

SB-385-SD-1

Submitted on: 3/22/2025 3:33:01 PM

Testimony for CPC on 3/25/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Palehua Townhouse Association	Support	Written Testimony Only

Comments:

We support SB385. However, we believe that further clarification is needed.

Please consider deleting the words “copy of its governing documents, as amended” and replacing them with “**copy of its declaration, bylaws, and house rules, as amended and restated.**” This change will provide clarity and help to avoid disputes.

SB-385-SD-1

Submitted on: 3/22/2025 10:23:01 PM

Testimony for CPC on 3/25/2025 2:00:00 PM

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

Comments:

Honolulu Tower is a 396 unit condominium located at the corner of Beretania and Maunakea Streets. On February 3, 2025 the Board of Directors of the Association of Apartment Owners of Honolulu Tower voted unanimously to oppose this bill as only owners should have access to the association website, not occupants or tenants. That concern was alleviated in SD1. For that reason we are only making comments.

However, our documents have been both amended and restated. For purposes of clarification and to avoid disputes, we request that the committee delete the words “copy of its governing documents, as amended” and replace them with “copy of its declaration, bylaws, and house rules, as amended and restated.”

Idor Harris
Resident Manager



 808-733-7060
 808-737-4977

 1259 A'ala Street, Suite 300
Honolulu, HI 96817

March 25, 2025

The Honorable Scot Z. Matayoshi, Chair

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

RE: Senate Bill 385, SD1, Relating to Condominiums

HEARING: Tuesday, March 25, 2025, at 2:00 p.m.

Aloha Chair Matayoshi, Vice Chair Chun, 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** Senate Bill 385, SD1, which requires condominium associations to provide copies of their governing documents, as amended, to owners or their authorized agents, upon request, in print or electronic form, at no additional cost.

By providing condominium governing documents to owners or their owner's agents upon request and at no cost would help increase transparency and accessibility for owners on important information about their rights and responsibilities.

Additionally, some associations charge fees for obtaining these documents which can create barriers to staying informed about key condominium issues.

Mahalo for the opportunity to provide testimony on this measure.



SB-385-SD-1

Submitted on: 3/23/2025 3:32:39 PM

Testimony for CPC on 3/25/2025 2:00:00 PM

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

Comments:

Dear Representative Matayoshi, Chair, Representative Chun, Vice Chair, and Members of the Committee:

I support the intent of S.B. No. 385, S.D.1, but suggest changes for clarification.

This bill provides that “[n]otwithstanding any other provision to the contrary in the declaration, bylaws, or house rules, an association shall provide a copy of its governing documents, as amended, to an owner or the owner’s authorized agent, upon request, in print or electronic form, at no cost to the owner or the owner’s authorized agent.”

To avoid disputes as to what is meant by the reference to “governing documents” and to clarify that “amended” also includes “restated,” please consider deleting the words “copy of its governing documents, as amended” and replacing them with “copy of its declaration, bylaws, and house rules, as amended and restated.” This change will provide clarity and help to avoid disputes.

Respectfully submitted,

Mark McKellar

SB-385-SD-1

Submitted on: 3/23/2025 5:25:04 PM

Testimony for CPC on 3/25/2025 2:00:00 PM

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

Comments:

This Bill has unintended consequences. Certainly an owner should be entitled to a copy of their governing documents. But, if an owner lists their property for sale with their real estate agent, there is a long standing established process on providing documents on an ala carte basis to Buyers through established websites for a fee. There is a cost to the provider to maintain this website. Typically real estate agents have tight contractual obligations in providing these documents. Most management companies already provide these documents and many more on a website. The problem is real estate agents and Lenders for proper disclosure want the documents from the Managing Agent directly to avoid consequences of potentially altered documents. The easiest solution is to make the proposed law not applicable to real estate sales and disclosures as a part of a purchase agreement.



Mortgage Bankers Association of Hawaii
P.O. Box 4129, Honolulu, Hawaii 96812

March 24, 2025

Rep. Scot Z. Matayoshi, Chair
Rep. Cory M. Chun, Vice Chair
Members of the House Committee on Commerce and Consumer Protection

Hearing Date: March 25, 2025
Hearing Time: 2:00 pm
Hearing Place: Hawaii State Capitol, Conference Room 329

Re: SB385 SD1 Relating to Condominiums

I am Victor Brock, representing the Mortgage Bankers Association of Hawaii ("MBAH"). The MBAH is a voluntary organization of individuals involved in the real estate lending industry in Hawaii. Our membership consists of employees of banks, savings institutions, mortgage bankers, mortgage brokers, financial institutions, and companies whose business depends upon the ongoing health of the financial services industry of Hawaii. The members of the MBAH originate and service, or support the origination and servicing, of the vast majority of residential and commercial real estate mortgage loans in Hawaii. When, and if, the MBAH testifies on legislation or rules, it is related only to mortgage lending and servicing.

The MBAH SUPPORTS SB385 with recommended amendments.

We recommend expanding the types of documents that must be made available free of charge to include financial statements, budgets, reserve studies, and Board minutes, as all of these are needed to fully evaluate the health of a condominium project by a potential buyer of a unit and also by a lender contemplating a refinance secured by a unit in the project. Accordingly, our recommended additions shown in underscore are as follows: ***"Notwithstanding any other provision to the contrary in the declaration, bylaws, or house rules, an association shall provide a copy of its governing documents, as amended, as well as financial statements, budgets, reserve studies, and Board minutes for the most recent calendar year, to an owner or the owner's authorized agent, upon request, in print or electronic form, at no cost to the owner or the owner's authorized agent."***

Thank you for the opportunity to present this testimony.

Victor Brock
Mortgage Bankers Association of Hawaii

SB-385-SD-1

Submitted on: 3/21/2025 6:22:24 PM

Testimony for CPC on 3/25/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elliot Miles	Individual	Support	Written Testimony Only

Comments:

I support this, but I can't believe we need a law to get a condo board to hand over the condo docs.

Testimony on SB385

Respectfully, defer the consideration of this bill due to the following factors:

With the amended version purpose and intent to require easier access to “governing documents” on a condo associations website and make them accessible to owner’s, owner authorized agents, upon request, in print or electronic form, at no cost to the owner or the owner’s authorized agent:

- 1) In reviewing HRS 514B, “governing documents” definition is only in HRS 514B – 191 titled “Retaliation”. The term “governing documents” should be better defined in this bill and perhaps included in HRS 514B – 95 Definitions under Part V, Protection of Condominium Purchasers, section B Sales to Owner Occupants or a new section to encompass all definitions.

Example definition: governing documents is restricted to Declaration, ByLaws, CC& R’s (if any) and House Rules.

- 2) House Rules should be whenever possible be placed on line via the association website, if available, and via the associations communication portal such as TownSquare, Condo Control or similar. OR simply provide the printed version upon request as some Owners/Residents might not have the use of a computer or even printer.

As an owner and an owner that have been on condominium boards, the goal is compliance with the rules, why make it hard for the user?

- 3) Hawaii Association of Realtors (HAR) updated their Standard Form Rental Agreement in 2021. Under #16 (page 3 of 6) “Standard Terms: #2 states:

2. Compliance with Rules. TENANT agrees to comply with all rules that apply to the Unit and to TENANT'S use of the **Unit including, but not limited to: (a) by-laws, house rules, and other rules;** (b) any federal, state, and county laws; **and (c) any covenants, conditions and restrictions.** Notice is hereby given that **TENANT is responsible for paying any fines, penalties, or other assessments charged by any governmental agency, homeowner's association, and/or condominium association because of TENANT'S failure to comply with any of the terms of this Rental Agreement.**

Many owners use rental agents, licensed, to manage their properties, therefore under the “Compliance with Rules”, there can be and most likely unintended consequences.

Associations want owners, their tenants and guests to comply with the rules, it should not be burdensome to obtain the rules. Some Associations provide a copy to a new resident upon checking in with management and providing the necessary Resident Information and some Associations require a signature of receipt.

It can most certainly be a “pain” if the same individual keeps requesting the document multiple times in a short period of time. In those cases, the Association can establish policy/procedures to charge after “x” number of requests.

In a previous hearing, there is a bill to update the Landlord Tenant code, please consider deferring this bill to allow the time to incorporate or consider the above suggested considerations to the Landlord Tenant code and to consider a new bill to clearly define “Governing Documents”. HR153, HCR 158

- 4) Careful attention should be considered before posting online such as Monthly Financial Reports. These are generally, the same as being provided to the Board Members and they include the bank statements with account numbers. For this reason, extreme care and thought is required before posting online. *Should the condo post the bank statements online with the financials, and the AOA account be compromised, there is no protection for the association unlike a bank consumer account that had been compromised.*

Delinquencies should be considered “confidential”. If posted online, it terrorizes the delinquent owner. Additionally, the owner will be open to unscrupulous investors that want to buy their debt and that leads to another “storm”.

- 5) An Owner can request the condo financials via affidavit as allowed in HRS 514B – 154.5.

BUT this has its “pain” for an owner.

In the last few years, I’ve requested via affidavit (HRS 514b – 154.5) the financials to be sent via pdf format and received them. BUT most recently the Property Management company is charging me for this and upon checking the validity with the DCCA condo specialist, the current statute is “silent” on pdf versions, and I have yet to receive them after sending them the checks, received on 1/6/2025 and cleared the bank on 2/24/2025.

Please consider deferring SB385 SD1 to allow further discussions and clarity of which documents should be posted and allowed to tenants.

Thank you for allowing the submission of this testimony as an individual and am available for any questions or further discussions.

Raelene Tenno

Condo Owner since 1990, Licensed Mortgage Loan Originator, Board Member and Education Chair for Hawaii Council of Community Associations.

SB-385-SD-1

Submitted on: 3/22/2025 2:24:35 PM

Testimony for CPC on 3/25/2025 2:00:00 PM

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

Comments:

Dear Representative Matayoshi, Chair, Representative Chun, Vice Chair, and Members of the Committee:

I support the intent of S.B. No. 385, S.D.1, but suggest changes for clarification.

This bill provides that “[n]otwithstanding any other provision to the contrary in the declaration, bylaws, or house rules, an association shall provide a copy of its governing documents, as amended, to an owner or the owner’s authorized agent, upon request, in print or electronic form, at no cost to the owner or the owner’s authorized agent.”

To avoid disputes as to what is meant by the reference to “governing documents” and to clarify that “amended” also includes “restated,” please consider deleting the words “copy of its governing documents, as amended” and replacing them with “copy of its declaration, bylaws, and house rules, as amended and restated.” This change will provide clarity and help to avoid disputes.

Respectfully submitted,

Anne Anderson

SB-385-SD-1

Submitted on: 3/22/2025 2:34:37 PM

Testimony for CPC on 3/25/2025 2:00:00 PM

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

Comments:

ear Representative Matayoshi, Chair, Representative Chun, Vice Chair, and Members of the Committee:

I support S.B. No. 385, S.D.1, but suggest changes for clarification.

This bill provides that “[n]otwithstanding any other provision to the contrary in the declaration, bylaws, or house rules, an association shall provide a copy of its governing documents, as amended, to an owner or the owner’s authorized agent, upon request, in print or electronic form, at no cost to the owner or the owner’s authorized agent.”

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Respectfully submitted,

Mary Freeman

Ewa Beach

SB-385-SD-1

Submitted on: 3/22/2025 3:13:47 PM

Testimony for CPC on 3/25/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
christine morrison	Individual	Support	Remotely Via Zoom

Comments:

RE: Support SB 385

1. Pursuant to HRS 514B I support **free access to all condo documents** that should be put up on the Associations portal/website.

Thank you,

Ms. Morrison

SB-385-SD-1

Submitted on: 3/22/2025 3:25:22 PM

Testimony for CPC on 3/25/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Targgart	Individual	Support	Written Testimony Only

Comments:

Dear Representative Matayoshi, Chair, Representative Chun, Vice Chair, and Members of the Committee:

I support the intent of S.B. No. 385, S.D.1, but suggest changes for clarification.

This bill provides that “[n]otwithstanding any other provision to the contrary in the declaration, bylaws, or house rules, an association shall provide a copy of its governing documents, as amended, to an owner or the owner’s authorized agent, upon request, in print or electronic form, at no cost to the owner or the owner’s authorized agent.”

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Respectfully submitted,

Michael Targgart

SB-385-SD-1

Submitted on: 3/22/2025 3:59:04 PM

Testimony for CPC on 3/25/2025 2:00:00 PM

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

Comments:

Dear Representative Matayoshi, Chair, Representative Chun, Vice Chair, and Members of the Committee:

I support the intent of S.B. No. 385, S.D.1, but suggest changes for clarification.

This bill provides that “[n]otwithstanding any other provision to the contrary in the declaration, bylaws, or house rules, an association shall provide a copy of its governing documents, as amended, to an owner or the owner’s authorized agent, upon request, in print or electronic form, at no cost to the owner or the owner’s authorized agent.”

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Respectfully submitted,

John Toalson

SB-385-SD-1

Submitted on: 3/22/2025 4:12:21 PM

Testimony for CPC on 3/25/2025 2:00:00 PM

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

Comments:

Dear Representative Matayoshi, Chair, Representative Chun, Vice Chair, and Members of the Committee:

I support the intent of S.B. No. 385, S.D.1, but suggest changes for clarification.

This bill provides that “[n]otwithstanding any other provision to the contrary in the declaration, bylaws, or house rules, an association shall provide a copy of its governing documents, as amended, to an owner or the owner’s authorized agent, upon request, in print or electronic form, at no cost to the owner or the owner’s authorized agent.”

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Respectfully submitted,

Carol Walker

SB-385-SD-1

Submitted on: 3/22/2025 4:31:32 PM

Testimony for CPC on 3/25/2025 2:00:00 PM

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

Comments:

Dear Representative Matayoshi, Chair, Representative Chun, Vice Chair, and Members of the Committee:

I support the intent of S.B. No. 385, S.D.1, but suggest changes for clarification.

This bill provides that “[n]otwithstanding any other provision to the contrary in the declaration, bylaws, or house rules, an association shall provide a copy of its governing documents, as amended, to an owner or the owner’s authorized agent, upon request, in print or electronic form, at no cost to the owner or the owner’s authorized agent.”

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Respectfully submitted,

Joe

SB-385-SD-1

Submitted on: 3/22/2025 10:36:13 PM

Testimony for CPC on 3/25/2025 2:00:00 PM

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

Comments:

I am a condo owner and board member. I objected to the original version which would have given non owners or tenants access to our website. The SD1 deleted that provision. Therefore I am only making comments.

However, in addition to being amended, our governing documents have been restated. For that reason, I ask the committee to delete the words “copy of its governing documents, as amended” and replace them with “copy of its declaration, bylaws, and house rules, as amended and restated.”

This change will provide clarity and help avoid disputes.

SB-385-SD-1

Submitted on: 3/23/2025 2:09:58 PM

Testimony for CPC on 3/25/2025 2:00:00 PM

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

Comments:

Dear Representative Matayoshi, Chair, Representative Chun, Vice Chair, and Members of the Committee:

I **support** the intent of S.B. No. 385, S.D.1, but suggest changes for clarification.

This bill provides that "[n]otwithstanding any other provision to the contrary in the declaration, bylaws, or house rules, an association shall provide a copy of its governing documents, as amended, to an owner or the owner's authorized agent, upon request, in print or electronic form, at no cost to the owner or the owner's authorized agent."

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Respectfully submitted,
Lance Fujisaki

SB-385-SD-1

Submitted on: 3/23/2025 9:31:14 PM

Testimony for CPC on 3/25/2025 2:00:00 PM

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

Comments:

The State of Hawai'i makes available the HRS online free of charge so that people know what the laws are. Condo Associations should make their Governing Documents available free of charge so that Owners know what the rules are, of course they should.

The amendments that CPN made adequately address all of the substantial points of opposition in the previous testimonies. The current wording is very good, with one revision requested:

I ask that "Governing Documents" be expanded to specify "Declaration, Bylaws, and House Rules, as amended."

Thank you,

Jeff Sadino

SB-385-SD-1

Submitted on: 3/24/2025 2:07:46 AM

Testimony for CPC on 3/25/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gregory Misakian	Individual	Comments	Remotely Via Zoom

Comments:

The more I see this year, the more I realize just how disrespectful some of our legislators have been to condominium owners. Here, you've taken a reasonable bill, not great, but reasonable, and turned it into something far less than it was intended to be.

Here is what you originally had:

"§514B- Governing documents; online access. Notwithstanding any other provision to the contrary in the association's declaration, bylaws, or house rules, all governing documents of the association as defined by section 514B-191(c), shall be made available to all owners, occupants, or tenants on the association's website free of charge."

And now the SD1 version has this:

"§514B- Governing documents; copies; print or electronic form. Notwithstanding any other provision to the contrary in the declaration, bylaws, or house rules, an association shall provide a copy of its governing documents, as amended, to an owner or the owner's authorized agent, upon request, in print or electronic form, at no cost to the owner or the owner's authorized agent."

The original version needs to be restored and amended to add meeting minutes and insurance summaries, and can also state that for associations that do not have an owner accessible website or portal, that electronic documents will be made available free of charge via email, upon request. All should be free of charge, and access to non-owners should be limited to renters or agents (only via emailing, not by giving access to the association's website or third-party portal). Renters need the house rules, declaration, and bylaws, and agents need the same documents as an owner.

And for those legislators that don't seem to understand what the associations website is, it's the site that only owners should have access to. In the case of my condominium association, it's a web portal called TownSQ, and many (not all) of the association documents are available there free of charge.

Please amend, and please stop listening to certain people that are lobbying, and the many attorneys who love all the extra money they make to get in the middle of document requests from owners.

Gregory Misakian

Dear Representative Matayoshi, Chair, Representative Chun, Vice Chair, and Members of the Committee:

I support the intent of S.B. No. 385, S.D.1, but suggest changes for clarification.

This bill provides that “[n]otwithstanding any other provision to the contrary in the declaration, bylaws, or house rules, an association shall provide a copy of its governing documents, as amended, to an owner or the owner’s authorized agent, upon request, in print or electronic form, at no cost to the owner or the owner’s authorized agent.”

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Respectfully submitted,

SB-385-SD-1

Submitted on: 3/24/2025 10:43:21 AM

Testimony for CPC on 3/25/2025 2:00:00 PM

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

Comments:

Dear Representative Matayoshi, Chair, Representative Chun, Vice Chair, and Members of the Committee:

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Respectfully submitted,

Paul A. Ireland Koftinow

SB-385-SD-1

Submitted on: 3/24/2025 1:39:27 PM

Testimony for CPC on 3/25/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lila Mower	Individual	Support	Written Testimony Only

Comments:

I strongly support this measure.