

Honolulu, Hawaii  
Feb 28, 2008

RE: H.B. No. 3305  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 3305 entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS,"

begs leave to report as follows:

The purpose of this bill is to clarify and improve the implementation of the recodified condominium law through various amendments to Chapter 514B, Hawaii Revised Statutes (HRS).

The Community Association Institute testified in support of this bill. The Hawaii Council of Associations of Apartment Owners, Hawaii Independent Condominium and Cooperative Owners, and Real Estate Commission submitted comments.

Concerns were raised regarding the amendment in this bill that would only require that minutes of condominium association meetings be released to unit owners "prior to the next association meeting," instead of within 30 days of the association board's approval of the minutes under current law. This amendment would allow late releases of the minutes just prior to the next association meeting, at which actions may be taken on those minutes without adequate time for unit owners to review them.

Additionally, this bill appears to repeal the voting mechanism for the replacement of removed association board members without providing a substitute provision.

HB3305 HD1 HSCR CPC HMS 2008-2049




Accordingly, your Committee has amended this bill by:

- (1) Requiring copies of approved minutes of association meetings to be given to unit owners within 30 days of approval;
- (2) Restoring the voting mechanism for the replacement of removed association board members; and
- (3) Clarifying the definition of "approval," which is used in Chapter 514B, HRS, in reference to not only unit owners but also association boards and the Real Estate Commission.

Technical, nonsubstantive amendments were also made for clarity and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3305, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3305, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,

  
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ROBERT N. HERKES, Chair



HSCR 698-08

State of Hawaii  
House of Representatives  
The Twenty-fourth Legislature

Record of Votes of the Committee on Consumer Protection & Commerce

<b>Bill/Resolution No.:</b> HB 3305	<b>Committee Referral:</b> CPC	<b>Date:</b> 02/11/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
<b>CPC Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. HERKES, Robert N. (C)	✓			
2. McKELVEY, Angus L.K. (VC)	✓			
3. EVANS, Cindy				X
4. GREEN, Josh, M.D.	X			
5. ITO, Ken	X			
6. LUKE, Sylvia	✓			
7. MORITA, Hermina M.				✓
8. SONSON, Alex M.				X
9. SOUKI, Joseph M.	✓			
10. TSUJI, Clift	✓			
11. YAMANE, Ryan I.	✓			
12. YAMASHITA, Kyle T.	✓			
13. MARUMOTO, Barbara C.	✓			
14. THIELEN, Cynthia	✓			
<b>TOTAL (14)</b>	9 <sup>11</sup>	0	0	3
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral _____ did not support recommendation. committee acronym(s)				
<b>Vice Chair's or designee's signature:</b> _____				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office				