.

We need a fair system that puts common sense before conflict—one that ensures accountability without unnecessary delays, job losses, or skyrocketing costs. HB420 is a step in the right direction, and I strongly urge the committee to pass it to protect workers, homeowners, and Hawai'i's future.

Mahalo for your time and consideration.

January 29, 2025

Chair Luke A. Evslin

Vice Chair Tyson K. Miyake

Members of the House Committee on Housing
33rd Legislature, Regular Session of 2025

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

The real losers are all of us. Hawai'i'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.

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.

Peter Eldridge

Petere@hawaiidoor.com

**Testimony to the House Committee on Housing
Representative Luke A. Evslin, Chair
Representative Tyson K. Miyake, Vice Chair**

**Friday, January 31, at 9:15AM
Conference Room 325 & Videoconference**

RE: HB420 Relating to Workforce Housing

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

My name is Sherry Menor, President and CEO of the Chamber of Commerce Hawaii ("The Chamber"). The Chamber supports House Bill 420 (HB420), which clarifies the statute of repose for construction defect claims, specifies required details in defect notices to contractors, streamlines the settlement and inspection process, and limits recovery amounts if a claimant rejects a reasonable repair or settlement offer.

HB420 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 House Bill 1317. Thank you for the opportunity to testify.

Castle & Cooke
Homes Hawaii, Inc.

House Committee on Housing
Rep. Luke A. Evslin, Chair
Rep. Tyson K. Miyake, Vice Chair

January 31, 2025
9:15 am
Conference Room 430

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

Castle & Cooke Homes Hawai'i, Inc. is in **strong support** of **HB420**.

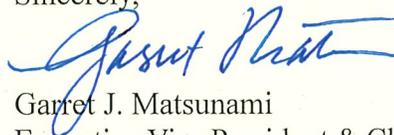
As one of Hawai'i's longstanding homebuilders, Castle & Cooke is committed to delivering high-quality housing that meets the needs of local families. However, the current Contractor Repair Act (CRA) has strayed from its original intent of fostering collaboration between builders and homeowners to resolve construction defects efficiently. Instead, it has become a tool for excessive litigation, often driven by legal loopholes that encourage unnecessary lawsuits.

These lawsuits have significant consequences: **they delay much-needed housing projects, increase costs, and contribute to Hawai'i's housing crisis**. Builders now face heightened risks, which make financing and constructing homes more challenging. The result is fewer housing projects, escalating costs, and reduced affordability for local families.

Castle & Cooke strongly supports HB420 because it provides a **fair and balanced approach to addressing construction defect claims**—one that prioritizes resolution over litigation. By establishing clearer guidelines, this bill will reduce unnecessary lawsuits, stabilize costs, and create a more predictable environment for homebuilders. This, in turn, will allow us to continue developing communities that provide local residents with high-quality, attainable housing.

We respectfully urge your support of HB420. Mahalo for your time and consideration.

Sincerely,



Garret J. Matsunami
Executive Vice President & Chief Operations Officer
Castle & Cooke Homes Hawaii, Inc.

January 29, 2025

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

RE: HB 420 – RELATING TO REMEDIES

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

I am a proud member of the Operating Engineers Local 3, and I **strongly support HB420** because it helps workers, homeowners, and our communities.

Right now, housing projects face a real threat of being slowed down or stopped because of construction defect lawsuits that don't fix real problems but just make lawyers rich. When builders get hit with lawsuits before they even have a chance to make repairs, it drives up costs, stops projects, and kills jobs for local workers like me.

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.

HB420 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 HB420 and help protect local jobs, housing, and fair treatment for homeowners.

Mahalo,

Jerome Kupukaa

jeromekupukaa@gmail.com

January 29, 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,

I'm a member of the Operating Engineers Local 3, and I'm writing to **strongly support HB420** 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.

HB420 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 HB420 so we can get back to work and make Hawai'i a place where people like me can actually afford to live.

Mahalo.

Michael Acoba

mike.acoba@icloud.com

January 29, 2025

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

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Mahalo.

Willington Corpuz

williecorpz@yahoo.com

January 29, 2025

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

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Mahalo.

John Oury

ihelawaia@gmail.com

January 29, 2025

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

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Mahalo.

David Rodrigues

kelakai808@yahoo.com

January 29, 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,

I'm a member of the Operating Engineers Local 3, and I'm writing to **strongly support HB420** 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.

HB420 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 HB420 so we can get back to work and make Hawai'i a place where people like me can actually afford to live.

Mahalo.

Todd Baldwin

tbaldwin808@gmail.com

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Sonny Vallejo

soneboi@yahoo.com

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Jaycob Quemado-Smith

jaycqs675@gmail.com

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Jerry Mayola

jerrymayola123@gmail.com

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Nil Edward

nilsteveedward@gmail.com

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Allan Sildora, Jr.

sildora.allanjr@yahoo.com

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Albijay Brillantes

kalbones94@gmail.com

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Melvin Goldstein-Kaehu
fcknmelvin@gmail.com

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Val Tiburcio

val-tiburcio@yahoo.com

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

My name is Brent Nakaoka, 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.

Sincerely,

Brent Nakaoka

Surfhi808@yahoo.com

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Thirty-Third Legislature, Regular Session of 2025

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

My name is Aaron M. Yahiku, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Aaron M. Yahiku

ayahiku@jayarhawaii.com

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

My name is Jessie Mae Teixeira, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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This not only affects the building industry, it also affects the people who we are building for. If this does not pass, we will have an even bigger problem – no homes at all.

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Jessie Mae Teixeira

Email: jessie@ohanabuildingsupply.com

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My name is Vivyan Lin and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Mahalo,

Vivyan Lin
vivyan@kyinternational.com

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Mahalo.

Mikal Yonehara
jessishawaii@gmail.com

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My name is Vernessa Perreira, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Vernessa Perreira

vperreira@foundationshawaii.com

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Alani Uyeno

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Jestin Barayuga

jestinbarayuga@gmail.com

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My name is Jon Rapisura, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Jon Rapisura

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rapisuraj@coasthi.com

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Jonathan Ching

jonathannerds@gmail.com

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My name is Guy Fukushima, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Guy Fukushima

gfukushima@grayhongnojima.com

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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.

HB420 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 HB420 so we can get back to work and make Hawai'i a place where people like me can actually afford to live.

Mahalo.

Keaka Fernandez

keakafernandez@gmail.com

January 29, 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,

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Mahalo.

Dedric Ke'a

deboy550@gmail.com

January 29, 2025

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

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Mahalo.

Scott Nihei-Lopes

scottlopes26@yahoo.com

January 29, 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,

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Mahalo.

Jonah Hamada

Jonah_hamada@yahoo.com

January 29, 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 Michael Nojima, and I am a licensed Professional Civil Engineer, in the State of Hawaii. 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.

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.

Michael Nojima

mnojima@grayhongnojima.com

January 29, 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 Deet Situmeang, 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 handwritten signature in black ink, appearing to read 'DSit', with a long horizontal flourish extending to the right.

Deet Situmeang

asitumeang@rmnakamura.com

January 29, 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,

I'm a member of the Regional Council of Carpenters, and I'm writing to **strongly support HB420** 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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Please pass HB420 so we can get back to work and make Hawai'i a place where people like me can actually afford to live.

Mahalo.

John Luengen

jl Luengen@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 HB420** because it helps workers, homeowners, and our communities.

Right now, housing projects face a real threat of being slowed down or stopped because of construction defect lawsuits that don't fix real problems but just make lawyers rich. When builders get hit with lawsuits before they even have a chance to make repairs, it drives up costs, stops projects, and kills jobs for local workers like me.

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.

HB420 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 HB420 and help protect local jobs, housing, and fair treatment for homeowners.

Mahalo.

Melvin Makinney, Jr.

January 29, 2025

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

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Please pass HB420 so we can get back to work and make Hawai'i a place where people like me can actually afford to live.

Mahalo.

Scott C.L. Brede

scottb808@yahoo.com

January 29, 2025

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

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Mahalo.

Steve Anderson

8080steveo@gmail.com

January 29, 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 Richard W. Luga, 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 handwritten signature in black ink, appearing to read 'Richard W. Luga', written in a cursive style.

Richard W. Luga

rick-1975@live.com

HB-420

Submitted on: 1/29/2025 10:59:24 AM

Testimony for HSG on 1/31/2025 9:15:00 AM

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

Comments:

I support this bill. Housing costs in Hawaii are already a heavy burden on people who want to live and work here. If builders will not be given the opportunity to address issues before legal penalties start being put on them, then the costs will just be passed on to the future homeowners and will make the ability to make homeownership feasible for future generations just that much harder.

January 29, 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 Pei Pei Chan, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Regards,

Pei Pei Chan

peipeic@kyinternational.com

January 29, 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 Julianne Matsumoto, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Julianne Matsumoto

jmatsumoto@grayhongnojima.com

January 29, 2025

Chair Luke A. Evslin
Vice Chair Tyson K. Miyake
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Thirty-Third Legislature, Regular Session of 2025

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

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Name

Email

January 29, 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 Robert Yoneoka, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Robert Yoneoka

Robyon88@aol.com

January 29, 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 Wendy Schmerbauch, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Wendy Schmerbauch

wendy.schmerbauch@fbmsales.com

January 29, 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 Gregory Brandes, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Mahalo.

Gregory Brandes

gbrandes@hawaii.rr.com

January 29, 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 Brandon Inouye, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Brandon Inouye

January 29, 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 Toby Hanzawa, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Toby Hanzawa

thanzawa@grayhongnojima.com

January 29, 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 **Kurt Miyasaki** and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Name Kurt Miyasaki

Email kurt@aliiglass.com

January 29, 2025

Chair Luke A. Evslin
Vice Chair Tyson K. Miyake
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Thirty-Third Legislature, Regular Session of 2025

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

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Craig Nishimura

craign@grayhongnojima.com

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Right now, housing projects face a real threat of being slowed down or stopped because of construction defect lawsuits that don't fix real problems but just make lawyers rich. When builders get hit with lawsuits before they even have a chance to make repairs, it drives up costs, stops projects, and kills jobs for local workers like me.

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.

HB420 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 HB420 and help protect local jobs, housing, and fair treatment for homeowners.

Mahalo,

Eric Reiny

January 29, 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 **Carl**, 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.

Carl Sana

carl@aliiglass.com

January 29, 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 Justin, 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.

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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.

Justin Rubyono

Justin@AliiGlass.com

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

I am a proud member of the Hawai'i Regional Council of Carpenters, and I **strongly support HB420** because it helps workers, homeowners, and our communities.

Right now, housing projects face a real threat of being slowed down or stopped because of construction defect lawsuits that don't fix real problems but just make lawyers rich. When builders get hit with lawsuits before they even have a chance to make repairs, it drives up costs, stops projects, and kills jobs for local workers like me.

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.

HB420 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 HB420 and help protect local jobs, housing, and fair treatment for homeowners.

Mahalo,

Dione Kalaola

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

I am a proud member of the Hawai'i Regional Council of Carpenters, and I **strongly support HB420** because it helps workers, homeowners, and our communities.

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I urge you to pass HB420 and help protect local jobs, housing, and fair treatment for homeowners.

Mahalo,

Trisha Taketa

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

I am a proud member of the Hawai'i Regional Council of Carpenters, and I **strongly support HB420** because it helps workers, homeowners, and our communities.

Right now, housing projects face a real threat of being slowed down or stopped because of construction defect lawsuits that don't fix real problems but just make lawyers rich. When builders get hit with lawsuits before they even have a chance to make repairs, it drives up costs, stops projects, and kills jobs for local workers like me.

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I urge you to pass HB420 and help protect local jobs, housing, and fair treatment for homeowners.

Mahalo,

Juan Padasdao, Jr.

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

I am a proud member of the Hawai'i Regional Council of Carpenters, and I **strongly support HB420** because it helps workers, homeowners, and our communities.

Right now, housing projects face a real threat of being slowed down or stopped because of construction defect lawsuits that don't fix real problems but just make lawyers rich. When builders get hit with lawsuits before they even have a chance to make repairs, it drives up costs, stops projects, and kills jobs for local workers like me.

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I urge you to pass HB420 and help protect local jobs, housing, and fair treatment for homeowners.

Mahalo,

Sean Newcamp

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

I am a proud member of the Hawai'i Regional Council of Carpenters, and I **strongly support HB420** because it helps workers, homeowners, and our communities.

Right now, housing projects face a real threat of being slowed down or stopped because of construction defect lawsuits that don't fix real problems but just make lawyers rich. When builders get hit with lawsuits before they even have a chance to make repairs, it drives up costs, stops projects, and kills jobs for local workers like me.

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.

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HB420 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 HB420 and help protect local jobs, housing, and fair treatment for homeowners.

Mahalo,

Travis Murakami

January 29, 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 Tyler Williams, 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.

Name

Tyler Williams

Email

twilliams@honsador.com

HB-420

Submitted on: 1/29/2025 2:53:35 PM

Testimony for HSG on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Casey	Individual	Support	Written Testimony Only

Comments:

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

My name is Will Casey, 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.

Will Casey

will@rmnakamura.com

January 29, 2025

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

Re: Testimony in SUPPORT of HB420

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

I am President and CEO of Case Lombardi A Law Corporation, and have been practicing law in Hawaii with an emphasis on development and land use in Hawaii for more than 40 years. 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 plaintiffs 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. My firm is well acquainted with lawsuits such as these, as we have defended many developers against them.

For those of us supporting the construction industry, these issues have real consequences. Paying firms such as mine to defend against frivolous lawsuits makes it harder for our clients to keep housing projects on schedule and within budget. Builders have become 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 number of solutions by establishing clearer guidelines that will lead to a more fair and cooperative process for addressing construction defects. Some of the most useful are highlighted below:

Substantial completion: HB420 provides additional pathways for evidencing when a project is finished, which in turn starts the clock for when claims can be filed. By tying "substantial completion" to the issuance of certificates of occupancy, HB420 creates an incentive for builders to

Chair Luke A. Evslin
Vice Chair Tyson K. Miyake
January 29, 2025
Page 2

build pursuant to the building code and obtain building permits, which leads to the issuance of certificates of occupancy. It also eliminates the need for builders who follow the law to engage in the additional administrative burden (which burdens ultimately increase home prices) of publishing notices of completion in the circuit court.

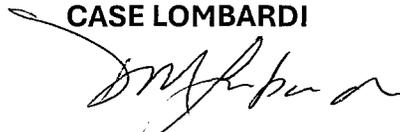
Material violation: HB420 protects law-abiding builders from frivolous lawsuits by giving them extra-protection if they have engaged in a good faith effort to comply with the building code. Building codes are not, and cannot be, precise enough to deal with every decision that goes into building a home. Building inspections are meant to address the nuances of any project. Builders who follow the law and obtain their inspections should be entitled to protection from frivolous lawsuits. Such protection creates certainty for builders that the permit approvals, inspections, and certificates of occupancy they obtain actually mean something instead of just representing red tape.

Statute of Repose: HB420 clarifies that the 10-year "statute of repose" applies to all claims and will help to eliminate lawsuits filed more than 10 years after a project is complete, when memories have faded, and evidence has been lost. Eliminating the ability for plaintiffs to claim "fraudulent concealment" is also vital, as this claim, even if completely baseless, can prevent dismissal of frivolous claims, which leads to expensive settlements, which ultimately deters builders from building homes in Hawaii.

HB420 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,

CASE LOMBARDI

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

Dennis M. Lombardi

January 29, 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,

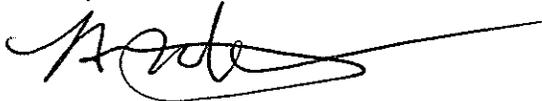
My name is Henry T Kwok, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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.

Henry T Y Kwok, AIA



President/Director

KY International, Inc.

Architects and Planners

1100 Alakea St., Suite 1988

Honolulu, Hawaii 96813

808.524.1268 Ext.111

henry@kyinternational.com

January 29, 2025

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

Re: Testimony in SUPPORT of HB420

Dear Chair Evslin, Vice Chair Miyake, and Members of the Housing Committee:

I am a Hawaii attorney and partner with the law firm of Case Lombardi, practicing in the area of real estate and land use. I am writing to provide my strong support of HB420.

My firm is well acquainted with the numerous lawsuits being filed to exploit legal loopholes in the Contractor Repair Act. These lawsuits delay projects, increase costs, and disrupt the housing market. I believe HB420 will reduce unnecessary litigation, stabilize costs, and allow builders to focus on delivering quality homes for Hawaii's residents.

I respectfully urge your support.

Very truly yours,

CASE LOMBARDI



Lisa K. Broulik

January 29, 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 Kelly Heiser, 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.

Kelly Heiser

Kelly@toppriorityhawaii.com

January 29, 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 Sheryl Nojima 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,

Sheryl Nojima

snojima@hawaii.rr.com

January 29, 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 Winston Taniguchi, 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.

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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 for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Winston M. Taniguchi', with a long horizontal flourish extending to the right.

Winston M. Taniguchi
wtaniguchi@grayhongnojima.com

HB-420

Submitted on: 1/29/2025 5:07:08 PM

Testimony for HSG on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacob Wiencek	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members,

Reigning in liability concerns and excessive payments is important to helping make Hawaii more affordable. I encourage the Committee to SUPPORT this legislation.

DAMON KEY LEONG KUPCHAK HASTERT
A LAW CORPORATION

January 29, 2025

Gregory W. Kugle

David H. Abitbol

1003 Bishop Street, Suite 1600

Honolulu, Hawaii 96813-6452

Telephone (808) 531-8031

Facsimile (808) 533-2242

E-Mail: dha@hawaiilawyer.com

www.hawaiilawyer.com

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

Re: Testimony for HB420

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

My name is Gregory Kugle, I am a Director at the law firm Damon Key Leong Kupchak Hastert, and our firm represents contractors in Hawai‘i’s building industry. I submit this letter 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 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.

DAMON KEY LEONG KUPCHAK HASTERT
A LAW CORPORATION

Housing Committee
January 29, 2025
Page 2

Very truly yours,

DAMON KEY LEONG KUPCHAK HASTERT

A handwritten signature in black ink, appearing to be a cursive combination of the names Gregory W. Kugle and David H. Abitbol, written on a light-colored background.

Gregory W. Kugle
David H. Abitbol

GW/DHA:das

897398

January 29, 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 Keith Emerson, 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 handwritten signature in black ink, appearing to read "Keith Emerson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Keith Emerson
President, Island Flooring
keith@islandfl.com

January 29, 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 Travis Webster, 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.

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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.

Travis B. Webster

Senior Estimator

Jayar Construction, Inc.

twebster@jayarhawaii.com

January 29, 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 Yi Le Deng, 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.

Yi Le Deng

phillip@kyinternational.com

HB-420

Submitted on: 1/29/2025 9:20:49 PM

Testimony for HSG on 1/31/2025 9:15:00 AM

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

Comments:

January 29, 2025

To the Honorable:

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

Good day Chair Evslin, Vice Chair Miyake, and Members of the Housing Committee,

My name is Guy Taylor, and I am a general contractor here in Hawai‘i. I am testifying in strong support of HB420.

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 Hawai‘i 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. 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.

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 and please let together stop these mainland lawyers from exploiting the people of Hawai'i.

Thank you

Guy Taylor

Z Contractors Inc.

gtaylorhawaii@gmail.com

January 30, 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 Landon Lum, 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.

Landon Lum

llum@grayhongnojima.com

January 29, 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 Chris Sokugawa, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Chris Sokugawa

Sokugawa1@gmail.com

January 29, 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 Darian Chun, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Darian Chun

Darianc8111@gmail.com

January 29, 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 **Joey Gomez**, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Joey Gomez

jgomez@grayhongnojima.com

January 29, 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 Chad Teixeira, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Chad Teixeira

cteixeira@ohanabuildingsupply.com

January 29, 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 Nicole Mahoe, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Nicole Mahoe

A handwritten signature in black ink, appearing to read 'Nicole Mahoe', with a stylized, cursive script.

blackmorebrady@gmail.com

January 29, 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 Nicole Mahoe, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Louis Kawai Mahoe



blackmorebradykawai@gmail.com

January 29, 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.

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A-Plus Seamless Raingutters, Inc.
Katherine Ishida

Ishidakm001@gmail.com



ASHFORD + WRISTON
A LIMITED LIABILITY LAW PARTNERSHIP LLP

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

January 30, 2025

Chair Luke A. Evslin
Vice Chair Tyson K. Miyake
Members of the House Committee on Housing
State Capitol
Honolulu, Hawaii 96813

RE: H.B. No. 420 Relating to Remedies

Dear Chair Evslin, Vice Chair Miyake, and Members of the Housing Committee:

My name is Benjamin Kudo, and I work representing Hawaii's development and building industry. I am in strong support of H.B. 420.

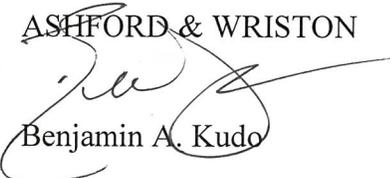
The Contractor Repair Act was intended to make sure that construction defects were addressed properly between home builders and owners. Unfortunately, this process has been undermined by legal loopholes in the law that allow lawsuits to be filed that delay construction and force home builders to face 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.

H.B. 420 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.

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

January 30, 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 David Yoshida, 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.

Sincerely,

David Yoshida

dyoshida@jayarhawaii.com

January 29, 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 Mark Kong, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Mark Kong

Email: Mark.kong@m2kconstruction.com

January 29, 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 Aaron Ching, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Aaron Ching

jayaraching@hawaii.rr.com

January 29, 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 Gerald McCoy, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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Gerald McCoy

gmccoy@fredlauhawaiianlandscape.com

January 29, 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 David TG Sunagawa, and I work in Hawai'i's building industry. I am testifying in strong support of HB420.

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David TG Sunagawa

gima88@yahoo.com

HB-420

Submitted on: 1/30/2025 7:58:47 PM

Testimony for HSG on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Kyle Burchard	Individual	Support	Written Testimony Only

Comments:

Dear Members of the Hawaii State Legislature,

I strongly support HB 420 to prevent frivolous construction defect lawsuits that drive up housing costs and delay development. This bill creates a fairer process by clarifying legal timelines and improving defect resolution.

By refining notice requirements and limiting excessive claims, it encourages timely repairs and reduces unnecessary costs. This will help make housing more affordable and accessible.

Please support HB 420 to strengthen our communities and promote responsible construction.

Sincerely,

Kyle

Re: The many problems with HB420

Dear Committee Members:

I am an attorney who represents homeowners against developers in construction defect cases.

When I first heard of this bill, I thought it was a joke, or at best a stalking horse to be shot down this year so that something that is less absurd yet still unfair to homeowners gets passed next year.

If this legislation were to pass, Hawaii would be laughingstock--a state that literally encourages fraud by developers and contractors --who the public knows are major campaign contributors. There is something illogical, bone-headed, crooked or unconstitutional on nearly every page of this bill.

On the first page of the bill, the development industry tries to use the Lahaina fires tragedy as a rationale for this bill that is simply designed to line their own pockets. This is beyond appalling. It then repeats the bogus narrative that "housing costs so much in Hawaii because lawyers keep suing us." This is completely bogus; contractors and developers get sued in all 50 states for lousy work. And lawyers have no interest in pursuing claims that don't have merit because it's simply not in their or their client's economic interest to do so. The industry then repeats other voodoo economic claptrap with zero evidentiary basis.

On page 2 we get to the most insidious part of the bill, **the development industry's desire for a license to commit fraud**. No state in the country wants to explicitly encourage developers to commit fraud but that's what this bill does by arguing that fraudulent concealment can no longer be a defense to the statute of repose. So, that means if a developer can hide something or ten years, he gets off scot-free. This is extremely problematic when developers often control condominium boards and other types of developments well into the life of a building. Those homeowners and other building owners might not have a clue or an even an opportunity to explore if anything is wrong before it's too late.

On page 4 we can see that although the bill tries to cloak itself in consumer protection it's actual intent is the exact opposite. While the industry seeks protections for itself it leaves consumer homeowners high and dry:

This section shall not apply to actions for damages against owners or other persons having an interest in the real property or improvement based on their negligent conduct in the repair or maintenance of the improvement or to actions for damages against surveyors for their own errors in boundary surveys.

So, the development industry wants to protect itself but leave its customers exposed. Does that sound like consumer protection?

This is the very type of discrimination that has caused the Hawaii Supreme Court to at least twice reject the statute of repose as being unconstitutional. *See, e.g., Shibuya v. Architects*

Hawaii, 65 Haw. 26 (1982), *Fujioka v. Kam*, 55 Haw. 7, 514 P.2d 568 (1973). If passed this bill will receive similar treatment.

At the bottom of page 4, the industry wants to in effect shorten the statute of repose by saying that homeowners must keep track of multiple clocks in a multiple unit developments. For example, there might be common defects throughout the project that takes years to build. If by the time the owners realize there is problem, some unit owners would be protected, and some would not. This doesn't benefit anybody except developers putting out crappy construction.

And telling homeowners that their clock is running when the first unit is complete is especially unfair because the homeowners aren't even around then; the condo or homeowners' association is completely in the developer's control. So, the clock begins running before the homeowners even have a chance to do anything about it. In a recent case I had, the developer didn't turn over control of the project until the 11 years after some units were built. The project had serious construction defects and the homeowner's association sued immediately after gaining control of the board. The developer tried to assert a statute of repose defense (asserting in essence the board he controlled should have sued earlier). Thankfully, the judge saw through this and noted the unfairness of the developer's position. This legislation would prevent this commonsense approach and allow developer foxes to let the clock run out when in control of the consumers' henhouses.

At the bottom of page 5 we get to the silliest and most outrageous portion of the bill:

(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)

So, in other words a fraudster who prevents the discovery of a defect for the first ten years of a project gets rewarded for successfully concealing the fraud. Again, the unfairness and unconstitutionality of favoring a particular species of fraudster is obvious.

On page 6 we get to a ridiculous definition, i.e. what the industry deems to be a “material violation”:

*“Material violation” means a building code violation that exists within a completed building, structure, or facility that has **resulted in physical harm to a person or significant damage to the performance of a building or its systems;***

In other words, homeowners and other property owners can sue—so long as someone gets injured, killed or the building starts falling down around them. And even that isn't the case because the bill places another absurd hurdle between the homeowners and justice:

provided that, without limiting the foregoing, it shall not be deemed a “material violation” of an applicable building code if the person or party that is alleged to have violated the building code obtained the required building permits, the local government or public agency with authority to enforce the building code approved the plans, the construction project passes all required inspections under the code,

So, in other words, if an overworked, understaffed building department approves the construction or its plans those involved in shoddy construction again get a get-out-of-jail-free card that would basically eliminate all defect suits. This is because of course the building departments approve plans and conduct inspections. However, the building code says in at least four sections that the approving authority cannot be held liable, so those with defective buildings will just be stuck in on their own. The code also of course provides that simply because something inspected or approved doesn't mean that it is defect-free.

On page 7 comes the requirement that consumers and other property owners --with no opportunity to conduct discovery that one gets once a lawsuit begins-- are required to provide chapter and verse of precisely what the problem is with the building before suit is filed. In other words, the consumer should explain precisely to the professionals what they did wrong with none of the tools one has in a lawsuit to provide that information.

Again, the purported rationale for this legislation is the completely absurd theory that lawyer boogeymen just sue without knowing if there's a defect or not and just hope to find something later. Those of us who represent consumers would go bankrupt if that's how we practiced, and the developers would be able to come after us for and our clients for fees and costs if there was nothing to these claims. The developers who wrote this bill also act as if they are powerless against consumers and their lawyers. Nothing could be further from the truth they've got tons of money, tons of lawyers and tons of insurance to fund their defenses. And all of the claims have to be tested before a neutral judge, jury or arbitrator, so if they're building sound buildings they don't have anything to worry about and should be happy to stand behind their products without bogus legislation like this to protect them unfairly.

On page 10 more unconstitutional nonsense is proposed:

*(c) Within thirty days following any proposal for inspection under subsection (b)(2) the claimant **shall** accept a contractor's proposal.*

Really? Property ownership rights and privacy rights notwithstanding, if a developer demands an inspection a property owner has no ability to object, set the parameters or make any type of negotiation? They just must do what the developer says.

(d) If a claimant rejects a contractor's reasonable offer of settlement, the claimant's cost of repair recovery shall be limited to the reasonable value of the repair determined as of the date of the offer and the amount of the offered monetary payment.

So, again, the developer or contractor gets to dictate what's reasonable?

This bill is appalling. If passed, it will feed into the perception that the State is run by and for developers and seriously harm consumer homeowners and other property owners.

Aloha,

Terry Revere